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Presidential Documents

Title 3—

The President

Memorandum of March 18, 2016

Delegation of Authority Pursuant to Section 704 of the Consolidated Appropriations Act, 2016

Memorandum for the Director of the National Counterterrorism Center

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate the functions and authorities vested in the President by section 704 of the Consolidated Appropriations Act, 2016 (Public Law 114–113), to the Director of the National Counterterrorism Center.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, March 18, 2016

[FR Doc. 2016–06714
3–22–16; 8:45 am]
Billing code 3910–A7–P

Presidential Documents

Memorandum of March 18, 2016

Delegation of Authority Pursuant to Section 3139(a) and (b) of the National Defense Authorization Act for Fiscal Year 2016

Memorandum for the Director of National Intelligence [and] the Under Secretary for Nuclear Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate the functions and authorities vested in the President by section 3139(a) and (b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), to the Director of National Intelligence and the Under Secretary for Nuclear Security.

The Director of National Intelligence is authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, March 18, 2016

[FR Doc. 2016–06715
3–22–16; 8:45 am]
Billing code 3910–A7–P

Presidential Documents

Memorandum of March 18, 2016

Delegation of Authority Pursuant to Sections 101, 201, and 202 of the Hizballah International Financing Prevention Act of 2015

Memorandum for the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authorities vested in the President by sections 101, 201, and 202 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102) (the ''Act'').

Any reference in this memorandum to the Act shall be deemed to be a reference to any future Act that is the same or substantially the same as such provisions.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, March 18, 2016

[FR Doc. 2016–06717
Filed 3–22–16; 8:45 am]
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Presidential Documents

Memorandum of March 18, 2016

Delegation of Authority Pursuant to Sections 102(a), 102(c), 204, and 302 of the Hizballah International Financing Prevention Act of 2015

Memorandum for the Secretary of the Treasury

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you, in consultation with the Secretary of State, the functions and authorities vested in the President by sections 102(a), 102(c), 204, and 302 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102) (the ''Act'').

Any reference in this memorandum to the Act shall be deemed to be a reference to any future Act that is the same or substantially the same as such provisions.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, March 18, 2016

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Rules and Regulations

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Doc. No. AMS–FV–15–0058; FV15–966–1 FIR]

Tomatoes Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that implemented a recommendation from the Florida Tomato Committee (Committee) to decrease the assessment rate established for the Florida Tomato Committee (Committee) for the 2015–2016 and subsequent fiscal periods from $0.0375 to $0.03 per 25-pound carton of tomatoes handled under the marketing order (order). The Committee locally administers the order and is comprised of producers of tomatoes operating within the area of production. The interim rule was necessary to more closely align assessment income to the Committee's lower budget.

DATES: Effective March 24, 2016.

FOR FURTHER INFORMATION CONTACT: Steven Kauffman, Marketing Specialist or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Steven.Kauffman@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses;* or by contacting Antoinette Carter, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Antoinette.Carter@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

Under the order, Florida tomato handlers are subject to assessments, which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable Florida tomatoes for the entire fiscal period, and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal period begins on August 1, and ends on July 31.

In an interim rule published in the **Federal Register** on November 25, 2015, and effective on November 27, 2015, (80 FR 73642, Doc. No. AMS–FV–15–0058; FV15–966–1 IR), § 966.234 was amended by decreasing the assessment rate established for Florida tomatoes for the 2015–2016 and subsequent fiscal periods from $0.0375 to $0.03 per 25-pound carton. The decrease in the per 25-pound carton assessment rate more closely aligns assessment income to the Committee's lower budget.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 100 producers of tomatoes in the production area and approximately 80 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

Based on industry and Committee data, the average annual price for fresh Florida tomatoes during the 2014–15 season was approximately $10.58 per 25-pound container, and total fresh shipments for the 2014–15 season were approximately 36.5 million cartons. Based on the average price, about 80 percent of handlers could be considered small businesses under SBA's definition. In addition, based on production data, grower prices as reported by the National Agricultural Statistics Service, and the total number of Florida tomato growers, the average annual grower revenue is below $750,000. Thus, the majority of handlers and producers of Florida tomatoes may be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee and collected from handlers for the 2015–16 and subsequent fiscal periods from $0.0375 to $0.03 per 25-pound carton of tomatoes. The Committee unanimously recommended 2015–16 expenditures of $1,513,177 and an assessment rate of $0.03 per 25-pound carton. The assessment rate of $0.03 is $0.0075 lower than the 2013–14 rate. The quantity of assessable tomatoes for the 2015–16 season is estimated at 33 million cartons. Thus, the $0.03 rate should provide $990,000 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, interest income, and funds from block grants, will be adequate to cover budgeted expenses. The decrease in the per 25-pound carton assessment rate more closely aligns assessment income to the Committee's lower budget.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 25, 2015, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 ''Vegetable and Specialty Crops.'' No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Comments on the interim rule were required to be received on or before January 25, 2016. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-15-0058-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (80 FR 73642, November 25, 2015) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

PART 966—TOMATOES GROWN IN FLORIDA

Accordingly, the interim rule amending 7 CFR part 966, which was published at 80 FR 73642, November 25, 2015, is adopted as a final rule, without change.

Dated: March 17, 2016.

Elanor Starmer,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2016–06459 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[Docket No. EERE–2013–BT–TP–0055]

RIN 1905–AD50

Energy Conservation Program: Test Procedure for Pumps; Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: On January 25, 2016, the U.S. Department of Energy (DOE) published a final rule amending the test procedures for pumps. This correction addresses a technical error in that final rule.

DATES: *Effective:* March 23, 2016.

FOR FURTHER INFORMATION CONTACT:

Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *pumps@ee.doe.gov.*

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) published a final rule in the **Federal Register** on January 25, 2016 (''the January 2016 final rule'') amending the test procedure for pumps. (81 FR 4085.) As part of that final rule, DOE amended 10 CFR 429.134 to add a paragraph (h), which addresses product-specific enforcement provisions related to pumps. This correction addresses the placement of those provisions under 10 CFR 429.134 at paragraph (h). At the time of publication of the January 2015 final rule, 10 CFR 429.134(h) already existed. In order to remedy this error, DOE is issuing this final rule correction to move these provisions, verbatim, to 10 CFR 429.134(i).

Correction

In final rule FR Doc. 2016–00039, published in the issue of Monday, January 25, 2016 (81 FR 4085), on page 4145, in the second and third columns, amendatory instruction 10 is corrected to read as follows:

■ 10. Section 429.134 is amended by adding paragraph (i) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

(i) *Pumps.* (1) The volume rate of flow (flow rate) at BEP and nominal speed of rotation of each tested unit of the basic model will be measured pursuant to the test requirements of § 431.464 of this chapter, where the value of volume rate of flow (flow rate) at BEP and nominal speed of rotation certified by the manufacturer will be treated as the expected BEP flow rate. The results of the measurement(s) will be compared to the value of volume rate of flow (flow rate) at BEP and nominal speed of rotation certified by the manufacturer. The certified volume rate of flow (flow rate) at BEP and nominal speed of rotation will be considered valid only if the measurement(s) (either the measured volume rate of flow (flow rate) at BEP and nominal speed of rotation for a single unit sample or the average of the measured flow rates for a multiple unit sample) is within five percent of the certified volume rate of flow (flow rate) at BEP and nominal speed of rotation.

(i) If the representative value of volume rate of flow (flow rate) at BEP and nominal speed of rotation is found to be valid, the measured volume rate of flow (flow rate) at BEP and nominal speed of rotation will be used in subsequent calculations of constant load pump energy rating (PERCL) and constant load pump energy index (PEICL) or variable load pump energy rating (PERVL) and variable load pump energy index (PEIVL) for that basic model.

(ii) If the representative value of volume rate of flow (flow rate) at BEP and nominal speed of rotation is found to be invalid, the mean of all the measured volume rate of flow (flow rate) at BEP and nominal speed of rotation values determined from the tested

unit(s) will serve as the new expected BEP flow rate and the unit(s) will be retested until such time as the measured rate of flow (flow rate) at BEP and nominal speed of rotation is within 5 percent of the expected BEP flow rate.

(2) DOE will test each pump unit according to the test method specified by the manufacturer in the certification report submitted pursuant to § 429.59(b).

Issued in Washington, DC, on March 15, 2016.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2016–06580 Filed 3–22–16; 8:45 am]

BILLING CODE 6450–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1201

[CPSC Docket No. CPSC–2012–0049]

Safety Standard for Architectural Glazing Materials

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission (''CPSC'' or ''Commission'') amends the Safety Standard for Architectural Glazing Materials to replace the testing procedures for glazing materials in certain architectural products with the testing procedures contained in the voluntary standard ANSI Z97.1–2015, *American National Standard for Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test.*

DATES: The rule is effective on April 22, 2016. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of April 22, 2016.

FOR FURTHER INFORMATION CONTACT: Brian Baker, Project Manager, Division of Mechanical Engineering, Directorate for Laboratory Sciences, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2289; *bbaker@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Safety Standard for Architectural Glazing Materials

On January 6, 1977 (42 FR 1427), as amended on June 20, 1977 (42 FR 31164), the Commission issued the Safety Standard for Architectural Glazing Materials under the Consumer Product Safety Act (''CPSA'') to reduce or eliminate risks of injuries associated with walking, running, or falling through or against glazing materials (''CPSC standard''). The standard applies to glazing materials used or intended for use in any of the following architectural products:

(1) Storm doors or combination doors;
(2) Doors (both exterior and interior);
(3) Bathtub doors and enclosures;
(4) Shower doors and enclosures; and
(5) Sliding glass doors (patio-type).

The standard applies to glazing materials and architectural products incorporating glazing materials that are produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence or in recreational, school, public, or other buildings or parts thereof. The standard was codified at 16 CFR part 1201.

The standard exempts certain products, materials, and uses including: Wired glass used in doors or other assemblies to retard the passage of fire where such door or assembly is required by federal, state, local, or municipal fire ordinance; louvers of jalousie doors; and openings of doors through which a 3 inch diameter sphere is unable to pass. Carved glass, dalle glass, or leaded glass, which is used in doors and glazed panels are exempt if the glazing material meets all of the following criteria:

- The coloring, texturing, or other design qualities or components of the glazing material cannot be removed without destroying the material; and
- The primary purpose of such glazing is decorative or artistic; and
- The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and
- The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

Other exempt materials include glazing materials used as curved glazed panels in revolving doors; and commercial refrigerator cabinet glazed doors. *See,* 16 CFR 1201.1(c).

On September 27, 1978, (43 FR 43704), the Commission amended the standard to clarify the definitions, description of test apparatus, and test procedures in the standard. The Commission subsequently revoked portions of the standard that prescribed requirements for ''glazed panels'' (45 FR 67383, August 28, 1980); an accelerated environmental durability test for plastic glazing materials intended for outdoor exposure (45 FR 66002, October 6, 1980); and a modulus of elasticity test, a harness test, and an indoor aging test applicable to plastic glazing materials (47 FR 27853, June 28, 1982). 16 CFR 1201.1(d) n.1. Tempered glass, wired glass, and annealed glass are also exempt from the accelerated environmental durability tests. *See,* 16 CFR 1201.4(a)(2).

B. Petition

On June 26, 2012, the Commission received a petition from the Safety Glazing Certification Council (''SGCC'' or ''petitioner'') requesting that the Commission initiate rulemaking to replace the testing procedures for glazing materials in certain architectural products set forth in 16 CFR 1201.4 with the testing procedures contained in the voluntary standard, ANSI Z97.1–2009$^{\varepsilon 2}$, *American National Standard for Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test* (the ANSI standard). SGCC stated that consumers and the glazing industry would be better served if the test procedures for glazing materials used in architectural products in 16 CFR 1201.4 were replaced with the ANSI standard because the ANSI test procedures are more efficient and modern, having been updated periodically, in contrast to the CPSC standard. On April 9, 2013, the Commission voted to grant the petition.

C. The Proposed Rule

On May 22, 2015, the Commission published a notice of proposed rulemaking (''NPR'') in the **Federal Register** (80 FR 29555) to amend the Safety Standard for Architectural Glazing Materials (16 CFR part 1201). The NPR proposed to replace the testing procedures for glazing materials in certain architectural products, set forth in 16 CFR 1201.4, with the testing procedures contained in the voluntary standard, ANSI Z97.1–2009$^{\varepsilon 2}$. The ANSI standard establishes specifications and methods of testing for the safety properties of glazing materials used for building and architectural purposes. The tests for safety glazing materials in the ANSI standard include impact, center punch fragmentation, thermal, weathering, indoor aging, hardness, and modulus tests.

The NPR proposed to replace the CPSC test procedures in 16 CFR 1201.4 with the ANSI Z97.1–2009$^{\varepsilon 2}$ to clarify the existing test procedures. The

clarifications included replacing obsolete ASTM standard references in the CPSC standard, 16 CFR 1201.4(b)(3)(ii), with current references, and replacing the impact test construction drawings in section 16 CFR 1201.4(b), with larger and clearer construction assembly drawings in ANSI Z97.1–2009$^{\varepsilon 2}$. The NPR also proposed to clarify the method and number of specimens to be impact tested and the procedures for evaluating tempered glass by using a ''Center Punch Fragmentation Test,'' to provide a more accurate and efficient way of measuring potential failures from impact tests for tempered glass.

ANSI Z97.1–2009$^{\varepsilon 2}$ provided three impact categories for testing: A 400 foot-pound impact test (Class A); a 150 foot-pound impact test (Class B); and a 100 foot-pound impact test (Class C) for fire-resistant wired glass. The NPR did not propose to modify the impact categories for testing. The CPSC standard provides only two impact categories, 150 foot-pound impact test (Category I) and 400 foot-pound impact test (Category II), 16 CFR 1201.4(d). Accordingly, the NPR proposed to keep the CPSC standard's Category I and Category II test because these tests were the equivalent of the ANSI Class B test and Class A test, respectively. However, the Commission did not propose the Class C test in the ANSI Z97.1–2009$^{\varepsilon 2}$ standard because it was only applicable to fire-resistant wired glass, a product that is exempt from the CPSC standard.

The Commission explained in the preamble to the NPR that the proposed amendment replacing the test procedures specified in the CPSC mandatory standard with the test procedures in the ANSI Z97.1–2009$^{\varepsilon 2}$ standard would not involve a material change to the Commission's regulations at 16 CFR part 1201. Under section 9(h) of the CPSA, if an amendment of a consumer product safety rule ''involves a material change,'' 15 U.S.C. 2058(h), the Commission must make certain findings, including a finding that the amendment is ''reasonably necessary to prevent or reduce an unreasonable risk of injury associated with such product''; the expected benefits of the amended rule ''bear a reasonable relationship to its costs''; and the amended rule imposes ''the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated.'' *Id.* §§ 2056(a); 2058(a)–(g). If the amendment does not constitute ''a material change'' for purposes of section 9(h) of the CPSA, the Commission is not required to make the findings that are otherwise required for the amendment of a consumer product safety rule.

The Commission stated that the proposed amendment adopting the ANSI Z97.1–2009$^{\varepsilon 2}$ test procedures would not involve a material change that would alter the original basic purpose of the CPSC standard to assess the safety of architectural glazing materials because: (1) The ANSI Z97.1–2009$^{\varepsilon 2}$ test procedures, if adopted, would serve to clarify the existing test procedures and update outdated references to current test methods; (2) the proposed amendment would be unlikely to have an important or significant impact on the safety of consumers because testing to either standard provided consistent and comparable test results; and (3) the ANSI Z97.1–2009$^{\varepsilon 2}$ test procedures would not impose any additional burdens on the regulated industry and would result in less redundant, more efficient, and less costly testing of the architectural glazing materials.

D. Revised ANSI Standard

When the NPR was published on May 22, 2015, ANSI Z97.1–2009$^{\varepsilon 2}$, *American National Standard for Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test* was the voluntary standard in effect. In March 2015, a new version of ANSI Z97.1–2015 was approved and published on September 24, 2015. ANSI Z97.1–2015 contains updates to several sections of ANSI Z97.1–2009$^{\varepsilon 2}$. The most significant update in ANSI Z97.1–2015 is that ANSI Z97.1–2015 removed the Class C impact category (100 ft-lb impact test) for fire-resistant wired glass. ANSI Z97.1–2015 now requires all safety glazing materials, including wired glass, to conform to Class A (400 ft-lb) or Class B (150 ft-lb) impact test requirements.

In addition, ANSI Z97.1–2015 updates references and makes minor organizational and terminology changes. Other clarifications that were made to the test methods in ANSI Z97.1–2015 include the following:

- Removes the need for weathering tests for specimens constructed of laminated, organic coated or plastic glazings if certain criteria are met (4.6);
- specifies that laminated and organic-coated glazing optical measurements may be taken on an unexposed sample (4.6.2);
- specifies the evaluation criteria for shot bag impact procedures for glazing materials (5.1.4);
- clarifies the center punch fragmentation test and procedure on tempered glass specimens (flat glass and bent glass) and interpretation of results on tempered glass specimens and equipment (5.2–5.2.4);
- clarifies the procedure for thermal test for laminated and organic coated glazings (boil testing and bake testing) (5.3–5.3.3); and
- clarifies the procedure for weathering methods for laminated, organic-coated and plastic glazings (5.4–5.4.3).

II. Response to Comments on the Proposed Rule

The Commission received nine comments on the NPR. Commenters include members of the Accredited Standards Committee of ANSI, Advocates for Safe Glass, the Glass Association of North America (''GANA''), Eastman Chemical Company, the SGCC, and SaftiFirst, Inc.

Incorporation by Reference

All of the commenters support substituting the CPSC test procedures in 16 CFR part 1201 with the ANSI standard, if the Commission adopts the more recent ANSI Z97.1–2015 test procedures, rather than ANSI Z97.1–2009$^{\varepsilon 2}$. Several commenters request that the Commission not adopt a specific year version of the standard, but rather, adopt a more generic phrase, such as ''most current version'' of the ANSI standard, to ensure that the incorporation by reference always refers to the current version of the ANSI standard, rather than a specific version.

Response

Although we recognize that the ANSI standard will be revised in the future, the Director of the Office of the Federal Register requires that publication of a document containing an incorporation by reference must specify the edition of the publication that is approved. The regulations governing incorporation by reference specifically provide that ''[i]ncorporation by reference of a publication is limited to the edition of the publication that is approved. Future amendments or revisions of the publication are not included.'' 1 CFR 51.1(f). Accordingly, the Commission cannot issue a rule that mandates ''the most current version'' of the ANSI standard, but rather, must identify the specific version of the standard. Therefore, the rule incorporates by reference the ANSI Z97.1–2015 version. If a new version is issued in the future, the Commission will consider revising the CPSC standard to refer to the updated ANSI standard at that time.

Class C Fire-Resistant Rated Wire Glass

Many of the commenters state that the ANSI Z97.1–2015 version is an

improvement of the ANSI Z97.1–2009ε2 standard because the 2015 version eliminates the testing of fire-resistant rated wire glass under a lower Class C impact test procedure. One commenter states that the scope of the materials covered by the CPSC standard is now congruent with ANSI Z97.1–2015 because wired glass is exempt from the CPSC standard. Another commenter states that the wired glass product causes serious and fatal injuries and that CPSC should not expand the scope of the exemption for wired glass by accepting a lower Class C requirement.

Response

The current version of the ANSI standard, ANSI Z97.1–2015, eliminates the testing of fire-resistant wired glass under a lower Class C impact test procedure. The CPSC standard exempts fire-resistant wired glass. The scope of the exemption for the wired glass under 16 CFR 1201.1(c)(1) has always been narrow: First, the wired glass must be used in a door (or other assembly subject to the rule); second, the wired glass must be used ''to retard the passage of fire'' and third, the particular use of the wired glass must be required by a federal, state, local, or municipal fire ordinance. Thus, the use of wired glass, even in fire doors, is not automatically permitted in all locations or all jurisdictions. Rather, it must be demonstrated that the particular use is required by law for fire safety.

The Commission believes that the architectural glazing industry is evolving and that the industry is developing technology to improve glazing materials so that they can meet the ANSI Z97.1–2015 Class A and Class B impact tests. To give the industry adequate time to comply with the new testing requirements, including fire-resistant wired glass, the Commission will not remove the exemption in the CPSC standard at this time. Accordingly, the Commission will continue to exempt fire-resistant wired glass under the current exemption under the circumstances set forth in 16 CFR 1201.1(c)(1). However, the Commission finds that additional clarification is necessary to reduce confusion regarding the terminology for impact categories used by ANSI and the CPSC. As stated, 16 CFR 1201.4(d) provides two impact categories, 150 foot-pound impact test (Category I) and 400 foot-pound impact test (Category II). ANSI Z97.1–2015 does not use the same terms, but instead, uses terms ''Class A'' and ''Class B'' to delineate impact test drop height requirements. Category I products are impact-tested to the drop height requirement applicable to Class B products (18 inches to 18.5 inches), and Category II products are tested to the same height applicable to Class A products (48 inches to 48.5 inches). The Category 1 test is the equivalent to the Class B test (18 inches is 1.5 ft—1.5 ft × 100 lbs = 150 ft-lb), and the Category II test is the equivalent of the Class A test (48 inches is 4 ft—4 ft × 100 lbs = 400 ft-lb). To make sure that the references to the impact tests are consistent, the rule modifies the existing definitions under 16 CFR 1201.2(a)(3) and (4) to add the words ''Class B'' with ''Category I'' and ''Class A'' with ''Category II.''

Other Clarifications

Several commenters note that ANSI Z97.1–2015 makes a number of substantive changes to the 2009 edition. The commenters state that, in addition to eliminating the Class C test category, ANSI Z97.1–2015 clarifies provisions in the weathering section (deleting and updating obsolete references and procedures), adds a bake test as an alternative to the boil test for thermal testing of laminated and organic coated glazings, and clarifies glass-shard contaminant for laminated and organic-coated glazings after impact testing.

Response

The Commission finds that the revisions made in ANSI Z97.1–2015 further clarify the ANSI test procedures by specifying the specimens used, and the criteria for when testing is not needed. The weathering tests do not affect the exemptions that are provided under 16 CFR 1201.1 for an accelerated environmental durability test for plastic glazing materials intended for outdoor exposure, as well as a modulus of elasticity test, a harness test, and an indoor aging test applicable to plastic glazing materials. The other changes help clarify language or more clearly set out procedures for testing. For example, the shot bag impact procedure is made clearer by setting forth evaluation criteria to assess the results of impact tests of glazing materials. The procedure for the center punch fragmentation test is made clearer by setting forth the procedure for flat glass separately from bent glass. Similarly, the boil test for laminated glass has been modified to change ''boil'' to ''thermal'' to reflect that the test may be conducted by either a heating chamber or boiling water and includes a bake test. These clarifications are consistent with the weathering tests in the CPSC standard under 16 CFR 1201.4(c)(3)(i), but they also add specificity and clarity to the tests. Accordingly, the additional revisions clarifying the test procedures in the ANSI Z97.1–2015 standard would not result in a material change to the testing requirements under 16 CFR 1201.4, because the basic purpose and provisions of the test methods in the standard are consistent with ANSI Z97.1–2015.

III. Impact on Small Businesses

In the NPR, the Commission certified that the proposed rule would not have a significant economic impact on a substantial number for small entities under the Regulatory Flexibility Act (''RFA''). 5 U.S.C. 601–612. The Commission did not receive any comments regarding this certification. For the final rule, the Commission's Directorate for Economic Analysis reviewed the potential economic impact of adopting the updated ANSI Z97.1–2015 test procedures on small entities, including small businesses.

In the NPR, staff's review of the ANSI Z97.1–2009ε2 standard showed that adopting the ANSI standard would not have a significant impact on a substantial number of small entities, and that manufacturers who currently test to both the ANSI standard and the CPSC standard will probably experience a cost neutral impact or a decrease in testing and certification costs. 80 FR 29560. Staff's review of the revisions to ANSI Z97.1–2015, and staff's review of the industry after the issuance of the NPR, indicate that the changes to the standard will not impact the testing or certification requirements for the small manufacturers, nor will the revisions change the rates of compliance with the CPSC standard or the ANSI standard.

In the NPR, staff's review showed that of the products certified through SGCC, 99 percent or 1,855 products were certified to both ANSI Z97.1–2009ε2 and 16 CFR part 1201. Only 12 products (0.6%) were certified solely to ANSI Z97.1–2009ε2, and seven products (0.4%) were certified solely to 16 CFR part 1201. A review of manufacturers from GANA's membership not participating in the SGCC program indicated that of the 35 manufacturers that provided certification information, 32 manufacturers certified their products to both standards, and three manufacturers listed certification to 16 CFR part 1201 only. The NPR noted that of the 104 small domestic manufacturers, 102 certified their products to both standards, while only two certified solely to 16 CFR part 1201. 80 FR 29560.

Since the NPR, staff has reviewed the most recent data. As of November 23, 2015, of the products certified through SGCC, 99 percent or 2,047 products were certified to both the ANSI standard

and 16 CFR part 1201. Only 17 products (<1%) were certified solely to the ANSI standard, and no products were certified solely to 16 CFR part 1201. SGCC began testing to ANSI Z97.1–2015 upon publication of the standard, but SGCC did not require labs and manufacturers to conform to the updated testing protocol until January 2016. A review of manufacturers from GANA's membership who are not participating in the SGCC program indicated that of the 36 manufacturers that provided certification information, 34 manufacturers certified their products to both standards, and two manufacturers listed certification to 16 CFR part 1201 only. Regarding the small domestic manufacturers, all claim to certify their products to both standards. Accordingly, the number of products certified to both standards (99%) has remained consistent. The data continue to show that the vast number of products are certified to both standards, and all small domestic manufacturers for which information on certification was available, certify their products to both standards.

The expected impact of the final rule is to reduce the costs of certification for most manufacturers. All identified small manufacturers currently test to both the voluntary standard and the CPSC standard and will probably experience a decrease in testing and certification costs because they only would need to follow one testing protocol to certify to both standards. The number of samples a manufacturer needs to fabricate for testing also will be reduced, thus reducing certification costs. In addition, for manufacturers that contract out their testing, shipping costs will be reduced due to the smaller number of samples shipped. Accordingly, the Commission certifies that this rule will not have significant economic impact on a substantial number of small entities under section 605(b) of the RFA.

IV. Final Rule

After considering the comments, the Commission finds that the ANSI Z97.1–2015 test procedures, if adopted, would further clarify the test procedures that were established in ANSI Z97.1–2009$^{\varepsilon 2}$. ANSI Z97.1–2015 removed the Class C impact test for fire-resistant wired glass. However, that revision did not result in a material change to the Commission's regulations at 16 CFR part 1201 because fire-resistant wired glass is currently exempt under the Commission regulations, 16 CFR 1201.1(c).

The other clarifications made in the ANSI Z97.1–2015 would not involve a material change that would alter the original basic purpose of the CPSC standard to assess the safety of architectural glazing materials. The revisions made to the ANSI Z97.1–2015 test procedures are consistent with the provisions underlying the CPSC standard and provide consistent and comparable test results. The ANSI Z97.1–2015 test procedures clarify the existing test procedures and update outdated references to current test methods. Adopting the ANSI Z97.1–2015 test procedures will not impose any additional burdens on the regulated industry because almost all of the industry already certifies their products to both the CPSC standard and the ANSI standard. In fact, the Commission finds that adopting the ANSI Z97.1–2015 test procedures will result in more efficient and less costly testing of architectural glazing materials for manufacturers.

Accordingly, the Commission revises 16 CFR 1201.4 to require architectural glazing products to be tested in accordance with all of the applicable test provisions of ANSI Z97.1–2015, except for the exemptions provided in 16 CFR 1201.1(c) and (d). Furthermore, the Commission removes Figures 1 through 5 in Subpart A of Part 1201, which have been replaced in ANSI Z97.1–2015 with larger and clearer drawings.

In addition, to provide clarity regarding the impact test procedures, the Commission is revising the definitions in 16 CFR 1201.2 to align the Category I and Category II impact tests with the Class B and Class A impact tests in ANSI Z97.1–2015. Accordingly, 16 CFR 1201.2(a)(3) and (4) is amended to add ''Class B'' to Category I and ''Class A'' to Category II in the definitions.

V. Environmental Considerations

Generally, the Commission's regulations are considered to have little or no potential for affecting the human environment, and environmental assessments and impact statements are not usually required. See 16 CFR 1021.5(a). The Commission does not expect the rule to have any adverse impact on the environment under this categorical exclusion. Moreover, the rule will decrease the number of samples that most manufacturers are required to test, and likely will lead to a small, beneficial effect on the environment because waste produced by the manufacture of excess samples, and the transport of those samples, will be reduced.

VI. Paperwork Reduction Act

This rule would not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

VII. Executive Order 12988 (Preemption)

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no state or political subdivision of a state may either establish or continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product, which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the federal standard. Section 9(h) of the CPSA provides that the Commission may by rule amend any consumer product safety rule. Therefore, the preemption provision of section 26(a) of the CPSA applies to any rule issued under section 9(h).

VIII. Effective Date

The APA generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). No comments were received on the effective date. Accordingly, the final rule will take effect 30 days after publication of a final rule.

IX. Incorporation by Reference

The OFR has regulations concerning incorporation by reference. 1 CFR part 51. The OFR recently revised these regulations to require that, for a final rule, agencies must discuss, in the preamble of the rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section I of this preamble summarizes the ANSI Z97.1–2015 standard that the Commission incorporates by reference into 16 CFR part 1201. Interested persons may purchase a copy of ANSI Z97.1–2015 from the following address. Attn: ANSI Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036. The standard is also available for purchase from ANSI's Web site: *http://asc-z97-store.myshopify.com/products/ansi-z97-1-2015-version-clean-copy.* A copy of the standard can also be

inspected at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

List of Subjects in 16 CFR Part 1201

Administrative practice and procedure, Consumer protection, Imports, Incorporation by reference, Labeling, Law enforcement.

For the reasons stated in the preamble, the Commission amends 16 CFR part 1201 as follows:

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: Secs. 2, 3, 7, 9, 14, 19. Pub. L. 92–573, 86 Stat. 1212–17; (15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2068)

■ 2. Amend § 1201.2 by revising paragraphs (a)(3) introductory text and (a)(4) introductory text to read as follows:

§ 1201.2 Definitions.

(a) * * *

(3) *Category I products (Class B)* means any of the following Architectural products:

* * * * *

(4) *Category II products (Class A)* means any of the following architectural products:

* * * * *

■ 3. Revise § 1201.4 to read as follows:

§ 1201.4 Test procedures.

Except as provided in §§ 1201.1(c) and (d), architectural glazing products shall be tested in accordance with all of the applicable test provisions of ANSI Z97.1–2015 ''*American National Standard for Safety Glazing Materials Used in Building—Safety Performance Specifications and Methods of Test,''* approved March 2015. The Director of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ANSI Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036. You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, 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/cfr/ibr-locations.html.*

Figures 1—5 to Subpart A of Part 1201 [Removed]

■ 4. Remove Figures 1 through 5 to subpart A of part 1201.

Dated: March 18, 2016.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2016–06523 Filed 3–22–16; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM96–1–039; Order No. 587–X]

Standards for Business Practices of Interstate Natural Gas Pipelines

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order on rehearing.

SUMMARY: In Order No. 587–W, the Federal Energy Regulatory Commission (Commission) amended its regulations to incorporate by reference the latest version (Version 3.0) of seven business practice standards applicable to interstate natural gas pipelines adopted by the Wholesale Gas Quadrant of the North American Energy Standards Board. Among other matters in that order, the Commission revised the information filed in interstate natural gas pipelines' Index of Customers to reflect the use of the pipelines' proprietary point codes, and made conforming changes in other posting regulations. In this order, the Commission grants rehearing and corrects its regulation regarding the use of point codes in postings of interruptible transportation.

DATES: Changes to regulatory text will become effective April 22, 2016.

FOR FURTHER INFORMATION CONTACT:

Stanley Wolf (technical issues), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426,Telephone: (202) 502–6841, Email: *stanley.wolf@ferc.gov.*

Oscar F. Santillana (technical issues), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426,Telephone: (202) 502–6392, Email: *oscar.santillana@ferc.gov,*

Gary D. Cohen (legal issues), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502–8321, Email: *gary.cohen@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Order Granting Rehearing Order No. 587–X

1. In this order, in response to requests for rehearing by the Interstate Natural Gas Association of America (INGAA) and Southern Star Central Gas Pipeline, Inc. (Southern Star), the Commission grants rehearing of Order No. 587–W, the Commission's Final Rule issued in this proceeding on October 16, 2015,[1] and revises section 284.13(b)(2)(iv) of the Commission's regulations regarding the posting of receipt and delivery points for interruptible transportation.

I. Background

2. In Order No. 587–W, the Commission amended its regulations to incorporate by reference the latest version (Version 3.0) of seven business practice standards applicable to interstate natural gas pipelines adopted by the Wholesale Gas Quadrant (WGQ) of the North American Energy Standards Board (NAESB). As relevant here, the Version 3.0 standards revised the codes used to identify receipt and delivery locations in the Index of Customers. Prior to Version 3.0, the postings required the pipelines to use an industry common code to refer to individual receipt and delivery points. Version 3.0 revised this requirement to require the pipelines to use their own proprietary point codes for receipt and delivery points and to post additional information about these points on the pipelines' internet Web sites.[2] Due to the adoption of proprietary point codes, the Commission revised its regulations at 18 CFR 157.14, 157.18, 260.8, and 284.13 to refer to the same proprietary

[1] *Standards for Business Practices of Interstate Natural Gas Pipelines; Coordination of the Scheduling Process of Interstate Natural Gas Pipelines and Public Utilities,* Order No. 587–W, 80 FR 67302 (Nov. 2, 2015), FERC Stats. & Regs. ¶ 31,373 (2015).

[2] 18 CFR 284.13(f), as added in Order No. 587–W, states: Location codes. An interstate pipeline must maintain a posting on its publicly available Internet Web site of the pipeline's location names and codes for all current and inactive receipt and delivery points on its system, including, for each point: Direction of flow, the location of the point, the location zone if such exists, the Commission company identification code (CID), if any, of the upstream and/or downstream entity, the location type, the current status as active and inactive, and the date(s) the point becomes active or inactive. The pipeline must provide the information in downloadable file formats, in conformity with the requirements of 18 CFR 284.12 of this chapter.

location point names as used in the NAESB WGQ Version 3.0 Standards.

3. In comments on the Notice of Proposed Rulemaking (NOPR), Southern Star and INGAA pointed out that the Commission in the NOPR had failed to make conforming changes to certain regulations, including, as relevant here, the regulations requiring posting of interruptible transportation at 18 CFR 284.13(b)(2)(iv). Based on the regulatory text proposed by Southern Star, the Commission revised this regulation to require pipelines to post: ''[t]he receipt and delivery points and the zones or segments *covered by the contract,* including the location name and code adopted by the pipeline in conformance with paragraph (f) of this section for each point, zone or segment.'' (Emphasis added.)

4. After the issuance of Order No. 587–W, both Southern Star and INGAA filed separate requests for rehearing, challenging the inclusion of the phrase ''covered by the contract'' in the regulation. They argue that the regulatory text adopted for posting of interruptible transportation promulgated in 18 CFR 284.13(b)(2)(iv) did not correctly reflect the Commission's determination in Order No. 637–A that the postings for interruptible transportation should not refer to points covered by the contract, but rather to the points over which the shipper is permitted to transport natural gas.[3] INGAA contends the Commission rejected that contract-covered language in Order No. 637, because that language implied that receipt or delivery points should be those in the *pro forma* or master contracts, rather than the points in the subsequent agreement to provide interruptible service.

II. Discussion

5. We grant rehearing, concluding that the language we adopted in Order No. 587–W incorrectly includes the ''covered by the contract'' language that does not reflect how pipelines arrange for and schedule interruptible service. In Order No. 637–A, the Commission recognized that shippers obtaining interruptible service frequently execute *pro forma* master contracts for interruptible service, but do not specify the price or the receipt and delivery points until nominations are made. The Commission, therefore, removed the requirement to post the receipt and delivery points ''covered by the contract'' from the posting requirements, so that pipelines will post the actual points used for transporting natural gas:

> This language [covered by the contract] implies that the receipt or delivery points should be those in the master contract, rather than the points in the subsequent agreement to provide interruptible service. Section 284.13(b)(2)(iv) will be revised to require the posting of the receipt and delivery points over which the shipper is entitled to transport gas at the rate charged to make clear that the pipeline should post the receipt and delivery points in each individual agreement to provide interruptible service, not simply the receipt and delivery points in the master contract.[4]

6. Accordingly, we will grant rehearing and revise the regulatory text to require pipelines to post the receipt and delivery points between which the shipper is entitled to transport gas at the rate charged, including the location name and code adopted by the pipeline in conformance with paragraph (f) of the section for each point, zone, or segment.

7. The Paperwork Reduction Act (PRA) provides that an agency may not conduct or sponsor the collection of information unless the agency has published an estimate of the burden that shall result from the information collection in advance of adopting or revising such collection. Agency rules that require information collection are subject to review and approval by the Office of Management and Budget (OMB), in accordance with the requirements of the PRA. The reporting requirements imposed in Order No. 587–W (Docket No. RM96–1–038) were submitted to and approved (on December 9, 2015) by OMB.[5] The revisions made in this Order merely clarify those reporting requirements and are not expected to modify the burden estimates. This Order will be submitted to OMB for information only.

List of Subjects in 18 CFR Part 284

Incorporation by reference, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

Issued: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission amends part 284, chapter I, title 18, Code of Federal Regulations, as follows:

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

■ 1. The authority citation for part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717z, 3301–3432; 42 U.S.C. 7101–7352; 43 U.S.C. 1331–1356.

■ 2. Section 284.13 is amended by revising paragraph (b)(2)(iv) to read as follows:

§ 284.13 Reporting requirements for interstate pipelines.

* * * * *

(b) * * *

(2) * * *

(iv) The receipt and delivery points between which the shipper is entitled to transport gas at the rate charged, including the location name and code adopted by the pipeline in conformance with paragraph (f) of this section for each point, zone, or segment;

* * * * *

[FR Doc. 2016–06510 Filed 3–22–16; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4010

RIN 1212–AB30

Annual Financial and Actuarial Information Reporting

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation (''PBGC'') is amending its regulation on Annual Financial and Actuarial Information Reporting to codify provisions of recent legislation and related guidance that affect reporting under ERISA section 4010. The final rule modifies the reporting waiver under the current regulation tied to aggregate plan underfunding of $15 million or less to be based on non-stabilized interest rates. In addition, the final rule adds new reporting waivers for smaller plans and for plans that must file solely on the basis of either a statutory lien resulting from missed

[3] *Regulation of Short-Term Natural Gas Transportation Services and Regulations of Interstate Natural Gas Transportation Services,* Order No. 637. FERC Stats. & Regs. ¶ 31,091, *clarified,* Order No. 637–A, FERC Stats. & Regs. ¶ 31,099, *reh'g denied,* Order No. 637–B, 92 FERC ¶ 61,062 (2000), *aff'd in part and remanded in part sub nom. Interstate Natural Gas Ass'n of America* v. *FERC,* 285 F.3d 18 (D.C. Cir. 2002), *order on remand,* 101 FERC ¶ 61,127 (2002), *order on reh'g,* 106 FERC ¶ 61,088 (2004), *aff'd sub nom. American Gas Ass'n* v. *FERC,* 428 F.3d 255 (D.C. Cir. 2005).

[4] Order No. 637–A, FERC Stats. & Regs. ¶ 31,099 at 31,619–20.

[5] FERC–545 (Gas Pipeline Rates: Rate Change (Non-Formal)) is covered under OMB Control No. 1902–0154, and FERC–549C (Standards for Business Practices of Interstate Natural Gas Pipelines) is covered under 1902–0174.

contributions over $1 million or outstanding minimum funding waivers exceeding the same amount (provided the missed contributions or applications for minimum funding waivers were previously reported to PBGC). The final rule also provides alternative methods of compliance for reporting certain actuarial information and makes a few technical changes to the regulation.

DATES: Effective April 22, 2016. See Applicability in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Office of the General Counsel; or Daniel S. Liebman (*Liebman.Daniel@pbgc.gov*), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Executive Summary—Purpose of the Regulatory Action

This rulemaking is necessary to implement recent statutory changes—under the Moving Ahead for Progress in the 21st Century Act (''MAP–21''),[1] the Highway Transportation and Funding Act of 2014 (''HATFA'') [2] and the Bipartisan Budget Act of 2015 (''BBA'') [3]—that affect reporting under PBGC's regulation on Annual Financial and Actuarial Information Reporting (29 CFR part 4010), to modify the regulation's waivers and information requirements to better balance the burden of reporting with PBGC's need for information, and to make certain technical changes.

PBGC's legal authority for this action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (''ERISA''), which authorizes PBGC to issue regulations to carry out the purposes of Title IV of ERISA, and section 4010 of ERISA.

Executive Summary—Major Provisions of the Regulatory Action

Interest Rate Stabilization Rules

MAP–21 provided rules that limited the volatility of interest rates (which are used for certain funding and benefit restriction purposes) by constraining them within a range, or ''corridor,'' around the 25-year average segment rates. The rates inside the corridor are referred to as ''stabilized rates.'' HATFA extended the period during which the narrowest range applies. BBA further extended that period, generally effective for plan years beginning after December 31, 2015. MAP–21 included statutory provisions regarding the application of the stabilized rates to ERISA section 4010 reporting requirements. The final rule codifies the statutory changes and PBGC guidance on when stabilized rates are and are not taken into account for purposes of 4010 reporting.

Changes to $15 Million Aggregate Underfunding Waiver

Section 4010.11(a) of the regulation provides a waiver from reporting if the aggregate underfunding (the ''4010 funding shortfall'') of pension plans in a controlled group does not exceed $15 million. PBGC's experience with this waiver under the old regulation, especially since MAP–21, was that it resulted in critical information not being reported. As a result, PBGC's ability to timely intervene to protect potentially troubled plans, participant benefits, and the pension insurance system was significantly undermined. To address this issue, PBGC proposed to limit the waiver to smaller plans. In response to public comments, the final rule permits plans of any size to use this waiver (as was the case under the old rule), but modifies how the 4010 funding shortfall is determined and, as explained below, provides a separate waiver based solely on plan size to ensure that smaller plans qualify for a waiver.

New Waivers

The final rule adds a waiver from reporting for plans with controlled groups with fewer than 500 participants, regardless of plan underfunding. Further, as part of PBGC's review of its regulations under Executive Order 13563, PBGC determined that it could reduce the burden of 4010 reporting and avoid duplicative reporting by adding two other new waivers. As in the proposed rule, the final rule waives reporting required solely on the basis of either a statutory lien resulting from missed contributions over $1 million or outstanding minimum funding waivers exceeding the same amount, provided that the missed contributions resulting in the lien or applications for minimum funding waivers were reported to PBGC under its regulation on Reportable Events and Certain Other Notification Requirements (part 4043) by the due date for the 4010 filing.

Other Changes

In response to comments, the final rule provides alternative methods of compliance for reporting certain actuarial information and makes a few technical changes to the regulation.

Background

PBGC administers the pension insurance programs under Title IV of ERISA. ERISA section 4010 requires the reporting of actuarial and financial information by controlled groups with single-employer pension plans that have significant funding problems. ERISA section 4010 also requires PBGC to provide an annual summary report to Congress containing aggregate information filed with PBGC under that section.[4]

4010 Regulation

PBGC's regulation on Annual Financial and Actuarial Information Reporting (29 CFR part 4010) [5] implements ERISA section 4010. Under § 4010.4(a), reporting is required if any of the following conditions exist:

1. The funding target attainment percentage (''FTAP'') [6] at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent (80-percent Gateway Test).

2. The conditions for imposing a lien for missed contributions exceeding $1 million have been met with respect to any plan maintained by any member of the controlled group.

3. The Internal Revenue Service (''IRS'') has granted one or more minimum funding waivers totaling in excess of $1 million to any plan maintained by any member of the controlled group, and any portion of the waiver(s) is still outstanding.

Part 4010 of PBGC's regulations specifies the identifying, financial, and actuarial information that filers must submit under ERISA section 4010. Filings under part 4010 play a major role in PBGC's ability to protect

[1] Public Law 112–141, enacted July 6, 2012.

[2] Public Law 113–159, enacted August 8, 2014.

[3] Public Law 114–74, enacted November 3, 2015.

[4] See ERSIA section 4010(e). The report is submitted to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives.

[5] For ease of reference, this preamble refers to the regulation as it exists before the final rule becomes applicable as the ''old regulation'' and the regulation as amended by this final rule as the ''new regulation''. If a statement is true for both the old and new regulations, this preamble will simply refer to the ''regulation.''

[6] The FTAP is a measure of how well the plan is funded. In general, a plan's FTAP is the ratio (expressed as a percentage) of the value of plan assets to the plan's funding target. See ERISA section 303(d)(2).

participant and plan interests because 4010 information is typically more current than other sources of information available to PBGC. Protection for participants may be lost if a company completes a transaction that creates possible significant risk to the plan and participants before PBGC can act. PBGC can use 4010 information to quickly evaluate a fast-moving transaction to protect participants.

When PBGC evaluates the risk of a plan terminating underfunded, it needs the plan's termination liability. If PBGC has a recent 4010 filing for the plan, it has the plan's termination liability calculated directly using seriatim data and certified by an enrolled actuary. With reliable information readily available, PBGC can conduct a timely and accurate analysis. But if PBGC does not have a 4010 filing for the plan, PBGC must estimate the plan's termination liability based on outdated Form 5500 Schedule SB data. This analysis takes time and, because it is based on estimates and older data, is less accurate, which may negatively impact asset recoveries and participant benefits if the plan terminates underfunded.

PBGC also uses information from 4010 filings to value its contingent liabilities, as reported in its annual financial statements. Under ERISA section 4010(e), PBGC submits an annual report to Congress summarizing the data received in 4010 filings.

Under § 4010.11(a) of the regulation, reporting is waived if the aggregate underfunding of all plans (4010 funding shortfall) maintained by the filer's controlled group does not exceed $15 million (referred to in this preamble as the ''$15 million aggregate underfunding waiver''). PBGC added this waiver to the regulation in March 2009 when PBGC amended the regulation to implement changes under the Pension Protection Act of 2006.[7]

MAP–21 and Statutory Extensions of Interest Rate Stabilization Rules

MAP–21 provided relief from the minimum funding requirements that apply to plan sponsors of single-employer defined benefit plans. This was accomplished by establishing rules that limit the volatility of certain interest rates used for funding purposes by constraining them within a corridor. MAP–21 also contained provisions on the application of those rules to ERISA section 4010 reporting requirements. Section 40211(b)(3)(D) of MAP–21 amended ERISA section 4010 by adding paragraph (d)(3), which provides that the stabilized interest rates do not apply for purposes of determining the funding target or the FTAP required to be reported under ERISA section 4010(d). However, under MAP–21, the stabilized rates are otherwise extended to all other 4010 requirements involving minimum funding-related determinations, including those requirements created solely by regulation, such as the 4010 funding shortfall waiver.

MAP–21 provided that the stabilized interest rate corridor would begin phasing-out in 2013. HATFA delayed the start of that phase-out until 2018. BBA further delayed the start of the phase-out until 2020, thereby further extending the period for which the interest rate stabilization rules are likely to impact 4010 filings (by making it more likely that the $15 million aggregate underfunding waiver will apply).

IRS issued Notice 2012–61 providing guidance on pension funding stabilization under MAP–21.[8]

PBGC issued two Technical Updates providing guidance on applying the statutory rate stabilization provisions that began with MAP–21 to 4010 reporting.[9]

Regulatory Review

On January 18, 2011, the President issued Executive Order 13563, ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. In response to the Executive Order, PBGC on August 23, 2011, promulgated its Plan for Regulatory Review,[10] noting several regulatory areas—including 29 CFR part 4010—for review to see how PBGC can reduce burden while preserving its ability to receive critical information. The plan identified expansion of waivers from 4010 reporting as an area to explore.

Proposed Rule

On July 27, 2015 (at 80 FR 44312), PBGC published in the **Federal Register** a proposed rule (the ''proposed rule'') for notice and comment that codified the statutory stabilized interest rate provisions related to 4010 reporting, made changes to the waiver structure, and other technical changes. The proposed rule limited the $15 million aggregate underfunding waiver to smaller plans and added reporting waivers for plans that must file solely on the basis of either a statutory lien resulting from missed contributions over $1 million or outstanding minimum funding waivers exceeding the same amount (provided the missed contributions or applications for minimum funding waivers were previously reported to PBGC).

PBGC received ten comment letters (from a total of twelve entities) on the proposed rule.[11] The commenters represented several professional and business trade organizations, pension plan consultants, plan sponsors, and a law firm. Generally, commenters opposed the proposal to limit the $15 million aggregate underfunding waiver to small plans while supporting PBGC's effort to add other waivers. Commenters provided suggestions on the proposal and on other matters under the regulation. The comments on the proposed rule and PBGC's responses are discussed below with the topics to which they relate.

Regulatory Changes

MAP–21 Interest Rate Stabilization Rules

ERISA section 4010(b)(1) provides that 4010 reporting is required if any plan sponsored by a member of the controlled group has an FTAP, ''as determined as defined in subsection (d),'' below 80 percent. Because section 4010(d), as amended by MAP–21, requires that the FTAP be determined without regard to the interest rate stabilization rules, the FTAP used for the 80-percent Gateway Test is also determined without regard to such rules.[12]

To codify the statutory change and the guidance in Technical Updates 12–2 and 14–2, the final rule revises the definition of ''funding target attainment percentage'' in § 4010.2 to provide that it is determined without regard to the interest rate stabilization rules and rename it the ''4010 funding target attainment percentage.'' The final rule includes conforming changes in §§ 4010.4(a)(1), 4010.4(b), and 4010.8(a)(6). In addition, the final rule

[7] 74 FR 11022 (Mar. 16, 2009), *http://www.gpo.gov/fdsys/pkg/FR-2009-03-16/pdf/E9-5741.pdf.*

[8] *http://www.pbgc.gov/Documents/n-12-61.pdf.*

[9] Technical Update 12–2: Effect of MAP–21 on 4010 Reporting (Sept. 11, 2012), *http://www.pbgc.gov/prac/other-guidance/tu/tu12-2.html;* Technical Update 14–2: Effect of HATFA on 4010 Reporting (Oct. 17, 2014), *http://www.pbgc.gov/prac/other-guidance/tu/tu14-2.html.*

[10] See *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf.*

[11] See comments at *http://www.pbgc.gov/prac/pg/other/guidance/pending-proposed-rules.html.*

[12] Thus, the FTAP used for purposes of the 80-percent Gateway Test might not be the same as the FTAP reported on line 14 of the 2014 Schedule SB of Form 5500.

revises § 4010.8(a)(5) to clarify that the plan's funding target as of the valuation date (required to be reported in a 4010 filing) is determined without regard to the interest rate stabilization rules.

To reduce the administrative burden of determining whether a 4010 filing is required, Technical Update 12–2 waived reporting if the FTAP of each plan maintained by the filer's controlled group, determined without regard to the statutory stabilized interest rate provisions, would be at least 80 percent if the value of plan assets used for minimum funding purposes were substituted for the value described in IRS Notice 2012–61, Q&A NA–3.[13] (See Technical Update 12–2 for more explanation.) The final rule effectively codifies this waiver from reporting and extends the relief to the related information requirement.

Changes to $15 Million Aggregate Underfunding Waiver

As mentioned above, PBGC added the $15 million aggregate underfunding waiver to the 4010 regulation in 2009. The preamble to the 2009 final rule cited the Technical Explanation of the Pension Protection Act of 2006 prepared by the Staff of the Joint Committee on Taxation as support for the waiver. The Technical Explanation stated: ''It is intended that the PBGC may waive the requirement [for reporting under ERISA section 4010 based upon the 80-percent Gateway Test] in appropriate circumstances, such as in the case of small plans.'' [14]

PBGC set the waiver threshold at $15 million in aggregate underfunding based on its experience that underfunding below that amount presented a level of risk and exposure to PBGC that was sufficiently low to warrant the waiver of reporting based solely on the 80-percent Gateway Test. The preamble to the 2009 final rule (see footnote 7) stated that ''the waiver will generally exempt controlled groups maintaining only small plans from section 4010 reporting.''

Because of the impact of stabilized interest rates that began with MAP–21, PBGC believes that further refinement of the $15 million aggregate underfunding waiver is necessary. Under the old regulation, many sponsors that would not have qualified for the waiver prior to MAP–21 were waived from reporting because underfunding was under $15 million based on stabilized rates.

As a result, PBGC was not receiving valuable information from approximately 200 controlled groups for which 4010 reporting was required before MAP–21 and HATFA (*i.e.,* after MAP–21 and HATFA, reporting was not required solely because the use of stabilized rates resulted in aggregate underfunding being less than $15 million).[15] To put that number in context, it is comparable to the 207 filings PBGC received for 2014. PBGC's ability to protect plans can be reduced significantly if it does not have 4010 information to use to analyze transactions, evaluate termination risks, and measure its contingent liabilities for its financial statements.

The vast majority of plans for which 4010 reporting would be required if not for the statutory stabilized interest rate provisions cover more than 1,000 participants and have very large unfunded benefit liabilities measured on a termination basis. Thus, the old regulation did not allow PBGC to access important available information on plans that present substantial risk and exposure to the pension insurance system. Further, because PBGC is required to submit an annual report to Congress summarizing the data received in 4010 filings, Congress has not been receiving information it would otherwise receive solely because plans that were never intended to qualify for the regulatory waiver were, in fact, qualifying as a result of the statutory stabilized interest rate provisions that began with MAP–21.

In the preamble to the proposed rule, PBGC stated that because Congress provided that stabilized rates are disregarded for purposes of determining whether a 4010 filing is required, it was appropriate to modify the $15 million aggregate underfunding waiver to fix this anomalous and unintended result. PBGC considered modifying the waiver to require that the 4010 funding shortfall be determined using non-stabilized rates, but concluded at the time that doing so would be overly complicated and administratively burdensome. PBGC was also concerned that this approach might make it more difficult to verify compliance because the liability underlying the shortfall calculation would not be reported on Schedule SB to Form 5500. In order to preserve simplicity, better align the waiver with the plans it was originally intended to cover, and eliminate any need to do an additional calculation solely to determine if the waiver applies, PBGC proposed to leave the determination of the 4010 funding shortfall unchanged and instead limit the availability of the $15 million aggregate underfunding waiver to controlled groups where the aggregate number of participants in all defined benefit plans maintained by the controlled group was fewer than 500.

All commenters opposed limiting the availability of the $15 million aggregate underfunding waiver to controlled groups with fewer than 500 participants and reported that such limitation would unnecessarily burden many large plans by requiring 4010 reporting. Some commenters pointed out instances in which the proposed waiver would be unavailable due to circumstances that were incidental to the aims of the regulation (*e.g.,* recent acquisitions of small plans where additional funding may not have yet occurred or multiple employer plans that have over 500 participants but where individual employers may not have control over plan funding). Some commenters suggested that the proposed change would result in lower funding contributions for large plans by eliminating the incentive under the old rule to fund up to qualify for the waiver. In addition, several commenters believed that the proposed participant count limit would be a permanent change to the regulation to address a temporary condition that would impact reporting long after stabilized rates no longer had an impact on plan liabilities.[16]

As an alternative to the proposal to limit the $15 million aggregate underfunding waiver to controlled groups with fewer than 500 participants, six commenters (including three who commented in one letter) suggested that PBGC's concerns could be addressed if potential filers were required to use non-stabilized rates (instead of stabilized rates) to determine the 4010 funding shortfall instead of stabilized rates. Two of these commenters pointed out that sponsors still use non-stabilized

[13] *https://www.irs.gov/irb/2012-42_IRB/ar10.html.*

[14] See Joint Committee on Taxation, Technical Explanation of H.R. 4, the ''Pension Protection Act of 2006,'' as passed by the House on July 26, 2006, and as considered by the Senate on August 3, 2006 (JCX–38–06), August 3, 2006 on page 115. *http://www.jct.gov/x-38-06.pdf.*

[15] PBGC was aware of these 200 controlled groups because PBGC's regulation requires an explanation be provided where a filing is required one year, but not the next. These 200 controlled groups indicated on their 4010 filings that they had a plan below 80-percent funded, but the aggregate underfunding was below $15 million. PBGC believes the total number of reports it was not receiving solely due to the stabilized rates applicable to the $15 million aggregate underfunding waiver test was much greater than 200. Besides the 200 prior filers, PBGC was aware of other controlled groups that did not have to file in the past, but would have been required to file if not for the fact that the waiver is based on stabilized rates.

[16] PBGC received comments on the proposed rule before BBA was enacted. Although BBA does not make stabilized interest rates permanent, it still lengthens the amount of time such rates impact 4010 reporting.

rates for other purposes and therefore, basing the 4010 funding shortfall determination on non-stabilized rates would not be overly burdensome.[17] These same commenters suggested that if PBGC were to have a participant count limit, the threshold should be increased (with suggested limits ranging from 1,000 or 3,000 participants). Two other commenters recommended that PBGC consider incorporating the low-default risk waiver from PBGC's 2015 final rule on Reportable Events [18] into the 4010 regulation as an effective way to tie risk to reporting. Other suggestions for alternatives included incorporating funding ratios of at least 90 percent on a stabilized interest rate basis, allowing for simplified reporting if the waiver under the proposed rule were to be retained, and increasing the participant count threshold.

PBGC was interested to learn that commenters were not concerned that basing the determination of the waiver on non-stabilized rates would result in overly burdensome reporting requirements. Given that a substantial segment of the commenters supported this suggestion and the fact that statutory stabilized interest rate provisions are scheduled to eventually phase-out, PBGC believes making this modification to the waiver is appropriate to reduce potential filer burden even though the data underlying the calculation does not get reported on Schedule SB. PBGC will be able to estimate the 4010 funding shortfall to evaluate compliance with the filing requirements using other information sponsors routinely file. As a result, the final rule eliminates the participant count limit for purposes of the $15 million aggregate underfunding waiver and instead requires that the liability used to determine the 4010 funding shortfall be determined using non-stabilized rates. The final rule does not change how the asset portion of the 4010 funding shortfall is calculated (*i.e.,* the asset value used for this purpose is the asset value used for funding purposes, including averaging, if applicable, with no reduction for prefunding or carryover balances).

PBGC acknowledges that under this change, some smaller plans that would have qualified for the waiver under the proposed rule would not qualify for the waiver under the final rule. Accordingly, as described below, the final rule adds a new waiver for controlled groups with less than 500 participants, regardless of plan underfunding.

With the final rule modification to the $15 million aggregate underfunding waiver and the new smaller plans waiver, PBGC believes that most of the commenters' concerns about modifying the waiver have been addressed. However, PBGC may reconsider suggestions from commenters that are not incorporated into the final rule, as well as other possibilities, as it gains experience with reporting under the new regulation.

New Waivers—Smaller Plans

PBGC concluded that it could provide burden relief for smaller plans without compromising the pension insurance system. Thus, the final rule provides that 4010 reporting is waived for controlled groups where the aggregate number of participants in all plans (including any exempt plans) is fewer than 500 (the ''smaller plans waiver'').

The final regulation provides that for purposes of the new smaller plans waiver, the aggregate number of participants in all plans maintained by a person's controlled group includes any participants covered by a multiple employer plan in which the person participates (including participants covered by the multiple employer plan who are not or were not employed by the person). In other words, the person is treating as ''maintaining'' the whole multiple employer plan. For example, in the case of a multiple employer plan where each contributing sponsor has fewer than 500 participants in all of its plans, but the multiple employer plan as a whole covers 500 or more participants, the smaller plans waiver would not apply. This treatment is analogous to how the aggregate funding shortfall of a multiple employer plan is determined for purposes of the $15 million aggregate underfunding waiver under the current regulation; for that purpose, the multiple employer plan's entire shortfall is taken into account.

New Waivers—Missed Contributions Resulting in a Lien or Outstanding Minimum Funding Waivers

As part of PBGC's implementation of its Plan for Regulatory Review (which included public comment on how PBGC could reduce reporting burden), PBGC reviewed part 4010 to see how it could reduce burden while preserving its ability to receive critical information. As part of this process, PBGC proposed to waive reporting for plans that must file 4010 information solely on the basis of either a statutory lien resulting from missed required contributions of over $1 million or outstanding minimum funding waivers exceeding the same amount.

In 2012 and 2013, less than five percent of 4010 filers were required to report based on these two filing tests; in 2014, there were 10 such filers. PBGC can look to reportable events filings [19] to obtain information similar to that reported in 4010 filings required solely because of these reporting triggers.

Waiving reporting based on these two tests would reduce the compliance and cost burden on filers. A filer waived from 4010 reporting might save between six and 24 hours annually by not having to provide identifying and financial information and approximately $16,000 in actuarial costs (depending in part on whether it was a first-time filing). Based on 2014 data, the aggregate actuarial cost savings for all filers could be over $160,000.

Therefore, to reduce the burden of duplicative reporting, the proposed rule added waivers from reporting for persons that must file a 4010 report solely on the basis of either a reporting trigger under § 4010.4(a)(2) for a statutory lien resulting from missed required contributions of over $1 million or under § 4010.4(a)(3) for outstanding minimum funding waivers exceeding the same amount, provided that the missed contributions or applications for minimum funding waivers were reported under part 4043 by the due date for the 4010 filing.

PBGC did not receive any comments on these proposed new waivers. The final rule retains these waivers as proposed.

Alternative Methods of Compliance for Reporting Certain Actuarial Information

ERISA section 4010(d) requires that certain information be reported to PBGC when a filer makes a report under ERISA section 4010, including the funding target of the plan determined as if the plan has been in at-risk status for at least five plan years and determined without regard to the interest rate stabilization rules.[20] Section 4010.8 of the regulation implements the statutory information requirements. While not addressed in the proposed rule, three comment letters (representing five entities) suggested that PBGC either

[17] These uses include: 4010 Funding Target Attainment Percentage, Variable Rate Premium under the alternative method, annual funding notice supplement, and Code section 404 deduction limits.

[18] 80 FR 54979 (Sept. 11, 2015), *http://www.gpo.gov/fdsys/pkg/FR-2015-09-11/pdf/2015-22941.pdf.*

[19] PBGC receives reports for missed funding contributions under §§ 4043.25 and 4043.81 (Form 200) and applications for minimum funding waivers under § 4043.33.

[20] See ERISA section 4010(d)(1)(B). Under § 4010.2, at-risk status means, with respect to a plan for a plan year, at-risk status as defined in ERISA section 303(i)(4) and Code section 430(i)(4).

eliminate the requirement for plans that are not in at-risk status or provide a simpler alternative method of compliance for such plans. These commenters stated that PBGC does not need that information and that plans are not required to do the calculation for any purpose other than 4010 reporting. In addition, commenters noted that due to the complications of the at-risk rules, doing the calculation substantially increases the costs of preparing a 4010 filing.

PBGC finds these comments credible and agrees that PBGC generally does not need this information from plans that are not in at-risk status. And although PBGC does need information about the at-risk funding target from plans that are in at-risk status, the relevant information for PBGC is the at-risk funding target determined using stabilized rates, not the statutorily-required information determined without regard to the stabilization rules. However, because it is possible that PBGC might need the statutorily-required information from a particular plan or that Congress might request that information, PBGC concluded that providing an alternate method of compliance is preferable to waiving the requirement altogether. Therefore, the final rule provides that plans are not required to provide the at-risk funding target information (determined without regard to the stabilization rules) unless PBGC makes a written request for the information. In that event, the plan would have at least 30 days after PBGC's written request to provide the information. In addition, to ensure that PBGC receives relevant and timely information about the at-risk funding target from plans that are in at-risk status (*i.e.,* determined using stabilized rates), PBGC is adding that information to the list in § 4010.8(a)(11) of information required to be reported in an attachment to the 4010 filing (the valuation report).

Some of these same commenters also suggested that PBGC eliminate or provide for an alternate method of compliance for reporting the year-end plan termination liability calculation information required under ERISA section 4010(d)(1)(A) and § 4010.8(a)(3) of the regulation. PBGC needs this information to run its analysis of whether a 4010 filer poses a risk to the pension insurance system. Thus, PBGC is not modifying or eliminating the year-end plan termination liability calculation in the final rule.

One commenter expressed its appreciation for the proposed rule's codification of relief provided in Technical Update 12–2, under which reporting would be waived if the 4010 FTAP of each plan maintained by a person's controlled group would be at least 80 percent if the value of plan assets used for minimum funding purposes were substituted for the asset value determined without regard to the interest rate stabilization rules (*i.e.,* the amount determined in accordance with IRS notice 2012–61, Q&A NA 3). However, under the proposed rule, if reporting were required, a filer would still need to calculate asset values without regard to the interest rate stabilization rules (in accordance with IRS notice 2012–61) for purposes of determining the 4010 FTAP to be reported in the filing. This commenter believed that this calculation should not be required at all since the difference in values (*i.e.,* the value of assets determined without regard to the interest rate stabilization rules compared to the value of plan assets used for minimum funding purposes) would generally be small. The commenter also noted that IRS and the Department of Labor (''DOL'') do not require this calculation and that if PBGC were to require it, then two sets of asset values would need to be reported in the Annual Funding Notice (under ERISA section 101(f)) resulting in complexity and participant confusion.

PBGC agrees that requiring this calculation for a 4010 report is unnecessary. Thus, the final rule provides that for purposes of determining the 4010 FTAP, the value of plan assets used for minimum funding purposes may be substituted for the asset value determined without regard to interest rate stabilization rules. By doing so, there is no need to provide for the alternative 4010 FTAP waiver that was included in the proposed rule and thus, that waiver has been eliminated from the final rule.

Other Changes

The final rule revises § 4010.11 to conform to the new waivers discussed above, remove a paragraph on transition rules that are no longer necessary, and reorganize the paragraphs under the section.

The final rule deletes transition rules in current §§ 4010.4(b)(3) and (4) and 4010.8(h) that are no longer necessary and updates provisions regarding special funding rules.

Finally, the final rule makes two corrections to the regulation.

First, the final rule amends § 4010.8(b)(1) to correct a cross reference from § 4010.11(b) to § 4010.10(b).

Second, the final rule amends § 4010.8(d)(2) to provide that the form-of-payment assumption used when determining benefit liabilities for purposes of 4010 reporting is the assumption prescribed in § 4044.51 of PBGC's regulation on Allocation of Assets in Single-Employer Plans (part 4044) and make a related conforming change. This change conforms the regulation to the statutory requirement. As a result of a drafting error in the 2009 final rule, the old regulation provided that, for purposes of determining a plan's benefit liabilities, the form-of-payment assumption must be the same as that used to determine the minimum required contribution. Although this assumption has had a relatively minor impact on the overall calculation, PBGC was concerned about the programming changes that would need to be made to valuation software to effectuate this unintended assumption change and therefore issued guidance that the actuary may use either the form-of-payment assumption prescribed in § 4044.51 or the form-of-payment assumption used to determine the minimum required contribution for the plan year ending within the filer's information year.[21]

Three commenters suggested that PBGC retain the option of using the § 4044.51 assumption. However it appeared to PBGC that none of these commenters held a particularly strong belief in this regard and that making any software program changes would not be too difficult. Further, PBGC has concluded that this information will help PBGC to conduct its analysis of the impact of a 4010 filing on the pension insurance system more effectively. For these reasons, and to conform to the statutory requirement, PBGC decided not to retain this provision from the proposed rule. Thus, the final rule requires the use of the § 4044.51 assumption for purposes of § 4010.8(d)(2).

Timing

PBGC proposed that the final rule would be applicable to information years beginning after December 31, 2015. Three commenters urged PBGC to allow a longer transition period/effective date so that controlled groups can plan for, or take action to avoid, 4010 filings (such as making funding contribution). One of these commenters specifically recommended that the effective date be no earlier than information years beginning 18 months after the final rule is published. Another

[21] Technical Update 09–2: ERISA section 4010 reporting; Alternative form-of-payment assumption for determining benefit liabilities (Mar. 25, 2009), *http://www.pbgc.gov/prac/other-guidance/tu/tu09-2.html.*

commenter recommended that the ''effective date be changed to information years beginning one year after the final rule is final or at [a] minimum allow plans to substitute their 2016 FTAP for applicable 4010 calculations if necessary to avoid filing.''

PBGC did not change the applicability date from the proposed rule. PBGC believes sponsors will have sufficient time to make additional contributions in order to qualify for the $15 million aggregate underfunding waiver or make additional contributions or waive carryover or prefunding balances to increase the 4010 FTAP to above 80 percent.[22] Moreover, as always, PBGC will consider case-by-case waivers in the case of unusual situations. Finally, PBGC has been without 4010 information from certain plans since MAP–21 and needs that information from those plans as soon as practicable to better understand their current status and its impact on the pension insurance system. Accordingly, PBGC did not change the proposed applicability date in the final rule.

Applicability

The regulatory changes in the final rule are applicable to information years beginning after December 31, 2015. The first filings under the new regulation are due April 17, 2017.[23]

Compliance With Rulemaking Guidelines

Executive Orders 12866 ''Regulatory Planning and Review'' and 13563 ''Improving Regulation and Regulatory Review''

PBGC has determined, in consultation with the Office of Management and Budget (OMB), that this rulemaking is not a ''significant regulatory action'' under Executive Order 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Orders 12866 and 13563 require a comprehensive regulatory impact analysis be performed for any economically significant regulatory action, defined as an action that would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts.

Pursuant to section 1(b)(1) of E.O. 12866 (as amended by Executive Order 13422), PBGC has determined that regulatory action is required in this area. Principally, this regulatory action is necessary to codify changes made to 4010 reporting by MAP–21 and HATFA and related guidance. In addition, this final rule is necessary to modify waivers from 4010 reporting to better balance the burden of reporting with PBGC's need for the information and to target those plans with the highest risk and exposure to PBGC and the pension insurance system. Finally, the final rule is needed to correct errors in the current regulation. In accordance with OMB Circular A–4, PBGC also has examined the economic and policy implications of this final rule and has concluded that the action's benefits justify its costs.

Under Section 3(f)(1) of Executive Order 12866, a regulatory action is economically significant if ''it is likely to result in a rule that may * * * [h]ave an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.'' PBGC has determined that this final rule does not cross the $100 million threshold for economic significance and is not otherwise economically significant. The annual effect of the regulation with the final rule changes would far be less than $100 million. See discussion under *Paperwork Reduction Act.*

This final rule is associated with retrospective review and analysis in PBGC's Plan for Regulatory Review issued in accordance with Executive Order 13563.

Regulatory Flexibility Act

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the Regulatory Flexibility Act requires that the agency present a final regulatory flexibility analysis at the time of the publication of the final rule describing the impact of the rule on small entities and steps taken to minimize the impact. Small entities include small businesses, organizations and governmental jurisdictions.

For purposes of the Regulatory Flexibility Act requirements with respect to the amendments to the Annual Financial and Actuarial Information Reporting regulation, PBGC considers a small entity to be a plan with fewer than 100 participants. This is substantially the same criterion PBGC uses in other regulations [24] and is consistent with certain requirements in Title I of ERISA [25] and the Internal Revenue Code,[26] as well as the definition of a small entity that DOL has used for purposes of the Regulatory Flexibility Act.[27]

Further, while some large employers may have small plans, in general most small plans are maintained by small employers. Thus, PBGC believes that assessing the impact of the final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act. PBGC therefore requested comments on the appropriateness of the size standard used in the proposed rule. PBGC received no comments on this point.

PBGC certifies under section 605(b) of the Regulatory Flexibility Act that the amendments in this final rule would not have a significant economic impact on a substantial number of small entities. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), sections 603 and 604 do not apply.

[22] PBGC is aware that in the case of a controlled group with a calendar year information year that includes a plan with a non-calendar year plan year, that plan may have needed to make decisions about funding or contributions before this final rule was published. However, PBGC believes that in such a case the plan had sufficient notice in the proposed rule that it would likely need to fund up to avoid a 4010 filing for the 2016 information year.

[23] April 15, 2017, is a Saturday. In the rare case of a short information year beginning in 2016, the due date would be earlier; filers in that situation should contact PBGC.

[24] See *e.g.,* special rules for small plans under part 4007 (Payment of Premiums).

[25] See, *e.g.,* ERISA section 104(a)(2), which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

[26] See, *e.g.,* Code section 430(g)(2)(B), which permits plans with 100 or fewer participants to use valuation dates other than the first day of the plan year.

[27] See, *e.g.,* DOL's final rule on Prohibited Transaction Exemption Procedures, 76 FR 66637, 66644 (Oct. 27, 2011).

Paperwork Reduction Act

PBGC is submitting the information requirements under part 4010 to OMB for review and approval under the Paperwork Reduction Act. The information requirements under part 4010 have been approved by the OMB under the Paperwork Reduction Act (OMB control number 1212–0049, expires July 31, 2018). 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.

PBGC estimates that once the final rule takes effect it will receive 4010 filings from about 410 contributing sponsors or controlled group members annually and that the total annual burden of the collection of information will be about 3,600 hours and $6,560,000.

List of Subjects in 29 CFR Part 4010

Pension insurance, Pensions, Reporting and recordkeeping requirements.

For the reasons given above, PBGC is amending 29 CFR part 4010 as follows:

PART 4010—ANNUAL FINANCIAL AND ACTUARIAL INFORMATION REPORTING

■ 1. The authority citation for part 4010 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1310.

■ 2. Section 4010.2 is amended by removing the definition for ''Funding target attainment percentage'' and adding a definition for ''4010 funding target attainment percentage'' in alphanumeric order to read as follows:

§ 4010.2 Definitions.

* * * * *

4010 funding target attainment percentage means, with respect to a plan for a plan year, the percentage as determined under § 4010.4(b) for the plan year.

* * * * *

■ 3. In § 4010.4:

■ a. Paragraph (a) introductory text is amended by removing the words ''A contributing sponsor'' and adding in their place the words ''Unless a waiver in § 4010.11 of this part applies, a contributing sponsor''.

■ b. Paragraph (a)(1) is amended by adding ''4010'' before the phrase ''funding target attainment percentage''.

■ c. Paragraph (a)(2) is amended by adding the words ''or 306(g)'' after the word ''303(k)'' and adding the words ''or 433(g)'' after the word ''430(k)''.

■ d. Paragraph (b) is revised.

■ e. Paragraph (d) is removed, and paragraphs (e) and (f) are redesignated as paragraphs (d) and (e), respectively.

■ f. Newly redesignated paragraph (e) is revised.

The revisions read as follows:

§ 4010.4 Filers.

* * * * *

(b) 4010 *Funding target attainment percentage*—(1) *General.* The 4010 funding target attainment percentage for a plan for a plan year equals the funding target attainment percentage as provided under ERISA section 303(d)(2) and Code section 430(d)(2) determined without regard to the interest rate stabilization provisions of ERISA section 303(h)(2)(C)(iv) and Code section 430(h)(2)(C)(iv).

(2) *Assets used to determine 4010 funding target attainment percentage.* For purposes of determining the 4010 funding target attainment percentage for a plan for the plan year, the value of plan assets determined under ERISA section 303(g)(3) and Code section 430(g)(3) may (but need not) be substituted for the asset value determined without regard to the interest rate stabilization provisions of ERISA section 303(h)(2)(C)(iv) and Code section 430(h)(2)(C)(iv).

(3) *Prefunding balance and funding standard carryover balance elections.* For purposes of determining the 4010 funding target attainment percentage for a plan for the plan year, prefunding balances and funding standard carryover balances must reflect any elections (or deemed elections) under ERISA section 303(f) and Code section 430(f) that affect the value of such balances as of the beginning of the plan year, regardless of when the elections (or deemed elections) are made.

* * * * *

(e) *Certain plans to which special funding rules apply.* Except for purposes of determining the information to be submitted under § 4010.8(h) (in connection with the actuarial valuation report), the following statutory provisions are disregarded for purposes of this part:

(1) Section of 402(b) of the Pension Protection Act of 2006, Public Law 109–280, dealing with certain frozen plans of commercial passenger airlines and airline caterers.

(2) Section 104 of the Pension Protection Act of 2006 as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, Public Law 111–192, dealing with eligible charity plans and plans of certain rural cooperatives.

(3) The Cooperative and Small Employer Charity Pension Flexibility Act, Public Law 113–97, dealing with certain defined benefit pension plans maintained by certain cooperatives and charities.

■ 4. In § 4010.8:

■ a. Paragraph (a)(5) is revised.

■ b. Paragraph (a)(6) is amended by adding ''4010'' before ''funding target attainment percentage.''

■ c. Paragraph (a)(9) is amended by adding the words ''or 306(g)'' after the word ''303(k)'' and adding the words ''or 433(g)'' after the word ''430(k)''.

■ d. Paragraph (a)(11)(vi) is amended by adding ''and funding target'' after ''the target normal cost.''

■ e. Paragraph (b) is revised.

■ f. Paragraph (c)(1)(i) is amended by removing the reference ''§ 4010.11(c)'' and adding in its place the reference ''§ 4010.11(a)(1)''.

■ g. Paragraph (d)(2)(i) is amended by adding the words ''form of payment,'' after ''Interest,''.

■ h. Paragraph (d)(2)(ii) is amended by removing the words ''form of payment'' from the parenthetical and adding the words ''form of payment'' after ''interest,''.

■ i. Paragraph (h) is removed and paragraph (i) is redesignated as paragraph (h) and revised.

The revisions read as follows:

§ 4010.8 Plan actuarial information.

(a) * * *

(5) The at-risk funding target for the plan year ending within the information year determined under ERISA section 303(i) and Code section 430(i)—

(i) As if the plan has been in at-risk status for a consecutive period of at least five years, and

(ii) Without regard to the interest rate stabilization provisions of ERISA section 303(h)(2)(C)(iv) and Code section 430(h)(2)(C)(iv);

* * * * *

(b) *Alternative methods of compliance*—(1) *At-risk funding target.* Notwithstanding any other provision of this section, a filer is not required to provide the information specified in paragraph (a)(5) of this section for the plan year for which actuarial information is being reported unless PBGC requests in writing that the information be provided, in which case the filer must provide the information within 30 days of such request or such later date as PBGC specifies in the request.

(2) *Actuarial valuation report.* If any of the information specified in paragraph (a)(11) of this section is not available by the date specified in § 4010.10(a), a filer may satisfy the requirement to provide such information by—

(i) Including a statement, with the material that is submitted to PBGC, that the filer will file the unavailable information by the alternative due date specified in § 4010.10(b), and

(ii) Filing such information (along with a certification by an enrolled actuary under paragraph (a)(12) of this section) with PBGC by that alternative due date.

* * * * *

(h) *Plans subject to special funding rules.* Instead of the requirements of paragraph (a)(11) of this section:

(1) In the case of a plan year for which a plan is subject to section 402(b) of the Pension Protection Act of 2006, Public Law 109–280, dealing with certain frozen plans of commercial passenger airlines and airline caterers, the plan must meet the requirements in connection with the actuarial valuation report in accordance with instructions on PBGC's Web site, *http://www.pbgc.gov.*

(2) In the case of a plan year for which the application of new funding rules is deferred for a plan under section 104 of the Pension Protection Act of 2006, Public Law 109–280, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, Public Law 111–192, dealing with eligible charity plans and plans of certain rural cooperatives, the plan must meet the requirements in paragraph (a)(5) of this section (in connection with the actuarial valuation report) in effect as of December 31, 2007.

(3) In the case of a plan year for which a plan is subject to the Cooperative and Small Employer Charity Pension Flexibility Act, Public Law 113–97, dealing with certain defined benefit pension plans maintained by more than one employer, the plan must meet the requirements in connection with the actuarial valuation report in accordance with instructions on PBGC's Web site, *http://www.pbgc.gov.*

■ 5. Section 4010.11 is revised to read as follows:

§ 4010.11 Waivers.

(a) *Aggregate funding shortfall not in excess of $15 million waiver.* Unless reporting is required by § 4010.4(a)(2) or (3), reporting is waived for a person (that would be a filer if not for the waiver) for an information year if, for the plan year ending within the information year, the aggregate 4010 funding shortfall for all plans (including any exempt plans) maintained by the person's controlled group (disregarding those plans with no 4010 funding shortfall) does not exceed $15 million, as determined under paragraphs (a)(1) and (2) of this section.

(1) *4010 funding shortfall; in general.* A plan's 4010 funding shortfall for a plan year equals the funding shortfall for the plan year as provided under ERISA section 303(c)(4) and Code section 430(c)(4), with the following exceptions:

(i) The funding target used to calculate the 4010 funding shortfall is determined without regard to the interest rate stabilization provisions of ERISA section 303(h)(2)(C)(iv) and Code section 430(h)(2)(C)(iv).

(ii) The value of plan assets used to calculate the 4010 funding shortfall is determined without regard to the reduction under ERISA section 303(f)(4)(B) and Code section 430(f)(4)(B) (dealing with reduction of assets by the amount of prefunding and funding standard carryover balances).

(2) *Multiple employer plans.* For purposes of § 4010.8(c) and paragraph (a) of this section, the entire 4010 funding shortfall of any multiple employer plan of which the filer or any member of the filer's controlled group is a contributing sponsor is included.

(b) *Smaller plans waiver*—(1) *General.* Unless reporting is required by § 4010.4(a)(2) or (a)(3), reporting is waived for a person (that would be a filer if not for the waiver) for an information year if, for the plan year ending within the information year, the aggregate number of participants in all plans (including any exempt plans) maintained by the person's controlled group is fewer than 500. For this purpose, the number of participants in any plan may be determined either as of the end of the plan year ending within the information year or as of the valuation date for that plan year.

(2) *Multiple employer plans.* For purposes of this paragraph (b), the aggregate number of participants in all plans maintained by a person's controlled group includes any participants covered by a multiple employer plan in which the person participates (including participants covered by the multiple employer plan who are not or were not employed by the person).

(c) *Missed contributions resulting in a lien or outstanding minimum funding waivers.* Reporting is waived for a person (that would be a filer if not for the waiver) for an information year if, for the plan year ending within the information year, reporting would have been required solely under § 4010.4(a)(2) or (3), provided that the missed contributions or applications for minimum funding waivers (as applicable) were reported to PBGC under part 4043 of this chapter by the due date for the 4010 filing.

(d) *Other waiver authority.* PBGC may waive the requirement to submit information with respect to one or more filers or plans or may extend the applicable due date or dates specified in § 4010.10. PBGC will exercise this discretion in appropriate cases where it finds convincing evidence supporting a waiver or extension; any waiver or extension may be subject to conditions. A request for a waiver or extension must be filed in writing with PBGC at the address provided in § 4010.10(c) no later than 15 days before the applicable due date specified in § 4010.10, and must state the facts and circumstances on which the request is based.

Issued in Washington, DC, this 17th day of March, 2016.

W. Thomas Reeder,

Director, Pension Benefit Guaranty Corporation.

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BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R09–RCRA–2015–0822; FRL–9943–99–Region 9]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Nevada has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this direct final rule. In the ''Proposed Rules'' section of today's **Federal Register**, EPA is also publishing a separate document that serves as the proposal to authorize these changes. EPA believes this action is not controversial and does not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize Nevada's changes to its hazardous waste program will take effect. If EPA receives comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing today's direct

final rule before it takes effect, and the separate document in today's ''Proposed Rules'' section of this **Federal Register** will serve as the proposal to authorize the changes.

DATES: This final authorization will become effective on June 6, 2016 unless EPA receives adverse written comment by May 9, 2016. If EPA receives such comment, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–RCRA–2015–0822 at *www.regulations.govorviaemailtoAmaro.Laurie@epa.gov.* For comments submitted at Regulations.gov, follow the on-line instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Instructions: EPA must receive your comments by May 9, 2016. Direct your comments to Docket ID Number EPA–R09–RCRA–2015–0822.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available either electronically in *www.regulations.gov,* or in hard copy.

You can view and copy Nevada's application and associated publicly available materials at the EPA Region 9 Library-Information Center, 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415–947–4406, during business hours from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m. Monday through Thursday; or at the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 901 So. Stewart Street, Ste. 4001, Carson City, NV 89701, Phone number: 775–687–4670, during business hours from 9 a.m. to 5 p.m. Monday through Friday. Interested persons wanting to examine these documents should make an appointment with the relevant office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Laurie Amaro, *amaro.laurie@epa.gov,* 415–972–3364, U.S. EPA Region IX, 75 Hawthorne Street (LND–1–1), San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States that have received final authorization from EPA under RCRA section 3006(b), 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 ask 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 268, 270, 273, and 279.

New federal requirements and prohibitions imposed by federal regulations that EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time that they take effect in unauthorized states. Thus, EPA will implement those requirements and prohibitions in Nevada, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

B. What decisions has EPA made in this rule?

On November 25, 2015, and December 28, 2015, Nevada submitted final complete program revision applications seeking authorization of changes to its hazardous waste program that correspond to certain federal rules promulgated between July 1, 2005, and June 30, 2008, (also known as RCRA Clusters XVI through XVIII). EPA concludes that Nevada's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA grants Nevada final authorization to operate as part of its hazardous waste program the changes listed below in Section G of this document, as further described in the authorization application.

Nevada has responsibility for permitting treatment, storage, and disposal facilities 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 HSWA, as discussed above.

C. What is the effect of today's authorization decision?

The effect of this decision is that the changes described in Nevada's authorization application will become part of the authorized state hazardous waste program, and therefore will be federally enforceable. Nevada will continue to have primary enforcement authority and responsibility for its state hazardous waste program. EPA retains its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

- Conduct inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements, including authorized state program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the state has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which Nevada is being authorized by today's action are already effective, and are not changed by today's action.

D. Why wasn't there a proposed rule before today's rule?

Along with this direct final rule, EPA is publishing a separate document in the ''Proposed Rules'' section of today's **Federal Register** that serves as the proposal to authorize these state program changes. EPA did not publish a proposal before today's rule because EPA views this as a routine program change and does not expect comments that oppose this approval. EPA is providing an opportunity for public comment now, as described in Section E of this document.

E. What happens if EPA receives comments that oppose this action?

If EPA receives comments that oppose this authorization, EPA will withdraw today's direct final rule by publishing a document in the **Federal Register** before

this rule becomes effective. EPA will base any further decision on the authorization of the state program changes on the proposal mentioned in the previous section, after considering all comments received during the comment period. EPA will then address all such comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If EPA receives comments that oppose only the authorization of a particular change to the state hazardous waste program, EPA will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What has Nevada previously been authorized for?

Nevada initially received final authorization on August 19, 1985, effective November 1, 1985 (50 FR 42181) to implement the RCRA hazardous waste management program. Nevada has since received authorization for all revisions except for 40 CFR 260.22 and the final rule published on April 12, 1989 (61 FR 16289) addressing Imports and Exports of Hazardous Waste. EPA granted authorization for changes to Nevada's program on the following dates: April 29, 1992, effective June 29, 1992 (57 FR 18083); May 27, 1994 and June 23, 1994 (corrections), effective July 26, 1994 (59 FR 27472 and 59 FR 32489); April 11, 1995, effective June 12, 1995 (60 FR 18358); June 24, 1996, effective August 23, 1996 (61 FR 32345); January 29, 1999, effective March 30, 1999 (64 FR 4596), June 12, 2002, effective August 12, 2002 (67 FR 40229); and February 26, 2009, effective April 27, 2009 (74 FR 8757).

G. What changes is EPA authorizing with today's action?

On November 25 and December 28, 2015, Nevada submitted final complete program revision applications, seeking authorization of those changes in accordance with 40 CFR 271.21. EPA now makes an immediate final decision, subject to receipt of written comments that oppose this action, that Nevada's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Accordingly, EPA grants Nevada final authorization for the following program changes:

1. Program Revision Changes for Federal Rules

Nevada adopts by reference the federal RCRA regulations in effect as of July 1, 2008, at Nevada Administrative Code (NAC) 444.8632, as modified by NAC 444.86325, 444.8633, and 444.8634, as adopted in LCB File R137–07, effective January 30, 2008, LCB File R015–08, effective April 17, 2008, and LCB File R153–08, effective April 23, 2009. The federal requirements for which the State is being authorized are as follows:

RCRA Cluster XVI (Federal Rules Published From July 1, 2005, to June 30, 2006)

- Adopted by Nevada as Indicated in LCB File R137–07, Effective January 30, 2008
- Mercury Containing Equipment Final Rule (70 FR 45508, August 5, 2005) (Checklist 209)
- Standardized Permit Final Rule (70 FR 53420, September 8, 2005) (Checklist 210)
- Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Exemption) Final Rule (70 FR 57769, October 4, 2005) (Checklist 211)
- National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Final Rule (70 FR 59402, October 12, 2005) (Checklist 212)
- Burden Reduction Initiative Final Rule (71 FR 16862, April 4, 2006) (Checklist 213)

RCRA Cluster XVII (Federal Rules Published From July 1, 2006, to June 30, 2007)

- Adopted by Nevada as indicated in LCB File R15–08, effective April 17, 2008
- Corrections to Errors in the CFR Final Rule (71 FR 40254, July 14, 2006) (Checklist 214)
- Cathode Ray Tubes Final Rule (71 FR 42928, July 28, 2006) (Checklist 215)

RCRA Cluster XVIII (Federal Rules Published From July 1, 2007, to June 30, 2008)

- Adopted by Nevada as Indicated in LCB File R153–08, Effective April 23, 2009
- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors Amendments (73 FR 18970, April 8, 2008) (Checklist 217)
- Amendment to Hazardous Waste Code F019 Final Rule (73 FR 31756, June 4, 2008) (Checklist 218)

2. Miscellaneous Changes

During the review of Nevada's regulations, EPA identified several changes that Nevada had made to provisions EPA had previously authorized, as well as a number of state provisions that have never been authorized. In its program revision applications described in Section G., Nevada also addressed state-initiated changes. These miscellaneous changes, which are listed following this paragraph, generally (1) update the CFR reference dates to conform to the State's adoption of the federal regulations and (2) update addresses. EPA has evaluated the changes addressed in this section and has determined that the State's authorized hazardous waste program, as amended by these provisions, remains equivalent to, consistent with, and no less stringent than the federal RCRA program for which the State is authorized.

NAC, as amended effective April 23, 2009, sections 444.8427, 444.84275, 444.850, 444.86325, 444.8633, 444.8688, 444.8741, and 444.980.

Additionally, EPA is authorizing Nevada Revised Statutes (NRS) 459.501 and NRS 459.502. While these statutes are not new, EPA had not previously approved these sections as part of the State's authorized program because the sections require soil and water sample analyses and hazardous waste characterizations to be performed by a certified laboratory, but previously there were no regulations governing certification of laboratories. Nevada submitted LCB File R061–04, effective October 7, 2004, in its final complete program application, in which Nevada adopted regulations at NAC 459.96902–.9699 governing certification of laboratories. Because these regulations are now in place, EPA is authorizing NRS 459.501 and NRS 459.502.

H. Where are the revised state rules different from the federal rules?

One of the changes made to federal rules was for 40 CFR 279.10(b)(2), made by the July 14, 2006, final rule for Corrections to Errors in the Code of Federal Regulations (71 FR 40254; Checklist 214). As specified in NAC 444.86325(1)(k), Nevada has not adopted or incorporated by reference the provisions in 40 CFR 279.10(b)(2), which specify the applicability of the 40 CFR part 279 used oil requirements to mixtures of used oil and characteristic hazardous waste, and therefore no changes needed to be made to Nevada's

regulations to correct the errors in 40 CFR 279.10(b)(2). NAC 444.8681 codifies the Nevada regulations for mixing of used oil with hazardous waste or products, which are more stringent than those found in the federal regulations in 40 CFR 279.10(b).

As discussed in Section G.2. above, NAC 459.96902–.9699 are new regulations governing certification of laboratories that analyze soil and water samples and characterize hazardous waste, adopted by LCB File R061–04, effective October 7, 2004. The regulations were promulgated pursuant to NRS 459.500, which is already a part of the State's authorized program. The regulations themselves are broader in scope than the federal RCRA program because the federal program does not regulate certification of laboratories, and therefore the regulations are not federally enforceable. However, because Nevada has now put these regulations in place, EPA is authorizing NRS 459.501 and NRS 459.502. These provisions require soil and water sample analyses and hazardous waste characterizations to be performed by a certified laboratory. Because the federal program does not address where to send samples for analysis, Nevada's provisions are more stringent than the federal RCRA program for which the State is authorized.

NAC 444.84555, which was previously identified as broader in scope and therefore not part of the authorized program, has been updated to reflect an address change. NAC 444.9452, which is part of the State's regulations governing facilities that manage waste containing polychlorinated biphenyls, a program previously identified as broader in scope due to the requirement to obtain a RCRA permit prior to the commencement of construction, has been updated to reflect a date change. These provisions continue to be broader in scope and EPA is not authorizing them in this revision package.

EPA cannot delegate the federal requirements in 40 CFR 261.39(a)(5) and 261.41 contained in the Cathode Ray Tubes Rule set forth in 71 FR 42928, July 28, 2006. While Nevada adopted these requirements by reference in NAC 444.8632, EPA will continue to implement these requirements.

There is an outstanding issue in the revised Nevada program that will not be authorized at this time. Nevada's program revisions include bringing its spent antifreeze recycling program up to date. As discussed in greater detail in the February 26, 2009, **Federal Register** (74 FR 8759), EPA is not authorizing the spent antifreeze recycling program because it may be less stringent than the federal program.

After Nevada adopted the ''Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas'' Final Rule (73 FR 57, January 2, 2008) (''Gasification Rule'') at NAC 444.8632, the United States Court of Appeals for the District of Columbia Circuit (''D.C. Circuit'') vacated the Gasification Rule in *Sierra Club* v. *EPA,* 755 F.3d 968 (D.C. Cir. 2014). EPA gave notice of the vacatur of the Gasification Rule at 80 FR 18777 (April 8, 2015) and explained that it amended 40 CFR 260.10 by removing the definition of ''Gasification,'' and revised 40 CFR 261.4(a)(12)(i) by removing gasification from the list of specific petroleum refining processes into which oil-bearing hazardous secondary materials may be inserted. The vacatur of the Gasification Rule and amendment of the federal regulations make Nevada's program less stringent than the federal program, and therefore EPA is not authorizing Nevada's program with respect to the Gasification Rule (Checklist 216).

EPA also gave notice at 80 FR 18777 of the removal of the provisions at 40 CFR 261.4(a)(16) and 40 CFR 261.38 related to comparable fuels due to the D.C. Circuit's vacatur of the ''Hazardous Waste Combustors Revised Standards'' Final Rule (63 FR 33782, June 19, 1998) in *Natural Res. Def. Council* v. *EPA,* 755 F.3d 1010 (D.C. Cir. 2014). This rule was previously adopted and approved as part of Nevada's authorized program, but in light of the vacatur, EPA no longer considers these provisions to be part of Nevada's federally authorized program.

Other than the differences discussed above, Nevada incorporates by reference the remaining federal rules listed in Section G; therefore, there are no significant differences between the remaining federal rules and the revised state rules being authorized today.

I. Who handles permits after the authorization takes effect?

Nevada will issue permits for all the provisions for which it is authorized and will administer the permits it issues. Section 3006(g)(1) of RCRA, 42 U.S.C. 6926(g)(1), gives EPA the authority to issue or deny permits or parts of permits for requirements for which the State is not authorized. Therefore, whenever EPA adopts standards under HSWA for activities or wastes not currently covered by the authorized program, EPA may process RCRA permits in Nevada for the new or revised HSWA standards until Nevada has received final authorization for such new or revised HSWA standards. EPA and Nevada have agreed to a joint permitting process for facilities covered by both the authorized program and standards under HSWA for which the State is not yet authorized, and for handling existing EPA permits after the State receives authorization.

J. How does today's action affect Indian country (18 U.S.C. 1151) in Nevada?

Nevada is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Confederated Tribes of the Goshute Reservation; Duckwater Shoshone Tribe; Ely Shoshone Tribe; Fort McDermitt Paiute and Shoshone Tribes; Fort Mohave Indian Tribe; Las Vegas Tribe of Paiute Indians; Lovelock Paiute Tribe; Moapa Band of Paiute Indians; Paiute-Shoshone Tribe of the Fallon Reservation and Colony; Pyramid Lake Paiute Tribe; Reno-Sparks Indian Colony; Shoshone-Paiute Tribes of Duck Valley Reservation; Summit Lake Paiute Tribe; Te-Moak Tribes of Western Shoshone Indians; Walker River Paiute Tribe; Washoe Tribe; Winnemucca Indian Colony; Yerington Paiute Tribe; and the Yomba Shoshone Tribe. Therefore, this action has no effect on Indian country. EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

K. What is codification and is EPA codifying Nevada's 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. EPA does this by referencing the authorized state rules in 40 CFR part 272. EPA is not codifying the authorization of Nevada's changes at this time. However, EPA reserves the amendment of 40 CFR part 272, subpart DD for this authorization of Nevada's program changes until a later date.

L. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Therefore this action is not subject to review by OMB. This action authorizes state requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by state law. Accordingly, I certify that this action 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.*). Because this action authorizes 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 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes state requirements as part of the state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this 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. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b). Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule authorizes pre-existing state rules which are at least equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801–808, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). However, this action will be effective June 6, 2016 because it is a direct final rule.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian 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, and 6974(b).

Dated: March 9, 2016.

Jared Blumenfeld,

Regional Administrator, Region 9.

[FR Doc. 2016–06434 Filed 3–22–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No.: 160204080–6080–01]

RIN 0648–BF73

Enhanced Document Requirements and Captain Training Requirements To Support Use of the Dolphin Safe Label on Tuna Products

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to revise regulations implementing the Dolphin Protection Consumer Information Act (DPCIA) to enhance the requirements for documentation that demonstrates the accuracy of dolphin-safe labels on tuna products. This interim final rule: Modifies the regulations (referred to hereafter as the ''determination provisions'') under which the NMFS Assistant Administrator (Assistant Administrator) may require proof of an observer certification if the Assistant Administrator determines that a fishery has a regular and significant association between dolphins and tuna and/or has a regular and significant mortality or serious injury of dolphins, to apply equally to purse seine and other gear-type tuna fisheries; provides that a government certificate validating the catch documentation, segregation, and chain of custody may be required for tuna produced from a fishery about which the Assistant Administrator has made a determination under the determination provisions; restructures NOAA regulations such that they now provide for one straightforward certification regarding intentional deployment and mortality/serious injury for all fisheries that produce tuna that is potentially eligible for the dolphin-safe label; modifies the Fisheries Certificate of Origin (FCO) to require captains to complete a training for certifications that must accompany the FCO; enhances chain of custody tracking requirements for tuna and tuna

product; and makes several non-substantive modifications to the regulations. This interim final rule brings the United States into compliance with its obligations as a Member of the World Trade Organization (WTO).

DATES: This interim final rule is effective March 22, 2016, except for amendatory instruction 2, which is effective May 21, 2016. Comments must be submitted in writing by April 22, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0012, by either of the following methods:

• *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0012,*

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

— OR —

• *Mail:* Submit written comments to William W. Stelle, Jr., NMFS West Coast Region (WCR), 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115–0070.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, might 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 and address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: William Jacobson, NMFS WCR, 562–980–4035.

SUPPLEMENTARY INFORMATION:

Background

The DPCIA (16 U.S.C. 1385), enacted in 1990, established a dolphin-safe labeling standard for tuna products. The law addressed a Congressional finding that ''consumers would like to know if the tuna they purchase is falsely labeled as to the effect of the harvesting of the tuna on dolphins.'' Specifically, the DPCIA makes it a violation of U.S. law regarding deceptive practices to use any label with the term dolphin-safe or any other term or symbol that falsely claims or suggests that the tuna contained in the product were harvested using a method of fishing that is not harmful to dolphins, except under the conditions laid out in the DPCIA and associated regulations. The authority of the Secretary of Commerce under the DPCIA has been delegated to the Assistant Administrator.

In 2008, Mexico initiated WTO dispute settlement proceedings to challenge the U.S. dolphin-safe labeling scheme as being inconsistent with certain provisions of the WTO's General Agreement on Tariffs and Trade 1994 (GATT 1994) and Agreement on Technical Barriers to Trade (TBT Agreement). Mexico challenged three components of the U.S. measure: The DPCIA, Department of Commerce DPCIA regulations (50 CFR 216.91 and 216.92), and a Federal court decision (*Earth Island Institute* v. *Hogarth,* 494 F.3d 757 (9th Cir. 2007)). These components of the measure establish conditions under which tuna products may voluntarily be labeled dolphin-safe. Among other requirements, these conditions do not allow tuna products to be labeled dolphin-safe if they contain tuna that was caught by intentionally encircling and deploying purse seine nets on dolphins. On June 13, 2012, the WTO Dispute Settlement Body adopted WTO Panel and Appellate Body reports ruling that the U.S. measure accords less favorable treatment to Mexican tuna products and therefore is inconsistent with Article 2.1 of the TBT Agreement.

In response to this finding, on July 9, 2013, NMFS published a final rule under the DPCIA titled ''Enhanced Document Requirements to Support Use of the Dolphin Safe Label on Tuna Products'' (78 FR 40997) that amended regulations at 50 CFR part 216, subpart H. The 2013 final rule modified the labeling conditions to more fully address the risks to dolphins posed by tuna fishing outside the eastern tropical Pacific Ocean (ETP) large purse seine fishery (*i.e.,* where the vessel has a carrying capacity of more than 400 short tons (362.8 mt)).[1] Specifically, the 2013 final rule amended the eligibility condition that tuna product may not be labeled dolphin-safe if a dolphin was killed or seriously injured in the set or other gear deployment in which the tuna was caught so that the condition now applied to all tuna caught in any fishery in the world. The 2013 final rule further required that a captain's certificate stating that this condition was met was required for tuna caught by any eligible method in any fishery to be labeled dolphin-safe. Additionally, all dolphin-safe tuna must be kept physically separate, from the time of catch through the time of unloading, from non-dolphin-safe tuna.

The WTO established a compliance panel on January 27, 2014, to determine whether the 2013 final rule brought the dolphin-safe labeling requirements into compliance with the United States' WTO obligations. The compliance panel circulated its final report on April 14, 2015. In that report, the compliance panel found that the amended dolphin-safe labeling measure discriminates against Mexican tuna product in breach of Article 2.1 of the TBT Agreement and Articles I:1 and III:4 of the GATT 1994. The compliance panel considered three regulatory distinctions of the amended measure: (1) The ineligibility for the dolphin-safe label of tuna caught by setting on dolphins; (2) the certification requirements; and, (3) the tracking and verification requirements.

First, the compliance panel found that the provisions in U.S. law making any dolphin-safe label ineligible to be used for tuna product containing tuna caught by setting on dolphins and the potential eligibility of tuna caught by other methods was consistent with Article 2.1 of the TBT Agreement and, while inconsistent with Articles I:1 and III:4 of the GATT 1994, was justified under Article XX of the GATT 1994. Second, the compliance panel found that the certification requirements discriminated against Mexican tuna product because it is more burdensome for Mexican producers to comply with the certification requirements of the Agreement on the International Dolphin Conservation Program (AIDCP) than the certification requirements applicable outside the ETP large purse seine fishery. In the compliance panel's view, this difference in burden was not justified given the lack of training for captains making such certifications outside the ETP large purse seine fishery as well as the perceived ''gaps'' in coverage of the determination provisions. Third, the compliance panel found that the tracking and verification requirements discriminated against Mexican tuna produced from large purse seine vessels in the ETP because it was more burdensome for Mexican producers to comply with the AIDCP tracking and verification requirements than the tracking and verification requirements applicable for fisheries other than the ETP large purse seine fishery and that this burden could not be justified.

[1] The ETP is defined as the waters of the Pacific Ocean bounded by 40° N. latitude, 40° S. latitude, 160° W. longitude and the coastlines of North, Central and South America (50 CFR 216.3).

The United States and Mexico both appealed aspects of the compliance panel's report, and the WTO Appellate Body issued its report on November 20, 2015. The Appellate Body found that the United States had not brought its measure into compliance with its WTO obligations. Specifically, the Appellate Body found the amended dolphin-safe labeling measure to be inconsistent with the non-discrimination obligations contained in the TBT Agreement and the GATT 1994 because the measure had a detrimental impact on the conditions of competition for Mexican tuna product in the U.S. market and that this detrimental impact reflected prohibited discrimination in light of the perceived ''gaps'' in the design of the determination provisions. In particular, the Appellate Body criticized the determination provisions because, as designed, the determination provisions allowed for the possibility that no observer requirement would be imposed where a ''regular and significant'' dolphin mortality or serious injury is occurring in a purse seine fishery without a regular and significant tuna-dolphin association, or where a ''regular and significant'' tuna-dolphin association is occurring in a non-purse seine fishery without ''regular and significant'' dolphin mortality or serious injury.

On February 5, 2016, NMFS published a proposed rule (81 FR 6210) entitled ''Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program,'' also known as the Traceability Proposed Rule. The Traceability Proposed Rule proposes establishing filing and recordkeeping procedures for certain fish and fish products to combat illegal, unreported, and unregulated fishing and seafood fraud in the U.S. market. NMFS has incorporated into this interim final rule the approach taken in the Traceability Proposed Rule with regard to chain of custody documentation requirements.

The Action

This interim final rule makes six amendments to the regulations, as explained below, none of which affect the labeling of tuna originating from the ETP large purse seine fishery.

First, effective upon publication in the **Federal Register**, this interim final rule revises the determination provisions that previously had been codified at 50 CFR 216.91(a)(2)(i) and (a)(4)(iii), and which are now codified at 50 CFR 216.91(a)(3)(v). Under the amended determination provisions, the Assistant Administrator now has the authority to require, as a condition for labeling tuna product dolphin-safe, that an on-board observer (in addition to the captain) certify the tuna was caught in a manner that meets the dolphin-safe labeling requirements where the Assistant Administrator has determined that a fishery has a regular and significant association between tuna and dolphins (similar to the association between dolphins and tuna in the ETP) and/or has a regular and significant mortality or serious injury of dolphins. This expanded authority applies equally to purse seine and other gear-type tuna fisheries other than the ETP large purse seine fishery (where an observer certificate is already required) and large-scale driftnet fisheries (which produce tuna that is ineligible for the label). See 50 CFR 216.91(a)(1) and (a)(2). In the case of either ''regular and significant'' determination, only observers participating in a national or international observer program acceptable to the Assistant Administrator would be able to provide the necessary observer certifications.

NMFS notes that while the revised regulations provide for one standard for making determinations, NMFS will interpret in 50 CFR 216.91(a)(3)(v) consistent with both the DPCIA and U.S. WTO obligations on a fishery-by-fishery basis. In particular, NMFS will take into account that the DPCIA instructs NMFS to impose an observer requirement where the Assistant Administrator has determined that ''a regular and significant association occurs between dolphins and tuna (similar to the association between dolphins and tuna in the ETP)'' for purse seine fisheries outside the ETP, while the DPCIA affords NMFS more discretion to impose an observer requirement either when evaluating other types of fisheries or when evaluating all 50 CFR 216.91(a)(3) fisheries under the mortality or serious injury prong of 50 CFR 216.91(a)(3)(v). See 16 U.S.C. 1385(d)(1)(B)(i) and (D). At the same time, NMFS will also take U.S. WTO obligations into account in any exercise of such discretion.

Second, effective upon publication in the **Federal Register**, this interim final rule revises the determination provisions under which the Assistant Administrator is authorized to impose an observer certification requirement if a tuna fishery is determined to have either a ''regular and significant'' association of dolphins or a ''regular and significant'' mortality or serious injury of dolphins. If the Assistant Administrator makes such a determination, NMFS will now also require a government certificate validating: (1) The catch documentation; (2) whether the tuna or tuna products meet the dolphin-safe labeling standards under 50 CFR 216.91; and (3) the chain of custody information reported to the U.S. Government or maintained by the importer of record or the U.S. processor, as applicable.

Third, this interim final rule combines the previously separate categories of ''non-ETP purse seine vessel'' (50 CFR 216.91(a)(2)) and ''Other fisheries'' (50 CFR 216.91(a)(4)) into one category under the title ''Other fisheries'' (revised 50 CFR 216.91(a)(3)). Under the revised 50 CFR 216.91(a)(3)(iii), captains of all vessels in fisheries not covered in paragraphs (a)(1) (*i.e.,* the ETP large purse seine fishery) and (a)(2) (*i.e.,* a large-scale driftnet fishery) must certify that, no purse seine net or other fishing gear was intentionally deployed on or used to encircle dolphins during the fishing trip in which the tuna were caught, and that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught. This revision makes clear that tuna does not meet the dolphin-safe standard if it is harvested by vessels that intentionally deploy fishing gear (regardless of the type) on dolphins. Moreover, this revision also makes clear that captains of *all* vessels not covered by 50 CFR 216.91(a)(1) (where the same certification is already required) and (a)(2) (which produces tuna that is ineligible for the label) must make such a certification. To be clear, a non-purse seine vessel intentionally deploys its fishing gear on a dolphin(s) where a vessel intentionally targets a dolphin(s) with the fishing gear. However, as is the case with intentional encirclement, the deployment must be intentional, and where a dolphin(s) is seen only after the fishing gear was deployed, then the vessel did not intentionally deploy the fishing gear on a dolphin(s). This revised certification will apply to tuna caught by a vessel on a fishing trip that begins on or after May 21, 2016. Until that date, the certifications provided by paragraphs (a)(3)(i) or (ii), as applicable, will continue to apply.

Fourth, this interim final rule modifies the FCO and the requirements for the associated captain's statement by requiring captains of vessels operating in ''other fisheries'' to certify completion of a NMFS Tuna Tracking and Verification Program (TTVP) dolphin-safe training course (training course). The training course will include information on: (1) Identifying dolphins of the taxonomic family Delphinidae; (2) identifying intentional gear deployment on or encirclement of dolphins; (3) identifying dolphin

mortality and serious injury; and (4) physically separating dolphin-safe tuna from non-dolphin-safe tuna from the time of capture through unloading. The training course is available on the NMFS TTVP Internet home page at *http://www.nmfs.noaa.gov/pr/dolphinsafe.* Captain certification of completion of the training course applies to all tuna product labeled dolphin-safe if the product contains tuna harvested on a fishing trip that begins on or after May 21, 2016. Existing captain's statement templates found at the NMFS TTVP Internet home page have been modified and may be used to certify completion of the NMFS TTVP training course. The 2013 final rule required all completed FCOs to have associated captain's statement certifications for all tuna harvested other than the ETP large purse seine fishery.

As a starting point, NMFS will translate the TTVP training course into a sufficient number of languages to ensure that the vast majority of languages spoken by captains producing tuna for the U.S. tuna product market are covered by the translation. Internet links to the translated courses will be posted on the TTVP Internet home page at *http://www.nmfs.noaa.gov/pr/dolphinsafe* as they become available. In addition to posting on the Internet translated versions of the training course, the United States Government will send a démarche to embassies of all countries that supply tuna product to the United States, explaining the new requirements and enclosing a copy of the training course. The démarche will also include the TTVP Internet home page address, as well as a copy of this interim final rule. Providing this information to embassies is intended to aid in disseminating the training course to tuna captains as well as in the dissemination of the new U.S. dolphin-safe tuna labeling requirements to processors.

Fifth, this interim final rule requires U.S. processors and importers of record to collect and retain for 2 years, information on each point in the chain of custody regarding the shipment of the tuna or tuna product to the point of entry into U.S. commerce as a recordkeeping requirement on the part of that U.S. processor or importer of record. The information must be maintained at the place of business, or be accessible from that place of business through, for example, an Internet connection to an off site server where the information is held. This is to ensure that information is readily available to NMFS to allow it to trace the tuna or tuna product back to the point of harvest. As is the case for the Traceability Proposed Rule (discussed above), such information would include records regarding each custodian of the tuna or tuna product, including, as applicable, transshippers, processors, storage facilities, and wholesalers/distributors. The retained information must be provided to NMFS upon request and must be sufficient for NMFS to conduct a trace back to verify that the tuna product certified as dolphin-safe to NMFS, in fact, meets the dolphin-safe labeling requirements for such certification. NMFS expects that typical supply chain records that are kept in the normal course of business, including declarations by harvesting and carrier vessels, bills of lading and forms voluntarily used or required under foreign government or international monitoring programs, which include such information as the identity of the custodian, the type of processing, and the weight of the product, would provide sufficient information for NMFS to conduct a trace back. In addition, the information maintained must be sufficient in order to trace any non-dolphin-safe tuna loaded onto the vessel back to one or more storage wells or other storage locations for a particular fishing trip to prove that such non-dolphin-safe tuna was kept physically separate from dolphin-safe tuna through unloading.

These chain of custody requirements augment existing requirements that dolphin-safe tuna shall, from the time of capture, during unloading, storage, transfer, and processing, be kept separate from non-dolphin safe tuna set out in 50 CFR 216.91(a)(4) and 50 CFR 216.93(c)(2) and (3). These chain of custody requirements apply to all tuna product labeled dolphin-safe if the product contains tuna harvested on a fishing trip that begins on or after May 21, 2016.

Sixth, this interim final rule makes several non-substantive modifications to 50 CFR 216.91 including redesignating regulatory text paragraphs; updating Internet Web addresses to the NMFS TTVP Internet home page located at *http://www.nmfs.noaa.gov/pr/dolphinsafe;* and changing the word ''distributor'' to ''wholesaler/distributor'' for consistency in the regulatory text. NMFS is publishing 50 CFR 216.91 in its entirety (including provisions that were not changed) for the convenience of readers and to improve clarity.

NMFS has broad authority to issue regulations to implement the DPCIA, including specifically the authority to establish a domestic tracking and verification program to track tuna labeled dolphin-safe, and to adjust such regulations as appropriate to implement an international tracking and verification program (16 U.S.C. 1385(f)). Among other things, this rule is expected to better ensure that consumers are more easily able to determine the veracity of dolphin-safe labels on tuna products they purchase, in accordance with the findings of the DPCIA (16 U.S.C. 1385(b)).

Classification

The NMFS Assistant Administrator has determined that this interim final rule is consistent with the DPCIA and other applicable laws.

Administrative Procedure Act

NOAA finds good cause to issue this interim final rule without advance notice in a proposed rule or the opportunity for public comment, and to make the rule effective immediately without providing a 30-day delay, because the limited time available to the United States to come into compliance with its WTO obligations makes advance notice and comment or delaying the effectiveness contrary to the public interest. Specifically, any delay in the effective date of the rule would delay the federal government's ability to have the United States come into compliance with its WTO obligations. Furthermore, any delay may adversely affect U.S. trade as well as the federal government's ability to respond to Mexico's request for authorization to suspend the application to the United States of WTO concessions or other obligations, which could result in Mexico taking action that adversely affects U.S. interests (*e.g.,* increasing tariffs on U.S. goods). However, NMFS will consider public comments on this interim final rule and issue a final rule.

Executive Order 12866

This interim final rule has been determined to be not significant for purposes of Executive Order 12866.

Paperwork Reduction Act (PRA)

This interim final rule contains two new collection-of-information requirements subject to PRA under control numbers 0648–0335 and 0648–0387. These requirements have been approved by the Office of Management and Budget (OMB). There is no additional public reporting burden for OMB control number 0648–0335, titled ''Fisheries Certificate of Origin,'' as collection of an FCO and/or a captain's certification are already required to be submitted to NMFS. The additional public reporting burden under OMB control number 0648–0387, titled

''International Dolphin Conservation Program,'' is estimated to average 30 minutes per response for chain of custody recordkeeping, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. NMFS will ensure compliance with PRA requirements before requiring new observer certifications that might be triggered by a determination of the Assistant Administrator under sections 216.91(a)(3)(v) and (a)(5)(ii) of this interim final rule.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 216

Commercial fisheries, Food labeling, Imports, Marine mammals, Reporting and recordkeeping requirements, Seafood.

Dated: March 17, 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 216 is amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Subpart H—Dolphin Safe Tuna Labeling

■ 1. The authority citation for 50 CFR part 216, subpart H, continues to read as follows:

Authority: 16 U.S.C. 1385.

■ 2. Section 216.91 is revised to read as follows:

§ 216.91 Dolphin-safe labeling standards.

(a) It is a violation of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer, importer, exporter, wholesaler/distributor, or seller of any tuna products that are exported from or offered for sale in the United States to include on the label of those products the term ''dolphin-safe'' or any other term or symbol that claims or suggests that the tuna contained in the products were harvested using a method of fishing that is not harmful to dolphins if the products contain tuna harvested:

(1) *ETP large purse seine vessel.* In the ETP by a purse seine vessel of greater than 400 st (362.8 mt) carrying capacity unless:

(i) The documentation requirements for dolphin-safe tuna under §§ 216.92 and 216.93 are met;

(ii) No dolphins were killed or seriously injured during the sets in which the tuna were caught; and

(iii) None of the tuna were caught on a trip using a purse seine net intentionally deployed on or to encircle dolphins, provided that this paragraph (a)(1)(iii) will not apply if the Assistant Administrator publishes a notification in the **Federal Register** announcing a finding under 16 U.S.C. 1385(g)(2) that the intentional deployment of purse seine nets on or encirclement of dolphins is not having a significant adverse impact on any depleted stock.

(2) *Driftnet.* By a vessel engaged in large-scale driftnet fishing; or

(3) *Other fisheries.* By a vessel in a fishery other than one described in paragraph (a)(1) or (2) of this section unless such product is accompanied as described in § 216.93(d), (e), or (f), as appropriate, by:

(i) For tuna caught in a purse seine fishery outside the ETP by a vessel on a fishing trip that began before July 13, 2013, a written statement executed by the Captain of the vessel certifying that no purse seine net was intentionally deployed on or used to encircle dolphins during the particular trip on which the tuna was harvested.

(ii) For tuna caught by a vessel on a fishing trip that began on or after July 13, 2013, a written statement executed by the Captain of the vessel certifying:

(A) For a purse seine vessel outside the ETP, that no purse seine net was intentionally deployed on or used to encircle dolphins during the fishing trip in which the tuna were caught, and that no dolphins were killed or seriously injured in the sets in which the tuna were caught;

(B) For a vessel other than one described in paragraph (a)(3)(ii)(A) of this section, that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught.

(iii) [Reserved]

(iv) For tuna caught in a fishery where the Assistant Administrator has determined that observers participating in a national or international observer program are qualified and authorized to issue observer statements for purposes of the dolphin-safe labeling program, and where such an observer is on board the vessel, a written statement executed by the observer, or by an authorized representative of a nation participating in the observer program based on information from the observer. Any determination by the Assistant Administrator shall be announced in a notice published in the **Federal Register**. Determinations under this paragraph (a)(3)(iv) will also be publicized on the Web site of the NMFS Tuna Tracking and Verification Program (*http://www.nnmfs.noaa.gov/pr/dolphinsafe*). The written statement shall certify:

(A) That no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught; and,

(B) In purse seine fisheries, that no purse seine net was intentionally deployed on or used to encircle dolphins during the trip on which the tuna were caught.

(v) For tuna caught in a fishery in which the Assistant Administrator has determined that either a regular and significant association between dolphins and tuna (similar to the association between dolphins and tuna in the ETP) or a regular and significant mortality or serious injury of dolphins is occurring, a written statement, executed by the Captain of the vessel and an observer participating in a national or international program acceptable to the Assistant Administrator, unless the Assistant Administrator determines an observer statement is unnecessary. Determinations under this paragraph (a)(3)(v) will also be publicized on the Web site of the NMFS Tuna Tracking and Verification Program (*http://www.nmfs.noaa.gov/pr/dolphinsafe*). The written statement shall certify that:

(A) No fishing gear was intentionally deployed on or used to encircle dolphins during the trip on which the tuna were caught;

(B) No dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught; and

(C) Any relevant requirements of paragraph (a)(4) of this section were complied with during the trip on which the tuna were caught.

(4) *Other fisheries—segregation.* In a fishery other than one described in paragraph (a)(1) or (2) of this section on a fishing trip that began on or after July 13, 2013 unless the tuna caught in sets or gear deployments designated as dolphin-safe was stored physically separate from tuna caught in a non-dolphin-safe set or other gear deployment by the use of netting, other material, or separate storage areas from the time of capture through unloading. If tuna caught in a set or other gear deployment where a dolphin was killed

or seriously injured is not stored physically separate from dolphin-safe tuna as stated in § 216.93(c)(2)(i) or (c)(3)(i), as applicable, all tuna inside the storage well or other storage location shall be considered non-dolphin-safe.

(5) [Reserved]

(b) It is a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to willingly and knowingly use a label referred to in this section in a campaign or effort to mislead or deceive consumers about the level of protection afforded dolphins under the IDCP.

(c) A tuna product that is labeled with the official mark, described in § 216.95, may not be labeled with any other label or mark that refers to dolphins, porpoises, or marine mammals.

■ 2. Effective May 21, 2016, § 216.91 is further amended by:

■ a. Revising the introductory text of paragraph (a)(3)(ii); and

■ b. Adding paragraphs (a)(3)(iii) and (a)(5).

The additions read as follows:

§ 216.91 Dolphin-safe labeling standards.

(a) * * *

(3) * * *

(ii) For tuna caught by a vessel on a fishing trip that began on or after July 13, 2013, and before May 21, 2016, a written statement executed by the Captain of the vessel certifying:

* * * * *

(iii) For tuna caught by a vessel on a fishing trip that began on or after May 21, 2016, a written statement executed by the Captain of the vessel certifying that:

(A) No purse seine net or other fishing gear was intentionally deployed on or used to encircle dolphins during the fishing trip in which the tuna were caught, and that no dolphins were killed or seriously injured in the sets or other gear deployments in which the tuna were caught; and

(B) The Captain of the vessel has completed the NMFS Tuna Tracking and Verification Program dolphin-safe captain's training course. The NMFS Tuna Tracking and Verification Program dolphin-safe captain's training course is available on the Web site of the NMFS Tuna Tracking and Verification Program at *http://www.nmfs.noaa.gov/pr/dolphinsafe.*

* * * * *

(5) *Other fisheries—chain of custody recordkeeping.* By a vessel in a fishery other than one described in paragraph (a)(1) or (2) of this section unless:

(i) For tuna designated dolphin-safe that was harvested on a fishing trip that began on or after May 21, 2016, in addition to any other applicable requirements:

(A) The importer of record or U.S. processor of tuna or tuna products, as applicable, maintains information on the complete chain of custody, including storage facilities, transshippers, processors, re-processors, and wholesalers/distributors to enable dolphin-safe tuna to be distinguished from non-dolphin-safe tuna from the time it is caught to the time it is ready for retail sale;

(B) The importer of record or the U.S. processor, as appropriate, ensures that information is readily available to NMFS upon request to allow it to trace any non-dolphin-safe tuna loaded onto the vessel back to one or more storage wells or other storage locations for a particular fishing trip and to show that such non-dolphin-safe tuna was kept physically separate from dolphin-safe tuna through unloading.

(ii) For tuna designated dolphin-safe that was harvested in a fishery about which the Assistant Administrator made a determination under paragraph (a)(3)(v) of this section, and harvested on a fishing trip that begins on or after 60 days after the date of the **Federal Register** notice of that determination, the tuna or tuna products are accompanied by valid documentation signed by a representative of the vessel flag nation or the processing nation (if processed in another nation) certifying that:

(A) The catch documentation is correct;

(B) The tuna or tuna products meet the dolphin-safe labeling standards under this section; and

(C) The chain of custody information is correct.

(iii) The information referred to in paragraphs (a)(5)(i) and (ii) of this section is maintained at the place of business of the importer of record or the U.S. processor, as applicable, for a period of 2 years from the date of the import or receipt, and be made available to NMFS for inspection upon request.

* * * * *

[FR Doc. 2016–06450 Filed 3–22–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 56
Wednesday, March 23, 2016

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–FV–15–0074; FV16–985–1 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2016–2017 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle on behalf of, producers during the 2016–2017 marketing year, which begins on June 1, 2016. The Far West production area includes the states of Washington, Idaho, and Oregon, and designated parts of Nevada and Utah. This rulemaking would establish salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil of 958,711 pounds and 45 percent, respectively, and for Class 3 (Native) spearmint oil of 1,209,546 pounds and 50 percent, respectively. The Committee locally administers the marketing order for spearmint oil produced in the Far West and recommended these salable quantities and allotment percentages to help maintain stability in the spearmint oil market.

DATES: Comments must be received by April 7, 2016.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. 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: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal 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 public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Dale Novotny, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *DaleJ.Novotny@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Antoinette.Carter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13563, and 13175.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. Under the order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2016–2017 marketing year, which begins on June 1, 2016.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Committee meets annually in the fall to adopt a marketing policy for the ensuing marketing year or years. In determining such marketing policy, the Committee considers a number of factors, including, but not limited to, the current and projected supply, estimated future demand, production costs, and producer prices for all classes of spearmint oil. Input from spearmint oil handlers and producers regarding prospective marketing conditions for the upcoming year is considered as well.

If the Committee's marketing policy considerations indicate a need for limiting the quantity of any or all classes of spearmint oil marketed, the Committee subsequently recommends to USDA the establishment of a salable quantity and allotment percentage for such class or classes of oil in the forthcoming marketing year. Recommendations for volume control are intended to ensure that market requirements for Far West spearmint oil are satisfied and orderly marketing conditions are maintained.

The salable quantity represents the total amount of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during the marketing year. The allotment percentage is the percentage used to calculate each producer's prorated share

of the salable quantity. It is derived by dividing the salable quantity for each class of spearmint oil by the total of all producers' allotment bases for the same class of oil. Each producer's annual allotment of salable spearmint oil is calculated by multiplying their respective total allotment base by the allotment percentage for each class of spearmint oil. A producer's allotment base is their quantified share of the spearmint oil market based on a statistical representation of past spearmint oil production, with accommodation for reasonable, normal adjustments to such base as prescribed by the Committee and approved by USDA.

Salable quantities and allotment percentages are established at levels intended to fulfill market requirements and to maintain orderly marketing conditions. Committee recommendations for volume control are made well in advance of the period in which the regulations are to be effective, thereby allowing producers the chance to adjust their production decisions accordingly.

Pursuant to authority in §§ 985.50, 985.51, and 985.52 of the order, the full eight-member Committee met on October 21, 2015, and recommended salable quantities and allotment percentages for both classes of oil for the 2016–2017 marketing year. By a vote of 6–1, the Committee recommended the establishment of a salable quantity and allotment percentage for Scotch spearmint oil of 958,711 pounds and 45 percent, respectively. With a unanimous vote, the Committee recommended the establishment of a salable quantity and allotment percentage for Native spearmint oil of 1,209,546 pounds and 50 percent, respectively. One Committee member did not vote in either motion.

This action would set the amount of Scotch and Native spearmint oil that handlers may purchase from, or handle on behalf of, producers during the 2016–2017 marketing year, which begins on June 1, 2016. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

Class 1 (Scotch) Spearmint Oil

As noted above, the Committee recommended a salable quantity of Scotch spearmint oil of 958,711 pounds and an allotment percentage of 45 percent for the upcoming 2016–2017 marketing year. Motions for allotments of 41, 43, 46, 47, and 48 percent were made by members during the meeting but were ultimately not carried due to insufficient votes or a lack of seconding by other Committee members. To arrive at these recommendations, the Committee utilized 2016–2017 sales estimates for Scotch spearmint oil, as provided by several of the industry's handlers, historical and current Scotch spearmint oil production, inventory statistics, and international market data obtained from consultants for the spearmint oil industry.

Trade demand for Far West Scotch spearmint oil is expected to decrease from the 1,000,000 pounds anticipated in the 2015–2016 marketing year to 900,000 pounds in 2016–2017. Industry reports indicate that the decreased trade demand estimate is the result of decreased consumer demand for spearmint flavored products, especially chewing gum in China and India, as fruit flavors are becoming preferential to consumers. Strong, recovering production of spearmint oil in competing markets, most notably Canada, has also factored into the Committee's assessment of the market.

Production of Far West Scotch spearmint oil increased from 1,093,740 pounds in 2014 to an estimated 1,229,258 pounds for 2015. This increase in production, along with a simultaneous decrease in the demand estimate for the forthcoming 2016–2017 marketing year, is consistent with the Committee's desire to bolster the Scotch spearmint oil salable inventory to ensure that the market is fully supplied. With the reserve pool of Scotch spearmint oil nearly exhausted, salable carry-in would be the only cushion to any unanticipated supply shocks that may affect the industry.

The Committee estimates that there will be 233,752 pounds of salable carry-in of Scotch spearmint oil on June 1, 2016. This figure, which is the primary measure of excess supply, would be up dramatically from the 4,494 pounds carried-in the previous year on June 1, 2015. The Committee further estimates that salable carry-in will grow to 292,463 pounds at the beginning of the 2017–2018 marketing year, if current market conditions and projections are maintained. This anticipated level of carry-in would be above the quantity that the Committee considers favorable (generally 150,000 pounds). However, without any Scotch spearmint oil in the reserve pool, the Committee believes that this higher salable carry-in is manageable.

The 2016–2017 Scotch spearmint oil salable quantity of 958,711 pounds recommended by the Committee represents a decrease of 306,914 pounds from the salable quantity established the previous marketing year (1,265,625 pounds). Of the total salable quantity established for the 2015–2016 marketing year, the Committee believes that 36,367 pounds of annual allotment will go unfilled as a result of producers who did not produce their entire annual allotment and who do not have any Scotch spearmint oil in the reserve pool to fill the deficiency. Therefore, the Committee estimates the total available supply for the 2015–2016 marketing year to be just 1,233,752 pounds (4,494 pounds of carry-in plus 1,265,625 pounds of salable quantity less the 36,367 pounds of unused annual allotment).

The Committee estimates the 2015–2016 marketing year trade demand for Scotch spearmint oil at 1,000,000 pounds. When considered in conjunction with the 2015–2016 marketing year total available supply, the Committee expects that there will be 233,752 pounds of available carry-in of Scotch spearmint oil on June 1, 2016. That carry-in, when combined with the recommended 2016–2017 marketing year salable quantity of 958,711 pounds, would result in a total supply of 1,192,463 pounds of Scotch spearmint oil for the 2016–2017 marketing year. This quantity is expected to fully satisfy estimated market demand of 900,000 pounds.

The Committee's stated intent in the use of marketing order volume control regulations for Scotch spearmint oil is to keep adequate supplies available to meet market needs and maintain orderly marketing conditions. The recommended salable quantity of Scotch spearmint oil for the upcoming marketing year is less than the 1,265,853 pound salable quantity established for the previous year. Even so, the Committee expects that the market will be fully supplied for the 2016–2017 marketing year. In addition, the Committee expects that Scotch spearmint oil inventories will be replenished after being completely exhausted in the course of the 2013–2014 marketing year.

The Committee believes that the recommended salable quantity would adequately meet demand, as well as result in a larger carry-in for the following year. The Committee developed its recommendation for the proposed Scotch spearmint oil salable quantity and allotment percentage for the 2016–2017 marketing year based on the information discussed above, as well as the computational data outlined below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2016: 233,752 pounds.* This figure is the difference between the revised 2015–2016 marketing year total available supply of 1,233,752 pounds and the estimated

2015–2016 marketing year trade demand of 1,000,000 pounds.

(B) *Estimated trade demand of Scotch spearmint oil for the 2016–2017 marketing year: 900,000 pounds.* This estimate was established by the Committee and is based on input from producers at Scotch spearmint oil production area meetings held in mid-October 2015, as well as estimates provided by handlers and other meeting participants at the October 21, 2015 meeting. The average estimated trade demand derived from the six production area producer meetings was 1,027,666 pounds, which is 6,084 pounds less than the average of trade demand estimates submitted by handlers. Far West Scotch spearmint oil sales have averaged 1,023,729 pounds per year over the last three years, and 954,578 pounds over the last five years. Given the anticipated market conditions for the coming year, the Committee decided it was prudent to anticipate the lower trade demand at 900,000 pounds. Should the initially established volume control levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases, as were undertaken in the 2014–2015 marketing year, and several other previous marketing years.

(C) *Salable quantity of Scotch spearmint oil required from the 2016–2017 marketing year production: 666,248 pounds.* This figure is the difference between the estimated 2016–2017 marketing year trade demand (900,000 pounds) and the estimated carry-in on June 1, 2016 (233,752 pounds). This salable quantity represents the minimum amount of Scotch spearmint oil that may be needed to satisfy estimated demand for the coming year.

(D) *Total estimated allotment base of Scotch spearmint oil for the 2016–2017 marketing year: 2,130,469 pounds.* This figure represents a one-percent increase over the revised 2015–2016 total allotment base of 2,109,375 pounds as prescribed by the order under § 985.53(d)(1). The one-percent increase equals 21,094 pounds of Scotch spearmint oil. This total estimated allotment base is generally revised each year on June 1 due to producer base being lost because of the bona fide effort production provisions of § 985.53(e). The adjustment is usually minimal.

(E) *Computed Scotch spearmint oil allotment percentage for the 2016–2017 marketing year: 31.3 percent.* This percentage is computed by dividing the minimum required salable quantity (666,248 pounds) by the total estimated allotment base (2,130,469 pounds).

(F) *Recommended Scotch spearmint oil allotment percentage for the 2016–2017 marketing year: 45 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (31.3 percent), and input from producers and handlers at the October 21, 2015 meeting. The recommended 45 percent allotment percentage reflects the Committee's belief that the computed percentage (31.3 percent) may not adequately supply the potential 2016–2017 Scotch spearmint oil market demand.

(G) *Recommended Scotch spearmint oil salable quantity for the 2016–2017 marketing year: 958,711 pounds.* This figure is the product of the recommended salable allotment percentage (45 percent) and the total estimated allotment base (2,130,469 pounds) for the 2016–2017 marketing year.

(H) *Estimated total available supply of Scotch spearmint oil for the 2016–2017 marketing year: 1,192,463 pounds.* This figure is the sum of the 2016–2017 recommended salable quantity (958,711 pounds) and the estimated carry-in on June 1, 2016 (233,752 pounds).

Class 3 (Native) Spearmint Oil

The Committee also recommended a 2016–2017 Native spearmint oil salable quantity of 1,209,546 pounds and an allotment percentage of 50 percent at the October 21, 2015, meeting. These figures represent a decrease of 131,723 pounds and 5 percent, respectively, from the previous marketing year. To formulate this recommendation, the Committee utilized Native spearmint oil sales estimates for the 2016–2017 marketing year, as provided by several of the industry's handlers, as well as historical and current Native spearmint oil market statistics.

The Committee estimates that there will be 609,603 pounds of Native spearmint oil in the reserve pool on June 1, 2016. This figure, which is the excess Native spearmint oil production held in reserve by producers, is up from the previous industry peak of 606,942 pounds on June 1, 2011. That estimate is 163,765 pounds higher than the previous year reserve pool level. Reserve pool levels of Native spearmint oil had been slowly moving toward the level that the Committee believes is optimal for the industry prior to the spike that is expected for the 2015–2016 marketing year. The increase in Native spearmint oil held in reserve is the direct result of greatly increased production and only moderately increased industry trade demand.

Far West Native spearmint oil production was 1,274,926 pounds in 2014, but jumped to 1,510,936 pounds in 2015, an 18.5 percent increase in just one year. In contrast, sales of Native spearmint oil have only been growing at around a 3 percent rate over the past five years. The Committee hopes that Native spearmint oil reserve pool inventory will reverse its current trend over the course of the 2016–2017 marketing year and begin to decrease to levels that are deemed optimal for the industry as producers curtail excess production and utilize their reserve pool stock to fill some of their annual allotments.

As mentioned previously, Committee statistics indicate that demand for Far West Native spearmint oil has been slightly increasing in recent years, peaking at 1,390,984 pounds for the full 2014–2015 marketing year, the most recent full marketing year recorded. In addition, recorded sales for June through October of 2015 are running ahead of the same period last year. This trend is expected to continue even as imports of spearmint oil are also rising. Canada has more than doubled shipments of spearmint oil into the U.S. market from 2014 to 2015, and Chinese shipments are up 14 percent over the same period.

The one exception in imports, India, has reduced shipments during the last year. Recent reports used by the Committee indicate that spearmint oil produced in India is improving in quality, yet decreasing in acreage. Indian spearmint oil is increasingly regarded as an alternative to high quality, Far West Native spearmint oil, but production problems have limited importation into the U.S. market. As a result, imports from India, while still in demand, decreased in the past year. However, spearmint oil from India may return as a major threat to the Far West Native spearmint oil industry's domestic market share in the future.

During a recent tour of U.S. end-user companies, the chairperson and Committee staff received input that indicated sales of mint products both domestically and abroad have slowed down. This is largely the result of slowing economies in Europe and Asia. End-users also felt the inventories of Native spearmint oil that they currently have on hand are adequate for the time being. The end-users did indicate that they intend to continue to rely on Far West production as their main source of high quality Native spearmint oil, but such demand may be at lower quantities moving forward in response to current market factors.

As such, spearmint oil handlers, who regularly help predict trade demand for Far West Native spearmint oil, estimate

demand to range between 1,000,000 and 1,400,000 pounds (with a weighted average of 1,350,000 pounds) for the upcoming 2016–2017 marketing year. The Committee used the handlers input when it established the estimated 2016–2017 marketing year Native spearmint oil trade demand of 1,275,000 pounds. The estimated carry-in of 142,657 pounds of Native spearmint oil on June 1, 2016, in conjunction with the Committee recommended salable quantity of 1,209,546 pounds, would result in an estimated total available supply of 1,352,203 pounds of Native spearmint oil during the 2016–2017 marketing year. The Committee expects that 77,203 pounds of salable Native spearmint oil will be carried into the 2017–2018 marketing year, a reduction of 65,454 pounds.

Carry-in spearmint oil is distinct from reserve pool spearmint oil and represents the amount of salable spearmint oil produced, but not marketed, in a previous year or years, but is available for sale in the current year under a previous year's annual allotment. It is the primary measure of excess spearmint oil supply under the order as it represents overproduction in prior years that is currently available to the market without restriction. Reserve pool oil, on the other hand, represents the amount of excess spearmint oil production held off the market under marketing order provisions and can only be marketed under certain conditions.

The Committee's stated intent in the use of marketing order volume control regulations for Native spearmint oil is to keep adequate supplies available to meet market needs while maintaining orderly marketing conditions. With that in mind, the Committee developed its recommendation for the proposed Native spearmint oil salable quantity and allotment percentage for the 2016–2017 marketing year based on the information discussed above, as well as the data outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2016: 142,657 pounds.* This figure is the difference between the revised 2015–2016 marketing year total available supply of 1,465,990 pounds and the estimated 2015–2016 marketing year trade demand of 1,323,333 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2016–2017 marketing year: 1,275,000 pounds.* This estimate was established by the Committee and is based on input from producers at six Native spearmint oil production area meetings held in mid-October 2015, as well as estimates provided by handlers and other meeting participants at the October 21, 2015, meeting. This figure represents a decrease of 31,500 pounds from the previous year's estimate. The average estimated trade demand for Native spearmint oil from the six production area meetings was 1,323,333 pounds, whereas the handlers' estimates ranged from 1,000,000 to 1,400,000 pounds. The average of Far West Native spearmint oil sales over the last three years is 1,340,045 pounds. The Committee chose to be conservative in the establishment of its trade demand estimate to avoid oversupplying the market in the face of increasing production.

(C) *Salable quantity of Native spearmint oil needed from the 2016–2017 marketing year production: 1,132,343 pounds.* This figure is the difference between the estimated 2016–2017 marketing year estimated trade demand (1,275,000 pounds) and the estimated carry-in on June 1, 2016 (142,657 pounds). This is the minimum amount of Native spearmint oil that the Committee believes would be required to meet the anticipated 2016–2017 marketing year trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2016–2017 marketing year: 2,419,091 pounds.* This figure represents a one-percent increase over the revised 2015–2016 total allotment base of 2,395,140 pounds as prescribed by the order in § 985.53(d)(1). The one-percent increase equals 23,951 pounds of Native spearmint oil. This estimate is generally revised each year on June 1 due to producer base being lost because of the bona fide effort production provisions of § 985.53(e). The revision is usually minimal.

(E) *Computed Native spearmint oil allotment percentage for the 2016–2017 marketing year: 46.8 percent.* This percentage is calculated by dividing the required salable quantity (1,132,343 pounds) by the total estimated allotment base (2,419,091 pounds) for the 2016–2017 marketing year.

(F) *Recommended Native spearmint oil allotment percentage for the 2016–2017 marketing year: 50 percent.* This is the Committee's recommendation based on the computed allotment percentage (46.8 percent), the average of the computed allotment percentage figures from the six production area meetings (47.3 percent), and input from producers and handlers at the October 21, 2015, meeting. The recommended 50 percent allotment percentage is also based on the Committee's belief that the computed percentage (46.8 percent) may not adequately supply the potential market for Native spearmint oil in the 2016–2017 marketing year.

(G) *Recommended Native spearmint oil 2016–2017 marketing year salable quantity: 1,209,546 pounds.* This figure is the product of the recommended allotment percentage (50 percent) and the total estimated allotment base (2,419,091 pounds).

(H) *Estimated available supply of Native spearmint oil for the 2016–2017 marketing year: 1,352,203 pounds.* This figure is the sum of the 2016–2017 recommended salable quantity (1,209,546 pounds) and the estimated carry-in on June 1, 2016 (142,657 pounds).

The salable quantity is the total quantity of each class of spearmint oil that handlers may purchase from, or handle on behalf of, producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 958,711 pounds and 45 percent, and 1,209,546 pounds and 50 percent, respectively, are based on the goal of maintaining market stability. The Committee anticipates that this goal would be achieved by matching the available supply of each class of spearmint oil to the estimated demand of each, thus avoiding extreme fluctuations in inventories and prices.

The salable quantities proposed in this rule are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity. The order contains a provision in § 985.51 for intra-seasonal increases to allow the Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, on December 1 of each year, producers that have not transferred their excess spearmint oil to other producers must place their excess spearmint oil production into the reserve pool to be released in the future in accordance with market needs and under the Committee's direction.

This proposed regulation, if adopted, would be similar to regulations issued in prior seasons. The average initial allotment percentage for the five most recent marketing years for Scotch spearmint oil is 50.4 percent, while the

average initial allotment percentage in the same five-year period for Native spearmint oil is 51.4 percent.

Costs to producers and handlers resulting from this rule are expected to be offset by the benefits derived from a more stable market and increased returns. In conjunction with the issuance of this proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2016–2017 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, fully meets the intent of §§ 985.50 985.51 of the order.

During its discussion of potential 2016–2017 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with USDA's ''Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders'' (*http://www.ams.usda.gov/publications/content/1982-guidelines-fruit-vegetable-marketing-orders*) has also been reviewed and confirmed.

The establishment of the proposed salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil that should be produced for the 2016–2017 season in order to meet anticipated market demand.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are eight spearmint oil handlers subject to regulation under the order, approximately 38 producers of Scotch spearmint oil, and approximately 92 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Based on the SBA's definition of small entities, the Committee estimates that two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 12 of the 38 Scotch spearmint oil producers, and 28 of the 92 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. A typical spearmint oil producing operation has enough acreage for rotation such that the total acreage required to produce the crop is about one-third spearmint and two-thirds rotational crops. Thus, the typical spearmint oil producer has to have considerably more acreage than is planted to spearmint during any given season. Crop rotation is an essential cultural practice in the production of spearmint oil for purposes of weed, insect, and disease control. To remain economically viable with the added costs associated with spearmint oil production, a majority of spearmint oil producing farms fall into the SBA category of large businesses.

Small spearmint oil producers generally are not as extensively diversified as larger ones and, as such, are more at risk from market fluctuations. Such small producers generally need to market their entire annual production of spearmint oil and are not financially able to hold spearmint oil for sale in future years. In addition, small producers generally do not have a large assortment of other crops to cushion seasons with poor spearmint oil returns.

Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because income from alternate crops could support their operation for a period of time. Reasonable assurance of a stable price and market provides all producing entities with the ability to maintain proper cash flow and to meet annual expenses. The benefits for this rule are expected to be equally available to all producers and handlers regardless of their size.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2016–2017 marketing year. The Committee recommended this rulemaking to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulations allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this action is provided in §§ 985.50, 985.51, and 985.52 of the order.

Instability in the spearmint oil sub-sector of the mint industry is much more likely to originate on the supply side than the demand side. Fluctuations in yield and acreage planted from season-to-season tend to be larger than fluctuations in the amount purchased by handlers. Historically, demand for spearmint oil tends to change slowly from year to year.

Demand for spearmint oil at the farm level is derived from retail demand for spearmint-flavored products such as chewing gum, toothpaste, and mouthwash. The manufacturers of these products are by far the largest users of spearmint oil. However, spearmint flavoring is generally a very minor component of the products in which it is used, so changes in the raw product price have little impact on the retail prices for those goods.

In 2013, 2014, and 2015, the Committee set salable percentages at levels that resulted in most, if not all, of the spearmint oil production being made available to the market. This was in response to the increased demand for spearmint oil from the Far West due to

increased utilization by end-users and the reduced supply of spearmint oil coming from other production areas, both domestic and foreign.

Although there is still strong demand for spearmint oil, competing areas (mainly Canada) have experienced better than expected production in 2015 and will create some marketing pressure for spearmint oil from the Far West. In addition, the slowing of international markets for spearmint flavored products has negatively impacted the demand for domestically produced spearmint oil. Thus, the lower salable quantities and allotment percentages recommended by the Committee for the 2016–2017 marketing year are intended to be responsive to the changing environment of the spearmint oil market.

In the late 1990's, the Committee recommended higher than normal salable percentages in hopes of gaining market share. This approach did not work, and in the following years the salable percentage was reduced in order to work through the excess spearmint oil production and resulting build-up of inventory. In order to avoid a similar scenario moving forward, the Committee, relying heavily on the information provided to them by spearmint oil handlers during the October 21, 2015, meeting, ultimately recommended reducing the 2016–2017 marketing year salable percentages from the previous year to better align the available supply with market demand. The Committee reported that recent producer prices for spearmint oil are $18.00 to $20.00 per pound.

Spearmint oil production tends to be cyclical. Prior to the inception of the marketing order in 1980, extreme variability in producer prices was common. For example, the season average producer price for Washington Native spearmint oil in 1971 was $3.00 per pound. By 1975, the producer price had risen to $11.00 per pound, an increase of over 260% in just four years. Such fluctuations were not unusual in the spearmint oil industry in the years leading up to the promulgation of the order. For most producers, this was an untenable situation. Years of relatively high spearmint oil production, with demand remaining relatively stable, led to periods in which large producer stocks of unsold spearmint oil depressed producer prices. Shortages and high prices followed in subsequent years, as producers responded to price signals by cutting back production.

After establishment of the order, the supply and price variability in the spearmint oil market moderated. During the 20-year period from 1987 to 2006, the season average producer price for Native spearmint oil ranged from a high of $11.10 to a low $9.10 per pound, or a difference of 22 percent. No change in producer price from one year to the next during this period was more than $1.00 per pound. This is a remarkable record of price stability. From 2006 to 2008, prices jumped by $3.80 per pound as contracts tied to input costs were prevalent in the industry. During this time period, prices for fuel, fertilizer, and labor increased dramatically, resulting in higher contracted producer prices, and a resulting concurrent increase in the overall season average producer price for the industry.

The significant variability of the spearmint oil market is illustrated by the fact that the coefficient of variation (a standard measure of variability; ''CV'') of Far West spearmint oil producer prices for the period 1980–2014 (when the marketing order was in effect) is 0.23, compared to 0.36 for the decade prior to the promulgation of the order (1970–79) and 0.49 for the prior 20-year period (1960–79). The coefficient of variation, as presented herein, was calculated by USDA from information provided by the Committee and the National Agricultural Statistics Service. This analysis provides an indication of the price stabilizing impact of the marketing order as higher CV values correspond to greater variability.

According to information compiled by the Committee, production in the shortest marketing year since the establishment of the order was about 47 percent of the 34-year average (1.92 million pounds from 1980 through 2014) and the largest crop was approximately 160 percent of the 34-year average. A key consequence is that, in years of oversupply and low prices, the season average producer price of spearmint oil is below the average cost of production (as measured by the Washington State University Cooperative Extension Service).

The wide fluctuations in supply and prices that result from the cyclical nature of the spearmint oil industry, which were even more pronounced before the creation of the order, can create liquidity problems for some producers. The order was designed to reduce the price impacts of the cyclical swings in production. However, producers have been less able to weather these cycles in recent years because of increases to production costs. While prices for spearmint oil have been relatively steady, the cost of production has increased to the extent that plans to plant spearmint may be postponed or vacated indefinitely. Producers may also be enticed by the prices of alternative crops and their lower cost of production.

In an effort to stabilize prices, the spearmint oil industry uses the volume control mechanisms authorized under the order. This authority allows the Committee to recommend a salable quantity and allotment percentage for each class of oil for the upcoming marketing year. The salable quantity for each class of oil is the total volume of oil that producers may sell during the marketing year. The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total allotment base.

Each producer is then issued an annual allotment certificate, in pounds, for the applicable class of oil. This is calculated by multiplying the producer's allotment base by the applicable allotment percentage. This is the amount of oil of each applicable class that the producer can market.

By December 1 of each year, the Committee identifies any oil that individual producers have produced above the volume specified on their annual allotment certificates. Prior to December 1, such excess oil can be transferred to another producer to fill a deficiency in that producer's annual allotment as provided for in § 985.156(a).

The order allows limited quantities of excess oil to be sold by one producer to another producer to fill production deficiencies during a marketing year. A deficiency occurs when on-farm production is less than a producer's annual allotment. When a producer has a deficiency, the producer's own reserve oil can be utilized to fill that deficiency, or excess production (production of spearmint oil in excess of the producer's annual allotment) from another producer may also be secured to fill the deficiency. As mentioned previously, all of these provisions need to be exercised prior to December 1 of each year.

Excess spearmint oil not transferred to another producer to fill a deficiency is held in storage and, on December 1, is added to the reserve pool administered by the Committee pursuant to § 985.157. The Committee maintains the reserve pool for each class of spearmint oil. Once spearmint oil is placed in the reserve pool, such spearmint oil cannot enter the market during that marketing year unless USDA approves a Committee recommendation to increase the salable quantity and allotment percentage for a certain class of oil, subsequently making a portion of the reserve pool of that class of spearmint oil available to the market. Without an increase in the salable quantity and allotment percentage, spearmint oil

placed in the reserve pool cannot be removed from the reserve pool and marketed in the marketing year in which it is initially placed in the reserve pool. However, producers may dispose of reserve spearmint oil from their own production, and held in their own account, under certain provisions in subsequent marketing years under the supervision of the Committee.

While the Committee administers the reserve pool of spearmint oil, ownership and physical possession of spearmint oil held in reserve does not transfer to the Committee. The Committee accounts for, and controls the release of, reserve spearmint oil, but does not take title to, or dispose of, any such oil of its own accord. Producers, at their sole discretion, make the decisions regarding the disposition of oil held in the reserve pool under any one of three possible mechanisms. First, producers may utilize reserve oil from their own production to fill intra-seasonal increases in the allotment percentage and salable quantity. Second, producers may fill an ensuing year's annual allotment from spearmint oil held in the reserve pool. Lastly, producers may exchange salable oil of the same class and quantity of reserve oil from their own production to rotate stock, so long as the Committee is properly notified and the oil is properly identified.

In any given year, the total available supply of spearmint oil is composed of current production plus salable carryover stocks from the previous crop. The Committee seeks to maintain market stability by balancing supply and demand, and to close the marketing year with an appropriate level of salable spearmint oil to carry over into the subsequent marketing year. If the industry has production in excess of the salable quantity, the reserve pool absorbs the surplus quantity of spearmint oil, thereby withholding it from the market, unless such oil is needed to fill unanticipated intra-seasonal increases in demand. In this way, excess spearmint oil is not allowed to oversupply the market and create price instability. Likewise, if production is insufficient in any given year to fully supply the market with spearmint oil, the reserve pool oil can be released to satisfy the market demand until production can be increased.

Therefore, under its provisions, the order may attempt to stabilize prices by (1) limiting supply and establishing reserves in high production years, thus minimizing the price-depressing effect that excess producer stocks have on unsold spearmint oil, and (2) ensuring that stocks are available in short supply years when prices would otherwise increase dramatically. Reserve pool stocks, which increase in high production years, are drawn down in years where the crop is short.

An econometric model generated by USDA was used to assess the impact that volume control has on the prices producers receive for their commodity. Without volume control, spearmint oil markets would likely be over-supplied. This could result in low producer prices and a large volume of oil stored and carried over to the next crop year. The model estimates how much lower producer prices would likely be in the absence of volume controls.

The Committee estimated trade demand for the 2016–2017 marketing year for both classes of oil at 2,175,000 pounds, and that the expected combined salable carry-in will be 376,409 pounds. This results in a combined required salable quantity of 1,798,591 pounds (2,175,000 pounds of trade demand less 376,409 pounds of carry-in). Under volume control, total sales of spearmint oil by producers for the 2016–2017 marketing year would be limited to 2,544,666 pounds (the recommended salable quantity for both classes of spearmint oil of 2,168,257 pounds plus 376,409 of carry-in). This total available supply of 2,544,666 pounds should be more than adequate to supply the 2,175,000 pounds of anticipated trade demand for spearmint oil.

The recommended allotment percentages, upon which 2016–2017 producer allotments are based, are 45 percent for Scotch spearmint oil and 50 percent for Native spearmint oil. Without volume controls, producers would not be limited to these allotment levels, and could produce and sell an unrestricted quantity of spearmint oil. The USDA econometric model estimated that the season average producer price per pound (from both classes of spearmint oil) would decline about $1.45 per pound as a result of the higher quantities of spearmint oil that would be produced and marketed without volume control. The surplus situation for the spearmint oil market that would exist without volume controls in 2016–2017 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume control allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume control is believed to have little or no effect on consumer prices of products containing spearmint oil and would not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of not regulating any volume for both classes of spearmint oil because of the severe price-depressing effects that would likely occur without volume control. The alternative to establish salable quantities and allotment percentages at the 2015–2016 marketing year's levels was discussed, but not put to any motion, for both classes of oil. The Committee also considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended for Scotch spearmint oil. Ultimately, the action taken by the Committee was to decrease the salable quantities and allotment percentages for both Class 1 and Class 3 spearmint oil from the current 2015–2016 marketing year levels.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages recommended would achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. The salable quantities and allotment percentages proposed herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2016–2017 and future marketing years.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Specialty Crops Program. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would establish the salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil and Class 3 (Native) spearmint oil produced in the Far West during the 2016–2017 marketing year. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 21, 2015, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because: (1) The 2016–2017 fiscal period begins on June 1, 2016, and a final determination on the salable quantities and allotment percentages should be made prior to handlers purchasing from, or handling on behalf of, producers of any oil for the ensuing marketing year; and (2) handlers are aware of this action, which was recommended by the Committee at a public meeting and is similar to other salable quantities and allotment percentages issued in past years. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Add § 985.235 to read as follows:

§ 985.235 Salable quantities and allotment percentages—2016–2017 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2016, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 958,711 pounds and an allotment percentage of 45 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,209,546 pounds and an allotment percentage of 50 percent.

Dated: March 17, 2016.

Elanor Starmer,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2016–06460 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 9, 170, and 171

[NRC–2015–0223]

RIN 3150–AJ66

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees and, for the first time, the NRC is proposing to recover its costs when it responds to third-party demands for information in litigation where the United States is not a party (''Touhy requests''). These proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 as amended (OBRA–90), which requires the NRC to recover approximately 90 percent of its annual budget through fees.

DATES: Submit comments by April 22, 2016. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date. Because OBRA–90 requires the NRC to collect the fiscal year (FY) 2016 fees by September 30, 2016, the NRC will not grant any requests for an extension of the comment period.

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–2015–0223. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule.
- *Email comments to: Rulemaking.Comments@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: Michele Kaplan, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington,

DC 20555–0001, telephone: 301–415–5256, email: *Michele.Kaplan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments
II. Background; Statutory Authority
III. Discussion
IV. Regulatory Flexibility Certification
V. Regulatory Analysis
VI. Backfitting and Issue Finality
VII. Plain Writing
VIII. National Environmental Policy Act
IX. Paperwork Reduction Act
Public Protection Notification
X. Voluntary Consensus Standards
XI. Availability of Guidance
XII. Public Meeting and Request for Information
XIII. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0223 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–2015–0223.

• NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

• 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–2015–0223 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission publicly available in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background; Statutory Authority

The NRC's fee regulations are primarily governed by two laws: (1) The Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 9701), and (2) OBRA–90. The OBRA–90 statute requires the NRC to recover approximately 90 percent of its budget authority through fees; this fee-recovery requirement excludes amounts appropriated for Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General (IG) services for the Defense Nuclear Facilities Safety Board, as well as any amounts appropriated from the Nuclear Waste Fund. The OBRA–90 statute first requires the NRC to use its IOAA authority to collect user fees for NRC work that provides specific benefits to identifiable applicants and licensees (such as licensing work, inspections, special projects). The regulations at part 170 of title 10 of the *Code of Federal Regulations* (10 CFR) authorize these fees. But, because the NRC's fee recovery under the IOAA (10 CFR part 170) does not equal 90 percent of the NRC's budget authority, the NRC also assesses generic ''annual fees'' under 10 CFR part 171 to recover the remaining fees necessary to achieve OBRA–90's 90 percent fee recovery. These annual fees recover generic regulatory costs that are not otherwise collected through 10 CFR part 170.

III. Discussion

FY 2016 Fee Collection—Overview

The NRC is issuing the FY 2016 proposed fee rule based on the Consolidated Appropriations Act, 2016 (Pub. L. 114–113), amount of $1,002.1 million, a decrease of $13.2 million from FY 2015. As explained previously, certain portions of the NRC's total budget are excluded from the NRC's fee-recovery amount—specifically, these exclusions include: $1.3 million for waste-incident-to-reprocessing activities, $1.0 million for IG services for the Defense Nuclear Facilities Safety Board, and $18.8 million for generic homeland security activities. Additionally, 10 percent of the NRC's budget is recovered through this congressional appropriation. After accounting for the OBRA–90 exclusions, this 10-percent appropriation and net billing adjustments—*i.e.,* the sum of unpaid current year invoices (estimated) minus payments for prior year invoices and the prior year billing credit issued to the U.S. Department of Energy (DOE) for the transportation fee class—approximately $883.9 million in FY 2016 must be billed as fees to licensees. Of this amount, the NRC estimates that $325.8 million will be recovered through 10 CFR part 170 user fees; that leaves approximately $558.1 million to be recovered through 10 CFR part 171 annual fees. Table I summarizes the fee-recovery amounts for the FY 2016 proposed fee rule using the enacted budget, and taking into account excluded activities, the 10-percent appropriation, and net billing adjustments (individual values may not sum to totals due to rounding).

TABLE I—BUDGET AND FEE RECOVERY AMOUNTS

[Dollars in millions]

	FY 2015 Final rule	FY 2016 Proposed rule	Percentage change
Total Budget Authority	$1,015.3	$1,002.1	−1.3
Less Excluded Fee Items	−20.3	−21.1	3.8
Balance	$995.0	$981.0	−1.4

TABLE I—BUDGET AND FEE RECOVERY AMOUNTS—Continued

[Dollars in millions]

	FY 2015 Final rule	FY 2016 Proposed rule	Percentage change
Fee Recovery Percent	90	90	0.0
Total Amount to be Recovered:	$895.5	$882.9	−1.4
10 CFR Part 171 Billing Adjustments:	0.0	0.0	0.0
Unpaid Current Year Invoices (estimated)	2.8	9.0	221.4
Less Prior Year Billing Credit for Transportation Fee Class	0.0	−0.2	100
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−9.6	−7.8	−18.7
Subtotal	−6.8	1.0	−117.7
Amount to be Recovered through 10 CFR Parts 170 and 171 Fees	$888.7	$883.9	−0.5
Less Estimated 10 CFR Part 170 Fees	−321.7	−325.8	1.3
Less Prior Year Unbilled 10 CFR Part 170 Fees	−0.0	−0.0	
10 CFR Part 171 Fee Collections Required	$567.0	$558.1	−1.5

FY 2016 Fee Collection—Hourly Rate

The NRC uses an hourly rate to assess fees for specific services provided by the NRC under 10 CFR part 170. The hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). The NRC's hourly rate is derived by dividing the sum of recoverable budgeted resources for: (1) Mission-direct program salaries and benefits; (2) mission-indirect program support; and (3) agency support—which includes corporate support, office support (FY 2015 only), and the IG. In FY 2016, the agency eliminated the office support category for budgetary resources. Created in FY 2011, office support included indirect resources that sustained an individual office—such as supervisory, administrative assistant, and other support staff full-time equivalent (FTE) hours. In FY 2015, the agency contracted with consultants EY to provide a study of NRC support costs and budget structure in comparison to other Federal peer agencies. Based on recommendations in this study, starting in FY 2016, resources formerly budgeted in office support have been reclassified into either mission-indirect program support or corporate support, depending upon whether the resources were budgeted in support of a program office or a corporate support office.

The mission-direct FTE hours are the product of the mission-direct FTE multiplied by the estimated annual hours per direct FTE. The only budgeted resources excluded from the hourly rate are those for contract activities related to mission-direct and fee-relief activities. Billable contract activities are included as a separate line item on the 10 CFR part 170 invoice.

For FY 2016, the NRC is proposing to decrease the hourly rate from $268 to $266. The hourly rate decrease is due to a reduced budget and an increase in the estimated direct hours worked per mission-direct FTE during the year. The FY 2016 estimated annual direct hours per staff is 1,440 hours, up from 1,420 hours in FY 2015. Assuming a constant budget, as the FTE hours per staff increases, the hourly rate decreases. Table II shows the hourly rate calculation methodology. The FY 2015 amounts are provided for comparison purposes.

TABLE II—HOURLY RATE CALCULATION

[Dollars in millions]

	FY 2015 Final rule	FY 2016 Proposed rule	Percentage change
Mission-Direct Program Salaries & Benefits	$365.6	$362.9	−0.8
Mission-Indirect Program Support	$67.7	$138.7	104.8
Agency Support (Corporate Support, Office Support* and the IG)	$422.7	$324.6	−23.2
Subtotal	$856.0	$826.2	−3.5
Less Offsetting Receipts	−$0.0	−$0.1	41.5
Total Budget Included in Hourly Rate	$856.0	$826.1	−3.5
Mission-Direct FTE (Whole numbers)	2,250	2,157	−4.1
Mission-Direct FTE hours	1,420	1,440	1.4
FTE Converted to Hours (Mission-Direct FTE multiplied by Mission-Direct FTE hours worked annually) (In Millions)	3.2	3.1	−2.8
Professional Hourly Rate (Total Budget Included in Hourly Rate Divided by FTE Converted to Hours) (Whole Numbers)	$268	$266	−0.8

*FY 2015 only

FY 2016 Fee Collection—Flat Application Fee Changes

The NRC proposes to amend the flat application fees that it charges to applicants for import and export licenses, applicants for materials licenses and other regulatory services, and holders of materials, import, and export licenses in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised hourly rate of $266. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the proposed professional hourly rate for FY 2016. The NRC analyzes the actual hours spent performing licensing actions and then estimates the average professional staff hours that are needed to process licensing actions as part of its biennial review of fees, which is required by Section 902 of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(8)). The NRC performed this review

in FY 2015 and will perform this review again in FY 2017. The lower hourly rate of $266 is the primary reason for the decrease in application fees.

The NRC rounds these flat fees in such a way that ensures both convenience for its stakeholders and that any rounding effects are minimal. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The proposed licensing flat fees are applicable for import and export licensing actions (see fee categories K.1. through K.5. of § 170.21), as well as certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Applications filed on or after the effective date of the FY 2016 final fee rule will be subject to the revised fees in the final rule.

FY 2016 Fee Collection—Fee-Relief and Low-Level Waste (LLW) Surcharge

As previously noted, Congress provides 10 percent of the NRC's recoverable budget authority through an appropriation. The NRC applies this 10-percent Congressional appropriation to offset certain budgeted activities—please see Table III for a full listing. These activities are referred to as ''fee-relief'' activities. Any difference between the 10-percent appropriation and the budgeted amount of these fee-relief activities results in a fee adjustment (either an increase or decrease) to all licensees' annual fees, based on their percentage share of the NRC's budget.

In FY 2016, the NRC's budgeted fee-relief activities fall below the 10-percent appropriation threshold—therefore, the NRC proposes to assess a fee-relief adjustment (*i.e.,* credit) to decrease all licensees' annual fees based on their percentage share of the budget. Table III summarizes the fee-relief activities for FY 2016. The FY 2015 amounts are provided for comparison purposes.

TABLE III—FEE-RELIEF ACTIVITIES

[Dollars in millions]

Fee-Relief Activities	FY 2015 Budgeted costs	FY 2016 Budgeted costs	Percentage change
1. Activities not attributable to an existing NRC licensee or class of licensee:			
a. International Assistance activities	$9.3	$12.6	35.8
b. Agreement State oversight	$12.0	$12.6	5.1
c. Scholarships and Fellowships	$18.9	$18.3	−3.2
d. Medical Isotope Production Infrastructure	$4.9	$0.8	−83.7
2. Activities not assessed under 10 CFR part 170 licensing and inspection fees or 10 CFR part 171 annual fees based on existing law or Commission policy:			
a. Fee exemption for nonprofit educational institutions	$10.3	$10.0	−2.3
b. Costs not recovered from small entities under 10 CFR 71.16(c)	$8.8	$8.6	−2.9
c. Regulatory support to Agreement States	$18.5	$16.6	−10.7
d. Generic decommissioning/reclamation (not related to the power reactor and spent fuel storage fee classes)	$16.4	$14.5	−11.7
e. *In Situ* leach rulemaking and unregistered general licensees	$1.4	$1.5	14.3
f. Potential Department of Defense remediation program MOU activities	0.0	$1.1	100
Total fee-relief activities	$100.5	$96.6	−3.9
Less 10 percent of the NRC's total FY budget (less non-fee items)	−$99.5	−$98.1	−1.4
Fee-Relief Adjustment to be Allocated to All Licensees' Annual Fees	$1.0	−$1.5	−252.5

Table IV shows how the NRC allocates the -$1.5 million fee-relief adjustment (credit) to each license fee class.

In addition to the fee-relief adjustment, the NRC also assesses a generic LLW surcharge of $3.3 million. The LLW disposal occurs at commercially-operated LLW disposal facilities licensed by either the NRC or the Agreement States. There are three existing low-level waste disposal facilities in the United States that accept various types of low-level waste. All are in Agreement States and, therefore, regulated by the State authority. The NRC allocates this surcharge to its licensees based on data available in DOE's Manifest Information Management System. This database contains information on total LLW volumes and NRC usage information from four generator classes: academic, industry, medical, and utility. The ratio of utility waste volumes to total LLW volumes over a period of time is used to estimate the portion of this surcharge that should be allocated to the power reactors, fuel facilities, and materials fee classes. The materials portion is adjusted to account for the fact that a large percentage of materials licensees are licensed by the Agreement States rather than the NRC.

Table IV shows the surcharge, and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF FEE-RELIEF ADJUSTMENT AND LLW SURCHARGE, FY 2016

[Dollars in millions]

	LLW Surcharge		Fee-Relief Adjustment		Total
	Percent	$	Percent	$	$
Operating Power Reactors	31.0	1.0	86.1	−1.3	−0.3
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0	3.6	−0.1	−0.1
Research and Test Reactors	0.0	0.0	0.5	0.0	0.0
Fuel Facilities	53.0	1.7	4.8	−0.1	1.7
Materials Users	16.0	0.5	3.1	0.0	0.5

TABLE IV—ALLOCATION OF FEE-RELIEF ADJUSTMENT AND LLW SURCHARGE, FY 2016—Continued

[Dollars in millions]

	LLW Surcharge		Fee-Relief Adjustment		Total
	Percent	$	Percent	$	$
Transportation	0.0	0.0	0.5	0.0	0.0
Rare Earth Facilities	0.0	0.0	0.0	0.0	0.0
Uranium Recovery	0.0	0.0	1.4	0.0	0.0
Total	100.0	3.3	100.0	−1.5	1.8

FY 2016 Fee Collection—Revised Annual Fees

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005 (ADAMS Accession No. ML052580332), the NRC rebaselines its annual fees every year. Rebaselining entails analyzing the budget in detail and then allocating the budgeted costs to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC proposes to revise its annual fees in §§ 171.15 and 171.16 to recover approximately 90 percent of the NRC's FY 2016 budget authority (less non-fee amounts and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this proposed rule total are $325.8 million, an increase of $4.1 million from the FY 2015 fee rule. The NRC, therefore, must recover $558.1 million through annual fees from its licensees, which is a decrease of $8.9 million from the FY 2015 final rule.

Table V shows the rebaselined fees for FY 2016 for a representative list of categories of licensees. The FY 2015 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

Class/Category of licenses	FY 2015 Final annual fee	FY 2016 Proposed annual fee	Percentage change
Operating Power Reactors	$4,807,000	$4,712,000	−2.0
+ Spent Fuel Storage/Reactor Decommissioning	223,000	211,000	−5.4
Total, Combined Fee	5,030,000	4,923,000	−2.1
Spent Fuel Storage/Reactor Decommissioning	223,000	211,000	−5.4
Research and Test Reactors (Nonpower Reactors)	83,500	82,500	−1.2
High Enriched Uranium Fuel Facility	8,473,000	7,955,000	−6.1
Low Enriched Uranium Fuel Facility	2,915,000	2,737,000	−6.1
UF_6 Conversion and Deconversion Facility	1,731,000	1,625,000	−6.1
Conventional Mills	36,100	40,200	11.4
Typical Materials Users:			
Radiographers (Category 3O)	25,800	25,900	0.4
Well Loggers (Category 5A)	14,400	14,400	0.0
Gauge Users (Category 3P)	8,000	8,000	0.0
Broad Scope Medical (Category 7B)	37,500	37,300	−0.5

The work papers (ADAMS Accession No. ML16056A437) that support this proposed rule show in detail how the NRC allocated the budgeted resources for each class of licenses and how the fees are calculated. The work papers are available as indicated in Section XIII, ''Availability of Documents.''

Paragraphs a. through h. of this section describe budgetary resources allocated to each class of licensees and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers.

a. Fuel Facilities

The NRC proposes to collect $31.8 million in annual fees from the fuel facility class.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources	$42.8	$40.6	−5.2
Less estimated 10 CFR part 170 receipts	−$11.5	−$11.6	0.9
Net 10 CFR part 171 resources	$31.3	$29.0	−7.5
Allocated generic transportation	$0.8	$1.1	41.8
Fee-relief adjustment/LLW surcharge	$2.1	$1.7	−20.4
Billing adjustments	-$0.3	$0.1	−119.1
Reclassification of licensee current year fee billing received:	$0.0	$0.0	0.0
Total remaining required annual fee recovery	$33.9	$31.8	−6.1

In FY 2016, the fuel facilities budgetary resources decreased due to continued construction delays at multiple sites, which caused delays in NRC operational readiness reviews and NRC inspections. These delays further caused the estimated 10 CFR part 170 billings for FY 2016 to remain stable compared to FY 2015. Specifically, significant construction delays are noted for the Shaw Mixed Oxide Fuel Fabrication Facility, the International Isotopes facility, and the AREVA NC facility.

As for the annual fees, the NRC allocates annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, that matrix groups licensees into various categories. The NRC's fuel facility project managers determine the effort levels associated with regulating each category. This is done by assigning separate effort factors for the safety and safeguards activities associated with each category (for more information about this matrix, see the work papers). These effort levels are reflected in Table VII.

TABLE VII—EFFORT FACTORS FOR FUEL FACILITIES, FY 2016

Facility type (fee category)	Number of facilities	Effort Factors (percent of total)	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	89 (44.3)	97 (56.7)
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70 (34.8)	26 (15.2)
Limited Operations (1.A.(2)(a))	0	0 (0.0)	0 (0.0)
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	1	3 (1.5)	15 (8.8)
Hot Cell (1.A.(2)(c))	1	6 (3.0)	3 (1.8)
Uranium Enrichment (1.E.)	1	21 (10.4)	23 (13.5)
UF_6 Conversion and Deconversion (2.A.(1))	1	12 (6.0)	7 (4.1)

For FY 2016, the total budgeted resources for safety activities are $16.3 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percent of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources for safeguards activities ($13.9 million) to each fee category based on its percent of the total regulatory effort for safeguards activities. Finally, the fuel facility fee class' portion of the fee-relief adjustment/LLW surcharge—$1.7 million—is allocated to each fee category based on its percent of the total regulatory effort for both safety and safeguards activities. The annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The fee for each facility is summarized in Table VIII.

TABLE VIII—ANNUAL FEES FOR FUEL FACILITIES

Facility Type (fee category)	FY 2015 Final annual fee	FY 2016 Proposed annual fee	Percentage change
High-Enriched Uranium Fuel (1.A.(1)(a))	$8,473,000	$7,955,000	−6.1
Low-Enriched Uranium Fuel (1.A.(1)(b))	$2,915,000	$2,737,000	−6.1
Limited Operations (1.A(2)(a))	$0.0	$0.0	0.0
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	$1,640,000	$1,540,000	−6.1
Hot Cell (and others) (1.A.(2)(c))	$820,000	$770,000	−6.1
Uranium Enrichment (1.E.)	$4,009,000	$3,764,000	−6.1
UF_6 Conversion and Deconversion (2.A.(1))	$1,731,000	$1,625,000	−6.1

b. Uranium Recovery Facilities

The NRC proposes to collect $0.9 million in annual fees from the uranium recovery facilities fee class, a small decrease from FY 2015.

TABLE IX—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources	$11.3	$12.6	12.1
Less estimated 10 CFR part 170 receipts	−$10.1	−$11.7	−15.3
Net 10 CFR part 171 resources	$1.2	$0.9	−16.6
Allocated generic transportation	N/A	N/A	N/A
Fee-relief adjustment	$0.0	$0.0	0.0
Billing adjustments	−$0.1	$0.0	−120.1
Total required annual fee recovery	$1.1	$0.9	−11.2

In comparison to FY 2015, the FY 2016 budgetary resources for uranium recovery licensees increased due to additional work expected for the Uranerz Energy-Jane Doe and Strata Energy-Kenderick expansions, increased inspection activities for Strata Energy-Ross (a new licensee to fleet), increased hearing activities, and the Uranium Mill Tailings Radiation Control Act (UMTRCA) bio-sequestration review for DOE-Monument Valley.

The NRC computes the annual fee for the uranium recovery fee class by dividing the total annual fee recovery amount among DOE and the other licensees in this fee class. The annual fee increase for fee categories 2.A.(2)(a–c), 2.A.(4), and 2.A.(5) is mainly due to the increase in budgetary resources for increased hearing activities and a reduction in the number of licensees over which to spread the budget. The NRC regulates DOE's Title I and Title II activities under UMTRCA.[1] The proposed annual fee assesses to DOE the costs specifically budgeted for the NRC's UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted costs for this fee class. The DOE's UMTRCA annual fee decreased because of an increase in estimated 10 CFR part 170 billings for DOE's UMTRCA site at Monument Valley. This decrease caused the total overall fee recovery amount to decrease for this fee class. The NRC assesses the remaining 90 percent of its budgeted costs to the rest of the licensees in this fee class, as described in the work papers. This is reflected in Table X as follows:

TABLE X—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FEE CLASS

Summary of costs	FY 2015 Final annual fee	FY 2016 Proposed annual fee	Percentage change
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:			
UMTRCA Title I and Title II budgeted costs less 10 CFR part 170 receipts	$622,898	$512,782	−17.7
10 percent of generic/other uranium recovery budgeted costs	$41,986	$44,600	6.2
10 percent of uranium recovery fee-relief adjustment	$1,251	−$2,156	−272.3
Total Annual Fee Amount for DOE (rounded)	$666,000	$555,000	−16.7
Annual Fee Amount for Other Uranium Recovery Licenses:			
90 percent of generic/other uranium recovery budgeted costs less the amounts specifically budgeted for Title I and Title II activities	$377,874	$401,401	6.2
90 percent of uranium recovery fee-relief adjustment	$11,255	−$19,408	−272.4
Total Annual Fee Amount for Other Uranium Recovery Licenses	$389,129	$381,993	−18.3

Further, for the non-DOE licensees, the NRC continues to use a matrix (which is included in the work papers) to determine the effort levels associated with conducting the generic regulatory actions for the different (non-DOE) licensees in this fee class; this is similar to NRC's approach for fuel facilities, described previously.

The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: Conventional uranium mills and heap leach facilities; uranium *in situ* Recovery (ISR) and resin ISR facilities; mill tailings disposal facilities; and uranium water treatment facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (for more information, see the work papers). Table XI displays the benefit factors per licensee and per fee category, for each of the non-DOE fee categories included in the uranium recovery fee class as follows:

TABLE XI—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee category	Number of licensees	Benefit factor per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	1	150	150	11
Basic *In Situ* Recovery facilities (2.A.(2)(b))	5	190	950	67
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	1	215	215	15
11e.(2) disposal incidental to existing tailings sites (2.A.(4))	1	85	85	6
Uranium water treatment (2.A.(5))	1	25	25	2
Total	9	665	1,425	100

Applying these factors to the approximately $381,993 in budgeted costs to be recovered from non-DOE uranium recovery licensees results in the total annual fees for each fee category. The annual fee per licensee is calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category, as summarized in Table XII.

[1] The Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for the weapons program. The NRC also regulates DOE's UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

TABLE XII—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES

[Other than DOE]

Facility type (fee category)	FY 2015 Final annual fee	FY 2016 Proposed annual fee	Percentage change
Conventional and Heap Leach mills (2.A.(2)(a))	$36,100	$40,200	11.4
Basic *In Situ* Recovery facilities (2.A.(2)(b))	$45,800	$50,900	11.1
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	$51,800	$57,600	11.2
11e.(2) disposal incidental to existing tailings sites (2.A.(4))	$20,500	$22,800	11.2
Uranium water treatment (2.A.(5))	$6,000	$6,700	11.7

c. Operating Power Reactors

The NRC proposes to collect $471.2 million in annual fees from the power reactor fee class in FY 2016, as shown in Table XIII. The FY 2015 values and percentage change are shown for comparison.

TABLE XIII—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources	$762.1	$750.6	−1.5
Less estimated 10 CFR part 170 receipts	−$284.1	−$282.1	−0.1
Net 10 CFR part 171 resources	$478.0	$468.6	−2.0
Allocated generic transportation	$1.7	$1.9	11.2
Fee-relief adjustment/LLW surcharge	$2.1	−$0.3	−112.7
Billing adjustment	−$5.9	$1.0	117.5
Total required annual fee recovery	$475.9	$471.2	−1.0

In comparison to FY 2015, the operating power reactors budgetary resources decreased in FY 2016 due to a decrease in the budgeted activities for new-reactor activities. This decrease is attributable to delays in application submittals and a slowdown in requests for design certification renewal and construction permits. Accordingly, the FY 2016 operating power reactor annual fee decreased. In addition to decreased budgetary resources, an additional licensee (Watts Bar) was added to the operating fleet, which increases the number of licensees paying this annual fee—this also, therefore, lowers annual fees compared to FY 2015.

Compared with FY 2015, 10 CFR part 170 estimated billings decreased due to both the issuance of the Fermi Unit 3 combined operating license and the hourly rate decrease.

The recoverable budgeted costs are divided equally among the 100 licensed power reactors resulting in a proposed annual fee of $4,712,000 per reactor. Additionally, each licensed power reactor is assessed the FY 2016 spent fuel storage/reactor decommissioning annual fee of $211,000 (see the discussion that follows). The combined FY 2016 annual fee for power reactors is, therefore, $4,923,000.

d. Spent Fuel Storage/Reactors in Decommissioning

The NRC proposes to collect $25.7 million in annual fees from 10 CFR part 50 power reactors and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license to collect the budgeted costs for spent fuel storage/reactor decommissioning.

TABLE XIV—ANNUAL FEE SUMMARY CALCULATIONS FOR THE SPENT FUEL STORAGE/REACTOR IN DECOMMISSIONING FEE CLASS

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources	$32.4	$30.5	−5.7
Less estimated 10 CFR part 170 receipts	−$5.9	−$5.9	−2.0
Net 10 CFR part 171 resources	$26.5	$24.6	6.9
Allocated generic transportation costs	$1.0	$1.0	4.0
Fee-relief adjustment	$0.0	$0.0	−245.8
Billing adjustments	−$0.3	$0.1	116.7
Total required annual fee recovery	$27.2	$25.7	−5.8

In comparison to FY 2015, the annual fee decreased due to a decline in budgetary resources for rulemaking security guidance and waste research. This decrease is partially offset by the slight decline in 10 CFR part 170 billings, which resulted from completing the license renewal for Prairie Island in late FY 2015 and the lower hourly rate.

The required annual fee recovery amount is divided equally among 122 licensees, resulting in an FY 2016 annual fee of $211,000 per licensee.

e. Research and Test Reactors (Nonpower Reactors)

The NRC proposes to collect $0.33 million in annual fees from the research and test reactor licensee class.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR RESEARCH AND TEST REACTORS

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources	$2.509	$4.025	60.4
Less estimated 10 CFR part 170 receipts	−$2.190	−$3.730	70.3
Net 10 CFR part 171 resources	$0.319	$0.295	−7.5
Allocated generic transportation	$0.032	$0.037	15.6
Fee-relief adjustment	$0.002	−$0.007	−450.0
Billing adjustments	−$0.019	$0.005	126.3
Total required annual fee recovery	$0.334	$0.330	−1.2

In FY 2016, the annual fees decreased due to a decline in contract support for the non-power reactors and an increase in estimated 10 CFR part 170 billings for non-power production and utilization facility applications to produce molybdenum-99. The required annual fee-recovery amount is divided equally among the four research and test reactors subject to annual fees and results in an FY 2016 annual fee of $82,500 for each licensee.

f. Rare Earth

The agency anticipates receiving an application for a rare-earth facility this fiscal year. The NRC has allocated approximately $460,000 in budgeted resources to this fee class. But, because all of these budgetary resources will be recovered through 10 CFR part 170, the NRC will not propose an annual fee in FY 2016 for this fee class.

g. Materials Users

The NRC proposes to collect $35.2 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total budgeted resources for licensees not regulated by Agreement States	$34.1	$33.3	−2.4
Less estimated 10 CFR part 170 receipts	−$1.0	−$1.2	19.0
Net 10 CFR part 171 resources	$33.1	$32.1	−3.0
Allocated generic transportation	$2.2	$2.6	16.0
Fee-relief adjustment/LLW surcharge	$0.6	$0.5	−20.0
Billing adjustments	−$0.2	$0.0	−117.8
Total required annual fee recovery	$35.7	$35.2	−1.5

To equitably and fairly allocate the $35.2 million in FY 2016 budgeted costs among approximately 2,900 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse categories of licenses based on the NRC's cost to regulate each category. This fee-calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The annual fee for these categories of materials users' licenses is developed as follows:

Annual fee = Constant × [Application Fee + (Average Inspection Cost/Inspection Priority)] + Inspection Multiplier × (Average Inspection Cost/Inspection Priority) + Unique Category Costs.

For FY 2016, the constant multiplier necessary to recover approximately $25.5 million in general costs (including allocated generic transportation costs) is 1.51. The average inspection cost is the average inspection hours for each fee category multiplied by the hourly rate of $266. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is the multiple necessary to recover approximately $8.9 million in inspection costs, and is 1.77 for FY 2016. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2016, approximately $249,000 in budgeted costs for the implementation of revised 10 CFR part 35, ''Medical Use of Byproduct Material (unique costs),''

has been allocated to holders of NRC human-use licenses.

The annual fee to be assessed to each licensee also includes a share of the fee-relief assessment of approximately −$47,000 allocated to the materials users fee class (see Table IV, ''Allocation of Fee-Relief Adjustment and LLW Surcharge, FY 2016,'' in Section III, ''Discussion,'' of this document), and for certain categories of these licensees, a share of the approximately $526,400 surcharge costs allocated to the fee class. The annual fee for each fee category is shown in § 171.16(d).

h. Transportation

The NRC proposes to collect $8.4 million in annual fees to recover generic transportation budgeted resources. The FY 2015 values are shown for comparison.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2015 Final	FY 2016 Proposed	Percentage change
Total Budgeted Resources	$10.0	$11.3	13.0
Less Estimated 10 CFR part 170 Receipts	−$2.6	−$2.9	11.5
Net 10 CFR part 171 Resources	$7.4	$8.4	13.5
Fee-relief adjustment/LLW surcharge	$0.0	$0.0	0.0
Billing adjustments	$0.0	$0.0	0.0
Total required annual fee recovery	$7.4	$8.4	13.5

In comparison to FY 2015, the total budgetary resources for generic transportation activities increased due to the rulemaking activities involving 10 CFR part 71 Compatibility with IAEA (International Atomic Energy Agency) Transportation Standards and Improvements, and continuous licensing reviews for Holtec International, EnergySolutions and Areva Federal Services.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE as part of existing annual fees for license fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A. for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total Certificates of Compliance (CoCs) used by each fee class (and DOE) by the total generic transportation resources to be recovered. The DOE annual fee decrease is mainly due to 10 CFR part 171 billing adjustments.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Specifically for the research and test reactors fee class, the NRC allocates the distribution to only the licensees that are subject to annual fees. Three CoCs benefit the entire research and test reactor class, but only 4 out of 31 research and test reactors are subject to annual fees. The number of CoCs used to determine the proportion of generic transportation resources allocated to research and test reactors annual fees is adjusted to 0.4 so that the licensees subject to annual fees are charged a fair and equitable portion of the total. For more information see the work papers.

TABLE XVIII—DISTRIBUTION OF GENERIC TRANSPORTATION RESOURCES, FY 2016

[Dollars in millions]

License fee class/DOE	Number of CoCs benefiting fee class or DOE	Percentage of total CoCs	Allocated generic transportation resources
DOE	18.0	20.4	1.7
Operating Power Reactors	20.0	22.6	1.9
Spent Fuel Storage/Reactor Decommissioning	11.0	12.5	1.1
Research and Test Reactors	0.4	0.4	0.0
Fuel Facilities	12.0	13.6	1.1
Materials Users	27.0	30.5	2.6
Total	88.4	100.0	8.4

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC therefore does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2016—Fee Policy Change

The NRC also proposes a policy change:

Charging User Fees for NRC Work Spent on Responding to Touhy Requests [2]

The NRC proposes to assess 10 CFR part 170 user fees to recover the NRC staff's costs when responding to significant Touhy requests. The NRC's Touhy regulations—found at 10 CFR 9.200 through 9.204—govern the manner in which the NRC responds to third-party subpoenas or demands for official information served on agency employees. Those third-party subpoenas seek NRC employees to produce documents, to testify, or to do both, in outside litigation in which neither the NRC nor the United States is a named party.

[2] The name ''Touhy'' is derived from the leading Supreme Court case in this area, *United States ex rel Touhy* v. *Ragen*, 340 U.S. 462 (1951).

Currently, NRC regulations do not authorize the NRC to collect user fees for the work it performs either collecting and providing documents or providing oral testimony in depositions or before an administrative or judicial tribunal. Yet, NRC work on some Touhy requests can be quite substantial. Without an existing regulation authorizing the NRC to collect user fees, the costs of this work must be recovered through annual fees under 10 CFR part 171. Therefore, the NRC proposes to amend its regulations to begin assessing Touhy fees in certain circumstances. The authority for assessing these fees comes from the same statute that provides the authority for the NRC's 10 CFR part 170 fee schedule. That statute—the IOAA—sets forth Congressional policy that ''each service or thing of value provided by an agency . . . to a person . . . is to be self-sustaining to the extent possible.'' [3] Here, when the NRC complies with a third-party demand for information, the NRC is bestowing a benefit on a private litigant because the NRC is aiding that private litigant in its litigation by providing the information. That benefit is not shared by other members of society. The NRC's work on substantial Touhy requests should, therefore, be recovered under 10 CFR part 170 rather than the current process, which bins those costs to 10 CFR part 171.

To achieve this goal, the NRC proposes to amend 10 CFR part 170.12 to authorize full-cost recovery for all NRC work spent processing Touhy requests above a certain threshold. This work would be recovered under 10 CFR 170.12 as a ''special project'' fee because it constitutes specific services provided by the NRC to an individual. The NRC also proposes a conforming change to the NRC's existing Touhy regulations in 10 CFR 9.201 to clarify that any production or disclosure of records under that subpart triggers fee payment in accordance with 10 CFR part 170. Further, the NRC proposes amending the ''Scope'' section in 10 CFR 170.2 to clarify that 10 CFR part 170 applies to Touhy requesters. Finally, the NRC proposes amending the ''Definitions'' section in 10 CFR 170.3 to define ''Touhy request'' to identify the requests under 10 CFR 9.201 that are subject to ''special project fees'' under 10 CFR part 170. This full-cost recovery under 10 CFR part 170 would apply to both requests for documents and requests for oral testimony.[4] Additionally, the NRC proposes creating a 50-hour *de minimis* fee exception to ensure that 10 CFR part 170 fees are assessed for only significant Touhy requests.[5] This is because the NRC believes that non-corporate Touhy requests for a limited set of documents should not be subject to fees. Once NRC work on a Touhy exceeds 50 hours, however, the Touhy requester will be billed for the full amount of work—this provides an incentive for Touhy requesters to keep their requests from becoming overly burdensome.[6]

An alternative to the NRC's proposed fee collection for Touhy requests exists. That alternative entails amending 10 CFR part 9 to authorize the collection of Touhy fees through the NRC's existing Freedom of Information Act (FOIA) fee schedule instead of 10 CFR part 170. With respect to Touhy requests for documents, this option would impose the following search/review fees (in lieu of the hourly fee in 10 CFR part 170):

(1) Clerical search and review at a salary rate that is equivalent to a GG–7/step 6, plus 16-percent fringe benefits;

(2) Professional/managerial search and review at a salary rate that is equivalent to a GG–13/step 6, plus 16-percent fringe benefits; and

(3) Senior executive or Commissioner search and review at a salary rate that is equivalent to an ES–Maximum, plus 16-percent fringe benefits.

But, because the FOIA fee schedule is designed for document requests only, even under this option, the NRC would still need to recover fees for oral testimony through 10 CFR part 170.

In this fee rule, the NRC proposes to use 10 CFR part 170 for all components of Touhy requests, rather than just requests for oral testimony. This is because 10 CFR part 170 fees are designed to recover the ''full cost'' of the service provided, while FOIA fees are not. As explained by the Seventh Circuit in *Mississippi Power & Light Co.* v. *NRC,*[7] the IOAA authorizes agencies to collect administrative and agency support costs (such as rent and electricity) because those are part of the full cost of the provided service. These support charges ultimately become bundled into the NRC's calculation of its hourly rate, which represents the full cost of the NRC's professional services. Although FOIA fees collected include 16 percent for fringe benefits, they do not include the support charges that are included within the 10 CFR part 170 hourly rate. So, if the NRC used the FOIA fee schedule, then the NRC would not be recovering the full cost of its work spent on processing Touhy requests. Second, applying 10 CFR part 170 fees for document production simplifies the fee structure by charging Touhy requesters the same fee whether the requester is seeking documents or oral testimony. Further, even under the NRC's proposed 10 CFR part 170 fee recovery for Touhy requests, a prospective Touhy requester could still elect to forego the Touhy process altogether for document requests and instead just submit a FOIA request for the documents that it wants. Imposing 10 CFR part 170 fees, therefore, provides a choice for Touhy requesters whether to use the FOIA process or Touhy process when seeking documents from the NRC.

The NRC welcomes public feedback on the desirability and practicability of both the NRC's proposed fee-recovery option and the alternate option.

FY 2016—Administrative Changes

The NRC also proposes three administrative changes:

1. Increase Direct Hours per Full-Time Equivalent in the Hourly Rate Calculation

The hourly rate in 10 CFR part 170 is calculated by dividing the cost per direct FTE by the number of direct hours per direct FTE in a year. ''Direct hours'' are hours charged to mission-direct activities in the Nuclear Reactor Safety Program and Nuclear Materials and Waste Safety Program. The FY 2015 final fee rule used 1,420 hours per direct FTE in the hourly rate calculations. During the FY 2016 budget formulation process, the NRC staff reviewed and analyzed time and labor data from FY 2014 through FY 2015 to determine whether it should revise the direct hours per FTE. Between FY 2014 and FY 2015, the total direct hours charged by direct employees increased. The increase in direct hours was apparent in all mission business lines. To reflect this increase in productivity as demonstrated by the time and labor data, the NRC staff determined that the

[3] 31 U.S.C. 9701.

[4] ''Oral testimony'' in the Touhy context includes requests for both testimony during administrative and judicial proceedings, as well as depositions.

[5] The NRC chose 50 hours because past experience shows that 50 hours provides a demarcation point between significant and insignificant Touhy requests. As an illustrative example, a common type of Touhy request involves a request for documents in a divorce proceeding, where one of the ex-spouses works at the NRC, and the other ex-spouse needs access to certain personnel files (such as that NRC employee's work schedule) for purposes of addressing custody, etc. These cases involve simple requests for discrete and non-deliberative documents, require limited processing time and, therefore, should not be subject to user fees.

[6] Even if the Touhy request exceeds 50 hours, that Touhy requester would still be able to seek a fee exemption under § 170.11(b) if the facts are such that granting a fee exemption would be ''in the public interest.''

[7] 601 F.2d223 (7th Cir. 1979).

number of direct hours per FTE should increase to 1,440 hours for FY 2016.

2. Amend Language Under 10 CFR 170.11 To Clarify Exemption Requirements

The NRC proposes to amend the language under 10 CFR 170.11(a)(1) to clarify when stakeholders can receive a fee exemption after submitting a report to the NRC for review. Paragraph (a)(1) currently contains three distinct criteria that stakeholders can use to receive a fee exemption after NRC review of a ''special project that is a request/report submitted to the NRC.'' These three fee exemptions—in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii)—are all largely similar and are intended to provide exemptions to stakeholders when the NRC's review of their report does not provide unique benefits to the report's submitter. Yet the existing language in paragraph (a)(1)(iii) is ambiguous because it requires that the NRC be the ''primary beneficiary'' of its review of the submitted documents; in practice, it can be difficult to precisely determine whether the NRC or the document submitter is actually the ''primary beneficiary'' of the NRC's review. This language, therefore, has been a source of confusion between the NRC and its stakeholders. The NRC proposes to remove paragraph (a)(1)(iii) and instead rely on the related criteria in exemptions in paragraphs (a)(1)(i) and (a)(1)(ii) for this kind of work. The NRC also proposes to move the requirements in current paragraph (a)(1)(iii)(C) that require stakeholders to submit their fee exemption requests in writing to the Chief Financial Officer to a new paragraph (a)(13). These requirements would now apply to all fee exemption criteria, not just special projects.

3. Change Small Entity Fees

In accordance with NRC policy, the NRC staff conducted a biennial review in 2015 of small entity fees to determine whether the NRC should change those fees. The NRC staff used the fee methodology developed in FY 2009 that applies a fixed percentage of 39 percent to the prior 2-year weighted average of materials users' fees when performing its biennial review. As a result of the NRC staff's review, the upper tier small entity fee increased from $2,800 to $4,000 and the lower-tier fee increased from $600 to $900. This constituted a 43-percent and 50-percent increase, respectively. Implementing this increase would have had a disproportionate impact upon the NRC's small licensees compared to other licensees, and so the NRC staff revised the increase to 21 percent for the upper-tier fee. The NRC staff chose 21 percent based on the average percentage increase for the prior two biennial reviews of small entity fees. Because of a technical oversight, the change was not included in the FY 2015 final fee rule. Due to last year's oversight, the NRC staff is now proposing to amend the upper-tier small entity fee to $3,400 and amend the lower-tier small entity fee to $700 for FY 2016. The NRC staff believes these fees are reasonable and provide relief to small entities while at the same time recovering from those licensees some of the NRC's costs for activities that benefit them.

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[8] the NRC has prepared a Regulatory Flexibility Analysis (RFA) relating to this proposed rule. The RFA is available as indicated in Section XIII, Availability of Documents, of this document.

V. Regulatory Analysis

Under OBRA–90, and the AEA, the NRC is required to recover 90 percent of its budget authority, or total appropriations of $1002.1 million, in FY 2016. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978, and established additional fee methodology guidelines for 10 CFR part 171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery in OBRA–90 and the AEA.

In this rulemaking, the NRC continues this long-standing approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this rulemaking.

VI. Backfitting and Issue Finality

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required. A backfit analysis is not required because these amendments do not require the modification of, or addition to, systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

[8] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996).

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to the clarity and effectiveness of the language used.

VIII. National Environmental Policy Act

The NRC has determined that this rule is the type of action described in 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

IX. Paperwork Reduction Act

This proposed rule does not contain any new or amended collections of subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval number 3150–0043.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

X. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC proposes to amend the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover approximately 90 percent of its budget authority in FY 2016, as required by OBRA–90, as amended. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility

analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2015 final fee rule. This document, which has been relabeled for FY 2016, is available as indicated in Section XIII, Availability of Documents, of this document. The next compliance guide will be developed when the NRC completes the next small entity biennial review in FY 2017.

XII. Public Meeting and Request for Information

The NRC will conduct a public meeting on the proposed rule for the purpose of describing the proposed rule and answering questions from the public on the proposed rule.

The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting Web site within at least 10 calendar days before the meeting. In addition, the agenda for the meeting will be posted on *www.regulations.gov* under Docket ID NRC–2015–0223. Stakeholders should monitor the NRC's public meeting Web site for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

The NRC is also conducting a separate effort to obtain public comment on a number of broader issues related to NRC fees. For information on the issues and providing comments, please see *http://regulations.gov* under Docket ID NRC–2016–0056.

XIII. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./Web link
FY 2016 Proposed Rule Work Papers	ML16056A437.
FY 2016 Regulatory Flexibility Analysis	ML16043A092.
FY 2016 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML16043A334.
NUREG–1100, Volume 31, ''Congressional Budget Justification: Fiscal Year 2016'' (February 2, 2015).	NRC: Congressional Budget Justification: Fiscal Year 2016 (NUREG–1100, Volume 31).
NRC Form 526, Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171.	*http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf.*
Consolidated Appropriations Act, 2016	*https://www.congress.gov/bill/114th-congress/house-bill/2029.*
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005.	ML052580332.
Staff Requirements Memorandum for SECY–14–0082, ''Jurisdiction for Military Radium and U.S. Nuclear Regulatory Commission Oversight of U.S. Department of Defense Remediation of Radioactive Material,'' dated December 22, 2014.	ML14356A070.

Throughout the development of this rule, the NRC may post documents related to this rule, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2015–0223. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder NRC–2015–0223; (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects

10 CFR Part 9

Administrative practice and procedure, Courts, Criminal penalties, Freedom of information, Government employees, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 9, 170, and 171.

PART 9—PUBLIC RECORDS

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

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 44 U.S.C. 3504 note.

Subpart A also issued under 31 U.S.C. 9701.

Subpart B also issued under 5 U.S.C. 552a.

Subpart C also issued under 5 U.S.C. 552b.

■ 2. Revise § 9.201 to read as follows:

§ 9.201 Production or disclosure prohibited unless approved by appropriate NRC official.

(a) No employee of the NRC shall, in response to a demand of a court or other judicial or quasi-judicial authority, produce any material contained in the files of the NRC or disclose, through testimony or other means, any information relating to material contained in the files of the NRC, or disclose any information or produce any material acquired as part of the performance of that employee's official duties or official status without prior approval of the appropriate NRC official. When the demand is for material contained in the files of the Office of the Inspector General or for information acquired by an employee of that Office, the Inspector General is the appropriate NRC official. In all other cases, the General Counsel is the appropriate NRC official.

(b) Any NRC response to a demand of a court or other judicial or quasi-judicial authority that requires an employee of the NRC to expend more than 50 hours of official time shall be subject to hourly fees in accordance with 10 CFR 170.12(d).

PART 170—FEES FOR FACILITIES, MATERIALS IMPORT AND EXPORT LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 3. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

■ 4. Revise § 170.1 to read as follows:

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services, inspection services, and special projects rendered by the Nuclear Regulatory Commission as authorized under title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701(a)).

■ 5. In § 170.2, add paragraph (u) to read as follows:

§ 170.2 Scope.

* * * * *

(u) Submitting a Touhy request, pursuant to 10 CFR 9.200 through 9.204, as defined in § 170.3.

■ 6. In § 170.3, add, in alphabetical order, the definition for *Touhy request,* to read as follows:

§ 170.3 Definitions.

* * * * *

Touhy request means a request for NRC records or NRC testimony that is made pursuant to the NRC's regulations at 10 CFR 9.200 through 9.204.

* * * * *

■ 7. In § 170.11, revise paragraph (a)(1)(ii), remove paragraph (a)(1)(iii), and add paragraph (a)(13) to read as follows:

§ 170.11 Exemptions.

(a) * * *

(1) * * *

(ii) When the NRC, at the time the request/report is submitted, plans to use the information in response to an NRC request from the Director level or above to resolve an identified safety, safeguards, or environmental issue, or to assist the NRC in generic regulatory improvements or efforts (*e.g.,* rules, regulatory guides, regulations, policy statements, generic letters, or bulletins).

* * * * *

(13) All fee exemption requests must be submitted in writing to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer will grant or deny such requests in writing.

* * * * *

■ 8. In § 170.12, revise paragraphs (d)(1)(v) and (vi) and add paragraph (d)(1)(vii) to read as follows:

§ 170.12 Payment of fees.

* * * * *

(d) * * *

(1) * * *

(v) 10 CFR 50.71 final safety analysis reports;

(vi) Contested hearings on licensing actions directly involving U.S Government national security initiatives, as determined by the NRC; and

(vii) Responses to Touhy requests that require the NRC staff to expend more than 50 hours of official time. Fees for Touhy requests will be billed at the appropriate hourly rate established in 10 CFR 170.20.

■ 9. Revise § 170.20 to read as follows:

§ 170.20 Average cost per professional staff-hour.

Fees for permits, licenses, amendments, renewals, special projects, 10 CFR part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the professional staff-hour rate of $266 per hour.

■ 10. In § 170.21, in the table, revise fee categories J. and K. to read as follows:

§ 170.21 Schedule of fees for production or utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
J. Special Projects:	
Approvals and preapplication/licensing activities	Full Cost.
Inspections [3]	Full Cost.
Contested hearings on licensing actions directly related to U.S. Government national security initiatives	Full Cost.
Touhy requests [5]	Full Cost.
K. Import and export licenses:	$17,300.
Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.	
1. Application for import or export of production or utilization facilities [4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	
Application—new license, or amendment; or license exemption request.	
2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).	
Application—new license, or amendment; or license exemption request	$9,300.
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	$4,300.
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	$4,800.

SCHEDULE OF FACILITY FEES—Continued

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment to license	$2,700.

[1] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the *Code of Federal Regulations* (*e.g.*, 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[2] Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect when the service was provided.

[3] Inspections covered by this schedule are both routine and non-routine safety and safeguards inspections performed by the NRC for the purpose of review or follow-up of a licensed program. Inspections are performed through the full term of the license to ensure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, other legislation, Commission regulations or orders, and the terms or conditions of the license. Non-routine inspections that result from third-party allegations will not be subject to fees.

[4] Imports only of major components for end-use at NRC-licensed reactors are authorized under NRC general import license in 10 CFR 110.27.

[5] Full cost fees will be assessed once NRC work on a Touhy request exceeds 50 hours, in accordance with § 170.12(d).

■ 11. In § 170.31, revise the table to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [Program Code(s): 21130]	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [Program Code(s): 21210]	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities	
(a) Facilities with limited operations [Program Code(s): 21310, 21320]	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities	Full Cost.
(c) Others, including hot cell facilities	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [Program Code(s): 23200].	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers [4]	
Application [Program Code(s): 22140]	$1,200.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A [4]	
Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,500.
E. Licenses or certificates for construction and operation of a uranium enrichment facility [Program Code(s): 21200]	Full Cost.
F. For special nuclear materials licenses in sealed or unsealed form of greater than a critical mass as defined in § 70.4 of this chapter.[4] [Program Code(s): 22155].	Full Cost.
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. [Program Code(s): 11400].	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, *in-situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities [Program Code(s): 11100]	Full Cost.
(b) Basic *In Situ* Recovery facilities [Program Code(s): 11500]	Full Cost.
(c) Expanded *In Situ* Recovery facilities [Program Code(s): 11510]	Full Cost.
(d) *In Situ* Recovery Resin facilities [Program Code(s): 11550]	Full Cost.
(e) Resin Toll Milling facilities [Program Code(s): 11555]	Full Cost.
(f) Other facilities [Program Code(s): 11700]	Full Cost.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [Program Code(s): 11600, 12000].	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [Program Code(s): 12010].	Full Cost.
(5) Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water [Program Code(s): 11820].	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding [6 7 8]	
Application [Program Code(s): 11210]	$1,170.
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter	
Application [Program Code(s): 11240]	$2,700.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter	
Application [Program Code(s): 11230, 11231]	$2,600.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution	
Application [Program Code(s): 11710]	$2,500.
F. All other source material licenses.	
Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810]	$2,500.
3. Byproduct material:	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	
Application [Program Code(s): 03211, 03212, 03213]	$12,400.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	
Application [Program Code(s): 03214, 03215, 22135, 22162]	$3,400.
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4)	
Application [Program Code(s): 02500, 02511, 02513]	$5,000.
D. [Reserved]	N/A.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	
Application [Program Code(s): 03510, 03520]	$3,100.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes	
Application [Program Code(s): 03511]	$6,200.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes	
Application [Program Code(s): 03521]	$59,400.
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter	
Application [Program Code(s): 03254, 03255, 03257]	$6,400.
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter	
Application [Program Code(s): 03250, 03251, 03252, 03253, 03256]	$10,600.
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter	
Application [Program Code(s): 03240, 03241, 03243]	$1,900.
K. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter	
Application [Program Code(s): 03242, 03244]	$1,100.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5	
(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20	
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 20 or more	
Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613, 04610, 04611, 04612, 04613, 04614, 04615, 04616, 04617, 04618, 04619, 04620, 04621, 04622, 04623].	$5,200.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution	
Application [Program Code(s): 03620]	$4,800.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C	
Application [Program Code(s): 03219, 03225, 03226]	$6,100.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations	
Application [Program Code(s): 03310, 03320]	$3,000.
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D [9]	
Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130].	$2,600.
Q. Registration of a device(s) generally licensed under part 31 of this chapter	
Registration	$600.
R. Possession of items or products containing radium-226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section [5]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified	
Application [Program Code(s): 02700]	$2,400.
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4), or (5)	
Application [Program Code(s): 02710]	$2,400.
S. Licenses for production of accelerator-produced radionuclides	
Application [Program Code(s): 03210]	$13,600.
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101].	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03234]	$6,600.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material	
Application [Program Code(s): 03232]	$4,800.
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies	
Application [Program Code(s): 03110, 03111, 03112]	$4,400.
B. Licenses for possession and use of byproduct material for field flooding tracer studies	
Licensing [Program Code(s): 03113]	Full Cost.
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material	
Application [Program Code(s): 03218]	$21,200.
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices	
Application [Program Code(s): 02300, 02310]	$10,600.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [10]	
Application [Program Code(s): 02110]	$8,300.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2] [3]
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices	
Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$4,300.
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	
Application [Program Code(s): 03710]	$2,400.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	
Application—each device	$5,200.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	
Application—each device	$8,600.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	
Application—each source	$5,100.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	
Application—each source	$1,010.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers	
1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost.
2. Other Casks	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter	
1. Users and Fabricators	
Application	$4,000.
Inspections	Full Cost.
2. Users	
Application	$4,000.
Inspections	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities	Full Cost.
12. Special projects:	
Including approvals, pre-application/licensing activities, and inspections	
Application [Program Code: 25110]	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter	Full Cost.
14. A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including MMLs. Application [Program Code(s): 3900, 11900, 21135, 21215, 21240, 21325, 22200].	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses:	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.)	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b)	
Application—new license, or amendment; or license exemption request	$17,300.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities (*i.e.*, Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.)	
Application—new license, or amendment; or license exemption request	$9,300.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances	
Application—new license, or amendment; or license exemption request	$4,300.
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances	
Application—new license, or amendment; or license exemption request	$4,800.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities	
Minor amendment	$1,300.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fee [2 3]
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in Appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.)	
Category 1 (Appendix P, 10 CFR Part 110) Exports:	
F. Application for export of Appendix P Category 1 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4)) and to obtain government-to-government consent for this process. For additional consent see 15.I.)	
Application—new license, or amendment; or license exemption request	$14,600.
G. Application for export of Appendix P Category 1 materials requiring Executive Branch review and to obtain government-to-government consent for this process. For additional consents see 15.I.	
Application—new license, or amendment; or license exemption request	$8,000.
H. Application for export of Appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see 15.I	
Application—new license, or amendment; or license exemption request	$5,300.
I. Requests for each additional government-to-government consent in support of an export license application or active export license	
Application—new license, or amendment; or license exemption request	$270.
Category 2 (Appendix P, 10 CFR Part 110) Exports:	
J. Application for export of Appendix P Category 2 materials requiring Commission review (e.g. exceptional circumstance review under 10 CFR 110.42(e)(4))	
Application—new license, or amendment; or license exemption request	$14,600.
K. Applications for export of Appendix P Category 2 materials requiring Executive Branch review	
Application—new license, or amendment; or license exemption request	$8,000.
L. Application for the export of Category 2 materials	
Application—new license, or amendment; or license exemption request	$4,000.
M. [Reserved]	N/A.
N. [Reserved]	N/A.
O. [Reserved]	N/A.
P. [Reserved]	N/A.
Q. [Reserved]	N/A.
Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):	
R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities	
Minor amendment	$1,300.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20	
Application	$1,900.
17. Master materials licenses of broad scope issued to Government agencies	
Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy.	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost.
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities.	Full Cost.

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.*, 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

[4] Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

[5] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[6] Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[7] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[8] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[9] Licensees paying fees under 3.N. are not subject to paying fees under 3.P. for calibration or leak testing services authorized on the same license.

[10] Licensees paying fees under 7.B. are not subject to paying fees under 7.C. for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 12. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

■ 13. In § 171.15, revise paragraph (b)(1), the introductory text of paragraph (b)(2), paragraph (c)(1), the introductory text of paragraphs (c)(2) and (d)(1), and paragraphs (d)(2) and (d)(3), and revise paragraph (f), as proposed to be redesignated from paragraph (e) at 80 FR 68268 on November 4, 2015, to read as follows:

§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2016 annual fee for each operating power reactor which must be collected by September 30, 2016, is $4,923,000.

(2) The FY 2016 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (fee-relief adjustment). The activities comprising the spent storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2016 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2016 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2016 annual fee for each power reactor holding a 10 CFR part 50 license that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is $211,000.

(2) The FY 2016 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section) and a fee-relief adjustment. The activities comprising the FY 2016 fee-relief adjustment are shown in paragraph (d)(1) of this section. The activities comprising the FY 2016 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(d)(1) The fee-relief adjustment allocated to annual fees includes a surcharge for the activities listed in paragraph (d)(1)(i) of this section, plus the amount remaining after total budgeted resources for the activities included in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section are reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section for a given fiscal year, annual fees will be reduced. The activities comprising the FY 2016 fee-relief adjustment are as follows:

* * * * *

(2) The total FY 2016 fee-relief adjustment allocated to the operating power reactor class of licenses is a −$265,900 fee-relief surplus, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2016 operating power reactor fee-relief adjustment to be assessed to each operating power reactor is approximately a −$2,659 fee-relief surplus. This amount is calculated by dividing the total operating power reactor fee-relief surplus adjustment, −$265,900, by the number of operating power reactors (100).

(3) The FY 2016 fee-relief adjustment allocated to the spent fuel storage/reactor decommissioning class of licenses is a −$54,000 fee-relief assessment. The FY 2016 spent fuel storage/reactor decommissioning fee-relief adjustment to be assessed to each operating power reactor, each power reactor in decommissioning or possession-only status that has spent fuel onsite, and to each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license, is a −$442 fee-relief assessment. This amount is calculated by dividing the total fee-relief adjustment costs allocated to this class by the total number of power reactor licenses, except those that permanently ceased operations and have no fuel onsite, and 10 CFR part 72 licensees who do not hold a 10 CFR part 50 license.

* * * * *

(f) The FY 2016 annual fees for licensees authorized to operate a research or test (nonpower) reactor licensed under 10 CFR part 50, unless the reactor is exempted from fees under § 171.11(a), are as follows:

Research reactor	$82,500
Test reactor	82,500

■ 14. In § 171.16, revise paragraphs (c) and (d) and the introductory text of paragraph (e) to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over last 3 completed fiscal years):	
$485,000 to $7 million	$3,400
Less than $485,000	700
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$485,000 to $7 million	3,400
Less than $485,000	700
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	3,400
Fewer than 35 employees	700
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	3,400
Fewer than 20,000	700
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer	
35 to 500 employees	3,400
Fewer than 35 employees	700

(d) The FY 2016 annual fees are comprised of a base annual fee and an allocation for fee-relief adjustment. The activities comprising the FY 2016 fee-relief adjustment are shown for convenience in paragraph (e) of this section. The FY 2016 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in the following table:

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3] ($)
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [Program Code(s): 21130]	7,955,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [Program Code(s): 21210]	2,737,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities	
(a) Facilities with limited operations [Program Code(s): 21310, 21320]	0
(b) Gas centrifuge enrichment demonstration facilities	1,540,000
(c) Others, including hot cell facilities	770,000
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [Program Code(s): 23200]	[11] N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[15] [Program Code(s): 22140]	3,100
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[15] [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	8,100
E. Licenses or certificates for the operation of a uranium enrichment facility [Program Code(s): 21200]	3,764,000
F. For special nuclear materials licenses in sealed or unsealed form of greater than a critical mass as defined in § 70.4 of this chapter.[15] [Program Code: 22155]	6,800
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal. [Program Code: 11400]	1,625,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode	
(a) Conventional and Heap Leach facilities [Program Code(s): 11100]	40,200
(b) Basic *In Situ* Recovery facilities [Program Code(s): 11500]	50,900
(c) Expanded *In Situ* Recovery facilities [Program Code(s): 11510]	57,600
(d) *In Situ* Recovery Resin facilities [Program Code(s): 11550]	0

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3] ($)
(e) Resin Toll Milling facilities [Program Code(s): 11555]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [Program Code(s): 12010]	22,800
(5) Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water [Program Code(s): 11820]	6,700
B. Licenses that authorize possession, use, and/or installation of source material for shielding.[16] [17] [18] [Program Code: 11210]	3,500
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	6,800
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter [Program Code(s): 11230 and 11231]	6,600
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	8,300
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810]	7,700
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution [Program Code(s): 03211, 03212, 03213]	30,400
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution [Program Code(s): 03214, 03215, 22135, 22162]	12,700
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). [Program Code(s): 02500, 02511, 02513]	13,500
D. [Reserved]	[5] N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units) [Program Code(s): 03510, 03520]	9,900
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03511]	12,100
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes [Program Code(s): 03521]	107,900
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03254, 03255]	12,400
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter [Program Code(s): 03250, 03251, 03252, 03253, 03256]	18,300
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03240, 03241, 03243]	4,700
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter [Program Code(s): 03242, 03244]	3,500
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	17,600
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	23,700
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 20 or more. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	29,600
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution [Program Code(s): 03620]	12,300

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3] ($)
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C. [Program Code(s): 03219, 03225, 03226]	21,100
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license [Program Code(s): 03310, 03320]	25,900
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[19] [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	8,000
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in 10 CFR 31.12 which exceed the number of items or limits specified in that section:[14]	
1. Possession of quantities exceeding the number of items or limits in 10 CFR 31.12(a)(4), or (5) but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	7,800
2. Possession of quantities exceeding 10 times the number of items or limits specified in 10 CFR 31.12(a)(4) or (5) [Program Code(s): 02710]	8,300
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	30,700
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material [Program Code(s): 03231, 03233, 03235, 03236, 06100, 06101]	[5] N/A
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03234]	21,900
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material [Program Code(s): 03232]	14,700
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies [Program Code(s): 03110, 03111, 03112]	14,400
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218]	0
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. [Program Code(s): 02300, 02310]	24,600
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [Program Code(s): 02110]	37,300
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [20] [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	13,300
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities [Program Code(s): 03710]	7,800
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	7,900
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	13,000
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	7,700
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	1,500
10. Transportation of radioactive material:	

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3] ($)
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs) [Program Code(s): 3900, 11900, 21135, 21215, 21240, 21325, 22200]	[7] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies [Program Code(s): 03614]	343,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 1,480,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities	555,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1, 2015, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.,* human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the FEDERAL REGISTER for notice and comment.

[4] Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.B. or 7.C.

[10] This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.

[11] See § 171.15(c).

[12] See § 171.15(c).

[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[15] Licensees paying annual fees under category 1.A., 1.B., and 1.E. are not subject to the annual fees for categories 1.C., 1.D., and 1.F. for sealed sources authorized in the license.

[16] Licensees subject to fees under categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[17] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[18] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[19] Licensees paying fees under 3.N. are not subject to paying fees under 3.P. for calibration or leak testing services authorized on the same license.

[20] Licensees paying fees under 7.B. are not subject to paying fees under 7.C. for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

(e) The fee-relief adjustment allocated to annual fees includes the budgeted resources for the activities listed in paragraph (e)(1) of this section, plus the total budgeted resources for the activities included in paragraphs (e)(2) and (e)(3) of this section, as reduced by the appropriations the NRC receives for these types of activities. If the NRC's appropriations for these types of activities are greater than the budgeted resources for the activities included in

paragraphs (e)(2) and (e)(3) of this section for a given fiscal year, a negative fee-relief adjustment (or annual fee reduction) will be allocated to annual fees. The activities comprising the FY 2016 fee-relief adjustment are as follows:

* * * * *

Dated at Rockville, Maryland, this 7th day of March 2016.

For the Nuclear Regulatory Commission.

Maureen E. Wylie,

Chief Financial Officer.

[FR Doc. 2016–06284 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM16–8–000]

Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise the *pro forma* Small Generator Interconnection Agreement (SGIA). The *pro forma* SGIA establishes the terms and conditions under which public utilities must provide interconnection service to small generating facilities of no larger than 20 megawatts. In this Notice of Proposed Rulemaking, the Commission proposes to modify the *pro forma* SGIA to require newly interconnecting small generating facilities to ride through abnormal frequency and voltage events and not disconnect during such events. The Commission already requires generators interconnecting under the Large Generator Interconnection Agreement to have this capability, and it would be unduly discriminatory not to also impose these requirements on small generating facilities. The Commission believes that small generating facilities should now have ride through requirements comparable to large generating facilities.

DATES: Comments are due May 23, 2016.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

• *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

• *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Monica Taba (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6789, *Monica.Taba@ferc.gov.*

Alan Rukin (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8502, *Alan.Rukin@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. The Commission proposes to revise the *pro forma* Small Generator Interconnection Agreement (SGIA) originally set forth in Order No. 2006 [1] and revised in Order No. 792.[2] In this Notice of Proposed Rulemaking (NOPR), the Commission proposes to modify the *pro forma* SGIA pursuant to its authority under section 206 of the Federal Power Act (FPA) to ensure that rates, terms and conditions of jurisdictional service remain just and reasonable and not unduly discriminatory or preferential.[3] The proposed modifications would require small generating facilities interconnecting through the SGIA to ride through abnormal frequency and voltage events and not disconnect during such events.[4] The Commission intends that the proposed revisions address the Commission's concerns that it would be unduly discriminatory to impose these requirements on large generating facilities and not small generating facilities. The Commission believes that small generating facilities should now have ride through requirements comparable to large generating facilities.[5]

I. Background

2. The *pro forma* SGIA establishes the terms and conditions under which public utilities must provide interconnection service to small generating facilities of no larger than 20 megawatts (MW). Currently, the *pro forma* SGIA does not mandate that small generating facilities must ride through voltage or frequency disturbances.

3. The Commission has previously evaluated whether small generating facilities should be subject to these requirements. In Order No. 2006, the Commission explored whether voltage ride through requirements proposed for large wind generating facilities should apply to small generating facilities.[6] While a commenter asked the Commission to implement standards for small generating facilities that are similar to those proposed for large generating facilities, other commenters responded that special capabilities, such as low voltage ride through, were not needed for any small generating facility. The Commission concluded that generating facilities interconnecting under Order No. 2006 would be small and would have minimal impact on the transmission provider's electric system and, therefore, need not be subject to ride through requirements.[7]

4. The Commission again addressed these requirements with regard to small generating facilities in Order No. 792. In that proceeding, the Commission proposed to revise section 1.5.4 of the *pro forma* SGIA to address the reliability concern related to automatic disconnection of small generating facilities during over- and under-frequency events that could become a matter of concern at high penetrations of

[1] *Standardization of Small Generator Interconnection Agreements and Procedures,* Order No. 2006, FERC Stats. & Regs. ¶ 31,180, *order on reh'g,* Order No. 2006–A, FERC Stats. & Regs. ¶ 31,196 (2005), *order granting clarification,* Order No. 2006–B, FERC Stats. & Regs. ¶ 31,221 (2006) (Order No. 2006).

[2] *Small Generator Interconnection Agreements and Procedures,* Order No. 792, 145 FERC ¶ 61,159 (2013), *clarified,* Order No. 792–A, 146 FERC ¶ 61,214 (2014) (Order No. 792).

[3] 16 U.S.C. 824e.

[4] In Order No. 2003, the Commission defined ''ride through'' to mean ''a Generating Facility staying connected to and synchronized with the Transmission System during system disturbances within a range of over- and under-frequency conditions, in accordance with Good Utility Practice.'' *Standardization of Generator Interconnection Agreements and Procedures,* Order No. 2003, FERC Stats. & Regs. ¶ 31,146, at P 562 n.88 (2003), *order on reh'g,* Order No. 2003–A, FERC Stats. & Regs. ¶ 31,160, *order on reh'g,* Order No. 2003–B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g,* Order No. 2003–C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs* v. *FERC,* 475 F.3d 1277 (D.C. Cir. 2007), *cert. denied,* 552 U.S. 1230 (2008) (Order No. 2003).

[5] Article 9 of the Large Generator Interconnection Agreement, together with Reliability Standard PRC–024–2 (Generator Frequency and Voltage Protective Relay Settings) (effective July 1, 2016), generally require generating facilities larger than 20 MW to ride through frequency and voltage disturbances.

[6] Order No. 2006, FERC Stats. & Regs. ¶ 31,180 at P 24.

[7] *Id.* The penetration of small generating facilities has increased since the Commission analyzed the impact of small generating facilities in Order No. 2006. *See infra* P 7.

distributed energy resources.[8] The proposed revisions to section 1.5.4 would have required the interconnection customer to design, install, maintain, and operate its small generating facility, in accordance with the latest version of the applicable standards to prevent automatic disconnection during over- and under-frequency events.[9]

5. The Commission declined to adopt this proposed revision in Order No. 792.[10] Instead, the Commission recognized that Institute of Electrical and Electronics Engineers (IEEE) was, at the time, in the process of amending IEEE Standard 1547, which is an interconnection standard that is referenced in the Small Generator Interconnection Procedures.[11] The Commission also noted that IEEE was about to begin a full IEEE Standard 1547 revision process in 2014, where frequency and voltage ride through requirements in the standard were to be evaluated. The Commission concluded that it would continue to monitor the IEEE Standard 1547 revision process and could revise the *pro forma* SGIA as it relates to IEEE Standard 1547 in the future, if necessary.[12]

6. Since the Commission issued Order No. 792, IEEE has completed a partial revision of IEEE Standard 1547, which is IEEE Standard 1547a. IEEE is also in the process of fully revising IEEE Standard 1547. IEEE Standard 1547a permits generating facilities to have wider trip setting compared with IEEE Standard 1547. However, IEEE Standard 1547a includes permissive—and not mandatory—ride through requirements.[13]

7. Following the Commission's evaluations of the need for ride through requirements for small generating facilities, the impact of small generating facilities on the grid has changed, and the amount has increased. For example, NERC has noted in multiple reports, the mix of generation resources is changing and the high penetration of distributed energy resources will impact the reliability of the electric grid if sufficient care is not taken to mitigate potential adverse impacts.[14] NERC also has found that a lack of coordination between small generating facilities and NERC Reliability Standards can lead to events where system load imbalance may increase during frequency excursions or voltage deviations due to the disconnection of distributed energy resources, which may exacerbate a disturbance on the Bulk-Power System.[15] In addition, the Commission has observed the growth in grid-connected solar photovoltaic generation since the issuance of Order No. 2006 and the growth in small generator interconnection requests driven by state renewable portfolio standards.[16] Moreover, technology now available to newly interconnecting small generating facilities, such as smart inverters, permits the capability to ride through frequency and voltage disturbances.[17]

II. Discussion

A. Disturbance Ride Through Capability Requirements

1. Need for Reform

8. Conditions have changed since the Commission last evaluated whether to impose ride through requirements on small generating facilities.[18] IEEE has revised its standards, and IEEE Standard 1547a now provides wider trip settings that give small generating facilities greater ability to ride through disturbances.[19] In addition, distributed energy resources have had an increasing presence and impact on the electric system. The absence of ride through requirements for small generating facilities increases the risk that an initial voltage or frequency disturbance may cause a significant number of small generating facilities to trip across a particular area or Interconnection. Moreover, the Commission is concerned that small generating facilities, in the aggregate or in significant combination, could exacerbate an initial disturbance by tripping off-line instead of riding through a disturbance. Large generating facilities are already subject to ride through requirements to avoid these types of occurrences. Given the changes in conditions described above, we now conclude there is reason to subject small generating facilities to ride through requirements. For these reasons, the Commission preliminarily concludes that the lack of ride through requirements is unduly discriminatory or preferential for small generating facilities.

9. The Commission acknowledges that some areas have a greater penetration of distributed resources than others at this time. Nevertheless, the Commission believes that the proposed reforms to the *pro forma* SGIA are appropriate on an industry-wide basis now. The issue regarding small generating facilities the Commission seeks to address in this NOPR is expected to increase over time, and it is appropriate for the Commission to act on an industry-wide basis now to ensure effective protections and to avoid possible increased costs that may result from applying the rule on a different basis.[20]

10. The Commission affirms that this NOPR is not intended to interfere with state interconnection procedures or agreements in any way. The *pro forma* SGIA applies only to interconnections made subject to a jurisdictional open access transmission tariff (OATT) for the purposes of jurisdictional wholesale sales. Similar to the approach in Order Nos. 2006 and 792, the Commission hopes that any changes to the *pro forma* SGIA resulting from this NOPR will be helpful to states when updating their own interconnection rules, but the states are under no obligation to adopt the provisions of the Commission's proposal.[21]

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[8] *Small Generator Interconnection Agreements and Procedures,* Notice of Proposed Rulemaking, 142 FERC ¶ 61,049, at P 46 (2013) (Order No. 792 NOPR).

[9] *Id.*

[10] Order No. 792, 145 FERC ¶ 61,159 at P 220.

[11] *Id.*

[12] *Id.*

[13] IEEE Standard 1547a contains ''must trip'' requirements; it does not have ''must ride through'' requirements. By widening the trip settings, IEEE Standard 1547a permits generating facilities to trip at a later time. This change effectively allows generating facilities to ride through disturbances, but they are not required to do so.

[14] *See* NERC Special Report, Potential Bulk System Reliability Impacts of Distributed Resources (Aug. 2011), *http://www.nerc.com/docs/pc/ivgtf/IVGTF_TF-1-8_Reliability-Impact-Distributed-Resources_Final-Draft_2011.pdf; see also* NERC Integration of Variable Generation Task Force Draft Report, Performance of Distributed Energy Resources During and After System Disturbance (Dec. 2013), *http://www.nerc.com/comm/PC/Integration%20of%20Variable%20Generation%20Task%20Force%20I1/IVGTF17_PC_FinalDraft_December_clean.pdf.*

[15] NERC, Essential Reliability Services Task Force Measures Report, 21 (Dec. 2015), *http://www.nerc.com/comm/Other/essntlrlbltysrvcstskfrcDL/ERSTF%20Framework%20Report%20-%20Final.pdf.* NERC defines distributed energy resources to mean resources that are distributed geographically and not centralized like traditional generation resources.

[16] *See, e.g.,* Order No. 792, 145 FERC ¶ 61,159 at P 15; Solar Industry Data, Solar Energy Indus. Ass'n, *http://www.seia.org/research-resources/solar-industry-data* (last visited Mar. 2, 2016).

[17] *See* Electric Power Research Institute, Recommended Settings for Voltage and Frequency Ride Through of Distributed Energy Resources, 28–29 (May 2015), *http://www.epri.com/abstracts/Pages/ProductAbstract.aspx?ProductId=000000003002006203.*

[18] The Commission routinely evaluates the effectiveness of its regulations and policies in light of changing industry conditions to determine if changes in these conditions and policies are necessary. *See, e.g., Integration of Variable Energy Resources,* Order No. 764, FERC Stats. & Regs. ¶ 31,331 (2012).

[19] The reforms proposed in this proceeding are not intended to impede ongoing work of the IEEE Standard 1547 Working Group.

[20] *See* Order No. 792 NOPR, 142 FERC ¶ 61,049 at P 46.

[21] Order No. 792, 145 FERC ¶ 61,159 at P 27; Order No. 2006, FERC Stats. & Regs. ¶ 31,180 at P 8.

2. Commission Proposal

11. The Commission proposes to revise the *pro forma* SGIA to include proposed section 1.5.7, which would require interconnection customers to ensure the frequency ride through capability and the voltage ride through capability of small generating facilities that execute interconnection agreements following the effective date of the proposed section 1.5.7. Proposed section 1.5.7 would also require a small generating facility not to disconnect automatically or instantaneously from the system or equipment of the transmission provider and any affected systems for an under-frequency or over-frequency condition, or an under-voltage or over-voltage condition. In addition, the transmission provider must coordinate the small generating facility's protective equipment settings with any automatic load shedding program (*e.g.,* under frequency load shedding, under voltage load shedding).

12. The Commission proposes to add new section 1.5.7 of the *pro forma* SGIA:

1.5.7 The Interconnection Customer shall ensure ''frequency ride through'' capability and ''voltage ride through'' capability of its Small Generating Facility. The Interconnection Customer shall enable these capabilities such that its Small Generating Facility shall not disconnect automatically or instantaneously from the system or equipment of the Transmission Provider and any Affected Systems for a defined under-frequency or over-frequency condition, or an under-voltage or over-voltage condition. The defined conditions shall be in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. The Small Generating Facility's protective equipment settings shall comply with the Transmission Provider's automatic load-shed program. The Transmission Provider shall review the protective equipment settings to confirm compliance with the automatic load-shed program. The term ''ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of the Transmission Provider and any Affected Systems during system disturbances within a range of conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority on a comparable basis. The term ''frequency ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of the Transmission Provider and any Affected Systems during system disturbances within a range of under-frequency and over-frequency conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. The term ''voltage ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of the Transmission Provider and any Affected Systems during system disturbances within a range of under-voltage and over-voltage conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis.

13. The Commission proposes to apply the frequency ride through and the voltage ride through requirements to any new small generating facility that executes an SGIA after the effective date of proposed section 1.5.7. In addition, the Commission proposes to apply the requirements to any small generating facility that has an executed SGIA as of the effective date of proposed section 1.5.7 but that takes any action that requires the submission of a new interconnection request and the request is submitted on or after the effective date of proposed section 1.5.7. The Commission intends that the proposed revisions to the *pro forma* SGIA would not affect any other interconnected small generating facilities.

14. At this time, the Commission does not propose to adopt specific frequency and voltage ride through parameters. Instead, we propose to allow for the development of appropriate system-specific standards, which we expect will be based on work by recognized standards setting bodies, such as IEEE.

15. The Commission seeks comment on the proposed requirement for small generating facilities to ride through defined frequency and voltage disturbances.

B. Proposed Compliance Procedures

16. The Commission proposes to require each public utility [22] transmission provider that has an SGIA within its OATT to submit a compliance filing within 90 days of the effective date of the final rule in this proceeding revising the SGIA within its OATT subject to the Commission's jurisdiction to demonstrate that it meets the requirements set forth in this proposal.

17. Some public utility transmission providers may have provisions in their existing SGIAs that the Commission has deemed to be consistent with or superior to the *pro forma* SGIA. Where these provisions would be modified by the final rule, public utility transmission providers must either comply with the final rule or demonstrate that these previously-approved variations continue to be consistent with or superior to the *pro forma* SGIA as modified by the final rule. The Commission also proposes to permit appropriate entities to seek ''independent entity variations'' from the proposed revisions to the *pro forma* SGIA.[23]

18. The Commission would assess whether each compliance filing satisfies the proposed requirements stated above and issue additional orders as necessary to ensure that each public utility transmission provider meets the requirements of the subsequent final rule.

19. The Commission proposes that transmission providers that are not public utilities would have to adopt the requirements of this proposal and subsequent final rule as a condition of maintaining the status of their safe harbor tariff or otherwise satisfying the reciprocity requirement of Order No. 888.[24]

III. Information Collection Statement

20. The following collection of information contained in this NOPR is subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[25] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[26] Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to this collection of information unless the collection of information displays a valid OMB control number.

21. The reforms proposed in this NOPR would amend the Commission's

[22] For purposes of this NOPR, a public utility is a utility that owns, controls, or operates facilities used for transmitting electric energy in interstate commerce, as defined by the FPA. *See* 16 U.S.C. 824(e). A non-public utility that seeks voluntary compliance with the reciprocity condition of an OATT may satisfy that condition by filing an OATT, which includes an SGIA.

[23] *See, e.g.,* Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 827.

[24] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,* Order No. 888, FERC Stats. & Regs. ¶ 31,036, at 31,760–63 (1996), *order on reh'g,* Order No. 888–A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[25] 44 U.S.C. 3507(d).

[26] 5 CFR 1320.11.

pro forma SGIA in accordance with section 35.28(f)(1) of the Commission's regulations.[27] The NOPR proposes to require each public utility transmission provider to amend its SGIA to require that all newly interconnecting small generating facilities, as well as all existing small generating facilities that submit new interconnection requests, to ensure frequency ride through capability and voltage ride through capability in accordance with good utility practice and consistent with any standards and guidelines that are applied to other generating facilities in the balancing authority area on a comparable basis, as of the effective date of the final rule in this proceeding. The reforms proposed in this NOPR would require filings of SGIAs with the Commission. The Commission anticipates the reforms proposed in this NOPR, once implemented, would not significantly change currently existing burdens on an ongoing basis. With regard to those public utility transmission providers that believe that they already comply with the reforms proposed in this NOPR, they could demonstrate their compliance in the filing required 90 days after the effective date of the final rule in this proceeding. The Commission will submit the proposed reporting requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act.[28]

22. While the Commission expects the adoption of the proposed reforms to provide significant benefits, the Commission understands that implementation can be a complex and costly endeavor. The Commission solicits comments on the accuracy of provided burden and cost estimates and any suggested methods for minimizing the respondents' burdens.

Burden Estimate: The Commission believes that the burden estimates below are representative of the average burden on respondents. The estimated burden and cost for the requirements contained in this NOPR follow.[29]

FERC 516A, PROPOSED CHANGES IN NOPR IN RM16–8

	Number of respondents[30] (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden (Hrs.) and cost ($) per response (4)	Total annual burden hours and total annual cost ($) (3)*(4)=(5)
Conforming SGIA changes to incorporate proposed revisions.	118	1	118	7.5 hrs.; $540 ...	885 hrs.; $63,720
Total			118	7.5 hrs.; $540 ...	885 hrs.; $63,720

Cost to Comply: The Commission has projected the additional cost of compliance as follows:[31]

- Year 1: $63,720 for all affected entities ($540/utility).
- Year 2 and subsequent years: $0.

After implementation in Year 1, the reforms proposed in this NOPR would be complete.

Title: FERC–516A, Standardization of Small Generator Interconnection Agreements and Procedures.

Action: Revision of currently approved collection of information.

OMB Control No.: 1902–0203.

Respondents for This Rulemaking: Businesses or other for profit and/or not-for-profit institutions.

Frequency of Information: One-time during Year 1.

Necessity of Information: The Commission is proposing changes to the *pro forma* SGIA in order to more efficiently and cost-effectively interconnect generating facilities no larger than 20 MW (small generating facilities) to Commission-jurisdictional transmission systems. The purpose of this NOPR is to revise the *pro forma* SGIA so small generating facilities can be reliably and efficiently integrated into the electric grid and to ensure that Commission-jurisdictional services are provided at rates, terms and conditions that are just and reasonable and not unduly discriminatory or preferential. This Proposed Rule seeks to achieve this goal by amending the *pro forma* SGIA to include proposed section 1.5.7.

Internal Review: The Commission has reviewed the proposed changes and has determined that the changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

23. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], email: *DataClearance@ferc.gov,* Phone: (202) 502–8663, fax: (202) 273–0873.

24. Comments on the collection of information and the associated burden estimate in the proposed rule should be sent to the Commission in this docket and may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission], at the following email address: *oira_submission@omb.eop.gov.* Please reference OMB Control No. 1902–0203 and the docket number of this proposed rulemaking in your submission.

IV. Environmental Analysis

25. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[32] The Commission concludes that neither an Environmental Assessment nor an Environmental Impact Statement is required for the revisions proposed in

[27] 18 CFR 35.28(f)(1).

[28] 44 U.S.C. 3507(d).

[29] Commission staff estimates that industry is similarly situated in terms of hourly cost (wages plus benefits). Based on the Commission average cost (wages plus benefits) for 2015, $72/hour is used.

[30] Number of Applicable Registered Entities.

[31] The costs for Year 1 would consist of filing proposed changes to the *pro forma* SGIA with the Commission within 90 days of the effective date of the final revision plus initial implementation. The Commission does not expect any ongoing costs beyond the initial compliance in Year 1.

[32] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

this NOPR under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts and regulations that affect rates, charges, classifications, and services.[33] The revisions proposed in this NOPR would update and clarify the application of the Commission's standard interconnection requirements to small generating facilities. Therefore, this NOPR falls within the categorical exemptions provided in the Commission's regulations, and as a result neither an environmental impact statement nor an environmental assessment is required.

V. Regulatory Flexibility Act

26. The Regulatory Flexibility Act of 1980 (RFA) [34] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA does not mandate any particular outcome in a rulemaking. It only requires consideration of alternatives that are less burdensome to small entities and an agency explanation of why alternatives were rejected.

27. The Small Business Administration (SBA) revised its size standards (effective January 22, 2014) for electric utilities from a standard based on megawatt hours to a standard based on the number of employees, including affiliates. Under SBA's standards, some transmission owners will fall under the following category and associated size threshold: Electric bulk power transmission and control, at 500 employees.[35]

28. The Commission estimates that the total number of public utility transmission providers that would have to modify the SGIAs within their currently effective OATTs is 118. Of these, the Commission estimates that approximately 43 percent are small entities. The Commission estimates the average total cost to each of these entities will be minimal, requiring on average 7.5 hours or $540. According to SBA guidance, the determination of significance of impact ''should be seen as relative to the size of the business, the size of the competitor's business, and the impact the regulation has on larger competitors.'' [36] The Commission does not consider the estimated burden to be a significant economic impact. As a result, the Commission certifies that the reforms proposed in this NOPR would not have a significant economic impact on a substantial number of small entities.

VI. Comment Procedures

29. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 23, 2016. Comments must refer to Docket No. RM16–8–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

30. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

31. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

32. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

33. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

34. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

35. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06509 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

[33] 18 CFR 380.4(a)(15).

[34] 5 U.S.C. 601–612.

[35] 13 CFR 121.201, Sector 22 (Utilities), NAICS code 221121 (Electric Bulk Power Transmission and Control).

[36] U.S. Small Business Administration, *A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act,* at 18 (May 2012), *https://www.sba.gov/sites/default/files/advocacy/rfaguide_0512_0.pdf.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–434]

Schedules of Controlled Substances: Temporary Placement of Butyryl Fentanyl and Beta-Hydroxythiofentanyl Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of intent.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this notice of intent to temporarily schedule the synthetic opioids, *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide (butyryl fentanyl) and *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide (beta-hydroxythiofentanyl), into schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act. This action is based on a finding by the Administrator that the placement of these synthetic opioids into schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. Any final order will impose the administrative, civil, and criminal sanctions and regulatory controls applicable to schedule I controlled substances under the Controlled Substances Act on the manufacture, distribution, possession,

importation, and exportation of, and research and conduct with, instructional activities of these synthetic opioids.

DATES: March 23, 2016.

FOR FURTHER INFORMATION CONTACT: Barbara J. Boockholdt, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: Any final order will be published in the **Federal Register** and may not be effective prior to April 22, 2016.

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21 U.S.C. 801–971. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308.

Section 201 of the CSA, 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance into schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if she finds that such action is necessary to avoid imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

Background

Section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance into schedule I of the CSA.[1] The Administrator transmitted notice of his intent to place butyryl fentanyl and beta-hydroxythiofentanyl in schedule I on a temporary basis to the Assistant Secretary by letter dated December 21, 2015 (received by the HHS on December 23, 2015). The Assistant Secretary responded to this notice by letter dated January 13, 2016, and advised that based on review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications or approved new drug applications for butryl fentanyl or beta-hydroxythiofentanyl. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of butryl fentanyl or beta-hydroxythiofentanyl into schedule I of the CSA. Neither butryl fentanyl nor beta-hydroxythiofentanyl are currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for butryl fentanyl or beta-hydroxythiofentanyl under section 505 of the FDCA, 21 U.S.C. 355. The DEA has found that the control of butryl fentanyl and beta-hydroxythiofentanyl in schedule I on a temporary basis are necessary to avoid an imminent hazard to public safety.

To find that placing a substance temporarily into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed in schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

Butyryl Fentanyl and Beta-Hydroxythiofentanyl

Available data and information for butyryl fentanyl and beta-hydroxythiofentanyl, summarized below, indicate that these synthetic opioid substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three-factor analysis is available in its entirety under of the public docket of this action as a supporting document at *www.regulations.gov* under Docket Number DEA–434.

Factor 4. History and Current Pattern of Abuse

Clandestinely produced substances structurally related to the schedule II opioid analgesic fentanyl were trafficked and abused on the West Coast in the late 1970s and 1980s. These clandestinely produced fentanyl-like substances were commonly known as designer drugs, and recently there has been a reemergence in the trafficking and abuse of designer drug substances, including fentanyl-like substances. Alpha-methylfentanyl, the first fentanyl analogue identified in California, was placed into schedule I of the CSA in September 1981. 46 FR 46799. Following the control of alpha-methylfentanyl, the DEA identified several other fentanyl analogues (3-methylthiofentanyl, acetyl-alpha-methylfentanyl, beta-hydroxy-3-methylfentanyl, alpha-methylthiofentanyl, thiofentanyl, beta-hydroxyfentanyl, para-fluorofentanyl, and 3-methylfentanyl) in submissions to forensic laboratories. These substances were temporarily controlled under

[1] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

schedule I of the CSA after finding that they posed an imminent hazard to public safety and were subsequently permanently placed in schedule I of the CSA. On July 17, 2015, acetyl fentanyl was temporarily controlled under schedule I of the CSA after a finding by the Administrator that it posed an imminent hazard to public safety. 80 FR 42381.

Prior to October 1, 2014, the System to Retrieve Information from Drug Evidence (STRIDE) collected the results of drug evidence analyzed at DEA laboratories and reflected evidence submitted by the DEA, other federal law enforcement agencies, and some local law enforcement agencies. STRIDE data were queried through September 30, 2014, by date submitted to federal forensic laboratories. Since October 1, 2014, STARLiMS (a web-based, commercial laboratory information management system) has replaced STRIDE as the DEA laboratory drug evidence data system of record. DEA laboratory data submitted after September 30, 2014, are reposited in STARLiMS. Data from STRIDE and STARLiMS were queried on December 21, 2015. The National Forensic Laboratory Information System (NFLIS) is a program of the DEA that collects drug identification results from drug cases analyzed by other federal, state, and local forensic laboratories. NFLIS reports from other federal, state, and local forensic laboratories were queried on December 22, 2015.[2]

The first laboratory submission of butyryl fentanyl was recorded in Kansas in March 2014 according to NFLIS. STRIDE, STARLiMS and NFLIS registered seven reports containing butyryl fentanyl in 2014 in Illinois, Kansas, Minnesota, and Pennsylvania; 81 reports of butyryl fentanyl were recorded in 2015 in California, Connecticut, Florida, Indiana, North Dakota, New York, Ohio, Oregon, Tennessee, Virginia, and Wisconsin. A total of three reports of beta-hydroxythiofentanyl were recorded by STARLiMS, all of which were reported in 2015 from Florida. To date, beta-hydroxythiofentanyl has not been reported in NFLIS; however, this substance was identified in June 2015 by a forensic laboratory in Oregon.

Evidence also suggests that the pattern of abuse of fentanyl analogues, including butyryl fentanyl and beta-hydroxythiofentanyl, parallels that of heroin and prescription opioid analgesics. Seizures of butyryl fentanyl have been encountered in tablet and powder form. Butyryl fentanyl was identified on bottle caps and spoons and residue was detected within glassine bags, on digital scales, and on sifters which demonstrates the abuse of this substance as a replacement for heroin or other opioids, either knowingly or unknowingly. Butyryl fentanyl has been encountered as a single substance as well as in combination with other illicit substances, such as acetyl fentanyl, heroin, cocaine, or methamphetamine. Like butyryl fentanyl, beta-hydroxythiofentanyl has been encountered in both tablet and powder form. Both butyryl fentanyl and beta-hydroxythiofentanyl have caused fatal overdoses, in which intravenous routes of administration are documented.

Factor 5. Scope, Duration and Significance of Abuse

The DEA is currently aware of at least 40 confirmed fatalities associated with butyryl fentanyl and 7 confirmed fatalities associated with beta-hydroxythiofentanyl. The information on these deaths occurring in 2015 was collected from toxicology and medical examiner reports and was reported from four states—Florida (7, beta-hydroxythiofentanyl), Maryland (1, butyryl fentanyl), New York (38, butyryl fentanyl), and Oregon (1, butyryl fentanyl). STRIDE, STARLiMS, and NFLIS have a total of 88 drug reports in which butyryl fentanyl was identified in drug exhibits submitted in 2014 and 2015 from California, Connecticut, Florida, Illinois, Indiana, Kansas, Minnesota, North Dakota, New York, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, and Wisconsin. STARLiMS has a total of three drug reports in which beta-hydroxythiofentanyl was identified in drug exhibits submitted in 2015 from Florida. It is likely that the prevalence of butyryl fentanyl and beta-hydroxythiofentanyl in opioid analgesic-related emergency room admissions and deaths is underreported as standard immunoassays cannot differentiate these substances from fentanyl.

The population likely to abuse butyryl fentanyl and beta-hydroxythiofentanyl overlaps with the populations abusing prescription opioid analgesics and heroin. This is evidenced by the routes of administration and drug use history documented in butyryl fentanyl and beta-hydroxythiofentanyl fatal overdose cases. Because abusers of these fentanyl analogues are likely to obtain these substances through illicit sources, the identity, purity, and quantity is uncertain and inconsistent, thus posing significant adverse health risks to abusers of butyryl fentanyl and beta-hydroxythiofentanyl. Individuals who initiate (*i.e.* use an illicit drug for the first time) butyryl fentanyl or beta-hydroxythiofentanyl abuse are likely to be at risk of developing substance use disorder, overdose, and death similar to that of other opioid analgesics (*e.g.,* fentanyl, morphine, etc.).

Factor 6. What, if Any, Risk There Is to the Public Health

Butyryl fentanyl and beta-hydroxythiofentanyl exhibit pharmacological profiles similar to that of fentanyl and other mu-opioid receptor agonists. Due to limited scientific data, their potency and toxicity are not known; however, the toxic effects of both butyryl fentanyl and beta-hydroxythiofentanyl in humans are demonstrated by overdose fatalities involving these substances. Abusers of these fentanyl analogues may not know the origin, identity, or purity of these substances, thus posing significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone.

Based on the documented case reports of overdose fatalities, the abuse of butyryl fentanyl and beta-hydroxythiofentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

Butyryl fentanyl and beta-hydroxythiofentanyl have been associated with numerous fatalities. At least 40 confirmed overdose deaths involving butyryl fentanyl abuse have been reported in Maryland (1), New York (38), and Oregon (1) in 2015. At least seven confirmed overdose fatalities involving beta-hydroxythiofentanyl have been reported in Florida in 2015. This indicates that both butyryl fentanyl and beta-hydroxythiofentanyl pose an imminent hazard to the public safety.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information, summarized above, the continued uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of butyryl fentanyl and beta-hydroxythiofentanyl pose an imminent hazard to the public

[2] Data are still being reported for September–November 2015, due to normal lag time for laboratories to report to NFLIS.

safety. The DEA is not aware of any currently accepted medical uses for these substances in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for butyryl fentanyl and beta-hydroxythiofentanyl indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated December 21, 2015, notified the Assistant Secretary of the DEA's intention to temporarily place this substance in schedule I.

Conclusion

This notice of intent initiates an expedited temporary scheduling action and provides the 30-day notice pursuant to section 201(h) of the CSA, 21 U.S.C. 811(h). In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule butyryl fentanyl and beta-hydroxythiofentanyl in schedule I of the CSA, and finds that placement of these opioid substances into schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety.

Because the Administrator hereby finds that it is necessary to temporarily place these synthetic opioids into schedule I to avoid an imminent hazard to the public safety, any subsequent final order temporarily scheduling these substances will be effective on the date of publication in the **Federal Register**, and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2). It is the intention of the Administrator to issue such a final order as soon as possible after the expiration of 30 days from the date of publication of this notice. Butyryl fentanyl and beta-hydroxythiofentanyl will then be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession of a schedule I controlled substance.

The CSA sets forth specific criteria for scheduling a drug or other substance. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The regular scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary of HHS. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. In the alternative, even assuming that this notice of intent might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Although the DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice and comment requirements of section 553 of the APA, the DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator will take into consideration any comments submitted by the Assistant Secretary with regard to the proposed temporary scheduling order.

Further, the DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action 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. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraphs (h)(26) and (27) to read as follows:

§ 1308.11 Schedule I

* * * * *

(h) * * *

(26) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: butyryl fentanyl)—(9822)

(27) *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide, its isomers, esters,

ethers, salts and salts of isomers, esters and ethers (Other names: beta-hydroxythiofentanyl)—(9836)

Dated: March 16, 2016.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–06468 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2016–0141]

RIN 1625–AA08

Special Local Regulation; Space Coast Super Boat Grand Prix; Atlantic Ocean, Cocoa Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the waters of the Atlantic Ocean offshore from Cocoa Beach, FL during the Space Coast Super Boat Grand Prix, a series of high-speed boat races. This action is necessary to provide for the safety of life on the navigable waters surrounding the event. This special local regulation will be enforced from 10 a.m. to 5 p.m. on May 15, 2016. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port (COTP) Jacksonville 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 22, 2016.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0141 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 Lieutenant Allan Storm, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone (904) 714–7616, email *Allan.H.Storm@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 January 30, 2016, Super Boat International Productions, Inc. notified the Coast Guard that it will be conducting a series of high speed boat races in the Atlantic Ocean, offshore from Cocoa Beach, FL on May 15, 2016 from 10 a.m. to 5 p.m. The COTP Jacksonville has determined that the potential hazards associated with high speed boat races necessitate the establishment of a special local regulation.

The purpose of this rulemaking is to ensure the safety of life on the navigable waters of the United States by prohibiting all vessels and persons not participating in the event from entering the regulated area. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

III. Discussion of Proposed Rule

The COTP proposes to establish a special local regulation for the Space Coast Super Boat Grand Prix, a series of high-speed boat races. The regulated area includes the waters of the Atlantic Ocean offshore from Cocoa Beach, Florida and will be enforced daily from 10 a.m. to 5 p.m., on May 15, 2016. Approximately 30 high-speed boats are anticipated to participate in the races. The regulated area would encompass an offshore area that is approximately two and a half nautical miles long by a half nautical mile wide. No vessel or person would be permitted to enter the regulated area 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.

The Coast Guard has determined that this NPRM is not a significant regulatory action for the following reasons: (1) The special local regulation would be enforced for a total of only seven hours; (2) although persons and vessels would not be able to enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP Jacksonville or a designated representative, they would be able to operate in the surrounding area during the enforcement period; (3) persons and vessels would still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Jacksonville or a designated representative; and (4) the Coast Guard would provide advance notification of the special local regulation to the local maritime community via Broadcast Notice to Mariners or by on-scene designated representative.

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 through the regulated area may be small entities, for the reasons stated in section IV.A above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

Under section 213(a) of the Small Business Regulatory Enforcement

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under 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 special local regulation that would prohibit persons and vessels from transiting through an offshore area that is approximately two and a half nautical miles long by a half nautical mile wide during a one day racing event lasting seven hours. Normally such actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35T07–0141 to read as follows:

§ 100.35T07–0141 Special Local Regulation, Space Coast Super Boat Grand Prix; Atlantic Ocean, Cocoa Beach, FL.

(a) *Regulated area.* The following regulated area is a special local regulation located offshore from Cocoa Beach, FL. All waters of the Atlantic Ocean encompassed within the following points: Starting at Point 1 in position 28°22′16″ N., 80°36′04″ W.; thence east to Point 2 in position 28°22′15″ N., 80°35′39″ W.; thence south to Point 3 in position 28°19′47″ N., 80°35′55″ W.; thence west to Point 4 in position 28°19′47″ N., 80°36′22″ W.; thence north back to origin. These coordinates are based on North American Datum 1983.

(b) *Definition.* The term ''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 (COTP) Jacksonville in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or

remaining within the regulated area unless authorized by the COTP Jacksonville or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Jacksonville by telephone at (904) 564–7511, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Jacksonville or designated representative.

(3) The Coast Guard will provide notice of the regulated area through Broadcast Notice to Mariners via VHF–FM channel 16 or by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 10 a.m. to 5 p.m. on May 15, 2016.

Dated: March 14, 2016.

J.F. Dixon,

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

[FR Doc. 2016–06521 Filed 3–22–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2016–OSERS–0024]

Proposed Priority, and Requirements—Technical Assistance on State Data Collection—Assessment Center [CFDA Number: 84.373A]

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority and requirements.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS) proposes a priority and requirements under the Technical Assistance on State Data Collection program. The Assistant Secretary may use this priority and these requirements for competitions in fiscal year (FY) 2016 and later years. We take this action to focus attention on an identified need to address national, State, and local assessment issues related to students with disabilities, including students with disabilities who are English Learners [1] (ELs) with disabilities.

DATES: We must receive your comments on or before June 6, 2016.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email or those submitted after the comment period. Please submit your comments only one time, in order to ensure that we do not receive duplicate copies. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to use Regulations.gov'' in the Help section.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this proposed priority and requirements, address them to David Egnor, U.S. Department of Education, 400 Maryland Avenue SW., Room 5163, Potomac Center Plaza, Washington, DC 20202–5076.

Privacy Note: The U.S. Department of Education's (Department's) policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: David Egnor. Telephone: (202) 245–7334 or by email: *David.Egnor@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority and requirements, we urge you to identify clearly the specific section of the proposed priority or requirement that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority and these proposed requirements. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in Room 5163, 550 12th Street SW., Potomac Center Plaza, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet the Individuals with Disabilities Education Act (IDEA) data collection and reporting requirements. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve funds appropriated under Part B of the IDEA to provide technical assistance activities authorized under section 616(i) of IDEA. Section 616(i) of IDEA requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for implementation of IDEA section 616 are collected, analyzed, and accurately reported to the Secretary. It also requires the Secretary to provide technical assistance, where needed, to improve the capacity of States to meet the data collection requirements under IDEA Parts B and C, which include the data collection and reporting requirements in sections 616 and 618 of IDEA.

Program Authority: 20 U.S.C. 1411(c) and 1416(i).

Applicable Program Regulations: 34 CFR 300.702.

Proposed Priority:

This notice contains one proposed priority.

Background:

One essential part of successfully educating students is assessing their progress in learning to high standards. Done well and thoughtfully, assessments are tools for learning and

[1] For more information see: *www.ed.gov/news/press-releases/us-departments-education-and-justice-release-joint-guidance-ensure-english-learner-students-have-equal-access-high-quality-education.*

promoting equity. They provide necessary information for educators, families, the public, and students themselves to measure progress and improve outcomes for all learners.

Section 612(a)(16) of the IDEA requires that all students with disabilities are included in all general State and districtwide assessments, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965 (ESEA), with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. In accordance with Federal law, there are multiple ways for students with disabilities to participate in State and districtwide assessments: General assessments, general assessments with accommodations, alternate assessments that are based on alternate academic achievement standards for students with the most significant cognitive disabilities, and alternate assessments that are based on grade-level academic achievement standards. (For additional information, see section 1111 of the ESEA.)

Further, research shows that (1) instruction for students with disabilities is increasingly aligned with State academic content standards, (2) State and districtwide assessment data are more frequently used to make educational decisions for these students, and (3) participating in State and districtwide assessments and being included in accountability systems may have positive effects on educational results for students with disabilities (Aron & Loprest, 2012; Courtade, Spooner, & Browder, 2012; Kurz, Elliott, Lemons, Zigmond, Kloo, & Kettler, 2014). However, teachers cannot simply wait until the results of State and districtwide assessments are made available to make educational decisions. In addition to analyzing results from State (typically summative) assessments, formative assessments are increasingly being used before, during, and after instruction to help teachers understand their students' learning and improve their own instructional practices (Conderman & Hedin, 2012).

Despite the progress State educational agencies (SEAs) and local educational agencies (LEAs) have made in including students with disabilities in assessments and accountability systems, SEAs and LEAs continue to face challenges. These challenges include integrating data from dissimilar tests (*e.g.,* general, accommodated, and alternate) into a single accountability system, developing consistent SEA and LEA policies on assessment accommodations that provide maximum accessibility while maintaining test reliability and validity, and analyzing and using formative and summative assessment data to improve instruction and accountability for students with disabilities.

In addition, one of the most complex challenges faced by SEAs and LEAs is developing and administering English language proficiency (ELP) assessments to students who are both ELs and students with disabilities (U.S. Department of Education, 2014). Properly identifying these students is also a significant challenge if their disabilities are masked by their limited English proficiency, or vice versa. Improper identification may lead to inappropriate instruction, assessment, and accommodation for these students. Linguistic and cultural biases may also affect the validity of assessment for ELs with disabilities (Lane & Leventhal, 2015).

Finally, the Department notes that in many schools, there may be unnecessary testing and insufficient clarity of purpose applied to the task of assessing students, including students with disabilities, consuming too much instructional time and creating undue stress for educators and students. (For more information, see the Department's February 2nd, 2016, letter to Chief State School Officers available at: *http://www2.ed.gov/admins/lead/account/saa/16-0002signedcsso222016ltr.pdf.*)

These and other complex challenges will continue to arise in this dynamic landscape as States adopt college- and career-ready academic content standards and develop new, valid, more instructionally useful and inclusive assessments aligned to these standards.

Developing these new assessments has been challenging and time-consuming, and States must continue to ensure that all students with disabilities can fully participate in State and districtwide assessments. States and LEAs will also need support in identifying and implementing evidence-based practices for effectively including children with disabilities in State and districtwide assessments. Moreover, evidence-based methods for analyzing and effectively using State and districtwide assessment data to improve instruction and accountability for students with disabilities will continue to need further development and refinement.

Accordingly, we propose a priority in this notice that will be utilized in a competition to fund a Center to support SEAs and LEAs in analyzing and effectively using assessment data to improve results for children with disabilities. Under the proposed priority in this notice, as part of the Technical Assistance on State Data Collection program, the Center will (1) assist States in analyzing and using assessment data to better achieve the State Identifiable Measurable Result(s) (SIMR), which were described in their IDEA Part B State Systemic Improvement Plans (SSIPs) that were developed in accordance with section 616(b) of IDEA and OSEP guidance on Indicator B–17 of the Federal Fiscal Year (FFY) 2013 through FFY 2018 IDEA Part B State Performance Plan/Annual Performance Report (SPP/APR); [2] and (2) assist State efforts to provide TA to LEAs in analyzing and using assessment data to support achievement of the SIMR, as appropriate.

In addition to the priority we are proposing in this notice, we plan to establish in the applicable notice inviting applications an additional priority under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program that will support the Center. This additional priority is from allowable activities specified or otherwise authorized in sections 663 and 681(d) of the IDEA (20 U.S.C. 1463 and 1481(d)). Under section 681(d) of the IDEA, the Secretary may, without regard to rulemaking, fund activities under the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. Therefore, we are not proposing that priority in this notice. However, because we plan to use the additional priority to support the Center, in connection with the priority under the Technical Assistance on State Data Collection program and requirements we propose in this notice, we believe comments on the priority and requirements proposed in this notice may be informed by including

[2] In accordance with section 616(b) of the IDEA, States must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describes how the State will improve such implementation. As part of the SPP/APR, each State shall establish measurable and rigorous targets for each indicator established by the Secretary. In the Results Driven Accountability System, OSERS required States under Indicator 17 to develop a State Systemic Improvement Plan (SSIP) as part of their FFY 2013 through FFY 2018 IDEA Part B SPPs/APRs. The SSIP must include: (1) FFY 2013 baseline data expressed as a percentage and aligned with the State-identified Measurable Result(s) (SIMR) for children with disabilities; (2) measurable and rigorous targets (expressed as a percentage) for each of the five years for FFY 2014 through FFY 2018, with the FFY 2018 target reflecting improvement over the FFY 2013 baseline data; and (3) a plan that includes an explanation of how the improvement strategies were selected and will lead to measurable improvement in the SIMR.

relevant portions of the text of this additional priority. An abbreviated version of that additional priority is included in Appendix 1 to this notice. The complete priority will be issued at a later date.

The priority we are proposing in this notice is:

Proposed Priority: Technical Assistance to States on the Analysis and Use of Assessment Data To Support Achievement of the State Identified Measurable Result(s).

The purpose of the priority we are proposing in this notice is to assist States in analyzing and using assessment data to support the achievement of the SIMR as described in their SSIP. [This proposed priority is authorized under sections 611(c) and 616(i) of the IDEA (20 U.S.C. 1411(c) and 1416(i)).]

As detailed earlier in the background section, research indicates that SEAs and LEAs continue to face challenges in analyzing and using assessment data to improve instruction and accountability for students with disabilities. SEAs also need assistance analyzing State assessment data to better achieve their SIMRs. Beginning in FFY 2013, States were required to provide, as part of Phase I of the SSIP, a statement of the result(s) the State intends to achieve through implementation of the SSIP, which is referred to as the SIMR for children with disabilities. The State must establish ''measurable and rigorous'' targets for each successive year of the SPP/APR (FFYs 2014 through 2018). The end target (for FFY 2018) must demonstrate improvement over the FFY 2013 baseline data. At least 42 States have focused their IDEA Part B SIMR on improving academic achievement as measured by assessment results for children with disabilities. These States will need assistance in analyzing and using State assessment data to promote academic achievement and to improve results for children with disabilities.

Proposed Priority:

The purpose of this priority is to (1) assist States in analyzing and using assessment data to better achieve the SIMR as described in their IDEA Part B SSIPs, and (2) assist State efforts to provide technical assistance (TA) to LEAs in analyzing and using State and districtwide assessment data to better achieve the SIMR, as appropriate. The Center must achieve, at a minimum, the following expected outcomes:

(a) Increased capacity of SEA personnel to analyze and use assessment data to better achieve the SIMR described in the IDEA Part B SSIP, including the uses of assessment data to evaluate and improve educational policy, inform instructional programs and improve instruction for students with disabilities; and

(b) Increased capacity of SEA personnel to provide TA to LEAs in the analysis and use of State and districtwide assessment data to improve instruction of students with disabilities and better achieve the SIMR.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Requirements

Background:

In addition to the programmatic requirements contained in the proposed priority in this notice and the additional priority included in Appendix 1, to be considered for funding applicants must meet the following requirements.

Proposed Requirements:

The Assistant Secretary proposes the following requirements for this program. We may apply these requirements in any year in which this program is in effect.

Applications that:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address the needs of SEAs and LEAs to analyze and use State and districtwide assessment data in instructional decision-making to improve teaching and learning for students with disabilities. To meet this requirement the applicant must—

(i) Present applicable national, State, and local data demonstrating the needs of SEAs and LEAs to analyze and use State and districtwide assessment data in instructional decision-making to improve teaching and learning for students with disabilities;

(ii) Demonstrate knowledge of current educational issues and policy initiatives about analyzing and using assessment data in instructional decision-making to improve teaching and learning for students with disabilities; and

(iii) Describe the level at which SEAs and LEAs currently analyze and use State and districtwide assessment data in instructional decision-making to improve teaching and learning for students with disabilities.

(2) Improve the analysis and use of assessment data to improve teaching and learning for students with disabilities.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for technical assistance (TA) and information; and

(ii) Ensure that products and services meet the needs of the intended recipients (*e.g.,* by creating materials in formats and languages accessible to the stakeholders served by the intended recipients);

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) The logic model (see paragraph (f)(1)) by which the proposed project will achieve its intended outcomes;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

(4) Be based on current research and make use of evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research on the effectiveness of analyzing and using assessment data in instructional decision-making to improve teaching and learning for students with disabilities; and

(ii) How the proposed project will incorporate current evidence-based practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on analyzing and using assessment data in instructional decision-making to improve teaching and learning for students with disabilities;

(ii) Its proposed approach to universal, general TA,[3] which must identify the intended recipients of the products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[4] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level; and

(iv) Its proposed approach to intensive, sustained TA,[5] which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of SEA and LEA personnel to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity at the SEA and LEA levels;

(C) Its proposed plan for assisting SEAs (and LEAs, in conjunction with SEAs) to build training systems that include professional development based on adult learning principles and coaching; and

(D) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, regional TA providers, LEAs, schools, and families) to ensure that there is communication between each level and that there are systems in place to support the collection, analysis and use of assessment data in instructional decision-making to improve teaching and learning for students with disabilities;

(E) Its proposed plan for collaborating and coordinating with Department of Education funded TA investments and IES research and development investments, where appropriate, in order to align complementary work and jointly develop and implement products and services to meet the purposes of this priority;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application, under ''Quality of the Evaluation Plan,'' include an evaluation plan for the project as described in the following paragraphs. The evaluation plan must describe measures of progress in implementation, including the extent to which the project's products and services have reached its target population, and measures of intended outcomes or results to assess the project's progress toward achieving intended outcomes.

In designing the evaluation plan, the project must—

(1) Designate, with the approval of the OSEP project officer, a project liaison staff person with sufficient dedicated time, experience in evaluation, and knowledge of the project to work in collaboration with the Center to Improve Project Performance (CIPP),[6] the project director, and the OSEP project officer on the following tasks:

(i) Revise, as needed, the logic model (see paragraph (f)(1) this priority) submitted in the grant application to provide for a more comprehensive measurement of implementation and outcomes and to reflect any changes or clarifications to the model discussed at the kick-off meeting;

(ii) Refine the evaluation design and instrumentation proposed in the application consistent with the logic model (*e.g.,* preparing evaluation questions about significant program processes and outcomes; developing quantitative or qualitative data collections that permit both the collection of progress data, including fidelity of implementation, as appropriate, and progress toward achieving intended outcomes; selecting respondent samples if appropriate; designing instruments or identifying data sources; and identifying analytic strategies); and

(iii) Revise, as needed, the evaluation plan submitted in the grant application such that it clearly—

(A) Specifies the measures and associated instruments or sources for data appropriate to the evaluation questions, suggests analytic strategies for those data, provides a timeline for conducting the evaluation, and includes staff assignments for completion of the plan;

(B) Delineates the data expected to be available by the end of the second project year for use during the project's intensive review for continued funding described under the heading *Fourth and Fifth Years of the Project;* and

(C) Can be used to assist the project director and the OSEP project officer, with the assistance of CIPP as needed, to specify the performance measures to be addressed in the project's Annual Performance Report;

(2) Cooperate with CIPP staff in order to accomplish the tasks described in paragraph (c)(1) of this section; and

(3) Dedicate sufficient funds in each budget year to cover the costs of carrying out the tasks described in

[3] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[4] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[5] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

[6] The major tasks of CIPP are to guide, coordinate, and oversee the design of formative evaluations for every large discretionary investment (*i.e.,* those awarded $500,000 or more per year and required to participate in the 3+2 process) in OSEP's Technical Assistance and Dissemination; Personnel Development; Parent Training and Information Centers; and Educational Technology, Media, and Materials programs. The efforts of CIPP are expected to enhance individual project evaluation plans by providing expert and unbiased technical assistance in designing the evaluations with due consideration of the project's budget. CIPP does not function as a third-party evaluator.

paragraphs (c)(1) and (c)(2) of this section and implementing the evaluation plan.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, a logic model that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.osepideasthatwork.org/logicModel/index.asp.*

(2) Include, in Appendix A, a conceptual framework for the project;

(3) Include, in Appendix A, person-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(4) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period;

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative.

(ii) A two and one-half day project directors' meeting in Washington, DC, during each year of the project period;

(iii) Three trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, during the last half of the second year of the project period;

(5) Include, in the budget, a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP.

Note: With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Fourth and Fifth Years of the Project:

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), as well as—

(a) The recommendation of a review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

References:

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Courtade, G., Spooner, F., Browder, D., & Jimenez, B. (2012). Seven reasons to promote standards-based instruction for students with severe disabilities: A reply to Ayres, Lowrey, Douglas, & Sievers (2011). *Education and Training in Autism and Developmental Disabilities, 47*(1), 3–13.

Kurz, A., Elliott, S., Lemons, C., Zigmond, N., Kloo, A., & Kettler, R. (2014). Assessing opportunity-to-learn for students with disabilities in general and special education classes. *Assessment for Effective Intervention, 40*(1), 24–39.

Lane, S., & Leventhal, B. (2015). Psychometric challenges in assessing English language learners with disabilities. *Review of Research in Education, 39,* 165–214.

Miller, C.L. (2010). Accountability policy implementation and the case of smaller school district capacity: Three contrasting cases that examine the flow and use of NCLB accountability data. *Leadership and Policy in Schools, 9*(4), 384–420.

U.S. Department of Education. (2014). Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives. Retrieved from: *http://www2.ed.gov/programs/sfgp/elswdfaq7182014.doc.*

Final Priority and Requirements

We will announce the final priority and requirements in a notice in the **Federal Register**. We will determine the final priority and requirements after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities or requirements subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this proposed priority and one or more of these requirements, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563:

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and,

therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority and these proposed requirements only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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.

Dated: March 16, 2016.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix 1

Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities—National Technical Assistance Center to Increase the Participation and Improve the Performance of Students With Disabilities on State and Districtwide Assessments.

The purpose of this priority is to fund a cooperative agreement to establish and operate a National Technical Assistance Center to Increase the Participation and Improve the Performance of Students with Disabilities on State and Districtwide Assessments (Center). The Center must achieve, at a minimum, the following expected outcomes to support SEAs and LEAs in the implementation of appropriate, high-quality assessments for students with disabilities:

Knowledge Development Outcomes.

(a) Increased body of knowledge on evidence-based practices to collect, analyze, synthesize, and disseminate relevant information about State and districtwide assessment of students with disabilities, including topics such as—

(1) Including students with disabilities in accountability systems;

(2) Assessment accommodations;

(3) Alternate assessments;

(4) Universal design of assessments;

(5) Technology-based assessments;

(6) Formative assessments;

(8) Competency-based assessments;

(7) Methods for analyzing and reporting assessment data;

(8) Application of growth models in assessment programs;

(9) Uses of formative and summative assessment data to inform instructional programs for students with disabilities;

(10) Assessing English Learners (ELs) with disabilities, including ensuring that all ELs with disabilities receive appropriate accommodations, as needed, on English Language Proficiency (ELP) assessments and that the results of ELP assessments for students with disabilities are validly used in making accountability determinations under the Elementary and Secondary Education Act of 1965, as amended (ESEA); and

(11) Ensuring that assessments are fair, are of high quality, take up the minimum necessary time, provide the same educational benefits for all test takers, and reflect the

expectation that students will be prepared for success in college and careers.

Note: In order to meet the requirements of paragraph (a), the Center will conduct a comprehensive review of existing research on evidence-based practices available from a variety of reliable sources, such as findings from research funded by the Institute of Education Sciences (IES), including the National Research and Development Center on Assessment and Accountability for Special Education (NCASSE) and other federally funded and non-federally funded sources.

(b) Increase the capacity of SEA and LEA personnel to assess and track SEA and LEA needs for including students with disabilities in State and districtwide assessments, including, as appropriate, improving the skills of SEA and LEA personnel in any of the topics listed in paragraph (a) of this section.

Technical Assistance and Dissemination Outcomes.

(a) Increased capacity of SEA and LEA personnel to collect and analyze summative assessment data, and formative assessment data (in the case of LEA personnel), on the performance of students with disabilities.

(b) Increased capacity of SEA and LEA personnel to use State and districtwide summative assessment data, and formative data from districtwide assessments (in the case of LEA personnel), to evaluate and improve educational policies and increase accountability for students with disabilities.

(c) Increased capacity of LEA personnel to use formative and summative assessment results in instructional decision-making to improve teaching and learning for students with disabilities.

(d) Increased awareness about how students with disabilities are included in and benefit from current and emerging approaches to State and districtwide assessment, including topics listed in paragraph (a) of the *Knowledge Development Outcomes* section of this priority.

[FR Doc. 2016–06441 Filed 3–22–16; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R09–RCRA–2015–0822; FRL–9943–96–Region 9]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Nevada has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes correspond to certain federal rules promulgated between July 1, 2005, and June 30, 2008 (also known as RCRA Clusters XVI through XVIII). With this proposed rule, EPA is proposing to grant final authorization to Nevada for these changes.

DATES: Send your written comments by May 9, 2016.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R09–RCRA–2015–0822 at *http://www.regulations.gov* or follow the detailed instructions in the **ADDRESSES** section of the direct final rule which is located in the ''Rules and Regulations'' section of today's **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Laurie Amaro, 75 Hawthorne Street, San Francisco, CA 94105, *amaro.laurie@epa.gov,* 415–972–3364.

SUPPLEMENTARY INFORMATION: Along with this proposed rule, EPA is publishing a direct final rule in the ''Rules and Regulations'' section of today's **Federal Register** pursuant to which EPA is authorizing these changes. EPA did not issue a proposed rule before today because EPA believes this action is not controversial and does not expect comments that oppose it. EPA has explained the reasons for this authorization in the direct final rule. Unless EPA receives written comments that oppose this authorization during the comment period, the direct final rule in today's **Federal Register** will become effective on the date it establishes, and EPA will not take further action on this proposal. If EPA receives comments that oppose this action, EPA will withdraw the direct final rule and it will not take effect. EPA will then respond to public comments in a later final rule based on this proposed rule. You may not have another opportunity to comment on these state program changes. If you want to comment on this action, you must do so at this time. For additional information, please see the direct final rule published in the ''Rules and Regulations'' section of today's **Federal Register**.

Dated: March 9, 2016.

Jared Blumenfeld,

Regional Administrator, Region 9.

[FR Doc. 2016–06437 Filed 3–22–16; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 81, No. 56
Wednesday, March 23, 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

Council for Native American Farming and Ranching Meeting

AGENCY: Office of Tribal Relations, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a forthcoming meeting of The Council for Native American Farming and Ranching (CNAFR), a public advisory committee of the Office of Tribal Relations (OTR). Notice of the meetings are provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act, as amended, (5 U.S.C. Appendix 2). This will be the second meeting held during fiscal year 2016 and will consist of, but not be limited to: Hearing public comments, update of USDA programs and activities, and discussion of committee priorities. This meeting will be open to the public.

DATES: The meeting will be held on April 4–5, 2016. The meeting will be open to the public on both days with time set aside for public comment on April 4 at approximately 1:30 p.m. to 4:00 p.m. The OTR will make the agenda available to the public via the OTR Web site *http://www.usda.gov/tribalrelations* no later than 10 business days before the meeting and at the meeting.

ADDRESSES: The meeting will be held at the Harrah's Casino & Resort Hotel, 7777 Casino Drive, Cherokee, NC 28719, in the Hickory Room.

Written Comments: Written comments may be submitted to: Dana Richey, Designated Federal Officer and Chief of Staff to Associate Administrator for Operations and Management, USDA/Farm Service Agency, 1400 Independence Ave. SW., Whitten Bldg., 501–A, Washington, DC 20250; by Fax: (202) 720–1058; or by email: *Dana.Richey@wdc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Questions should be directed to the CNAFR Contact Person: Dana Richey, Designated Federal Officer and Chief of Staff to Associate Administrator for Operations and Management, USDA/Farm Service Agency, 1400 Independence Ave. SW., Whitten Bldg., 501–A, Washington, DC 20250; by Fax: (202) 720–1058 or email: *Dana.Richey@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), USDA established an advisory council for Native American farmers and ranchers. The CNAFR is a discretionary advisory committee established under the authority of the Secretary of Agriculture, in furtherance of the *Keepseagle* v. *Vilsack* settlement agreement that was granted final approval by the District Court for the District of Columbia on April 28, 2011.

The CNAFR will operate under the provisions of the FACA and report to the Secretary of Agriculture. The purpose of the CNAFR is (1) to advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA farm loan programs; (2) to transmit recommendations concerning any changes to Farm Service Agency regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers; (3) to examine methods of maximizing the number of new farming and ranching opportunities created by USDA farm loan programs through enhanced extension and financial literacy services; (4) to examine methods of encouraging intergovernmental cooperation to mitigate the effects of land tenure and probate issues on the delivery of USDA farm loan programs; (5) to evaluate other methods of creating new farming or ranching opportunities for Native American producers; and (6) to address other related issues as deemed appropriate.

The Secretary of Agriculture selected a diverse group of members representing a broad spectrum of persons interested in providing solutions to the challenges of the aforementioned purposes. Equal opportunity practices were considered in all appointments to the CNAFR in accordance with USDA policies. The Secretary selected the members in September 2014.

Interested persons may present views, orally or in writing, on issues relating to agenda topics before the CNAFR. Written submissions may be submitted to the contact person on or before March 30, 2016. Oral presentations from the public will be heard approximately 1:30 p.m. to 4:00 p.m. on April 4, 2016. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the issue they wish to present and the names and addresses of proposed participants by March 30, 2016. All oral presentations will be given three (3) to five (5) minutes depending on the number of participants.

The OTR will also make the agenda available to the public via the OTR Web site *http://www.usda.gov/tribalrelations* no later than 10 business days before the meeting and at the meeting. The minutes from the meeting will be posted on the OTR Web site. OTR welcomes the attendance of the public at the CNAFR meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Dana Richey, at least 10 business days in advance of the meeting.

Leslie Wheelock,

Director, Office of Tribal Relations.

[FR Doc. 2016–06458 Filed 3–22–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Office of the Chief Financial Officer; Notice of Request for Extension and Revision of a Currently Approved Collection

AGENCY: Office of the Chief Financial Officer, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Office of the Chief Financial Officer intention to request an extension and revision of a currently approved collection.

DATES: Comments on this notice must be received by May 23, 2016 to be assured of consideration.

ADDRESSES: Office of the Chief Financial Officer invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to U.S. Department of Agriculture, Office of the Chief Financial Officer, Fiscal Policy Division, Room 3417, 1400 Independence Avenue SW., Washington, DC 20250.
- *Hand- or courier-delivered submittals:* Deliver to Aaron Prose, U.S. Department of Agriculture, Office of the Chief Financial Officer, Fiscal Policy Division, Room 3417, 1400 Independence Avenue SW., Washington, DC 20250.

Instructions: All items submitted by mail or electronic mail must include the Agency name, Office of the Chief Financial Officer. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the Office of the Chief Financial Officer, Room 3417, 1400 Independence Avenue SW., Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Aaron Prose, U.S. Department of Agriculture, Office of the Chief Financial Officer, Fiscal Policy Division, Room 3417, 1400 Independence Avenue SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the intention of Office of the Chief Financial Officer to request approval for an extension and revision of a currently approved collection.

Title: Supplier Credit Audit Recovery.

OMB Number: 0505–0026.

Expiration Date of Approval: July 31, 2016.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Department of Agriculture (USDA) believes that there are many program recipients and service providers who may be carrying a credit balance in their financial records due to possible overpayments. Three years ago, the USDA implemented a Supplier Credit Recovery Audit Program. The Supplier Credit Recovery Audit contractor sends out a letter to USDA vendors on an annual basis requesting account and payment information as to whether the vendor currently has a credit on their books due back to the USDA.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 hours per response.

Respondents: Vendors, contractors, program recipients, and any entity receiving funds from USDA.

Estimated Number of Respondents: 12,299.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 24,598 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information 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 those who are 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 Aaron Prose, U.S. Department of Agriculture, Office of the Chief Financial Officer, Fiscal Policy Division, Room 3417, 1400 Independence Avenue SW., Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for the Office of Management and Budget approval. All comments will become a matter of public record.

Peggy Javery,

Director, Fiscal Policy Division.

[FR Doc. 2016–06517 Filed 3–22–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2016–0003]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Labeling

AGENCY: Office of the Deputy Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting; date change.

SUMMARY: This document announces a change to the date of the public meeting on the Codex Committee on Food Labeling that was announced in the **Federal Register** of February 26, 2016. The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), will convene the public meeting on April 21, 2016. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions that will be discussed at the 43rd Session of the Codex Committee on Food Labeling (CCFL) of the Codex Alimentarius Commission (Codex), taking place in Ottawa, Canada May 9–13, 2016.

DATES: The public meeting is scheduled for Thursday, April 21, 2016, from 1:00 p.m.–3:00 p.m.

ADDRESSES: The public meeting will take place at the Harvey W. Wiley Federal Building, FDA, 5100 Paint Branch Parkway, Room 1A–003, College Park, MD 20740.

Documents related to the 43rd Session of the CCFL will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Felicia Billingslea, U.S. Delegate to the 43rd Session of the CCFL, invites U.S. interested parties to submit their comments electronically to the following email address: *ccfl@fda.hhs.gov.*

CALL IN NUMBER: If you wish to participate in the public meeting for the 43rd Session of the CCFL by conference call, please use the call-in-number and participant code that will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

FOR FURTHER INFORMATION ABOUT THE 43RD SESSION OF THE CCFL CONTACT: Office of Nutrition, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition, FDA, 5100 Paint Branch Parkway (HFS–800),

College Park, MD 20740, Email: *ccfl@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Barbara McNiff, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 690–4719, Fax: (202) 720–3157, Email: *Barbara.McNiff@fsis.usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

In the notice, Codex Alimentarius Commission: Meeting of the Codex Committee on Food Labeling, beginning on page 9804 in the issue of Friday, February 26, 2016, the Food Safety and Inspection Service announced that the public meeting for the 43rd Session of the CCFL would take place on April 13, 2016. Because of changes in the Codex meeting schedule, the public meeting date needs to be changed to April 21, 2016, so that the required staff could be present to manage the public meeting.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, Email: *program.intake@usda.gov*, Fax: (202) 690–7442.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2016–06484 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2016–0007]

Notice of Request To Renew an Approved Information Collection (Registration Requirements)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection regarding business registration requirements. The approval for this information collection will expire on July 31, 2016.

DATES: Submit comments on or before May 23, 2016.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- Mail, including CD–ROMs, etc.: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- Hand- or courier-delivered submittals: Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2015–0045. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6065, South Building, Washington, DC 20250; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Registration Requirements.

OMB Control Number: 0583–0128.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary of Agriculture (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*) and the Poultry Products and Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). FSIS protects the public by verifying that meat and poultry products are safe, wholesome, not adulterated, and correctly labeled.

FSIS is planning to request a renewal of this approved information collection because it is due to expire on July 31, 2016. There are no changes to the existing information collection except a revision to add Fish of the Order Siluriformes to the FSIS Form 5020–1. This will result in the addition of 100 estimated burden hours.

Provisions of the FMIA (21 U.S.C. 643) and the PPIA (21 U.S.C. 460 (c)) prohibit any person, firm, or corporation

from engaging in commerce as a meat or poultry products broker; renderer; animal food manufacturer; wholesaler of livestock or poultry carcasses or parts; or public warehouseman storing such articles in or for commerce, or from engaging in the business of buying, selling, or transporting in commerce, or importing any dead, dying, or disabled or diseased livestock or poultry or parts of the carcasses of livestock or poultry that died otherwise than by slaughter, unless it has registered its business with FSIS as required by the regulations. According to the regulations (9 CFR 320.5 and 381.179), parties required to register with FSIS must do so by submitting a form (FSIS Form 5020–1, Registration of Meat and Poultry Handlers) and must provide current and correct information to FSIS, including their name, the address of all locations at which they conduct the business that requires them to register, and all trade or business names under which they conduct these businesses. In addition, parties required to register with FSIS must do so within 90 days after they begin to engage in any of the businesses that require registration. They must also notify FSIS in writing when information on the form changes.

An official establishment that conducts any of these activities does not have to register (9 CFR 320.5(c) and 381.179(c)). (An official establishment is a slaughtering, cutting, canning, or other food processing establishment where inspection is maintained under the meat and poultry regulations (9 CFR Subchapters A, D, and E).)

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of 10 minutes to complete and submit this form to FSIS.

Respondents: Brokers, renderers, animal food manufacturers, wholesalers, public warehousemen, meat and poultry handlers.

Estimated No. of Respondents: 1,200.

Estimated No. of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 200 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence SW., 6065, South Building, Washington, DC 20250; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How to File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on: March 16, 2016.

Alfred V. Almanza,

Acting Administrator.

[FR Doc. 2016–06475 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child Nutrition Programs: Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals and free milk for the period from July 1, 2016 through June 30, 2017. These guidelines are used by schools, institutions, and facilities participating in the National School Lunch Program (and Commodity School Program), School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Summer Food Service Program. The annual adjustments are required by section 9 of the Richard B. Russell National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

DATES: *Effective Date:* July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Steve Hortin, Program Monitoring and Operational Support Division, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Suite 628, Alexandria, Virginia 22302, 703–305–4375.

SUPPLEMENTARY INFORMATION: 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 that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice has been determined to be not significant and was reviewed by the Office of Management and Budget in conformance with Executive Order 12866. The affected programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556, No. 10.558, and No. 10.559 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983).

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)(1)(A)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals for the National School Lunch Program (7 CFR part 210), the Commodity School Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Summer Food Service Program (7 CFR part 225) and Child and Adult Care Food Program (7 CFR part 226) and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size. The guidelines are used to determine eligibility for free and reduced price meals and free milk in accordance with applicable program rules.

Definition of Income

In accordance with the Department's policy as provided in the Food and Nutrition Service publication Eligibility Manual for School Meals, ''income,'' as the term is used in this notice, means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions, and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) Social Security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources that would be available to pay the price of a child's meal.

''Income'', as the term is used in this notice, does *not* include any income or benefits received under any Federal programs that are excluded from consideration as income by any statutory prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the Richard B. Russell National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 2016 through June 30, 2017. The Department's guidelines for free meals and milk and reduced price meals were obtained by multiplying the year 2016 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar.

This notice displays only the annual Federal poverty guidelines issued by the Department of Health and Human Services because the monthly and weekly Federal poverty guidelines are not used to determine the Income Eligibility Guidelines. The chart details the free and reduced price eligibility criteria for monthly income, income received twice monthly (24 payments per year); income received every two weeks (26 payments per year) and weekly income.

Income calculations are made based on the following formulas: Monthly income is calculated by dividing the annual income by 12; twice monthly income is computed by dividing annual income by 24; income received every two weeks is calculated by dividing annual income by 26; and weekly income is computed by dividing annual income by 52. All numbers are rounded upward to the next whole dollar. The numbers reflected in this notice for a family of four in the 48 contiguous States, the District of Columbia, Guam and the territories represent an increase of 0.2 percent over last year's level for a family of the same size.

Authority: Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A)).

BILLING CODE 3410–30–P

INCOME ELIGIBILITY GUIDELINES

Effective from July 1, 2016 to June 30, 2017

HOUSEHOLD SIZE	FEDERAL POVERTY GUIDELINES	REDUCED PRICE MEALS - 185 %					FREE MEALS - 130 %				
	ANNUAL	ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY	ANNUAL	MONTHLY	TWICE PER MONTH	EVERY TWO WEEKS	WEEKLY
48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM, AND TERRITORIES											
1	11,880	21,978	1,832	916	846	423	15,444	1,287	644	594	297
2	16,020	29,637	2,470	1,235	1,140	570	20,826	1,736	868	801	401
3	20,160	37,296	3,108	1,554	1,435	718	26,208	2,184	1,092	1,008	504
4	24,300	44,955	3,747	1,874	1,730	865	31,590	2,633	1,317	1,215	608
5	28,440	52,614	4,385	2,193	2,024	1,012	36,972	3,081	1,541	1,422	711
6	32,580	60,273	5,023	2,512	2,319	1,160	42,354	3,530	1,765	1,629	815
7	36,730	67,951	5,663	2,832	2,614	1,307	47,749	3,980	1,990	1,837	919
8	40,890	75,647	6,304	3,152	2,910	1,455	53,157	4,430	2,215	2,045	1,023
For each add'l family member, add	4,160	7,696	642	321	296	148	5,408	451	226	208	104
ALASKA											
1	14,840	27,454	2,288	1,144	1,056	528	19,292	1,608	804	742	371
2	20,020	37,037	3,087	1,544	1,425	713	26,026	2,169	1,085	1,001	501
3	25,200	46,620	3,885	1,943	1,794	897	32,760	2,730	1,365	1,260	630
4	30,380	56,203	4,684	2,342	2,162	1,081	39,494	3,292	1,646	1,519	760
5	35,560	65,786	5,483	2,742	2,531	1,266	46,228	3,853	1,927	1,778	889
6	40,740	75,369	6,281	3,141	2,899	1,450	52,962	4,414	2,207	2,037	1,019
7	45,920	84,952	7,080	3,540	3,268	1,634	59,696	4,975	2,488	2,296	1,148
8	51,120	94,572	7,881	3,941	3,638	1,819	66,456	5,538	2,769	2,556	1,278
For each add'l family member, add	5,200	9,620	802	401	370	185	6,760	564	282	260	130
HAWAII											
1	13,670	25,290	2,108	1,054	973	487	17,771	1,481	741	684	342
2	18,430	34,096	2,842	1,421	1,312	656	23,959	1,997	999	922	461
3	23,190	42,902	3,576	1,788	1,651	826	30,147	2,513	1,257	1,160	580
4	27,950	51,708	4,309	2,155	1,989	995	36,335	3,028	1,514	1,398	699
5	32,710	60,514	5,043	2,522	2,328	1,164	42,523	3,544	1,772	1,636	818
6	37,470	69,320	5,777	2,889	2,667	1,334	48,711	4,060	2,030	1,874	937
7	42,230	78,126	6,511	3,256	3,005	1,503	54,899	4,575	2,288	2,112	1,056
8	47,010	86,969	7,248	3,624	3,345	1,673	61,113	5,093	2,547	2,351	1,176
For each add'l family member, add	4,780	8,843	737	369	341	171	6,214	518	259	239	120

Dated: March 14, 2016.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2016–06463 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

March 16, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 22, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Study of Nutrition and Activity in Child Care Settings.

OMB Control Number: 0584–NEW.

Summary of Collection: Since good nutrition is a key to proper childhood development and nutrition and physical activity is an important part of childcare, Congress directed the U.S. Department of Agriculture (USDA) to conduct a Study on Nutrition and Wellness Quality in Childcare Settings in Section 223 of the Healthy, Hunger Free Kids Act of 2010 (Public Law 111–296). The objectives set out by Congress encompass four broad topics: (1) Nutritional quality of foods offered, (2) physical activity, (3) sedentary activity, and (4) barriers to and facilitators of nutritional quality, physical activity, and participation by childcare centers and family day care homes in the Child and Adult Care Food Program (CACFP).

Need and Use of the Information: This study will collect a broad range of data from a nationally representative sample of sponsors, directors, food preparers and/or provider staff of childcare centers, family day care home and after-school programs that participate in CACFP and those that do not participate in the program, and from the children and parents of children receiving care from CACFP childcare centers, family day care homes, and after-school programs during 2015–2016. This data will be used to document the quality of meals and snacks offered in childcare facilities, relative to the current Dietary Guidelines for Americans (DGA) which are prepared by USDA and the U.S. Department of Health and Human Services, and the types of activities that might promote or inhibit healthy weight and development. The data will also provide insights into how nutritional quality and physical activity in childcare might be improved. And lastly, the study will collect data on the costs of childcare meals and snacks in relationship to CACFP reimbursements, other funding, and meal quality.

Description of Respondents: Individuals or households, Businesses or other for-profit institutions, Not-for profit institutions, and State, Local, or Tribal Government.

Number of Respondents: 13,050.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 17,438.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–06465 Filed 3–22–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Idaho Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

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

DATES: The meeting will be held April 22, 2016, from 9:00 a.m. to 3:00 p.m.

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

ADDRESSES: The meeting will be held at the Caribou-Targhee National Forest (NF) Supervisor's Office, large conference room, 1405 Hollipark Drive, Idaho Falls, Idaho.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Caribou-Targhee NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lynn Ballard, RAC Coordinator, by phone at 208–557–5765 or via email at *lballard@fs.fed.us.*

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

SUPPLEMENTARY INFORMATION: The purpose of the meeting is: Review and vote on which proposed projects will be recommended for approval by the Designated Federal Officer.

The meeting is open to the public. The agenda will include time for people

to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 15, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Lynn Ballard, RAC Coordinator, Caribou-Targhee NF Supervisor's Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401; by email to *lballard@fs.fed.us,* or via facsimile to 208–557–5827.

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

Dated: March 8, 2016.

Garth Smelser,

Forest Supervisor.

[FR Doc. 2016–06487 Filed 3–22–16; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Mexico Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Mexico Advisory Committee to the Commission will convene at 10:00 a.m. (MDT) on Thursday, March 24, 2016, via teleconference. The purpose of the meeting is to review and vote on project proposal on elder abuse. The committee will also discuss and establish subcommittees.

Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–888–455–2260; Conference ID: 8138480. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–977–8339 and provide the FRS operator with the Conference Call Toll-Free Number: 1–888–455–2260, Conference ID: 8138480. Members of the public are invited to submit written comments; the comments must be received in the regional office by Monday, April 25, 2016. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=264* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Agenda

- Welcome and Introductions
  Sandra Rodriguez, Chair, New Mexico Advisory Committee
  Malee V. Craft, Regional Director, Rocky Mountain Regional Office (RMRO)
- Review and vote on project proposal on Elder Abuse
- Establish subcommittees
- Next Steps

DATES: Thursday, March 24, 2016, at 10:00 a.m. (MDT)

ADDRESSES: To be held via teleconference:

Conference Call Toll-Free Number: 1–888–455–2260, Conference ID: 8138480.

TDD: Dial Federal Relay Service 1–800–977–8339 and give the operator the above conference call number and conference ID.

FOR FURTHER INFORMATION CONTACT: Malee V. Craft, DFO, *mcraft@usccr.gov,* 303–866–1040.

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of technical difficulties. Given the exceptional urgency of the events, the agency and advisory committee deem it important for the advisory committee to meet on the date given.

Dated: March 18, 2016.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2016–06538 Filed 3–22–16; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Address Canvassing Test

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before May 23, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robin A. Pennington, Census Bureau, HQ–2K281N, Washington, DC 20233; (301) 763–8132 (or via email at *robin.a.pennington@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

During the years preceding the 2020 Census, the Census Bureau will pursue its commitment to reduce the costs of conducting a decennial census, while maintaining our commitment to quality.

With cost reductions in mind, the Census Bureau is focusing on Key Innovation Areas, which includes reengineering the 2020 Census Address Canvassing Operation. The goal of Reengineering Address Canvassing is to ensure an accurate address frame is developed utilizing innovative methodologies and data for updating the Master Address File (MAF)/Topologically Integrated Geographic Encoding and Referencing (TIGER) System throughout the decade.

The Address Canvassing Test, which occurs in the fall of 2016, will include two major components of the reengineered Address Canvassing operation: In-Office Address Canvassing and In-Field Address Canvassing. The purpose of the test is to determine the accuracy and feasibility of some of the planned innovations for Address Canvassing. The Census Bureau believes that there are other means for accomplishing the address list updates and determining which areas have housing changes without canvassing every single block in the field just before the census. The Address Canvassing Test will examine these new methods, which will allow decisions to be made about their feasibility for use within the decennial census.

The following objectives are crucial to a successful Address Canvassing Test:

- Implementing all In-Office Address Canvassing processes, including Interactive Review (IR), Active Block Resolution (ABR), MAF Updating and Identification of the In-Field Address Canvassing workload.
- Evaluating the effectiveness of online training for Field Supervisors and Field Representatives.
- Measuring the effectiveness of In-Office Address Canvassing through In-Field Address Canvassing.
- Integrating multiple information technology applications to create one seamless operational data collection, control and management system.

Background

The purpose of the Address Canvassing Operation is (1) to deliver a complete and accurate address list and spatial database for enumeration and tabulation, and (2) to determine the type and address characteristics for each living quarter. A complete and accurate address list and map is the cornerstone of a successful census.

For the 2010 Census, Address Canvassing field staff, referred to as listers, traversed almost every block in the nation to compare what they observed on the ground to the contents of the Census Bureau's address list. Listers verified or corrected addresses that were on the list, added new addresses to the list, and deleted addresses that no longer existed. Listers also collected map spot locations (*i.e.,* Global Positioning System coordinates) for each structure and added new streets.

In addition to Address Canvassing, the Census Bureau conducted the Group Quarters Validation (GQV) operation after the Address Canvassing operation and prior to enumeration for the 2010 Census. The purpose of the GQV operation was to improve the Group Quarters (GQ) frame. A GQ is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement, and residency is commonly restricted to those receiving specific services. People living in GQs are usually not related to each other. Types of GQs include such places as college residence halls, residential treatment centers, skilled-nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories. Services offered may include custodial or medical care as well as other types of assistance.

For the 2010 Census GQV operation, field staff visited a specific address to determine if it was a GQ, housing unit, transitory location, a non-residential unit, or if it was nonexistent. If the address was a GQ, the lister conducted an in-person interview with the GQ contact person to determine a type of GQ and collect additional information to plan for enumeration. In support of a more efficient census design strategy, the 2020 Census will not conduct a separate operation to validate GQ information. Instead, the 2020 Census will validate GQ information during the Address Canvassing operation.

Transitory Locations are recreational vehicle parks, campgrounds, hotels, motels, marinas, racetracks, circuses and carnivals. Transitory Locations are not in scope for the Address Canvassing Test.

2020 Census Address Canvassing: In-Office Address Canvassing

In-Office Address Canvassing is the process of using empirical geographic evidence (*e.g.,* imagery, comparison of the Census Bureau's address list to partner-provided lists) to assess the current address list and make changes where necessary. This component removes geographic areas from the In-Field Address Canvassing workload based on the determination of address stability. In addition, this component detects and captures change from high quality administrative and third-party data, reducing the In-Field Address Canvassing workload.

In-Office Address Canvassing starts with Interactive Review (IR), which is an imagery-based review to assess the extent to which the number of addresses—both housing units and Group Quarters—in the census address list are consistent with the number of addresses visible in current imagery. It also assesses the changes between the current imagery and an older vintage of imagery (around the time of 2010 Address Canvassing).

Results from IR inform the Active Block Resolution (ABR) process, which seeks to research and update areas identified with growth, decline, undercoverage of addresses, or overcoverage of addresses from the comparison of the two different vintages of imagery and counts of addresses in the MAF. In addition to using the results from IR, the ABR process uses other data sources to resolve the identified issues in the office and to update the MAF rather than sending these areas to In-Field Address Canvassing. The other data sources include local Geographic Information Systems (GIS) viewers available online, parcel data, local files acquired through the U.S. Census Bureau's Geographic Support System (GSS) program, and commercial data. Areas not resolved in the office become the universe of geographic areas worked during In-Field Address Canvassing.

2020 Census Address Canvasing: In-Field Address Canvassing

In-Field Address Canvassing is the process of having field staff visit specific geographic areas to identify every place where people could live or stay. Field staff compare what they see on the ground to the existing census address list and either verify or correct the address and location information. Field staff also classify each living quarter (LQ) as a housing unit or GQ. Field staff (listers) will knock on doors at every structure in an attempt to locate LQs. If someone answers, the lister will provide a Confidentiality Notice and ask about the address in order to verify or update the information, as appropriate. The listers will then ask if there are any additional LQs in the structure or on the property. If there are additional LQs, the listers will collect/update that information, as appropriate. If the lister does not find anyone at home, they will update the address list as best they can by observation.

II. Method of Collection

Universe

The Address Canvassing Test occurs in two sites within the continental United States. Each site is comprised of 4,000 blocks with up to 125,000 addresses in each site. All living quarters in the test sites are included in the In-Office Address Canvassing workload, as well as the In-Field Address Canvassing workload. For the In-Field Address Canvassing data collection, listers will knock on every door to ask residents about their living quarters. However, the Census Bureau expects that they would make contact with residents (*i.e.,* someone is at home) at most 50 percent of the time.

In-Field Address Canvassing

In-Field Address Canvassing will hire new field listers, who are primarily inexperienced with census listing activities. Listers will receive work assignments grouped by geography and in close proximity to the lister's residence (whenever possible). Field staff will use the Census Bureau's Listing and Mapping Application (LiMA) software on government furnished smartphone devices.

Current Design Strategy

In order to assess and accomplish the stated objectives described above, both In-Office Address Canvassing clerical staff and In-Field Address Canvassing listers will work every block in the two test sites. This allows for the comparison of results from both In-Office Address Canvassing and In-Field Address Canvasing to measure the effectiveness of In-Office Address Canvassing procedures and processes.

III. Data

OMB Control Number: 0607–XXXX.
Form Number(s): NA.
Type of Review: Regular Submission.
Affected Public: Households/Individuals.
Estimated Number of Respondents: 62,500 Households.
Estimated Time per Response: 5 min/Household.
Estimated Total Annual Burden Hours: 5,208.
Estimated Total Annual Cost to Public: The only cost to respondents is that of their time to respond.
Respondent's Obligation: Mandatory.
Legal Authority: Title 13 United States Code, Sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 17, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–06466 Filed 3–22–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Rescission of Antidumping Duty Administrative Review in Part; 2014–2015

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

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review in part on freshwater crawfish tail meat from the People's Republic of China for the period of review (POR) September 1, 2014, through August 31, 2015.

DATES: *Effective Date:* March 23, 2016.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2015, we published a notice of opportunity to request an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China for the POR September 1, 2014, through August 31, 2015.[1] On November 9, 2015, in response to timely requests from the petitioners,[2] China Kingdom (Beijing) Import & Export Co., Ltd, Deyan Aquatic Products and Food Co., Ltd (Deyan), and Xuzhou Jinjiang Foodstuff Co., Ltd, and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China with respect to nine companies.[3] On February 2, 2016, the petitioners withdrew their request for an administrative review for six out of nine companies, Deyan, Hubei Yuesheng Aquatic Products Co., Ltd., Nanjing Gemsen International Co., Ltd., Weishan Hongda Aquatic Food Co., Ltd., Xiping Opeck Food Co., Ltd., and Yancheng Hi-King Agriculture Developing Co., Ltd.[4] On February 11, 2016, Deyan withdrew its request for an administrative review.[5]

On January 27, 2016, the Department exercised its discretion to toll its administrative deadlines due to the closure of the Federal Government. Thus, the deadline for withdrawing a request for an administrative review was extended by four business days. The revised deadline for withdrawing an administrative review was February 12, 2016.[6] Therefore, Deyan's withdrawal request for an administrative review was timely.

Rescission of Administrative Review in Part

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' Because the petitioners and Deyan withdrew their review requests in a

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 80 FR 52741 (September 1, 2015).

[2] Crawfish Processors Alliance (collectively, the petitioners).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 69193 (November 9, 2015).

[4] *See* letter from the petitioners to the Department, ''Freshwater Crawfish Tail Meat from the People's Republic of China: Withdrawal of Certain Requests for 2014–15 Administrative Review'' dated February 2, 2016.

[5] *See* letter from Deyan to the Department titled, ''Re: Freshwater Crawfish Tail Meat from the People's Republic of China Withdrawal of Request for Review'' dated February 11, 2016.

[6] *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, regarding ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm 'Jonas' '' dated January 27, 2016.

timely manner, and because no other party requested a review of these companies, we are rescinding the administrative review in part with respect to the aforementioned six companies.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the aforementioned companies, for which the review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP within 15 days after publication of this notice.

Notifications to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

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

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: March 18, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–06574 Filed 3–22–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–857]

Certain Oil Country Tubular Goods From India: Rescission of Antidumping Duty Administrative Review; 2015

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

DATES: *Effective Date:* March 23, 2016.

FOR FURTHER INFORMATION CONTACT: Spencer Toubia, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0123.

Background

On September 1, 2015, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on certain oil country tubular goods (OCTG) from India covering the period of review (POR) of February 25, 2014, through August 31, 2015.[1] The Department received timely requests for review of GVN Fuels, Ltd. (GVN), Oil Country Tubular Limited (OCT), and United Seamless Tubulaar Pvt. Ltd. (USTPL)[2] and it published a notice initiating an administrative review of the AD order on November 9, 2015.[3] USPTL timely withdrew its requests for review on December 11, 2015.[4] Hilcorp Alaska LLC (Hilcorp) timely withdrew its request for review of OCT on January 25, 2016.[5] Energex Tube, a division of JMC Steel Group, TMK IPSCO, Vallourec Star LP, Welded Tube USA Inc, Maverick Tube Corporation, and United States Steel Corporation (collectively, Petitioners) and GVN timely withdrew their respective requests on February 12, 2016.[6]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested the review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. USPTL's December 11, 2015 withdrawal request, Hilcorp's January 25, 2016 withdrawal request, Petitioners' February 12, 2016 withdrawal request and GVN's February 12, 2016 withdrawal request were submitted within the 90-day period (as tolled for the snow emergency)[7] and thus are timely. Because these requests were timely and no other party requested a review of GVN, USPTL, or OCT, and because GVN, USPTL, and OCT were the only companies for which a review was requested, we are rescinding this review in whole, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct CBP to assess antidumping duties on all appropriate entries. For GVN, USPTL and OCT, the companies for which this review is rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 80 FR 52741 (September 1, 2015).

[2] *See* Letter to the Department from Petitioners, ''Oil Country Tubular Goods from India: Request for Administrative Review,'' dated September 29, 2015; Letter to the Department from Hilcorp Alaska LLC, ''Oil Country Tubular Goods from India: Request for Administrative Review,'' dated September 30, 2015; Letter to the Department from USTPL, ''Certain Oil Country Tubular Goods From India: Request For Administrative Review,'' dated September 30, 2015.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 69193 (November 9, 2015).

[4] *See* Letter to the Department from USPTL, ''Antidumping Duty Administrative Review of Certain Oil Country Tubular Goods From India—Withdrawal of Request for Administrative Review,'' dated December 1, 2015.

[5] *See* Letter to the Department from Hilcorp, ''Withdrawal of Request for Administrative Review; Case No. A–533–857 Antidumping Order on Oil Country Tubular Goods from India,'' dated January 25, 2015.

[6] *See* Letter to the Department from Petitioners, ''Oil Country Tubular Goods from India: Withdrawal of Request for Administrative Review,'' dated February 12, 2016; Letter to the Department from GVN, ''Oil Country Tubular Goods from India; Withdrawal of Administrative Review Request,'' dated February 12, 2016.

[7] *See* Memorandum from Ronald Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, to the Record, Re: ''Tolling of Administrative Deadlines as a Result of the Government Closure during Snowstorm 'Jonas,' '' dated January 27, 2016, in which the Department exercised its discretion to toll all administrative deadlines by four business days.

antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

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

This notice is issued and published in accordance with section 751 of Act and 19 CFR 351.213(d)(4).

Dated: March 17, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–06568 Filed 3–22–16; 8:45 am]

BILLING CODE 3510–DS–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: Evaluations of Coastal Zone Management Act Programs: State Coastal Management Programs and National Estuarine Research Reserves.

OMB Control Number: 0648–0661.

Form Number(s): None.

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

Number of Respondents: 432.

Average Hours per Response: Program manager information collection, 71 hours; stakeholder and partner survey, 15 minutes.

Burden Hours: 957.

Needs and Uses: This request is for revision and extension of a currently approved information collection. A few questions have been removed from the instruments, and others rewritten to be more focused.

The Coastal Zone Management Act of 1972, as amended (CZMA; 16 U.S.C. 1451 *et seq.*) requires that state coastal management programs and national estuarine research reserves developed pursuant to the CZMA and approved by the Secretary of Commerce be evaluated periodically. This request is for collection of information to accomplish those evaluations.

NOAA's Office of Ocean and Coastal Resource Management (OCRM) conducts periodic evaluations of the 34 coastal management programs and 28 research reserves and produces written findings for each evaluation. OCRM has access to documents submitted in cooperative agreement applications, performance reports, and certain documentation required by the CZMA and implementing regulations. However, additional information from each coastal management program and research reserve, as well as information from the program and reserve partners and stakeholders with whom each works, is necessary to evaluate against statutory and regulatory requirements. Different information collection subsets are necessary for (1) coastal management programs, (2) their partners and stakeholders, (3) research reserves, and (4) their partners and stakeholders.

Affected Public: State, local and tribal governments; business or other for-profit organizations; not-for-profit institutions.

Frequency: Every 5–6 years.

Respondent's Obligation: Required to obtain or retain benefits.

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 18, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–06526 Filed 3–22–16; 8:45 am]

BILLING CODE 3510–08–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2016–0014]

Agency Information Collection Activities: Comment Request; Emergency Processing Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing a new information collection titled, ''Regulation I: Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (12 CFR 1009).''

DATES: An emergency review has been requested in accordance with the PRA (44 U.S.C. Chapter 3507(j)). Approval by the Office of Management and Budget (OMB) has been requested within 15 days of submission to OMB. A standard PRA clearance process is also beginning. Interested persons are invited to submit comments on or before May 23, 2016.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov*. Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Regulation I: Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (12 CFR 1009).

OMB Control Number: 3170–XXXX.

Type of Review: New collection (Request for a new OMB control number).

Affected Public: Private sector (banks and credit unions).

Estimated Number of Respondents: 136.

Estimated Total Annual Burden Hours: 3,652.

Abstract: Regulation I applies to all depository institutions lacking Federal deposit insurance. It requires the disclosure of certain insurance-related information in periodic statements, account records, locations where deposits are normally received, and advertising. This part also requires such depository institutions to obtain a written acknowledgment from depositors regarding the institution's lack of Federal deposit insurance. On December 16, 2011, the Bureau published an interim final rule (IFR) republishing Regulation I and making technical and conforming changes to reflect the transfer of authority and certain other changes made by the Dodd-Frank Act (76 FR 78126/RIN 3170–AA06). The IFR did not impose any new substantive obligations on persons subject to the existing regulations. As the Bureau added no new recordkeeping or reporting requirements, it adopted the PRA analysis from the original regulation. Upon further review, the Bureau has determined that the disclosures required by 12 CFR 1009.3 and 1009.4 and the signed acknowledgement required by § 1009.5 are subject to the PRA and require OMB approval thereunder. The Bureau has determined that it cannot reasonably comply with the standard approval timelines because the use of normal clearance procedures is reasonably likely to prevent the collection of information and result in public harm. *See* 5 CFR 1320.13(a)(2); 44 U.S.C. 3507(j).

Contemporaneously with this request for emergency processing, the Bureau is also initiating standard clearance procedures by allowing the public 60 days to comment on this collection of information. Accordingly, this request will also be resubmitted to OMB under standard clearance procedures.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: March 17, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–06469 Filed 3–22–16; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for the KC–46A Third Main Operating Base (MOB 3) Beddown

AGENCY: Air Force Reserve Command, United States Air Force, DoD.

ACTION: Notice of intent.

SUMMARY: The United States Air Force (USAF) is issuing this notice to advise the public of the intent to prepare an Environmental Impact Statement (EIS) for the KC–46A Third Main Operating Base (MOB 3) Beddown. The EIS will assess the potential environmental consequences of various alternatives of the beddown of KC–46A tanker aircraft, associated infrastructure and personnel in support of the MOB 3 mission at existing installations where the Air Force Reserve Command (AFRC) leads a Mobility Air Force mission.

DATES: The USAF intends to hold scoping meetings from 5 p.m. to 8 p.m. in the following communities on the following dates:

1. Westover ARB—12 April 2016, at the Castle of Knights, 1599 Memorial Dr., Chicopee, MA 01020
2. Seymour Johnson AFB—14 April 2016, at the Herman Park Center, 701 East Ash St., Goldsboro, NC 27530
3. Grissom ARB—19 April 2016, at the Milestone Event Center, 1458 North Liberator Rd., Peru, IN 46970
4. Tinker AFB—21 April 2016, at the Sheraton Midwest City Hotel and Reed Conference Center, 57050 Will Rodgers Rd., Midwest City, OK 73110

ADDRESSES: The project Web site (*www.kc-46a-beddown.com*) provides more information on the EIS and can be used to submit scoping comments. Scoping comments may also be submitted to Mr. Hamid Kamalpour, U.S. Air Force, AFCEC/CZN, 2261 Hughes Ave., Ste 155, Lackland AFB, Texas 78236–9853.

As a convenience for comments submitted by mail, a comment form is available for download on the Web site. Comments will be accepted at any time during the environmental impact analysis process. However, to ensure the USAF has sufficient time to consider public input in the preparation of the Draft EIS, scoping comments should be submitted to the Web site or the address listed below by 25 April 2016.

SUPPLEMENTARY INFORMATION: The MOB 3 mission includes 12 KC–46A aircraft in one squadron. The KC–46A aircraft will replace the aging tanker fleet and would continue supporting the mission of providing worldwide refueling, cargo, and aeromedical evacuation support. The proposed basing alternatives for MOB 3 mission include: Seymour Johnson Air Force Base (AFB), Grissom Air Reserve Base (ARB), Tinker AFB, and Westover ARB. Along with the No Action Alternative, all four bases will be evaluated as alternatives in the EIS.

Scoping and Agency Coordination: To effectively define the full range of issues to be evaluated in the EIS, the USAF will determine the scope of the analysis by soliciting comments from interested local, state and federal elected officials and agencies, as well as interested members of the public and others. Implementation of the KC–46A MOB 3 mission at Tinker AFB in Oklahoma would have the potential to affect floodplains and/or wetlands. Consistent with the requirements and objectives of Executive Order (EO) 11990, ''Protection of Wetlands,'' state and federal regulatory agencies with special expertise in wetlands and floodplains will be contacted to request comment. Consistent with EO 11988 and EO 11990, this NOI initiates early public review of the alternatives, including implementation of the KC–46A MOB 3 mission at Tinker AFB in Oklahoma which has the potential to affect wetlands and/or floodplains. Scoping meetings will be held in the local communities near the alternative basing locations. The scheduled dates, times, locations, and addresses for the scoping meetings will also be published in local media a minimum of 15 days prior to the scoping meetings.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2016–06520 Filed 3–22–16; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2016–HQ–0009]

Proposed Collection; Comment Request

AGENCY: Army & Air Force Exchange Service (Exchange), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army & Air Force Exchange Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 23, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking 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, docket 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.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Army and Air Force Exchange Service, Office of the General Counsel, Compliance Division, Attn: Teresa Schreurs, 3911 South Walton Walker Blvd., Dallas, TX 75236–1598 or call the Exchange Compliance Division at 800–967–6067.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Exchange Employee Management and Pay System; Exchange Form 1400–011 ''Annuity Application'', Exchange From 1450–018 ''Application for Payment of Survivor Annuity'', Exchange Form 1700–012 ''Beneficiary Designation'', Exchange Form 6650–007 ''Patient Health Questionnaire'', Web-based ''Health/Benefit Enrollment''; OMB Control Number: 0702–XXXX.

Needs and Uses: The information collection requirement is necessary to administer a number of different benefits and pay available to eligible Exchange associates, former associates (retirees), their personal dependents, beneficiaries, spouses, and ex-spouses. This includes collecting data needed to provide and administer pay, salary and retirement funds/entitlements.

Affected Public: Individuals or households and Federal Government.

Annual Burden Hours: 7,163.

Number of Respondents: 9,550.

Responses per Respondent: 1.

Annual Responses: 9,550.

Average Burden per Response: 45 Minutes.

Frequency: On occasion.

Respondents are active, former/retired or terminated Exchange personnel to include their family members, beneficiaries and survivors. Survivor, annuity and patient health information is provided manually by the respondents. Other benefits such as enrollment in health coverage, beneficiary designation, and retirement options are done so primarily through electronic means. Health, beneficiary and retirement collections are maintained by the service provider; *i.e.* Aetna, Inc. Respondents also include active duty military service members and their eligible family members stationed at U.S. Military installations in Europe. Patient health information obtained through Exchange Form 6650–007 is collected on new optometry patients and is maintained by the Exchange optometrists at the facility of service.

Dated: March 17, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–06495 Filed 3–22–16; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Department of Defense Advisory Committee on Women in the Services (''the Committee'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The Committee's charter and contact information for the Committee's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.* The Committee provides the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, independent advice and recommendations on matters and policies relating to women in the Armed Forces of the United States.

The Committee is composed of no more than 20 members who have experience with military or with women's workforce issues. All members of the Committee are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Committee-related travel and per diem, Committee members serve without compensation.

The public or interested organizations may submit written statements to the Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Committee. All written statements shall

be submitted to the DFO for the Committee, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: March 17, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–06467 Filed 3–22–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2016–HQ–0023]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 23, 2016.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking 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, docket 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.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Service; Office of Financial Operations; Retired and Annuitant Pay Quality Product Assurance Division ATTN: Chuck Moss, Cleveland, OH 44199–2001, or call at (216) 204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Certificate of Eligibility for Retired Members; DD Form 2892; OMB Control Number 0730–XXXX.

Needs and Uses: The information collection requirement is necessary to determine the continuing eligibility of a retired pay recipient.

Affected Public: Individuals or households.

Annual Burden Hours: 100 hours.

Number of Respondents: 400.

Responses per Respondent: 1.

Annual Responses: 400.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Verification of retired pay continuing eligibility is necessary due to suspected death, whereabouts unknown, or other circumstances.

Dated: March 17, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–06499 Filed 3–22–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

National Coal Council

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meetings.

SUMMARY: This notice announces a meeting of the National Coal Council (NCC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, April 20, 2016, 9:00 a.m. to 12:30 p.m.

ADDRESSES: Hamilton Crowne Plaza Hotel, 1001 14th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Daniel Matuszak, U.S. Department of Energy, 4G–036/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0001; Telephone: 202–287–6915.

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council provides advice and recommendations to the Secretary of Energy, on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The 2016 Spring Meeting of the National Coal Council.

Agenda:

1. Call to order and opening remarks by Mike Durham, Chair, National Coal Council
2. Remarks by The Honorable Dr. Ernest Moniz, Secretary, U.S. Department of Energy
3. Presentation by Robert Purgert, President, Energy Industries of Ohio and Jeffrey Phillips, Senior Program Manager, EPRI on Advanced Ultra Supercritical Technology
4. Presentation by Dr. Alfred Brown, CEO, ION Engineering on Redefining Carbon Capture
5. Presentation by John Schultes, CEO, New Steel International on Iron + Power + Steel
6. Presentation by Kipp Coddington, Director, Carbon Management Institute, University of Wyoming on Carbon Engineering: Converting Coal to High-Value Carbon Products and Chemicals
7. Council Business:
   a. Finance Report by Finance Committee Chair Greg Workman
   b. Coal Policy Committee Report by Coal Policy Committee Chair Deck Slone
   c. Communications Committee Report by Communications Committee Chair Dawn Santoianni
   d. NCC Business Report by NCC CEO Janet Gellici
8. Other Business
9. Adjourn

Attendees are requested to register in advance for the meeting at: *https://www.etouches.com/157761.*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Council, you may do so either before or after the meeting. If you would like to make oral statements regarding any item on the agenda, you should contact Daniel Matuszak, 202–287–6915 or *daniel.matuszak@hq.doe.gov* (email).

You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include oral statements on the scheduled agenda. The Chairperson of the Council will lead the meeting in a manner that facilitates the orderly conduct of business. Oral statements are limited to 10-minutes per organization and per person.

Minutes: A link to the transcript of the meeting will be posted on the NCC Web site at: *http://www.nationalcoalcouncil.org/.*

Issued at Washington, DC, on March 17, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–06579 Filed 3–22–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 21, 2016 from 3:30 p.m. to 4:30 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Michael Li, Policy Advisor, Office of Energy Efficiency and Renewable Energy, US Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5718, and email *michael.li@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates on action items and revised objectives for FY 2016, discuss follow-up opportunities and engagement with EERE and other DOE staff as needed to keep Task Force work moving forward, continue engagement with DOE, EERE and EPSA staff regarding energy efficiency and renewable energy projects and initiatives, and receive updates on member activities within their states. Recap March meeting and follow-up on action items from that meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Michael Li at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *http://www.energy.gov/eere/steab/state-energy-advisory-board*.

Issued at Washington, DC, on March 17, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–06586 Filed 3–22–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2016 pursuant to the Energy Policy and Conservation Act. The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

DATES: The representative average unit costs of energy contained in this notice will become effective April 22, 2016 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy Forrestal Building, Mail Station EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 287–1692, *Rep_Average_Unit_Costs@ee.doe.gov.*

Francine Pinto, Esq. U.S. Department of Energy, Office of General Counsel Forrestal Building, Mail Station GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0103, (202) 586–7432, *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act (Act) requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at *http://www.ftc.gov/appliances.*

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, ''Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy'', dated August 27, 2015, 80 FR 52039.

On April 22, 2016, the cost figures published in this notice will become effective and supersede those cost figures published on August 27, 2015. The cost figures set forth in this notice will be effective until further notice.

DOE's Energy Information Administration (EIA) has developed the 2016 representative average unit after-

tax residential costs found in this notice. These costs for electricity, natural gas, No. 2 heating oil, and propane are based on simulations used to produce the March 2016, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax cost for kerosene is derived from its price relative to that of heating oil, based on the 2010-to 2013 averages of the U.S. refiner price to end users, which include all the major energy-consuming sectors in the U.S. for these fuels. The source for these price data is the February 2016, *Monthly Energy Review* DOE/EIA–0035(2016/02). The *Short-Term Energy Outlook* and the *Monthly Energy Review* are available on the EIA Web site at *http://www.eia.doe.gov.* The representative average unit after-tax cost for propane is derived from its price relative to that of heating oil, based on the 2016 averages of the U.S. residential sector prices found in the *Annual Energy Outlook 2015,* DOE/EIA–0383(2015). For more information on the data sources used in this Notice, contact the National Energy Information Center, Forrestal Building, EI–30, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8800, email: *infoctr@eia.doe.gov.*

The 2016 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective April 22, 2016. They will remain in effect until further notice.

Issued in Washington, DC, on March 11, 2016.

David Friedman,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2016)

Type of energy	Per million Btu [1]	In commonly used terms	As required by test procedure
Electricity	$36.87	12.6¢/kWh [2] [3]	$0.126/kWh.
Natural Gas	9.32	$0.932/therm [4] or $9.58/MCF [5] [6]	$0.00000932/Btu.
No. 2 Heating Oil	14.28	$1.98/gallon [7]	$0.00001428/Btu.
Propane	15.44	$1.41/gallon [8]	$0.00001544/Btu.
Kerosene	17.06	$2.30/gallon [9]	$0.00001706/Btu.

Sources: U.S. Energy Information Administration, *Short-Term Energy Outlook* (March 8, 2016), *Annual Energy Outlook* (April 14, 2015), and *Monthly Energy Review* (February 25, 2016).

Notes: Prices include taxes.

[1] Btu stands for British thermal units.

[2] kWh stands for kilowatt hour.

[3] 1 kWh = 3,412 Btu.

[4] 1 therm = 100,000 Btu.

[5] MCF stands for 1,000 cubic feet.

[6] For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,028 Btu.

[7] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.

[8] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

[9] For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2016–06581 Filed 3–22–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8436–153]

Eugene Water & Electric Board; Smith Creek Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On January 20, 2016, Eugene Water & Electric Board (transferor) and Smith Creek Hydro, LLC (transferee) filed an application for transfer of license of the Smith Creek Project No. 8436. The project is located on the Smith Creek in Boundary County, Idaho. The project occupies lands of the United States within the Panhandle National Forest.

The applicants seek Commission approval to transfer the license for the Smith Creek Project from the transferor to the transferee.

Applicant Contact: For transferor: Ms. Patty Boyle, Principal Project Manager, Eugene Water & Electric Board, P.O. Box 10148, Eugene, OR 97440–2148, telephone: 541–685–7406, email: *patty.boyle@eweb.org* and Mr. Tom Grim, Cable Huston LLP, 1001 SW Fifth Ave., Suite 2000, Portland, OR 97204, telephone: 503–224–3092, email: *tgrim@cablehuston.com.* For transferee: Mr. Thom A. Fischer, Manager, Smith Creek Hydro, LLC, 1800 James Street, Suite 201, Bellingham, WA 98225, telephone: 360–738–9999, email: *thom@tollhouseenergy.com* and Mr. Todd G. Glass and Mr. Keene M. O'Connor, Wilson Sonsini Goodrich & Rosati, PC, 701 5th Avenue, Suite 5100, Seattle, WA 98104, telephone: 206–883–2500, email: *tglass@wsgr.com* and *kmoconnor@wsgr.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–8436–153.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.

Deputy Secretary.

[FR Doc. 2016–06505 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD16–2–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Technical Conference

In an order issued on October 8, 2004, the Commission set forth a guideline for

Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures,* 109 FERC ¶ 61,040 (2004) (October 8 Order). The Commission required OFAs to submit their costs using the OFA Cost Submission Form. The October 8 Order also announced that a technical conference would be held for the purpose of reviewing the submitted cost forms and detailed supporting documentation.

The Commission will hold a technical conference for reviewing the submitted OFA costs. The purpose of the conference will be for OFAs and licensees to discuss costs reported in the forms and any other supporting documentation or analyses.

The technical conference will be held on March 31, 2016, in Conference Room 3M–1 at the Commission's headquarters, 888 First Street NE., Washington, DC. The technical conference will begin at 2:00 p.m. (EST).

The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's Web site or who has questions about the technical conference should contact Norman Richardson at (202) 502–6219 or via email at *annualcharges@ferc.gov.* FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice), (202) 208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06506 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD16–18–000]

Competitive Transmission Development, Rates Technical Conference; Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will hold a Commissioner-led technical conference to discuss issues related to competitive transmission development processes, including but not limited to use of cost containment provisions, the relationship of competitive transmission development to transmission incentives, and other ratemaking issues.[1] The conference will be held on June 27, 2016, from approximately 1:00 p.m. to 5:00 p.m., and on June 28, 2016, from approximately 9:30 a.m. to 5:00 p.m., at the Commission's headquarters at 888 First Street NE., Washington, DC 20426. Further details about the agenda and speakers will be issued at a later date in supplemental notices.

The conference will be open for the public to attend. Information on the technical conference will also be posted on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* prior to the event. Advance registration is not required, but is encouraged. Attendees may register at the following Web page: *https://www.ferc.gov/whats-new/registration/06-27-16-form.asp.*

This event will be webcast and transcribed. Anyone with internet access can navigate to the ''FERC Calendar'' at *www.ferc.gov,* and locate the technical conference in the Calendar of Events. Opening the technical conference in the Calendar of Events will reveal a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100. The webcast will be available on the Calendar of Events at *www.ferc.gov* for three months after the conference. Transcripts of the conference will be immediately available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8004, *sarah.mckinley@ferc.gov.*

David Tobenkin (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6445, *david.tobenkin@ferc.gov.*

Zeny Magos (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8244, *zeny.magos@ferc.gov.*

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06501 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

[1] Topics to be discussed include, but are not limited to, those that the Commission described in *NextEra Energy Transmission West, LLC,* 154 FERC ¶ 61,009, at PP 76–78 (2015).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1202–000]

The Energy Group of America, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of The Energy Group of America, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard

to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 6, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06503 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD16–17–000]

Reactive Supply Compensation in Markets Operated by Regional Transmission Organizations and Independent System Operators; Notice of Workshop

Federal Energy Regulatory Commission (Commission) staff will convene a workshop on June 30, 2016, from 12:00 p.m. (EDT) to 4:00 p.m. (EDT) in the Commission Meeting Room at 888 First Street NE., Washington, DC 20426. The workshop will be open to the public, and all interested parties are invited to attend and participate. The workshop will be led by Commission staff, and may be attended by one or more Commissioners.

The purpose of the workshop is to discuss compensation for Reactive Supply and Voltage Control (Reactive Supply) within the Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs). Specifically, the workshop will explore the types of costs incurred by generators for providing Reactive Supply capability and service; whether those costs are being recovered solely as compensation for Reactive Supply or whether recovery is also through compensation for other services; and different methods by which generators receive compensation for Reactive Supply (*e.g.,* Commission-approved revenue requirements, market-wide rates, etc.). The workshop will also explore potential adjustments in compensation based on changes in Reactive Supply capability and potential mechanisms to prevent overcompensation for Reactive Supply.

This workshop will be transcribed. Transcripts of the workshop will be immediately available for a fee from Ace-Federal Reporters, Inc. at (202) 347–3700. A free webcast of this event will be available through *www.ferc.gov.* Anyone with internet access who wants to view this event can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the workshop via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call (703) 993–3100. Those interested in attending the workshop or viewing the webcast are encouraged to register at *https://www.ferc.gov/whats-new/registration/06-30-16-form.asp.*

A workshop agenda will be issued under separate notice. Those wishing to nominate themselves for participation in the workshop should register at *https://www.ferc.gov/whats-new/registration/06-30-16-speaker-form.asp* by April 28, 2016. Due to time constraints, we may not be able to accommodate all those interested in speaking.

Those who wish to file written comments may do so by July 28, 2016. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number AD16–17–000.

All comments will be placed in the Commission's public files and will be available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *www.ferc.gov* using the eLibrary link. Enter AD16–17–000 in the docket number field to access documents. For assistance, please contact FERC Online Support.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov*, call (866) 208–3372 (toll free) or (202) 208–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about this workshop, please contact:

Sam Wellborn (Technical Information), Office of Energy Market Regulation—East, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6288, *samuel.wellborn@ferc.gov.*

Sarah McKinley (Logistical Information), Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8004, *sarah.mckinley@ferc.gov.*

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06511 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–1076–000]

360 Recycling, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of 360 Recycling, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888

First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 6, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06502 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–148–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Availability of the Environmental Assessment for the Proposed Susquehanna West Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Susquehanna West Project, proposed by Tennessee Gas Pipeline Company, L.L.C. (TGP) in the above-referenced docket. TGP requests authorization to construct and operate certain natural gas facilities in Tioga and Bradford Counties, Pennsylvania.

The EA assesses the potential environmental effects of the construction and operation of the Susquehanna West Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

TGP's proposed Project involves construction of approximately 8.1 miles of 36-inch-diameter looping pipeline in two segments and modifications at three existing compressor stations, two of which would include increased compression at the station.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before April 18, 2016.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP15–148–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP15–148). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

[1] See the previous discussion on the methods for filing comments.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06512 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–717–000.

Applicants: MoGas Pipeline LLC.

Description: § 4(d) Rate Filing: MoGas Negotiated Rate Agreement St. Robert to be effective 3/1/2016.

Filed Date: 3/9/16.

Accession Number: 20160309–5054.

Comments Due: 5 p.m. ET 3/21/16.

Docket Numbers: RP16–718–000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—Mansfield Contract to be effective 4/1/2016.

Filed Date: 3/9/16.

Accession Number: 20160309–5059.

Comments Due: 5 p.m. ET 3/21/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 10, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06507 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2492–000]

Woodland Pulp LLC; Notice of Authorization for Continued Project Operation

On February 28, 2014 Woodland Pulp, LLC, licensee for the Vanceboro Dam Storage Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Vanceboro Dam Storage Project is located on the East Branch of the St. Croix River in Washington County, Maine.

The license for Project No. 2492 was issued for a period ending February 29, 2016. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2492 is issued to the licensee for a period effective March 1, 2016 through February 28, 2017 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 2017, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Woodland Pulp LLC., is authorized to continue operation of the Vanceboro Dam Storage Project, until such time as the Commission acts on its application for a subsequent license.

Dated: March 17, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–06504 Filed 3–22–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9944–17–Region 5]

Notification of a Public Teleconference of the Great Lakes Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) announces a teleconference of the Great Lakes Advisory Board (the Board). The purpose of this teleconference is to discuss the Great Lakes Restoration Initiative covering (GLRI) FY15–19 and other relevant matters.

DATES: The teleconference will be held Wednesday, April 6, 2016 from 10 a.m. to 12 p.m. Central Time, 11 a.m. to 1 p.m. Eastern Time. An opportunity will be provided to the public to comment.

ADDRESSES: The public teleconference will be held by teleconference only. The teleconference number is: 1–877–226–9607; Participant code: 6050166037.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this meeting may contact Rita Cestaric, Designated Federal Officer (DFO), by email at *Cestaric.Rita@epa.gov.* General information on the Board can be found at *http://glri.us/advisory/index.html.*

SUPPLEMENTARY INFORMATION:

Background: The Board is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the Board in 2013 to provide independent advice to the EPA Administrator in her capacity as Chair

of the federal Great Lakes Interagency Task Force (IATF). The Board conducts business in accordance with FACA and related regulations.

The Board consists of 16 members appointed by EPA's Administrator in her capacity as IATF Chair. Members serve as representatives of state, local and tribal government, environmental groups, agriculture, business, transportation, foundations, educational institutions, and as technical experts.

Availability of Meeting Materials: The agenda and other materials in support of the teleconference will be available on the Board Web site at *http://glri.us/advisory/index.html.*

Procedures for Providing Public Input: Federal advisory committees provide independent advice to federal agencies. Members of the public can submit relevant comments for consideration by the Board. Input from the public to the Board will have the most impact if it provides specific information for the Board to consider. Members of the public wishing to provide comments should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting to provide comments or oral presentation at this public meeting will be limited to three minutes per speaker, subject to the number of people wanting to comment. Interested parties should contact the DFO in writing (preferably via email) at the contact information noted above by April 1, 2016 to be placed on the list of public speakers for the meeting.

Written Statements: Written statements must be received by April 1, 2016 so that the information may be made available to the Board for consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature and one electronic copy via email. Commenters are requested to provide two versions of each document submitted: One each with and without signatures because only documents without signatures may be published on the Board Web page.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO at the email address noted above, preferably at least 7 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 14, 2016.

Cameron Davis,

Senior Advisor to the Administrator.

[FR Doc. 2016–06564 Filed 3–22–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0634; FRL–9941–50]

Cancellation of Pesticides for Non-Payment of Year 2015 Registration Maintenance Fees; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of November 13, 2015, concerning the cancellation of pesticides for non-payment of year 2015 registration maintenance fees. This document is being issued to correct Table 2 of the cancellation notice by removing two entries which were inadvertently included.

FOR FURTHER INFORMATION CONTACT: Mick Yanchulis, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0237; email address: *yanchulis.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0634, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

This notice is being issued to correct Table 2 of the cancellation notice. This correction removes 2 entries which were inadvertently included.

FR Doc. 2015–28765 published in the **Federal Register** of November 13, 2015 (80 FR 70206) (FRL–9934–46) is corrected as follows:

1. On page 70208, in the first column, in Table 2, remove the complete entry for: ''069836–00001.''

2. On page 70208, in the first column, in Table 2, remove the complete entry for: ''069836–00002.''

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 17, 2016.

Delores J. Barber,

Director, Information Technology and Resource Management Division, Office of Pesticide Programs.

[FR Doc. 2016–06566 Filed 3–22–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1044, 3060–1155, 3060–1185]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

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 Office of Management and Budget (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 comments should be submitted on or before April 22, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1044.

Title: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01–338 and WC Docket No. 04–313, Order on Remand.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 645 respondents; 645 responses.

Estimated Time per Response: 8 hours.

Frequency of Response: Recordkeeping requirement, third party disclosure requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 251 of the Telecommunications Act of 1996.

Total Annual Burden: 5,160 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit or disclose confidential information. However, in certain circumstances, respondents may voluntarily choose to submit confidential information pursuant to applicable confidentiality rules.

Needs and Uses: In the Order on Remand, the Commission imposed unbundling obligations in a more targeted manner where requesting carriers have undertaken their own facilities-based investments and will be using UNEs (unbundled network elements) in conjunction with self-provisioned facilities. The Commission also eliminated the subdelegation of authority to state commissions adopted in the previous order. Prior to the issuance of the Order, the Commission sought comment on issues relating to combinations of UNEs, called ''enhanced extended links'' (EELs), in order to effectively tailor access to EELs to those carriers seeking to provide significant local usage to end users. In the Order, the Commission adopted three specific service eligibility criteria for access to EELs in accordance with Commission rules.

OMB Control Number: 3060–1155.

Title: Sections 15.713, 15.714, 15.715, 15.717, and 27.1320, TV White Space Broadcast Bands.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2,010 respondents; 4,000 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Total Annual Burden: 8,000 hours.

Total Annual Cost: $200,000.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 302, 303(c), 303(f), and 307 of the Communications Act of 1934, as amended.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. Respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On August 11, 2015, the Federal Communications Commission adopted a Report and Order (R&O), ET Docket No. 14–165 and GN Docket No. 12–268, FCC 15–99. This R&O made certain changes to the rules for unlicensed device operations in the frequency bands that are now and will continue to be allocated and assigned to broadcast television services (TV bands), including fixed and personal/portable white space devices and unlicensed wireless microphones. It also adopted rules for fixed and personal/portable white space devices and wireless microphones in the 600 MHz guard bands, including the duplex gap, and the 600 MHz band that will be repurposed for new wireless services, and for fixed and personal/portable white space devices on channel 37.

OMB Control Number: 3060–1185.

Title: Annual Report for Mobility Fund Phase I Support, FCC Form 690 and Record Retention Requirements.

Form Number: FCC Form 690.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents and Responses: 34 respondents; 880 responses.

Estimated Time per Response: 1–18 hours.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154, 254 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 15,874 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality. The information collected on FCC Form 690 will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission uses the information contained in this collection to ensure that each winning

bidder is meeting its obligations for receiving Mobility Fund Phase I support. On November 18, 2011, the Federal Communications Commission released a Report and Order in the Universal Service Fund & Intercarrier Compensation Transformation Order (USF/ICC) proceeding, WC Docket Nos. 10–90, 07–135, 05–337, 03–109; GN Docket No. 09–51; CC Docket Nos. 01–92, 96–45; WT Docket No. 10–208; FCC 11–161. On May 14, 2012, the Commission released the Third Order on Reconsideration of the USF/ICC Report and Order which revised certain Mobility Fund Phase 1 rules. In adopting the rules, the Commission provided for one-time support to immediately accelerate deployment of networks for mobile broadband services in unserved areas. Thus, the information is being collected to meet the objectives of the Universal Service Fund program.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2016–06572 Filed 3–22–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0216, 3060–0404, 3060–0669]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 23, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0216.

Title: Section 73.3538, Application to Make Changes in an Existing Station; Section 73.1690(e), Modification of Transmission Systems.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

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

Number of Respondents and Responses: 650 respondents; 650 responses.

Estimated Hours per Response: 0.50–3 hours.

Frequency of Response: On occasion reporting requirement; Recordkeeping requirement.

Total Annual Burden: 1,100 hours.

Annual Burden Cost: None.

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

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303(r), 308, 309(j) and 337(e) of the Communications Act of 1934, as amended.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Section 73.3538(b)(1) of the Commission's rules requires a broadcast station to file an informal application to modify or discontinue the obstruction marking or lighting of an antenna supporting structure.

Section 73.1690(e) of the Commission's rules requires AM, FM and TV station licensees to prepare an informal statement or diagram describing any electrical and mechanical modification to authorized transmitting equipment that can be made without prior Commission approval provided that equipment performance measurements are made to ensure compliance with FCC rules. This informal statement or diagram must be retained at the transmitter site as long as the equipment is in use.

OMB Control Number: 3060–0404.

Title: Application for an FM Translator or FM Booster Station License, FCC Form 350.

Form Number: FCC Form 350.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions; State, local or Tribal government.

Number of Respondents and Reponses: 350 respondents; 350 responses.

Frequency of Response: On occasion reporting requirement.

Estimated Time per Response: 1 hour.

Total Annual Burden: 350 hours.

Total Annual Cost: $26,250.

Obligation to Respond: Required to obtain and retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 307, 308 and 309 of the Communications Act of 1934, as amended.

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

Privacy Impact Assessment: No impact(s).

Needs and Uses: Licensees and permittees of FM Translator or FM Booster stations are required to file FCC Form 350 to obtain a new or modified station license. The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit.

Data from the FCC Form 350 is extracted for inclusion in the subsequent license to operate the station.

OMB Control Number: 3060–0669.

Title: Section 76.946, Advertising of Rates.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 8,250 respondents; 8,250 responses.

Estimated Time per Response: 30 minutes (0.5 hours).

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

Total Annual Burden to Respondents: 4,125 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 4(i) of the Communications Act of 1934, as amended.

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

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 76.946 states that cable operators that advertise rates for basic service and cable programming service tiers shall be required to advertise rates that include all costs and fees. Cable systems that cover multiple franchise areas having differing franchise fees or other franchise costs, different channel line-ups, or different rate structures may advertise a complete range of fees without specific identification of the rate for each individual area. In such circumstances, the operator may advertise a ''fee plus'' rate that indicates the core rate plus the range of possible additions, depending on the particular location of the subscriber.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2016–06500 Filed 3–22–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Community Banking; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463 (Oct. 6, 1972), 5 U.S.C. App. 2, notice is hereby given of a meeting of the FDIC Advisory Committee on Community Banking, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on a broad range of policy issues that have particular impact on small community banks throughout the United States and the local communities they serve, with a focus on rural areas.

DATES: Thursday, April 7, 2016, from 9:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include a discussion of current issues affecting community banking. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This Community Banking Advisory Committee meeting will be Webcast live via the Internet at *https://fdic.primetime.mediaplatform.com/#/channel/1384299242770/Advisory+Committee+on+Community+Banking+*. Questions or troubleshooting help can be found at the same link. For optimal viewing, a high speed internet connection is recommended. The Community Banking meeting videos are made available on-demand approximately two weeks after the event.

Dated: March 18, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–06518 Filed 3–22–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: March 15, 2016.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10518	North Milwaukee State Bank	Milwaukee	WI	3/11/2016

[FR Doc. 2016–06571 Filed 3–22–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 7, 2016.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Ernest E. Erickson,* Page, North Dakota; to acquire voting shares of Quality Bankshares, Inc., Page, North Dakota, and thereby indirectly acquire voting shares of Quality Bank, Fingal, North Dakota.

Board of Governors of the Federal Reserve System, March 18, 2016.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2016–06525 Filed 3–22–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

Agenda

Federal Retirement Thrift Investment Board Member Meeting
77 K Street NE., Board Meeting Room—10th Floor Washington, DC 20002

DATE: March 29, 2016.

TIME: 8:30 a.m. (In-Person). Parts will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of the Minutes of the February 22, 2016 Board Member Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Investment Performance Report
   (c) Legislative Report
3. Office of Enterprise Risk Management Report

Close Session

4. Security

Adjourn

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: March 21, 2016.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2016–06699 Filed 3–21–16; 4:15 pm]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 152–3181]

Lord & Taylor, LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/lordtaylorconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Lord & Taylor, LLC—Consent Agreement; File No. 152–3181'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/lordtaylorconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Lord & Taylor, LLC—Consent Agreement; File No. 152–3181'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Robin Rosen Spector, Attorney, (202) 326–3740, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 15, 2016), on the World Wide Web at: *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 14, 2016. Write ''Lord & Taylor, LLC—Consent Agreement; File No. 152–3181'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or

financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/lordtaylorconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Lord & Taylor, LLC—Consent Agreement; File No. 152–3181'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 14, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Lord & Taylor, LLC (''Lord & Taylor'').

The proposed consent order (''proposed order'') has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves Lord & Taylor's use of paid spokespersons to promote, in social media, its private label line, ''Design Lab,'' an apparel collection aimed at women ages eighteen to thirty-five. The Commission's complaint alleges that Lord & Taylor paid fifty fashion influencers to wear and simultaneously post on Instagram photos of a particular Design Lab item—the Paisley Asymmetrical Dress. In most instances, the Instagram post did not mention any connection between the influencer and Lord & Taylor. The complaint also alleges that Lord & Taylor sponsored an article, also featuring the dress, that appeared to be an independent and objective review of the Design Lab collection in an online fashion magazine. The article did not disclose the connection between Lord & Taylor and the magazine. The complaint alleges that Lord & Taylor violated Section 5 of the FTC Act by misrepresenting that the Instagram images and captions reflected the independent statements of impartial fashion influencers, when, in fact, the postings were created as part of an advertising campaign for Lord & Taylor. The complaint further alleges that Lord & Taylor violated Section 5 by failing to disclose that the fashion influencers were paid endorsers. Finally, the complaint alleges that that Lord & Taylor misrepresented that the article that appeared on the fashion magazine Web site and the Design Lab posting on the magazine's Instagram account were independent statements or opinions regarding the launch of the Design Lab collection when, in fact, the article and posting were paid commercial advertising.

The proposed order includes injunctive relief to address these alleged violations and requires Lord & Taylor to follow certain monitoring and compliance procedures related to its use of paid spokespersons or endorsers.

Part I of the proposed order prohibits Lord & Taylor, in connection with the advertising of any product or service, from misrepresenting that an endorser of such product or service is an independent user or ordinary consumer of the product or service.

Part II of the proposed order requires Lord & Taylor, in connection with the advertising of any product or service by means of an endorsement, to disclose clearly and conspicuously, and in close proximity to the representation, a material connection, if one exists, between the endorser and Lord & Taylor.

Part III of the proposed order prohibits Lord & Taylor from misrepresenting that paid commercial advertising is a statement or opinion from an independent or objective publisher or source.

Part IV of the proposed order sets out certain monitoring and compliance obligations that Lord & Taylor must meet with respect to any endorser with a material connection to Lord & Taylor, including: Obtaining signed acknowledgements from such endorsers that they will disclose their connection to Lord & Taylor; monitoring the endorsers' representations and disclosures; maintaining records of its monitoring efforts; and terminating endorsers who fail to disclose their connection to Lord & Taylor; provided, however, that if Lord & Taylor reasonably determines that an endorser's failure to disclose was inadvertent, it may provide an endorser with one notice of the failure to disclose and an opportunity to cure the disclosure prior to termination.

Parts V through VIII of the proposed order require Lord & Taylor to: Keep copies of advertisements and promotional materials containing the representations or endorsements, contracts with endorsers and communications regarding disclosures required by Part II of the proposed order, relevant consumer complaints and inquiries, and documents demonstrating order compliance; provide copies of the order to officers, employees, and others with responsibilities with respect to the subject matter of the order; notify the Commission of changes in corporate structure that might affect compliance obligations under the order; and file compliance reports with the Commission.

Part IX of the proposed order provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the complaint or proposed order, or to modify the proposed order's terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–06573 Filed 3–22–16; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0112]

2016 Guideline for Prescribing Opioids for Chronic Pain

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the availability of the 2016 Guideline for Prescribing Opioids for Chronic Pain. CDC published the Guideline in the March 18, 2016 edition of CDC's *Morbidity and Mortality Weekly Report, Recommendations and Reports.* This notice provides the public with official notice of the availability of the Guideline.

DATES: CDC published the Guideline on March 18, 2016 in the *Morbidity and Mortality Weekly Report, Recommendations and Reports.*

FOR FURTHER INFORMATION CONTACT: Arlene I. Greenspan, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341. Telephone: (770) 488–4694; email: *duipinquiries@cdc.gov.*

SUPPLEMENTARY INFORMATION: On December 14, 2015, CDC published a notice in the **Federal Register** announcing the opening of a docket for public comment on the draft 2016 Guideline for Prescribing Opioids for Chronic Pain (81 FR 77351). CDC also had a public comment opportunity during the National Center for Injury Prevention and Control's Board of Scientific Counselors meeting on January 28, 2016.

CDC developed the Guideline to provide recommendations about opioid prescribing for primary care providers who are treating adult patients with chronic pain in outpatient settings, outside of active cancer treatment, palliative care, and end-of-life care. The Guideline summarizes scientific knowledge about the effectiveness and risks of long-term opioid therapy and provides recommendations for when to initiate or continue opioids for chronic pain; opioid selection, dosage, duration, follow-up, and discontinuation; and assessing risk and addressing harms of opioid use.

CDC received more than 4,350 public comments on the draft Guideline from professional organizations, industry, academia, and the public. All comments were carefully reviewed and considered in the development of the final Guideline.

The ''CDC Guideline for Prescribing Opioids for Chronic Pain—United States, 2016'' has been added to the docket and can also be found at *www.cdc.gov/MMWR.*

Dated: March 17, 2016.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2016–06567 Filed 3–22–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than May 23, 2016.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N–39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Corps Community Event Form.

OMB No.: 0915–0362 Extension.

Abstract: Corps Community Month, formerly Corps Community Day, was created in 2011 and celebrates the National Health Service Corps (NHSC) every October. The NHSC is a program administered by the Bureau of Health Workforce (BHW) within HRSA. The goals of Corps Community Month encompass the following: Increase awareness of the NHSC to potential applicants and the greater primary health community; create a sense of community and connectedness among NHSC program participants, alumni, partners and staff; and underscore the NHSC's role in bringing primary health care services to the nation's neediest communities. Current program participants, alumni, NHSC Ambassadors, sites, primary care organizations, and professional associations plan events and report the details of their events to BHW so that they can be added to the state-by-state map of events. In order to avoid duplication of effort, eliminate confusion regarding allowable event dates, avoid data entry errors, and implement a brief post-event satisfaction survey, BHW would like to continue to use the standard form that event planners use to report to BHW. The fillable form is available online and has 26 fields for event planners to populate to submit for inclusion on the map. There are also approximately 5 fields to populate following the event to measure satisfaction. Both the pre-event and post-event data fields are held in one form.

Need and Proposed Use of the Information: The information collected is used and needed to highlight the impact of BHW and the NHSC programs in underserved and rural areas as part

of outreach initiatives. Event information is captured and tracked to ensure that each HHS region is highlighted.

Likely Respondents: Current program participants, alumni, NHSC Ambassadors, sites, primary care organizations, and professional associations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Corps Community Month Event Planning Form	300	1	300	.066	19.8
Corps Community Month Event Satisfaction Form	300	1	300	.033	9.9
Total	300		300		29.7

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–06444 Filed 3–22–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance; Planning Cooperative Agreement

Announcement Type: New—Limited Competition

Funding Announcement Number: HHS–2016–IHS–TSGP–0001

Catalog of Federal Domestic Assistance Number: 93.444

Key Dates

Application Deadline Date: June 3, 2016.

Review Date: June 17, 2016.

Earliest Anticipated Start Date: July 1, 2016.

Signed Tribal Resolutions Due Date: June 3, 2016.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting limited competition Planning Cooperative Agreement applications for the Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 458aaa–2(e). This program is described in the Catalog of Federal Domestic Assistance (CFDA), available at *https://www.cfda.gov/,* under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to-government relationship between the United States and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP is one of three ways that Tribes can choose to obtain health care from the Federal Government for their members. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS, (2) contract with the IHS to administer individual PSFAs that the IHS would otherwise provide (referred to as Title I Self-Determination Contracting), or (3) compact with the IHS to assume control over healthcare PSFAs that the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances. Participation in the TSGP affords Tribes the most flexibility to tailor health care PSFAs to the needs of their communities.

The TSGP is a Tribally-driven initiative and strong Tribal/Federal partnerships are essential for program success. The IHS established the OTSG to implement Tribal self-governance authorities. The OTSG: (1) Serves as the primary liaison and advocate for Tribes participating in the TSGP, (2) develops, directs, and implements TSGP policies and procedures, (3) provides information and technical assistance to Self-Governance Tribes, and (4) advises the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director, who has the authority to negotiate Self-Governance Compacts and Funding Agreements. A Tribe should contact their respective ALN to begin the self-governance planning process or, if currently an existing Self-Governance Tribe, discuss methods to expand current PSFAs. The ALN shall provide an overview of the TSGP and provide technical assistance on the planning process or expanding current PSFAs.

Purpose

The purpose of this Planning Cooperative Agreement is to provide resources to Tribes interested in entering the TSGP and to existing Self-Governance Tribes interested in assuming new or expanded PSFAs. Title V of the ISDEAA requires a Tribe or Tribal organization to complete a

planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organization preparation relating to the administration of health care programs. *See* 25 U.S.C. 458aaa–2(d).

The planning phase helps Tribes make informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to successfully support those PSFAs. A thorough planning phase improves timeliness and efficiency of negotiations and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.

A Planning Cooperative Agreement is not a prerequisite to enter the TSGP and a Tribe may use other resources to meet the planning requirements. Tribes that receive a Planning Cooperative Agreement are not obligated to participate in the TSGP and may choose to delay or decline participation based on the outcome of their planning activities. This also applies to existing Self-Governance Tribes exploring the option to expand their current PSFAs or assume additional PSFAs.

Limited Competition Justification

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. *See* 25 U.S.C. 458aaa–2(e); 42 CFR 137.24–26; *see* also 42 CFR 137.10.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2016 is approximately $600,000. Individual award amounts are anticipated to be $120,000. The amount of funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five awards will be issued under this program announcement.

Project Period

The project period is for 12 months and will run consecutively from July 1, 2016 to June 30, 2017.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for the TSGP Planning Cooperative Agreement

A. IHS Programmatic Involvement

(1) Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

(2) Meet with Planning Cooperative Agreement recipient to provide program information and discuss methods currently used to manage and deliver health care.

(3) Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

(4) Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

B. Grantee Cooperative Agreement Award Activities

(1) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and to determine which PSFAs the Tribe may elect to assume or expand.

(2) Establish a process by which Tribes may approach the IHS to identify PSFAs and associated funding that may be incorporated into their current programs.

(3) Determine the Tribe's share of each PSFA and evaluate the current level of healthcare services being provided to make an informed decision on new or expanded program assumption(s).

III. Eligibility Information

1. Eligibility

To be eligible for this Limited Competition Planning Cooperative Agreement under this announcement, an applicant must:

A. Be an ''Indian Tribe'' as defined in 25 U.S.C. 450b(e); a ''Tribal Organization'' as defined in 25 U.S.C. 450b(l); or an ''Inter-Tribal Consortium'' as defined at 42 CFR 137.10. However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity. *See* Consolidated Appropriations Act, 2014, Public Law 113–76. By statute, the Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities and therefore are eligible to apply. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement within their area may still be considered to participate in the TSGP.

B. Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three years prior to participation in Self-Governance, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23.

For Tribes or Tribal organizations that expended $750,000 or more ($500,000 for FYs ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse.

For Tribes or Tribal organizations that expended less than $750,000 ($500,000 for FYs ending after December 31, 2003) in Federal awards, the Tribe or Tribal organization must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Planning Cooperative Agreement does not mean that a Tribe or Tribal organization is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23. For additional information on eligibility for the IHS TSGP, please visit the Eligibility and Funding page on the OTSG Web site, located at: *http://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Tribal Resolution

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include *resolutions from all affected Tribes to be served.* Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

An official signed Tribal resolution must be received by the DGM prior to a Notice of Award being issued to any applicant selected for funding. However, if an official signed Tribal resolution cannot be submitted with the electronic application submission prior to the official application deadline date, a draft Tribal resolution must be submitted by the deadline in order for the application to be considered complete and eligible for review. The draft tribal resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official signed Tribal resolution is not received by DGM when funding decisions are made, then a Notice of Award will not be issued to that applicant and they will not receive any IHS funds until such time as they have submitted a signed resolution to the Grants Management Specialist listed in this Funding Announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *http://www.ihs.gov/dgm/funding/.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages).
  - Background information on the Tribe or Tribal organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution(s).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under the narrative and place them under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or it shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to a cooperative agreement award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The ten page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget and budget justifications/narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 Page Limitation)

Section 1: Needs

Introduction and Need for Assistance

Describe the Tribe's current health program activities, including: How long it has been operating, the programs or services currently being provided, and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering.

Part B: Program Planning and Evaluation (4 Page Limitation)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(a) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and determine which PSFAs the Tribe may elect to assume or expand.

(b) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(c) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new program assumption(s).

Describe how the objectives are consistent with the purpose of the

program, the needs of the people to be served, and how they will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

Organizational Capabilities, Key Personnel and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Define the criteria to be used to evaluate planning activities. Describe fully and clearly the methodology that will be used to determine if the needs identified are being met and if the outcomes are being achieved. This section must address the following questions:

(a) Are the goals and objectives measurable and consistent with the purpose of the program and the needs of the people to be served?

(b) Are they achievable within the proposed time frame?

Part C: Program Report (2 Page Limitation)

Section 1: Describe major accomplishments over the last 24 months. Please identify and describe significant health related accomplishments associated with the delivery of quality health services. Provide a comparison of the actual accomplishments to the goals established for the project period, or if applicable, provide justification for the lack of progress. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Mr. Robert Tarwater, Director, DGM. The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval *must* be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Director of Grants Management will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant per grant cycle. Tribes cannot apply for both the Planning Cooperative Agreement and the Negotiation Cooperative Agreement within the same grant cycle.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).

• Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.

• If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.

• If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.

• Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.

• Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.

• All applicants must comply with any page limitation requirements described in this Funding Announcement.

• After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OTSG will notify the applicant that the application has been received.

• Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *http://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The ten-page narrative should be written in a manner that is clear and concise to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (25 Points)

Describe the Tribe's current health program activities, including: How long it has been operating, programs or services currently being provided and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(1) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and to determine which PSFAs the Tribe may elect to assume or expand.

(2) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(3) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new program assumption(s).

(4) Describe how the objectives are consistent with the purpose of the program, the needs of the people to be served, and how the objectives will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

C. Program Evaluation (25 Points)

Define the criteria to be used to evaluate planning activities. Clearly describe the methodologies and parameters that will be used to determine if the needs identified are being met and if the outcomes identified are being achieved. Are the goals and objectives measurable and consistent with the purpose of the program and meet the needs of the people to be served? Are they achievable within the proposed time frame? Describe how the assumption of PSFAs enhances sustainable health delivery. Ensure the measurement includes activities that will lead to sustainability.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional Documents Can Be Uploaded as Appendix Items in Grants.gov

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the OTSG to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval (60 points) and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The OTSG will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2016, the approved but unfunded application may be re-considered by the OTSG for possible funding. The applicant will also receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/indian-tribes.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the

delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *http://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age and, in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/.*

The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see *http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html;* and *http://www.hhs.gov/civil-rights/index.html.* Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html.* Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under federal civil rights laws at *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697. Also note it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*

Pursuant to 45 CFR 80.3(d), an individual shall not be deemed subjected to discrimination by reason of his/her exclusion from benefits limited by federal law to individuals eligible for benefits and services from the Indian Health Service.

Recipients will be required to sign the HHS–690 Assurance of Compliance form which can be obtained from the following Web site: *http://www.hhs.gov/sites/default/files/forms/hhs-690.pdf,* and send it directly to the: U.S. Department of Health and Human Services, Office of Civil Rights, 200 Independence Ave. SW., Washington, DC 20201.

E. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS

implementing regulations at 45 CFR part 75, effective January 1, 2016, the Indian Health Service must require a non-federal entity or an applicant for a federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. 45 CFR 75.113

Disclosures must be sent in writing to: U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Robert Tarwater, Director, 5600 Fishers Lane, Mailstop 09E70, Rockville, Maryland 20857. (Include ''Mandatory Grant Disclosures'' in subject line.)

Ofc: (301) 443–5204.

Fax: (301) 594–0899.

Email: *Robert.Tarwater@ihs.gov.*

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW., Cohen Building, Room 5527, Washington, DC 20201. URL: *http://oig.hhs.gov/fraud/reportfraud/index.asp.* (Include ''Mandatory Grant Disclosures'' in subject line.)

Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or

Email: *MandatoryGranteeDisclosures@oig.hhs.gov.*

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Jeremy Marshall, Program Officer, Office of Tribal Self-Governance, 5600 Fishers Lane, Mail Stop: 08E05, Rockville, MD 20857.

Phone: (301) 443–1912.

Fax: (301) 443–1050.

Email: *Jeremy.Marshall@ihs.gov.*

Web site: *www.ihs.gov/self-governance.*

2. Questions on grants management and fiscal matters may be directed to: Vanietta Armstrong, Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857.

Phone: (301) 443–4792.

Fax: (301) 594–0899.

Email: *Vanietta.Armstrong@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857.

Phone: (301) 443–2114; or the DGM main line (301) 443–5204.

Fax: (301) 594–0899.

Email: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: March 15, 2016.

Elizabeth Fowler,

Deputy Director for Management Operations, Indian Health Service.

[FR Doc. 2016–06559 Filed 3–22–16; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Tribal Self-Governance; Negotiation Cooperative Agreement

Announcement Type: New—Limited Competition.

Funding Announcement Number: HHS–2016–IHS–TSGN–0001.

Catalog of Federal Domestic Assistance Number: 93.444.

Key Dates

Application Deadline Date: June 3, 2016.

Review Date: June 17, 2016.

Earliest Anticipated Start Date: July 1, 2016.

Signed Tribal Resolutions Due Date: June 3, 2016.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting limited competition Negotiation Cooperative Agreement applications for Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 458aaa–2(e). This program is described in the Catalog of Federal Domestic Assistance (CFDA), available at *https://www.cfda.gov/,* under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to- government relationship between the United States and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP is one of three ways that Tribes can choose to obtain health care from the Federal Government for their members. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS, (2) contract with the IHS to administer individual PSFAs that the IHS would otherwise provide (referred to as Title I Self-Determination Contracting), or (3) compact with the IHS to assume control over healthcare PSFAs that the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances. Participation in the TSGP affords Tribes the most flexibility to tailor health care PSFAs to the needs of their communities.

The TSGP is a Tribally-driven initiative and strong Tribal/Federal partnerships are essential for program success. The IHS established the OTSG to implement Tribal self-governance authorities. The OTSG: (1) Serves as the primary liaison and advocate for Tribes participating in the TSGP, (2) develops, directs, and implements TSGP policies and procedures, (3) provides information and technical assistance to Self-Governance Tribes, and (4) advises the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director, who has the authority to negotiate Self-Governance Compacts and Funding Agreements. A Tribe should contact their respective ALN to begin the self-governance planning process or, if

currently an existing Self-Governance Tribe, discuss methods to expand current PSFAs. The ALN shall provide an overview of the TSGP negotiations process and will provide technical assistance as the Tribe prepares to participate in the TSGP.

Purpose

The purpose of this Negotiation Cooperative Agreement is to provide Tribes with resources to help defray costs related to preparing for and conducting TSGP negotiations. TSGP negotiations are a dynamic, evolving, and Tribally-driven process that requires careful planning and preparation by both Tribal and Federal parties, including the sharing of precise, up-to-date information. The design of the negotiations process: (1) Enables a Tribe to set its own priorities when assuming responsibility for IHS PSFAs, (2) observes the government-to-government relationship between the United States and each Tribe, and (3) involves the active participation of both Tribal and IHS representatives, including the OTSG. Because each Tribal situation is unique, a Tribe's successful transition into the TSGP, or expansion of their current program, requires focused discussions between the Federal and Tribal negotiation teams about the Tribe's specific health care concerns and plans.

The negotiations process has four major stages, including: (1) Planning, (2) pre-negotiations, (3) negotiations, and (4) post-negotiations. Title V of the ISDEAA requires that a Tribe or Tribal organization complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. During pre-negotiations, the Tribal and Federal negotiation teams review and discuss issues identified during the planning phase. A draft compact, funding agreement, and funding tables are developed, typically by the Tribe, and distributed to both the Tribal and Federal negotiation teams. These draft documents are used as the basis for pre- and final negotiations. Pre-negotiations provide an opportunity for the Tribe and the IHS to identify and discuss issues directly related to the Tribe's compact, funding agreement, and Tribal shares. At final negotiations, Tribal and Federal negotiation teams come together to determine and agree upon the terms and provisions of the Tribe's compact and funding agreement.

The Tribal negotiation team must include a Tribal leader from the governing body. This representative may be a Tribal leader or a designee, like the Tribal Health Director. The Tribal negotiation team may also include technical and program staff, legal counsel, and other consultants. The Federal negotiations team is led by the ALN and generally includes an OTSG Program Analyst and a member of the Office of the General Counsel. It may also include other IHS staff and subject matter experts as needed. The ALN is the only member of the Federal negotiation team with delegated authority to negotiate on behalf of the IHS Director.

Negotiations provide an opportunity for the Tribal and Federal negotiation teams to work together in good faith to enhance each self-governance agreement. Negotiations are not an allocation process; they provide an opportunity to mutually review and discuss budget and program issues. As issues arise, both negotiation teams work through the issues to reach agreement on the final documents. After the negotiations are complete, the compact and funding agreement are signed by the authorizing Tribal official and submitted to the ALN who then reviews the final package to ensure each document accurately reflects what was negotiated. Once the ALN completes this review, the final package is submitted to the OTSG to be prepared for the IHS Director's signature. After the compact and funding agreement have been signed by both parties, they become legally binding and enforceable agreements. The negotiating Tribe then becomes a ''Self-Governance Tribe,'' and a participant in the TSGP.

A Negotiation Cooperative Agreement is not a prerequisite to enter the TSGP. A Tribe may use other resources to develop and negotiate its compact and funding agreement. Tribes that receive a Negotiation Cooperative Agreement are not obligated to participate in Title V and may choose to delay or decline participation or expansion in the TSGP.

Limited Competition Justification

There is limited competition under this announcement because the authorizing legislation restricts eligibility to Tribes that meet specific criteria. *See* 25 U.S.C. 458aaa–2(e); 42 CFR 137.24–26; *see* also 42 CFR 137.10.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for fiscal year (FY) 2016 is approximately $240,000. Individual award amounts are anticipated to be $48,000. The amount of funding available for competing awards issued under this announcement are subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five awards will be issued under this program announcement.

Project Period

The project period is for 12 months and runs from July 1, 2016 to June 30, 2017.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for the TSGP Negotiation Cooperative Agreement

A. IHS Programmatic Involvement

(1) Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

(2) Meet with Negotiation Cooperative Agreement recipient to provide program information and discuss methods currently used to manage and deliver health care.

(3) Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

(4) Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

B. Grantee Negotiation Cooperative Agreement Award Activities

(1) Determine the PSFAs that will be negotiated into the Tribe's compact and funding agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the funding agreement.

(3) Develop the terms and conditions that will be set forth in both the compact and funding agreement to submit to the ALN prior to negotiations.

III. Eligibility Information

1. Eligibility

To be eligible for this Limited Competition Negotiation Cooperative Agreement under this announcement, an applicant must:

A. Be an ''Indian Tribe'' as defined in 25 U.S.C. 450b(e); a ''Tribal Organization'' as defined in 25 U.S.C. 450b(l); or an ''Inter-Tribal Consortium'' as defined at 42 CFR 137.10. However, Alaska Native Villages or Alaska Native Village Corporations are not eligible if they are located within the area served by an Alaska Native regional health entity. *See* Consolidated Appropriations Act, 2014, Public Law 113–76. By statute, the Native Village of Eyak, Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments have also been deemed Alaska Native regional health entities and therefore are eligible to apply. Those Alaska Tribes not represented by a Self-Governance Tribal consortium Funding Agreement within their area may still be considered to participate in the TSGP.

B. Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three years prior to participation in Self-Governance, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23.

For Tribes or Tribal organizations that expended $750,000 or more ($500,000 for FYs ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse.

For Tribes or Tribal organizations that expended less than $750,000 ($500,000 for FYs ending after December 31, 2003) in Federal awards, the Tribe or Tribal organization must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Negotiation Cooperative Agreement does not mean that a Tribe or Tribal organization is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 458aaa–2; 42 CFR 137.15–23. For additional information on eligibility for the IHS TSGP, please visit the Eligibility and Funding page on the OTSG Web site, located at: *http://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Tribal Resolution

An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include *resolutions from all affected Tribes to be served.* Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

An official signed Tribal resolution must be received by the DGM prior to a Notice of Award being issued to any applicant selected for funding. However, if an official signed Tribal resolution cannot be submitted with the electronic application submission prior to the official application deadline date, a draft Tribal resolutions must be submitted by the deadline in order for the application to be considered complete and eligible for review. The draft tribal resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official signed Tribal resolution is not received by DGM when funding decisions are made, then a Notice of Award will not be issued to that applicant and they will not receive any IHS funds until such time as they have submitted a signed resolution to the Grants Management Specialist listed in this Funding Announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (*i.e.* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *http://www.ihs.gov/dgm/funding/.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages).
  - Background information on the Tribe or Tribal organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Resolution(s).
- 501(c)(3) Certificate (if applicable).
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under the narrative and place them under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to this cooperative agreement award. If the narrative exceeds the page limit, only the first ten pages will be reviewed. The ten page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget and budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 Page Limitation)

Section 1: Needs

Introduction and Need for Assistance

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

Part B: Program Planning and Evaluation (4 Page Limitation)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

(a) Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(b) Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

(c) Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations.

(d) Describe fully and clearly how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health services to the community and incorporate the proposed timelines for negotiations.

Organizational Capabilities, Key Personnel and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Describe fully and clearly the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

Part C: Program Report (2 Page Limitation)

Section 1: Describe major accomplishments over the last 24 months.

Please identify and describe significant health related accomplishments associated with the delivery of quality health services. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Mr. Robert Tarwater, Director, DGM. The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval *must* be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Director of Grants Management, will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant per grant cycle. Tribes cannot apply for both the Planning Cooperative

Agreement and the Negotiation Cooperative Agreement within the same grant cycle.

• IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

• Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.

• If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).

• Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.

• If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.

• If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.

• Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.

• Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.

• All applicants must comply with any page limitation requirements described in this Funding Announcement.

• After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the OTSG will notify the applicant that the application has been received.

• Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *http://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The ten page narrative should be written in a manner that is clear and concise to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (25 Points)

Demonstrate that the Tribe has conducted previous self-governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the knowledge and expertise to assume or expand PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Cooperative Agreement Recipient Award Activities:

1. Determine the PSFAs that will be negotiated into the Tribe's Compact and Funding Agreement. Prepare and discuss each PSFA in comparison to the

current level of services provided so that an informed decision can be made on new or expanded program assumption.

2. Identify Tribal shares associated with the PSFAs that will be included in the Funding Agreement.

3. Develop the terms and conditions that will be set forth in both the Compact and Funding Agreement to submit to the ALN prior to negotiations. Clearly describe how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health care services to the community and incorporate the proposed timelines for negotiations.

C. Program Evaluation (25 Points)

Describe fully the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional Documents Can Be Uploaded as Appendix Items in Grants.gov

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the OTSG to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval (60 points) and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The OTSG will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2016, the approved but unfunded application may be re-considered by the OTSG for possible funding. The applicant will also receive an Executive Summary Statement from the OTSG within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 C.F.R Part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's

budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/indian-tribes.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grants Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *http://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of federal financial assistance (FFA) from HHS must administer their programs in compliance with federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age and, in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/.*

The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see *http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html;* and *http://www.hhs.gov/civil-rights/index.html.* Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html.* Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under federal civil rights laws at *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697. Also note it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*

Pursuant to 45 CFR 80.3(d), an individual shall not be deemed subjected to discrimination by reason of his/her exclusion from benefits limited by federal law to individuals eligible for benefits and services from the Indian Health Service.

Recipients will be required to sign the HHS–690 Assurance of Compliance form which can be obtained from the following Web site: *http://www.hhs.gov/sites/default/files/forms/hhs-690.pdf,* and send it directly to the: U.S. Department of Health and Human Services, Office of Civil Rights, 200 Independence Ave. SW., Washington, DC 20201.

E. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the

applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, effective January 1, 2016, the Indian Health Service must require a non-federal entity or an applicant for a federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. 45 CFR 75.113.

Disclosures must be sent in writing to: U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Robert Tarwater, Director, 5600 Fishers Lane, Mailstop 09E70, Rockville, Maryland 20857. (Include ''Mandatory Grant Disclosures'' in subject line)

Ofc: (301) 443–5204
Fax: (301–594–0899
Email: Robert.Tarwater@ihs.gov
and

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW., Cohen Building, Room 5527, Washington, DC 20201. URL: *http://oig.hhs.gov/fraud/reportfraud/index.asp.* (Include ''Mandatory Grant Disclosures'' in subject line)

Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or

Email: MandatoryGranteeDisclosures@oig.hhs.gov

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Jeremy Marshall, Program Officer, Office of Tribal Self-Governance, 5600 Fishers Lane, Mail Stop: 08E05, Rockville, MD 20857. Phone: (301) 443–1912, Fax: (301) 443–1050, Email: *Jeremy.Marshall@ihs.gov*, Web site: *www.ihs.gov/self-governance.*

2. Questions on grants management and fiscal matters may be directed to: Vanietta Armstrong, Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857. Phone: (301) 443–4792, Fax: (301) 594–0899, Email: *Vanietta.Armstrong@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857. Phone: 301–443–2114; or the DGM main line 301–443–5204, Fax: (301) 594–0899, E-Mail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: Macrch 17, 2016.

Elizabeth Fowler,

Deputy Director for Management Operations, Indian Health Service.

[FR Doc. 2016–06556 Filed 3–22–16; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Renal Disease Ancillary Studies.

Date: April 13, 2016.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7347, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Loan Repayment Application Review.

Date: April 14, 2016.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John F. Connaughton, Ph.D., Chief, Training and Mentored Research Section, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7007, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 17, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06480 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Autism Spectrum Disorder (ASD) Research Portfolio Analysis, NIMH

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Mental Health (NIMH), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; 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; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: The Office of Autism Research Coordination, NIMH, NIH, Neuroscience Center, 6001 Executive Blvd., MSC 9663, Room 6184, Bethesda, Maryland 20892, Or you can Email your request, including your address to: *iaccpublicinquiries@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Autism Spectrum Disorder (ASD) Research Portfolio Analysis, 0925–0682, Expiration Date 9/30/2016, EXTENSION, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the ASD portfolio analysis is to collect research funding data from U.S. and international ASD research funders, to assist the Interagency Autism Coordinating Committee (IACC) in fulfilling the requirements of the Combating Autism Act, and to inform the committee and interested stakeholders of the funding landscape and current directions for ASD research. Specifically, these analyses will continue to examine the extent to which current funding and research topics align with the *IACC Strategic Plan for ASD Research.* The findings will help guide future funding priorities by outlining current gaps and opportunities in ASD research as well as serving to highlight annual activities and research progress.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 520.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
U.S. Federal	22	63	15/60	347
U.S. Private	8	75	15/60	150
International Government	4	14	15/60	14
International Private	4	9	15/60	9
Total	38	2078	.....	520

Dated: March 17, 2016.

Melba Rojas,

Project Clearance Liaison, NIMH, NIH.

[FR Doc. 2016–06483 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Surveys and Interviews to Support an Evaluation of the Innovative Molecular Analysis Technologies (IMAT) Program (NCI)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of

information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Anthony Dickherber, NCI Center for Strategic Scientific Initiatives, 31 Center Drive, Rm10A33, Bethesda, MD 20892 or call non-toll-free number 301–547–9980 or Email your request, including your address to: *dickherberaj@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Surveys and Interviews to Support an Evaluation of the Innovative Molecular Analysis Technologies (IMAT) Program (NCI), 0925–0720, Expiration Date 5/31/2016—EXTENSION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the proposed evaluation is to pursue a comprehensive process and outcome assessment of the 15-year old Innovative Molecular Analysis Technologies (IMAT) program. While the program consistently offers promising indicators of success, the full program has not been evaluated since 2008, and never in as comprehensive a manner as has been formulated in the current evaluation plan. An outcome evaluation of the long-standing National Cancer Institute's (NCI) IMAT program presents a rich and unique opportunity likely to serve institutes across the National Institutes of Health (NIH), and perhaps other federal agencies, considering the costs and benefits of directing resources towards supporting technology development. An award through the NIH Evaluation Set-Aside program to support this evaluation, for which NIH-wide relevance is a principle element of determining merit for support, is testament to this. The evaluation serves as an opportunity to gauge the impact of investments in technology development and also to assess the strengths and weaknesses of phased innovation award mechanisms. Prior approval from OMB allowed for extensive surveys and interviews already, and this extension is requested to accommodate unforeseen delays in collecting the remaining information.

Like all institutes and centers (ICs) of the NIH, NCI seeks opportunities for improving their programs' utility for the broad continuum of researchers, clinicians and ultimately patients. NCI Acting Director Douglas Lowy and other leadership across NCI, as well as the NCI Board of Scientific Advisors, will be the primary users of the evaluation results. Findings are primarily intended for considering the long-term strategy to support innovative technology development and how to more efficiently translate emerging capabilities through such technologies into the promised benefits for cancer research and clinical care. Interviews with grantees, program officers, review officers, and other NIH awardees make up a crucial component of the evaluation plan and will largely follow set survey protocols. Specific near-term aims include the use of this information to consider the utility of continued investment through existing solicitations and in strategic planning generally for institute support for innovative technology development.

OMB approval is requested for 1 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 233.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden (in hours)
Interview—IMAT Grantee	IMAT Awardees	18	1	1	18
Web-based Survey—Technology Grantees.	IMAT Awardees; Other NIH Awardees representing comparison group.	379	1	30/60	190
Interview—Tech End-Users	Technology End-Users	50	1	30/60	25
Totals		447	447		233

Dated: March 16, 2016.

Karla Bailey,

NCI Project Clearance Liaison. National Institutes of Health.

[FR Doc. 2016–06477 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2); 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 purpose of this meeting is to evaluate requests for preclinical development resources for potential new therapeutics for the treatment of cancer. The outcome of the evaluation will provide information to internal NCI committees that will decide whether NCI should support requests and make available contract resources for development of the potential therapeutic to improve the treatment of various forms of cancer. The research proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposed research projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Feb 2016 Cycle 22 NExT SEP Committee Meeting.

Date: April 27, 2016.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To evaluate the NCI Experimental Therapeutics Program Portfolio.

Place: National Institutes of Health, 9000 Rockville Pike, Campus Building 31,

Conference Room 6C10, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara Mroczkowski, Ph.D., Executive Secretary, Discovery Experimental Therapeutics Program, National Cancer Institute, NIH, 31 Center Drive, Room 3A44, Bethesda, MD 20817, (301) 496–4291, *mroczkoskib@mail.nih.gov*.

Toby Hecht, Ph.D., Executive Secretary, Development Experimental Therapeutics Program, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 3W110, Rockville, MD 20850, (240) 276–5683, *toby.hecht2@nih.gov*.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/fac/fac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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 17, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06479 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Research.

Date: April 15, 2016.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 17, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06481 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cellular and Molecular Neurosciences.

Date: April 13, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 17, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06478 Filed 3–22–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment (CSAT) National Advisory Council will meet on April 4, 2016, 2:30 p.m.–3:30 p.m. (EDT) in a closed teleconference meeting.

The meeting will include discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the Acting SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(4) and (6).

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee Web site at *http://beta.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council* or by contacting the CSAT National Advisory Council Designated Federal Officer; Tracy Goss (see contact information below).

Council Name: SAMHSA's Center for Substance Abuse Treatment, National Advisory Council.

Date/Time/Type: April 4, 2016, 2:30 p.m.–3:30 p.m. EDT, Closed.

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Fax: (240)

276–2252, Email: *tracy.goss@samhsa.hhs.gov.*

Summer King,

Statistician, SAMHSA.

[FR Doc. 2016–06522 Filed 3–22–16; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0113]

Agency Information Collection Activities: InfoPass, No Form Number; Extension, Without Change, of a Currently Approved Collection.

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on December 9, 2015, at 80 FR 76566, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 22, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov*. Comments may also be submitted via fax at (202) 395–5806 (This is not a toll-free number). All submissions received must include the agency name and the OMB Control Number 1615–0113.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Acting Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments:

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009 -0024 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* InfoPass.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The InfoPass system allows an applicant or petitioner to schedule an interview appointment with USCIS through USCIS' Internet Web site.

(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 is 1,043,319 and the estimated hour burden per response is .1 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 104,332 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no estimated total annual cost burden associated with this collection of information.

Dated: March 17, 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. 2016–06442 Filed 3–22–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–15]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Emergency Approval of an Information Collection: Multifamily Project Application and Construction Prior to Initial Endorsement

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, HUD has requested from the Office of Management and Budget (OMB) emergency approval of the information collection described in this notice.

DATES: *Comments Due Date:* April 6, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management

Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection was published on January 28, 2016.

A. Overview of Information Collection

Title of Information Collection: Multifamily Project Application and Construction Prior to Initial Endorsement.

OMB Approval Number: 2502–0029.

Type of Request: Emergency.

Form Number: HUD–92013, HUD–92013 Supp, HUD–92013–A, HUD–92013–B, HUD–92013–C, HUD–92013–D, HUD–92013–E, HUD–92264, HUD–92264–A, HUD–92273, HUD–92274, HUD–92326, HUD–92329, HUD–92331, HUD–92485, HUD–92415, HUD–92447, HUD–92452, HUD–92010, HUD–91708, HUD–2880, HUD–92466–R1, R2, R3, R4, HUD–92466 R5, HUD–92408, HUD–92466M, FM–1006, HUD–95379 and HUD–2.

Description of the Need for the Information and Proposed Use: The Multifamily Project Applications and Construction Prior to Initial Endorsement is being revised to include two (2) supplemental forms that outline requirements of owners that elect to benefit from the simplified rate categories. These forms will be used during the processing of an application for a FHA insured mortgage to determine the appropriate mortgage insurance premium.

Respondents (*i.e.* affected public): 1,002.

Estimated Number of Respondents: 1,002.

Estimated Number of Responses: 34,112.

Frequency of Response: 1.

Average Hours per Response: 34,112.

Total Estimated Burden: 351,182.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 17, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–06597 Filed 3–22–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–18]

30-Day Notice of Proposed Information Collection: Indian Housing Block Grant (IHBG) Program Reporting

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: April 22, 2016.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 06. 2016.

A. Overview of Information Collection

Title of Information Collection: Indian Housing Block Grant (IHBG) Program Reporting.

OMB Approval Number: 2577–0218.

Type of Request: Extension of currently approved collection.

Form Number: HUD–52737, HUD–4117, HUD–4119; HUD–52736–A and HUD–52736–B.

Description of the need for the information and proposed use: The information collected will allow HUD to accurately audit the program. The purpose of this notice is to solicit public comment on a Word version of HUD–52737, Indian Housing Plan/Annual Performance Report (IHP/APR), and two additional, automated versions of form: An Excel version and a version on HUD's Energy and Performance Information Center (EPIC) Web site. All three versions of the form request exactly the same information, but have different burdens due to the automated capabilities of the Excel and EPIC versions. These automated enhancements make the Excel and EPIC versions easier and faster to complete than the Word version. Respondents may elect to complete and submit to HUD either the Word, Excel, or EPIC versions; however, the Excel and EPIC versions are preferred because of their automated capabilities and reduced burden. The Native American Housing Assistance and Self Determination Act (NAHASDA) requires recipients (tribes and tribally designated housing entities) to submit specific information that is necessary for the implementation and evaluation of low income housing programs using Indian Housing Block Grant funds (IHBG). Recipients of IHBG funds are required to submit the IHP/

APR annually. In addition to the IHP/APR, each year recipients may submit a Formula Response Form (HUD–4117), Formula Challenge Form (HUD–4119), and Depository Agreements (HUD–52736–A and B). Indian tribes, Alaska Natives, Native Hawaiians, or tribally designated housing entities that receive IHBG funds are required annually to submit HUD–52737 that consists of two component: The Indian Housing Plan (IHP) component and the Annual Performance Report (APR) component. The IHP is required by Section 102 of the Native American Housing Assistance and Self-Determination Act (NAHASDA) and describes the eligible IHBG-funded, affordable housing activities the recipient plans to conduct for the benefit of low and moderate income tribal members and identifies the intended outcomes and outputs for the upcoming 12-month year. The recipient submits the IHP at least 75 days prior to the beginning of its 12-month program year. HUD conducts a limited review of the IHP to determine that the planned activities are in compliance with NAHASDA requirements, as defined at 24 CFR part 1000. At the end of the 12-month period, the recipient submits the APR that is required by Section 404 of NAHASDA and describes (1) the use of grant funds during the prior 12-month period; (2) the actual outcomes and outputs achieved; (3) program accomplishments; and (4) jobs supported by IHBG-funded activities. HUD uses the information in the APR to review the recipient's progress in implementing the IHP, verify whether the activities are eligible and to determine if the recipient has the capacity to continue implementing the activities described in the IHP in a timely manner. The information in the APR also will be used to provide Congress, stakeholders, and other interested parties with information on how the IHBG funds are being used to meet affordable housing needs within Native American communities. The IHP/APR is currently available in a Word version, an Excel version, and a version on HUD's Energy and Performance Information Center (EPIC) Web site. All three versions of the IHP/APR request the same information and a recipient may elect to submit to HUD either the Word, Excel, or EPIC versions; however, the Excel and EPIC versions are preferred because of their automated capabilities and reduced burden. Participants in the IHBG program are responsible for notifying HUD of changes to the Formula Current Assisted Stock (FCAS) component of the IHBG formula. HUD is notified of changes in the FCAS through a Formula Response Form (HUD–4117), as defined at 24 CFR 1000.302. A tribe, Tribally Designated Housing Entities (TDHE), or HUD may challenge the data from the U.S. Decennial Census or provide an alternative source of data by submitting the Guidelines for Challenging U.S. Decennial Census Data Document Form (HUD–4119). Census challenges are due March 30th of each fiscal year, as defined at 24 CFR 1000.336. This information collection is required of participants in the IHBG program to demonstrate compliance with eligibility and other requirements of NAHASDA; provision of correction or challenge documentation of the formula calculation; and provision of data for HUD's annual report to Congress. The information gathered will be used to allocate funds under the IHBG program. The quality assurance of data reported is a very important issue in maintaining HUD's databases used to monitor participant's proposed plans, accomplishments, determine program compliance, and to ensure fair and equitable allocations. In some cases, the FCAS information addressing the conveyances and conversions of units has resulted in the recouping of funds. IHBG recipients have the option to invest IHBG funds in eligible instruments for up to five years with private bankers and/or brokers. At any time, a recipient may enter into a Depository Agreement with a banker (HUD–52736–A) and/or with the broker (HUD–52736–B).

Respondents (i.e. affected public): Native American Tribes and Tribally Designated Housing Entities, Alaska Natives and Corporations, and Native Hawaiians.

Estimated Number of Respondents: 366.

Estimated Number of Responses: 1,779.

Frequency of Response: The IHP/APR is submitted twice a year and the Formula Correction and Formula Challenge forms are submitted once per year.

Average Hours per Response: 60.

Total Estimated Burdens: 48,211 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 17, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–06596 Filed 3–22–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5173–N–10]

Affirmatively Furthering Fair Housing Local Government Assessment Tool—Information Collection Renewal: Solicitation of Comment—60-Day Notice Under Paperwork Reduction Act of 1995

AGENCY: Office of the Assistance Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: On December 31, 2015, HUD announced the availability of the assessment tool (Local Government Assessment Tool) developed by HUD for use by local governments that receive Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), or Housing Opportunities for Persons with AIDS (HOPWA) formula funding from HUD when conducting and submitting their own Assessment of Fair Housing (AFH). The Local Government Assessment Tool is also available for use for AFHs conducted by joint and regional collaborations between: (1) Such local governments; (2) one or more such local governments with one or more public housing agency (PHA) partners; and (3) other collaborations in which such a local government is designated as the lead for the collaboration.

The Local Government Assessment Tool was approved by HUD's Office of

Management and Budget under the Paperwork Reduction Act (PRA) for a period of one year. This notice, which solicits public comment for a period of 60 days, begins the process to renew the approval of the Local Government Assessment Tool. The PRA requires two public comment periods—a public comment period of 60 days and a second comment period of 30 days. After consideration of the public comments submitted in response to this notice, HUD will solicit a second round of public comments for a period of 30 days.

HUD notes that, over the next several months, it will be soliciting public comment pursuant to the PRA on assessment tools to be used by different categories of program participants. This Notice solicits public comment on the Local Government Assessment Tool. In a notice issued on March 11, 2016, published at 81 FR 12921, HUD announced that it is seeking public comments on the proposed assessment tool for use by States and Insular Areas (State and Insular Area Assessment Tool). In the near future, HUD will issue the proposed assessment tool for Public Housing Agencies (PHA Assessment Tool).

DATES: *Comment Due Date:* May 23, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals who are deaf or hard of hearing and individuals with speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: George D. Williams, Sr., Deputy Assistant Secretary for Policy, Legislative Initiatives and Outreach, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Room 5246, Washington, DC 20410; telephone number 866–234–2689 (toll-free). Individuals with hearing or speech impediments may access this number via TTY by calling the toll-free Federal Relay Service during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On December 31, 2015, at 80 FR 81840, by notice published in the **Federal Register,** HUD announced the availability for use of the Assessment Tool. This announcement was preceded by the two **Federal Register** notices for public comment required by the PRA. The 60-day notice was published on September 26, 2015, at 79 FR 57949, and the 30-day notice published on July 16, 2015, at 80 FR 42108, the same day that HUD published its Affirmatively Furthering Final Rule, at 80 FR 42272. The Assessment Tool, HUD's final rule on Affirmatively Furthering Fair Housing, and HUD's AFFH Rule Guidebook accompanying the Local Government Assessment Tool can all be found at *https://www.hudexchange.info/programs/affh/.*

II. Overview of Information Collection

Title of Proposal: Assessment of FairHousing Tool.

OMB Control Number, if applicable: 2529–0054.

Description of the need for the information and proposed use: The purpose of HUD's Affirmatively Furthering Fair Housing (AFFH) final rule is to provide HUD program participants with a more effective approach to fair housing planning so that they are better able to meet their statutory duty to affirmatively further fair housing. In this regard, the final rule requires HUD program participants to conduct and submit an AFH. In the AFH, program participants must identify and evaluate fair housing issues, and factors significantly contributing to fair housing issues (contributing factors) in the program participant's jurisdiction and region.

The Assessment Tool is the standardized document designed to aid program participants in conducting the required assessment of fair housing issues and contributing factors and priority and goal setting. The Assessment Tool asks a series of questions that program participants must respond to in carrying out an assessment of fair housing issues and contributing factors, and setting meaningful fair housing goals and priorities to overcome them.

Agency form numbers, if applicable: Not applicable.

Members of affected public: As noted earlier in this document, local governments that receive CDBG, HOME, ESG, or HOPWA formula funding from HUD when conducting and submitting their own AFH, and any PHAs that choose to partner with such local governments.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Please see table below.

REPORTING AND RECORDKEEPING BURDEN

	Number of respondents *	Number of responses per respondent	Frequency of response **	Estimated average time for requirement (in hours) ***	Estimated burden (in hours)
CFR Section Reference: § 5.154(d) (Assessment of Fair Housing).	2,508 total entities (1,194 Entitlement Jurisdictions and approximately 1,314 PHAs) *.	1	Once every five years (or three years in the case of 3-Year Consolidated Plans) **.	.....	.....
Entitlement Jurisdiction	1,194	.....	.....	*** 240	286,560
PHAs	1,314 *	.....	.....	120	157,680
Total Burden	2,508	* 1,194	.....	.....	444,240

* This template is primarily designed for local government program participants, of which there are approximately 1,194, and PHAs seeking to join with local governments on a jointly submitted AFH. There are 3,942 PHAs, and HUD estimates that approximately ⅓ of PHAs may seek to join with a local government and submit a joint AFH. The Total Number of responses is listed as 1,194 based on the number of entitlement jurisdictions that will submit AFHs using this Assessment Tool. The total hours and burden are based on the total estimated number of both types of program participants and the ''estimated average time'' listed for type of program participant.

** The timing of submission depends upon whether a local government program participant submits its consolidated plan every 3 years or every 5 years.

*** The estimate of 240 hours is an average across all local government program participants, with some having either higher or lower actual burden.

**** PHAs participating in joint submissions using the Assessment Tool under this notice are assumed to have some fixed costs, including staff training, conducting community participation costs, but reduced costs for conducting the analysis in the assessment itself.

III. Solicitation of Specific Comment on the Local Government Assessment Tool

HUD specifically requests comment on the following subjects.

As HUD has stated, it intends to make improvements to the online AFFH Data and Mapping Tool (AFFH–T). HUD is seeking feedback on the items listed below that are under consideration, as well as any other requests for data or functionality improvements in the AFFH–T. The specific items under consideration are intended to modify and improve existing data items or to better facilitate program participants in completing the Assessment Tool. HUD also intends to provide additional instructions to clarify that additional data items may be provided in the online available data that do not necessarily require the program participant to respond to or include in their final submission as an attached map or table, but are provided for the program participants benefit in conducting additional levels of analyses. The public and, in particular affected HUD program participants are invited to comment on the following specific questions. For each of these questions, in addition to answering the question, HUD asks commenters to explain why the issue or issues posed in each question either would or would not be helpful from a fair housing perspective to have this additional level of detail presented in the question.

1. Should R/ECAPs be amended to exclude college students from the calculation of poverty rate?

2. Should HUD provide additional data on homeownership and rental housing, including maps and tables (*e.g.* data on percent of owner and renter occupied housing by area, maps showing patterns of home ownership and renter occupied housing together with demographics of race/ethnicity, and homeownership/rental rates by protected class group)?

3. Are there changes or improvements that can be made to the Opportunity Index measures? For example, should HUD include additional national data related to schools and education? Should HUD change the variables included in the Labor Market Engagement Index? Are there changes to the transportation indices (currently Transit Trips and Low Transportation Cots) that can be made to better inform a fair housing analysis of transportation access and whether transportation provides access to areas of opportunity? Should HUD adjust the Environmental Health Index with new variables and/or a revised formula?

5. Should HUD add Home Mortgage Disclosure Act (HMDA) data to inform a fair housing analysis of lending practices and trends? Which types of HMDA data would be most useful (*e.g.,* loan origination data, data on conventional loans compared to FHA loans, etc.)?

6. Should HUD distinguish between 9 percent and 4 percent tax credits in the Low-Income Housing Tax Credit (LIHTC) data being provided, including in maps of development locations?

7. Should HUD make any other changes to the Local Government Assessment Tool to facilitate joint or regional collaboration or facilitate a meaningful fair housing analysis and priority and goal setting?

IV. Solicitation of Comment Require by the Paperwork Reduction Act

In accordance with 5 CFR 1320.8(d)(1), HUD is specifically soliciting comment from members of the public and affected program participants on the Assessment Tool on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages not only program participants but interested persons to submit comments regarding the information collection requirements in this proposal. Comments must be received by May 23, 2016 to *www.regulations.gov* as provided under the **ADDRESSES** section of this notice. Comments must refer to the proposal by name and docket number (FR–5173–N–10).

HUD encourages interested parties to submit comment in response to these questions.

Dated: March 17, 2016.

George D. Williams, Sr.,

Deputy Assistant Secretary for Policy, Legislative Initiatives, and Outreach.

[FR Doc. 2016–06600 Filed 3–22–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5173–N–09]

Affirmatively Furthering Fair Housing Assessment Tool for Public Housing Agencies Solicitation of Comment—60-Day Notice Under Paperwork Reduction Act of 1995

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: On July 16, 2015, HUD published the Affirmatively Furthering Fair Housing (AFFH) final rule that provides HUD program participants with a new process for planning for fair housing outcomes that will assist them in meeting their statutory obligation to affirmatively further fair housing. This process includes an assessment tool that program participants must use to evaluate fair housing choice and access to opportunity in their jurisdictions, to identify barriers to fair housing choice and opportunity at the local and regional levels, and to set fair housing goals to overcome such barriers and advance fair housing choice.

HUD committed to issue three assessment tools for its program participants covered by the AFFH final rule. One assessment tool is for use by local governments (Local Government Assessment Tool) that receive assistance under certain grant programs administered by HUD's Office of Community Planning and Development (CPD), as well as by joint and regional collaborations between: (i) Local governments; (ii) one or more local governments and one or more public housing agency (PHA) partners; and (iii) other collaborations in which such a local government is designated as the lead for the collaboration. The second tool is for States and Insular Areas (State and Insular Area Assessment Tool), including joint collaborations (with local governments and/or PHAs, both of which would require HUD approval) where the State is designated as the lead entity. The third assessment tool, which is the subject of this Notice, is for PHAs (including for joint collaborations among multiple PHAs) (PHA Assessment Tool). On December 31, 2015, following 60-day and 30-day public comment periods under the Paperwork Reduction Act, HUD issued the Local Government Assessment Tool. On March 11, 2016, at 81 FR 12921, HUD issued for public comment the proposed State and Insular Area Assessment Tool for a 60-day period of public comment.

This Notice solicits public comment for a period of 60 days on the proposed PHA Assessment Tool. In seeking comment for a period of 60 days, this notice commences the process for compliance with the Paperwork Reduction Act of 1995 (PRA). The PRA requires two public comment periods—a public comment period of 60 days and a second comment period of 30 days. After consideration of the public comments submitted in response to this notice, HUD will solicit a second round of public comments for a period of 30 days on the proposed PHA Assessment Tool.

DATES: *Comment Due Date:* May 23, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make public comments immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals who are deaf or hard of hearing and individuals with speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dustin Parks, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Room 5249, Washington, DC 20410–0500; telephone number 202–708–1112 (this is not a toll-free number). Persons who are deaf or hard of hearing and persons with speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2015, at 80 FR 42272, HUD issued its final AFFH rule. The AFFH rule provides a new approach to enable program participants to more fully incorporate fair housing considerations into their existing planning processes and assist them in their efforts to comply with their duty to affirmatively further fair housing as required by the Fair Housing Act, which is Title VIII of the Civil Rights Act, and other authorities. The Fair Housing Act not only prohibits discrimination, but, in conjunction with other statutes, directs HUD's program participants to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

The new approach established by HUD replaces the existing analysis of impediments (AI) process. The approach is designed to assist program participants in analyzing their fair housing environment, identifying fair housing issues and the related contributing factors, and setting fair housing goals, and, ultimately, taking

meaningful actions to affirmatively further fair housing. This approach builds upon and refines the fair housing elements of the existing fair housing planning processes that are in the process of being replaced as the AFH process is being phased in pursuant to the AFFH rule.

To assist program participants in improving planning to achieve meaningful fair housing outcomes, the new approach involves an ''assessment tool'' for use in completing the regulatory requirement to conduct an assessment of fair housing (AFH as set out in the AFFH rule.). To aid in the completion of an AFH, HUD committed to provide program participants and the public with certain nationally available data relevant to the AFH. The HUD provided data includes certain data related to: Demographics; patterns of integration and segregation; racially or ethnically concentrated areas of poverty (R/ECAPs); disparities in access to education, employment, low-poverty neighborhoods, transportation, and environmental health; disproportionate housing needs; data on publicly supported housing, including location and occupancy patterns. Using these data, together with other available local data and local knowledge, program participants will evaluate their present fair housing environment to assess fair housing issues, identify significant contributing factors that create, contribute to, perpetuate, or increase the severity of those issues, and set forth fair housing priorities and goals to address fair housing issues and significant contributing factors. By engaging in the analysis of this information, program participants, with the input of the community, can set fair housing priorities and goals that will better inform their AFFH strategies and actions.

As noted in the Summary of this document, HUD has committed to issue three assessment tools: The Local Government Assessment Tool, the State and Insular Area Assessment Tool, and the PHA Assessment Tool. The final Local Government Assessment Tool issued by HUD and published in the **Federal Register**, at 80 FR 81840, on December 31, 2015. The Local Government Assessment Tool provides the basic structure and primary areas to be covered by all three assessment tools. The final Local Government Assessment Tool, the instructions for this tool, an AFFH Rule Guidebook, and the AFFH Data and Mapping Tool can all be found at *https://www.hudexchange.info/programs/affh/.* As also noted in the Summary of this document, HUD issued for public comment the proposed State and Insular Area Assessment Tool. The proposed State and Insular Area Assessment Tool can also be found at *https://www.hudexchange.info/programs/affh/.*

As with the Local Government Assessment Tool and the State and Insular Area Assessment Tool, the PHA Assessment Tool will allow for collaboration with other PHAs. In all of the three assessment tools, HUD encourages such collaboration.

II. The Proposed PHA Assessment Tool

A. Sources of Data and Information To Complete the Assessment of Fair Housing

HUD-Provided Data: One of HUD's major considerations in formulating the new AFFH planning process is to provide certain nationally uniform data to program participants that would be useful in completing an AFH. All program participants must use the HUD-provided data, which includes data for the program participant's jurisdiction and region, to complete the AFH. A collaborative AFH must reference the HUD-provided data for each program participant's jurisdiction and region The HUD-provided data will help program participants assess local and regional fair housing issues and contributing factors and set priorities and goals to overcome them. The HUD-provided data will be used by various types of program participants (*e.g.* those in urban areas, rural areas, suburban areas, majority-minority communities), which may have unique characteristics, issues, and challenges. As such, HUD-provided data may have limitations, including limitations in how they apply to geographic areas with different characteristics.

HUD is only able to provide data for those protected class groups for which nationally uniform data are available. For this reason, some questions in the PHA Assessment Tool focus on specific protected classes based on the availability of such data. For these questions, local data and local knowledge may provide information to supplement the analysis for protected classes not covered by the HUD-provided data. Local data and local knowledge can be particularly helpful to supplement the HUD-provided data. For instance, when they are more up-to-date or more accurate than the HUD-provided data or when the HUD-provided data do not cover all of the protected classes that would be relevant to program participants' analyses.

Local Data and Local Knowledge: In addition to the nationally uniform data provided by HUD, program participants are required to use local data and local knowledge to inform their assessments. However, the AFH process does not require program participants to create or compile new data. Rather program participants must consider existing local data and local knowledge that is relevant in order to answer questions in the assessment tool. Local data and local knowledge include data and information gained through the community participation, consultation, and coordination processes set out in the AFFH rule at § 5.158.

Local data are, ''metrics, statistics, and other quantified information, subject to a determination of statistical validity [1] by HUD, relevant to the program participant's geographic areas of analysis, that can be found through a reasonable amount of search, are readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool.''

Local knowledge is information ''provided by the program participant that relates to the participant's geographic areas of analysis and that is relevant to the program participant's AFH, is known or becomes known to the program participant, and is necessary for the completion of the AFH using the Assessment Tool.'' A program participant must complete its AFH using the assessment tool with the assistance of the HUD-provided data, along with local data, local knowledge, including information gained through community participation, that meets the criteria of the definitions above. Program participants must also use reasonable judgment in deciding what supplemental information from among the numerous sources available would be most relevant to their analysis. HUD does not expect program participants to hire statisticians or other consultants to locate and analyze all possible sources of local data. To the extent that HUD does not provide data for a program participant to respond to a question in

[1] As HUD stated in the preamble to the AFFH final rule, ''The phrase 'subject to a determination of statistical validity by HUD' is included to clarify that HUD may decline to accept local data that HUD has determined is not valid but not that HUD will apply a rigorous statistical validity test for all local data. HUD also provides a definition for 'local knowledge.' '' (80 FR 42306); and ''The use of local data is subject to HUD review for statistical validity, reliability, and relevance. Any questions HUD may have regarding the use of local data would arise as HUD reviews a program participant's AFH. In the review process, HUD may ask questions about the local data used by a program participant or HUD may decide not to accept an AFH if it determines that the data used are not valid, reliable, or relevant. The rule provides a process for HUD and a program participant to communicate and resolve AFH deficiencies leading to HUD's nonacceptance of an AFH. (See § 5.162.) Disputes over data would be addressed in this process.'' (80 FR 42340).

the assessment tool, and there is no local data and no local knowledge that would be responsive to the question, stating that data and knowledge are unavailable to the program participant is an acceptable and complete response to that particular question.

B. Structure of the Proposed PHA Assessment Tool

This proposed PHA Assessment Tool has three key objectives. First, the assessment tool must ask questions that would be sufficient to enable program participants to perform a meaningful assessment of key fair housing issues and contributing factors and set meaningful fair housing goals and priorities. Second, the assessment tool must clearly convey the analysis of fair housing issues and contributing factors that program participants must undertake in order for an AFH to be accepted by HUD. Third, the assessment tool must be designed so program participants would be able to use it to prepare an AFH that HUD would accept without unnecessary burden.

The following discussion presents the structure for the proposed PHA Assessment Tool program.

Section I. As is the case with the Local Government Assessment Tool and State and Insular Area Assessment Tool, Section I contains the Cover Sheet and Certification and addresses basic information applicable to the program participant or program participants (where there are joint submissions), such as the name of the entity making the submission, the type of submission (*e.g.,* whether it is a submission by a PHA, individually, or a PHA in collaboration with one or more PHAs), the time period covered by the assessment, and the required certifications.

Section II. This section of the proposed PHA Assessment Tool is an Executive Summary, which provides the opportunity to present a general overview of the AFH's findings and the fair housing priorities and goals established.

Section III. This section of the proposed PHA Assessment Tool addresses the community participation process and directs the PHA to describe outreach activities to encourage community participation in the development and review of the AFH, to describe how successful its outreach efforts were in obtaining community participation related to the AFH, and to summarize all comments obtained in the community participation process, including a summary of any comments or views not accepted and the reasons why.

Section IV. This section of the proposed PHA Assessment Tool, entitled ''Assessment of Past Goals and Actions,'' asks PHAs to explain the fair housing goals they selected in their recent AIs, AFHs, or other relevant planning documents, and the extent of progress that was made in achieving these goals. In essence, this section requires PHAs to reflect upon the progress of past goals and actions and the efforts undertaken to achieve fair housing goals. This section also solicits information on how such experience influenced the selection of fair housing goals that the PHA sets in the current AFH.

Section V. This section of the proposed PHA Assessment Tool, entitled ''Fair Housing Analysis,'' presents the core analysis to be undertaken by PHAs. This section of the proposed PHA Assessment Tool is structured to help PHAs identify the fair housing issues and contributing factors in their service area and region. The proposed PHA Assessment Tool requires PHAs to examine fair housing issues that exist within the service area of the PHA and those that may go beyond the boundaries of the PHA's service area into a broader region. As stated in the other two assessment tools, fair housing issues often cross political-geographic boundaries, and the PHA must still consider if that is the case for any fair housing issues and significant contributing factors identified in their AFH.

Section V includes an assessment of certain key fair housing issues—segregation and integration, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, disproportionate housing needs, publicly supported housing, and disability and access. Each subsection of Section V also includes targeted questions to help identify fair housing issues relevant to the PHA.

Section VI. Section VI, Fair Housing Goals and Priorities, contains a summary table of the fair housing issues that the PHA has identified. The table includes a framework for the PHA to establish fair housing goals to overcome significant contributing factors and related fair housing issues by setting specific goals that include metrics and milestones, and a timeframe for achievement. The preceding discussion presented a brief overview of the structure and content of the proposed PHA Assessment Tool. For PHAs, other HUD program participants, and the public generally, HUD provides at *https://www.hudexchange.info/programs/affh/* a comparison of the proposed PHA Assessment Tool to the final Local Government Assessment Tool so that covered program participants and interested parties can see in detail the differences between this proposed PHA Assessment Tool and the Local Government Assessment Tool issued on December 31, 2015.

C. Instructions To Accompany the Proposed PHA Tool

The instructions, which will be part of the proposed PHA Assessment Tool, are also provided for public comment at *https://www.hudexchange.info/programs/affh/.* The comparison of this proposed PHA Assessment Tool to the Local Government Assessment Tool issued on December 31, 2015, also highlights the differences in instructions provided in the Local Government Assessment Tool and the proposed PHA Assessment Tool.

The instructions for completing an AFH include descriptions of the maps and data provided by HUD for PHAs' use in answering specific questions in the Assessment Tool. Some PHAs may not have had much experience analyzing data and may find some of the terminology in the instructions complex. HUD has attempted to address these concerns by providing explanations where it believed PHAs might not understand the terminology used. For example, before asking program participants to use the dissimilarity index, HUD described in the instructions what the dissimilarity index is and how to use it to answer the question. To aid PHAs and other program participants in understanding how to conduct an AFH using the PHA Assessment Tool, HUD will also provide additional information and explanation in the AFFH Rule Guidebook.

Specific solicitation of comment: HUD is soliciting comment on whether the instructions are effective in explaining the terminology used and in explaining the analysis required by the Assessment Tool. If commenters believe the instructions could be improved to provide more clarity for PHAs that are inexperienced in using data to assess fair housing issues, please specify ways in which HUD could revise the instructions or give more detailed guidance in the AFFH Rule Guidebook to provide more clarity for inexperience PHAs about the HUD-provided data and the required analysis.

D. Qualified PHAs

As noted in the Summary of this document, on March 11, 2016, HUD published in the **Federal Register** the State Assessment Tool for public comment for a period of 60 days. That Assessment Tool included a separate

section with a set of discrete questions specifically designed for Qualified PHAs [2] that seek to collaborate with a State Entity on a Joint or Regional AFH. It also included a separate section of Instructions specifically designed for those questions. The State Assessment Tool instructions were drafted with recognition that the HUD-provided maps and tables may have known limitations especially for very small jurisdictional areas and rural areas. In addition, the State Assessment Tool was intended to foster and encourage joint and regional collaborations with Qualified PHAs as the State's analysis is expected to fulfill the regional portion of the Qualified PHA's analysis, with specific questions regarding the Q–PHA's service area to be addressed in the section with those questions.

All program participants, regardless of size, have the legal duty to affirmatively further fair housing and to conduct an AFH. Each program participant may choose to submit an individual AFH or a collaborative AFH as set out in the AFFH rule. For program participants that choose to collaborate, a collaborative AFH may reduce burden, promote information and resource sharing, and provide a more comprehensive fair housing analysis for each collaborating program participant. For this reason, HUD encourages all program participants to collaborate. A Qualified PHA collaborating with another entity may be aided to the extent that the two agencies share in the responsibilities to conduct the AFH, and to the extent they share a common region (*e.g.* a State or a CBSA), they may also be able to rely on the analysis of that shared region to fulfill their responsibilities for the regional portion of their own analysis.

The PHA Assessment Tool may be used by PHAs, including Qualified PHAs that elect to submit either an individual AFH or a collaborative AFH involving a collaboration of more than one PHA. To make PHAs aware of additional sources of local knowledge that PHAs may consult to inform their AFHs, HUD has added language to the Instructions for the PHA Assessment Tool to clarify that PHAs may consult with existing AFHs or other planning documents (*e.g.* a Fair Housing Equity Assessment) already conducted by relevant agencies, such as a state or local government in the PHA's service area or region.

Specific solicitation of comment: HUD is specifically requesting comment on whether PHAs and Qualified PHAs expect to collaborate when submitting an AFH and, if so, the types of entities that they expect to collaborate with—*i.e.,* States, local governments, or other PHAs? In addition, HUD seeks comment on the ways in which the PHA Assessment Tool can facilitate a collaborative AFH by a PHA and one or more Qualified PHAs. How could a joint or regional assessment using the PHA Assessment Tool be structured in a way to fulfill a regional analysis for Qualified PHAs in different types of areas, *e.g.* within metropolitan statistical areas, or in non-metro areas, including rural areas?

E. Solicitation of Specific Comment on the Proposed PHA Assessment Tool

While the primary purpose of comment under the Paperwork Reduction Act is to determine the burden of any information collection requirement, HUD also solicits comment on the content of the proposed PHA Assessment Tool, the clarity of the questions presented and whether there are areas of information sought that PHAs and the public believe are not necessary to a meaningful AFH, or whether there are important areas of information for conducting a meaningful fair housing analysis that HUD may have overlooked. HUD anticipates that it will conduct outreach to program participants and fair housing groups relating to these issues. HUD also solicits comments for the following questions:

Content of the Assessment Tool

In the proposed assessment tool for PHAs, HUD has made changes to the Local Government Assessment Tool in order to capture the appropriate level of information for PHAs conducting a fair housing analysis and priority and goal setting. Some questions have been removed, new questions have been added, and some questions remain, but with revisions. As noted earlier in this notice, HUD's AFFH Web page at *https://www.hudexchange.info/programs/affh/* provides a comparison of the Local Government Assessment Tool and this proposed PHA Assessment Tool.

One of the differences between the Local Government Assessment Tool and the proposed PHA Assessment Tool is the structure of the publicly supported housing section. HUD has added two additional subsections to this part of the analysis. The first, ''Public Housing Agency Program Analysis,'' asks specific questions relating to the demographics and location and occupancy of the PHA's programs including public housing and Housing Choice Vouchers (HCV). The second, ''Fair Housing Analysis of Rental Housing,'' asks PHAs to assess rental housing, including affordable rental housing, in their service areas and regions. This subsection also asks for an analysis of HCVs in the service area and region with respect to whether HCV-assisted households, by protected class, are able to access affordable rental housing in areas that would promote integration and provide access to opportunity.

Specific solicitation of comment: HUD acknowledges that these two new subsections increases the number of questions in this section, while attempting to focus a particular set of questions directly to PHA program operations, developments and assisted residents. HUD seeks comment on whether this structure of adding a specific focus on PHA programs will better facilitate the fair housing analysis PHAs must conduct, or, whether these questions should be combined with the ''Other Publicly Supported Housing Programs'' subsection, using a structure similar to what was used in the Local Government Assessment Tool.

Specific solicitation of comment: HUD seeks comment on whether conducting the new ''Fair Housing Analysis of Rental Housing'' for all PHAs will result in a more robust analysis of fair housing in the PHA's service area and region, even for PHAs that only administer public housing. HUD seeks comment on whether this section should apply only to PHAs that administer HCVs and, if so, asks commenters to provide the reasoning.

Another difference between the Local Government Assessment Tool and the proposed PHA Assessment Tool occurs in the analysis of contributing factors. HUD has removed some contributing factors that did not seem as relevant for PHAs, and also added other contributing factors that seem more relevant for PHAs. New contributing factors include: Restrictions on landlords accepting vouchers, impediments to portability, and policies related to payment standards, FMR, and rent subsidies. Descriptions of contributing factors are included as an appendix to the proposed PHA Assessment Tool.

Specific solicitation of comment: HUD acknowledges that the relevance of contributing factors may vary depending on the type of program participant

[2] A Qualified PHA, defined at 24 CFR 5.142, includes a PHA that: (1) Has a combined unit total of 550 or less public housing units and section 8 vouchers; and (2) is not designated troubled under section 6(j)(2) of the 1937 Act, the Public Housing Assessment System (PHAS), as a troubled public housing agency during the prior 12 months; and (3) does not have a failing score under the Section 8 Management Assessment Program (SEMAP) during the prior 12 months.

conducting a fair housing analysis. HUD seeks comment on whether it has identified the most relevant contributing factors for PHAs for purposes of conducting a fair housing assessment and setting fair housing goals and priorities. Commenters are asked to state if there are contributing factors that are not relevant for PHAs, and to please identify them and provide an explanation for why they are not relevant to a PHA's fair housing analysis. Commenters are also asked if additional contributing factors should be included, and to please provide the factor and an explanation of why it is relevant to a PHA's fair housing analysis.

HUD has also reordered the sections of the proposed PHA Assessment Tool so the organization is different than in the Local Government Tool. The Disability and Access Analysis section now comes before the Publicly Supported Housing Analysis section.

Specific solicitation of comment: The analysis of disability and access will likely inform the PHA's analysis of publicly supported housing. HUD seeks comment on whether the order of the sections will better facilitate the PHA's fair housing analysis.

Identifying PHA Service Areas

As noted above, HUD intends to provide data that PHAs will use to conduct their AFH. HUD acknowledges that PHAs' service areas are determined by State legislation and their scope may vary. HUD does not currently have data for all PHAs' service areas. In order to provide data to assist PHAs in conducting their AFH, HUD will need to obtain information about each PHA's service area in order to provide relevant data to the PHA.

HUD will provide an online geospatial tool, either in the existing AFFH Data and Mapping Tool (AFFH–T) or in a related online web portal that will provide PHAs the ability to select from a variety of geographic units, the one unit or combination of units that most closely fits their service area. Geographic units include the most commonly used administrative geographic units mapped by the U.S. Census Bureau. These may include geographic entities such as census tracts, incorporated places or minor civil divisions (collectively known to HUD as units of general local government), entire counties, the balance of counties after incorporated entities have been removed, entire states, or the balance of states after incorporated local government jurisdictions have been removed. In many cases, PHA service areas will be the same as local governments that are already identified in the AFFH–T, while in others PHAs would have the ability to identify their unique service area borders using the online tool.

Specific solicitation of comment: HUD seeks comment on an efficient manner in which HUD could use to obtain information about each PHA's service area without causing unnecessary burden.

Specific solicitation of comment: HUD seeks comment on how fair housing issues may affect families on a PHA's waiting list. HUD understands that data may be limited with regards to the persons on such lists and seeks comment on whether PHAs have relevant information related to such residents. HUD specifically seeks comment on to what extent do PHAs have information to inform answers to the questions related to families on PHA waiting lists? Is HUD asking the appropriate questions with regards to this population or are there alternative considerations that PHAs should be asked to consider as part of the analysis?

III. Compliance With the Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a valid control number issued by the Office of Management and Budget (OMB). Through this notice, HUD commences the process for obtaining the requisite approval by OMB under the PRA process.

The public reporting burden for the proposed State and Insular Area Assessment Tool is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Information on the estimated public reporting burden is provided in the following table:

	Number of respondents	Number of responses per respondent	Frequency of response	Estimated average time for requirement (in hours)	Estimated total burden (in hours)
PHA Assessment Tool	1,314	1	Once every five years	240	315,360
PHA Service Area Information	3,942	1	Once per assessment of fair housing cycle.	1	3,942
Total Burden					319,302

In accordance with 5 CFR 1320.8(d)(1), HUD is specifically soliciting comment on the proposed PHA Tool from members of the public and affected program participants on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages not only program participants but interested persons to submit comments regarding the information collection requirements in this proposal. Comments must be received by May 23, 2016 to *www.regulations.gov* as provided under the **ADDRESSES** section of this notice. Comments must refer to the proposal by name and docket number (FR–5173–N–02).

Following consideration of public comments submitted in response to this notice, HUD will submit for further public comment, for a period of 30 days, a version of the PHA Assessment Tool that reflects consideration of the public

comments received in response to this notice.

Dated: March 17, 2016.

George D. Williams,

Deputy Assistant Secretary for Policy, Legislative Initiatives and Outreach.

[FR Doc. 2016–06492 Filed 3–22–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/ A0A501010.999900]

Renewal of Agency Information Collection for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts authorized by OMB Control Number 1076–0111. This information collection expires June 30, 2016.

DATES: Submit comments on or before May 23, 2016.

ADDRESSES: You may submit comments on the information collection to Ms. Evangeline Campbell, 1849 C Street NW., Mail Stop 4513, Washington, DC 20240; fax: (202) 513–208–5113; or email: *Evangeline.Campbell@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Evangeline Campbell, (202) 513–7621, or Ms. Debra Burton, (202) 513–7610.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIA is seeking comments on the information collection conducted under 25 CFR 23.13, implementing the Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*). The information collection allows BIA to receive written requests by State courts that appoint counsel for an indigent Indian parent or Indian custodian in an involuntary Indian child custody proceeding when appointment of counsel is not authorized by State law. The applicable BIA Regional Director uses this information to decide whether to certify that the client in the notice is eligible to have his counsel compensated by the BIA in accordance with the Indian Child Welfare Act.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

III. Data

OMB Control Number: 1076–0111.

Title: Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts, 25 CFR 23.13.

Brief Description of Collection: This information is required in order for States to receive payment for counsel appointed to indigent Indian parents or custodians in involuntary child custody proceedings under 25 CFR 23.13. The information is collected to determine applicant eligibility for services.

Type of Review: Extension without change of currently approved collection.

Respondents: State courts eligible for payment of attorney fees pursuant to 25 CFR 23.13.

Number of Respondents: Four per year.

Estimated Time per Response: Two hours for reporting and one hour for recordkeeping.

Frequency of Response: Once, on occasion.

Obligation to Respond: Response required to obtain a benefit.

Estimated Total Annual Hour Burden: 12 hours.

Estimated Total Annual Cost: $0.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2016–06482 Filed 3–22–16; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO922000–L13100000–FI0000–16X]

Proposed Reinstatement of Terminated Oil and Gas Leases COC73423, COC73424, COC73440, COC73442, COC73443, COC73444, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Lands Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received petitions to reinstate oil and gas leases COC73423, COC73424, COC73440, COC73442, COC73443, and COC73444 from Synergy Resources Corporation for lands in Morgan and Weld counties, Colorado. The lessee filed the petitions on time, along with all the rentals due since the leases terminated under the law.

FOR FURTHER INFORMATION CONTACT: Cheryl Hirschel, BLM Land Law Examiner, Fluid Minerals Adjudication, at (303) 239–3749. Persons who use a telecommunication 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. FIRS is available 24 hours a day, 7 days a week, to leave a message or questions with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for additional stipulations and for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $159 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the leases as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate leases COC73423, COC73424, COC73440, COC73442, COC73443 and COC73444 effective December 1, 2010,

under the modified terms and conditions of the leases and the increased rental and royalty rates cited above.

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2016–06609 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[16X L1109AF LLUT92000 L13100000 FI0000 25–7A]

Notice of Proposed Class II Reinstatement of Terminated Oil and Gas Lease, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Oil and Gas Royalty Management Act, Twilight Resources LLC and Petro Fuego LLC, timely filed a petition for reinstatement of oil and gas lease UTU86892 for lands in Grand County, Utah, and it was accompanied by all required rentals and royalties accruing from September 1, 2014, the date of termination.

FOR FURTHER INFORMATION CONTACT: Kent Hoffman, Deputy State Director, Lands and Minerals, Utah State Office, Bureau of Land Management, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101, phone 801–539–4063, Email: *khoffman@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: The lessee has agreed to new lease terms for rental and royalty. The rental for UTU86892 will increase to $10 per acre and the royalty to 16⅔ percent. The $500 administrative fee for the leases has been paid, and the lessee has reimbursed the Bureau of Land Management (BLM) for the cost of publishing this notice.

The following-described lands in Grand County, Utah, include:

UTU86892

Salt Lake Meridian, Utah

T. 22 S., R 16 E.,
Sec. 24;
Sec. 25.

The area described contains 1,280 acres.

As the lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the BLM is proposing to reinstate the lease 30 days following publication of the notice, effective September 1, 2014, subject to the original terms and conditions of the leases and the increased rental and royalty rates cited above.

Authority: Mineral Leasing Act of 1920 (30 U.S.C. 188).

Approved:

Katherine Kitchell,

Acting Associate State Director.

[FR Doc. 2016–06629 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO260000.L10600000.PC0000. LXSIADVSBD00]

Notice of Wild Horse and Burro Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The Advisory Board will meet on Wednesday April 13, 2016, from 1 p.m. to 5 p.m. Pacific Time (PT) and Thursday April 14, 2016, from 8 a.m. to 5 p.m. PT. This will be a one and a half day meeting.

ADDRESSES: This Advisory Board meeting will take place in Redmond, Oregon, at the Deschutes Fair & Expo, 3800 SW Airport Way, Redmond, OR 97756, *http://expo.deschutes.org/,* telephone: 541–548–2711.

Written comments pertaining to the April 13–14, 2016, Advisory Board meeting can be mailed to National Wild Horse and Burro Program, WO–260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, NV 89502–7147, or sent electronically to *whbadvisoryboard@blm.gov.* Please include ''Advisory Board Comment'' in the subject line of the email.

FOR FURTHER INFORMATION CONTACT: Ramona DeLorme, Wild Horse and Burro Administrative Assistant, at 775–861–6583. 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: The Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the BLM Director, the Secretary of Agriculture, and the Chief of the Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands. The Wild Horse and Burro Advisory Board operates under the authority of 43 CFR 1784. The tentative agenda for the meeting is:

I. Advisory Board Public Meeting

Wednesday, April, 13, 2015 (1 p.m.–5 p.m.)

Welcome, Introductions, and Agenda Review
Approval of September 2015 Minutes
BLM Response to Advisory Board Recommendations
Wild Horse and Burro Program Update
Public Comment Period will take place from 3:15–4:45 p.m.
Adjourn

Thursday, September 3, 2015 (8 a.m.–5 p.m.)

Wild Horses and Burro Program Update
Working Group Reports
Advisory Board Discussion and Recommendations to the BLM
Adjourn

The meeting will be live-streamed. The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as an interpreting service, assistive listening device, or materials in an alternate format, must notify Ms. DeLorme 2 weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal Advisory Committee Management Regulations at 41 CFR 101–6.1015(b), require the BLM to publish in the **Federal Register** notice of a public meeting 15 days prior to the meeting date.

II. Public Comment Procedures

On Wednesday, April 13 at 3:15 p.m. members of the public will have the

opportunity to make comments to the Board on the Wild Horse and Burro Program. Persons wishing to make comments during the meeting should register in person with the BLM by 3 p.m. on April 13, 2016, at the meeting location. Depending on the number of commenters, the Advisory Board may limit the length of comments. At previous meetings, comments have been limited to 3 minutes in length; however, this time may vary. Speakers are requested to submit a written copy of their statement to the address listed in the **ADDRESSES** section above, email comments to *whbadvisoryboard@blm.gov,* or bring a written copy to the meeting. There may be a webcam present during the entire meeting and individual comments may be recorded.

Participation in the Advisory Board meeting is not a prerequisite for submission of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments. The BLM considers comments that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations to be the most useful and likely to influence the BLM's decisions on the management and protection of wild horses and burros.

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 in your comment that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee that it will be able to do so.

(Authority: 43 CFR 1784.4–1)

Kristin Bail,

Acting Assistant Director, Resources and Planning.

[FR Doc. 2016–06575 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. 16XL5017AR. L57000000.RB0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW179123, Wyoming

AGENCY: Bureau of Land Management, Interior

ACTION: Notice.

SUMMARY: Per the Mineral Leasing Act of 1920, Douglas C. McLeod filed a petition for reinstatement of competitive oil and gas lease WYW179123 for land in Crook County, Wyoming. The petition was filed on time, and the lessee paid the required rentals accruing from the date of termination. No leases that affect these lands were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Chief of Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming, 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee agreed to the amended lease terms for rentals and royalties at rates of $10 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee also agreed to the amended lease stipulations described in the associated Reinstatement Certification. The lessee has paid the required $500 administrative fee and the $159 cost for publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM proposes to reinstate the lease effective July 1, 2012, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2016–06570 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZ920000 16X L51010000.ER0000 LVRWA16A3240]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Ten West Link 500-Kilovolt Transmission Line Project and Potential Amendment to the Yuma Field Office Resource Management Plan in Maricopa and La Paz Counties, AZ, and Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM), Arizona State Office, Phoenix, Arizona, with the possibility of Western Area Power Administration serving as a co-lead agency, intends to prepare an environmental impact statement (EIS) for the proposed Ten West Link 500-kilovolt (kV) Transmission Line Project (Project) and potential amendment to the Yuma Field Office Resource Management Plan pursuant to the BLM's land use planning regulations. By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments and identify issues on the proposed transmission line and potential plan amendment.

DATES: Comments on issues may be submitted in writing until May 9, 2016. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: *http://www.blm.gov/az/st/en.html.* In order to be included in the Draft EIS, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Project by any of the following methods:

- *Web site: http://www.blm.gov/az/st/en.html.*
- *Email: TenWestLink@blm.gov.*
- *Fax:* 602–417–9452,
- *Mail:* BLM, Arizona State Office, Attention: Eddie Arreola/Ten West Link Project, One North Central Avenue, Suite 800, Phoenix, AZ 85004.

Documents pertinent to this proposal may be examined at the Arizona State Office.

FOR FURTHER INFORMATION CONTACT: Eddie Arreola, Project Manager, at telephone 602–417–9505; address: BLM, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004; email: *earreola@blm.gov*. People who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 during normal business hours to contact the BLM Project Manager listed above. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, DCR Transmission, LLC, has submitted an application to the BLM for a right-of-way (ROW) to construct, operate, maintain, and decommission a single-circuit 500-kV transmission line. Authorization of the proposed transmission line may require an amendment to the Yuma Field Office Resource Management Plan (January 2010) to change visual resource management classifications and to possibly change or reclassify designated utility corridors. The proposed transmission line may require other land use plan amendments for the Project, including the Lower Sonoran, Bradshaw-Harquahala, Lake Havasu Resource Management Plans and the California Desert Conservation Area Plan, depending on newly proposed alternatives during scoping and during the analysis. The Project would provide a connection between the Arizona Public Service Company's Delaney Substation in Tonopah, Arizona, and the Southern California Edison Company's (SCE) Colorado River Substation in Blythe, California. The project purpose is to strengthen the electrical grid and improve reliability. The Project area involves approximately 83 miles of public lands along a route spanning roughly 114 miles. Approximately 97 miles is in Arizona and 17 miles is in California. The Project would largely follow the existing SCE Devers-Palo Verde 500-kV No.1 (DPV1) transmission line in an established utility corridor. The transmission line may be supported by a combination of self-supporting H-frame structures and steel lattice structures. Any final decision on a specific type of structure will be based on topography, structural requirements, economics, the environment, and other applicable considerations. The structures are anticipated to be constructed of guyed galvanized steel with a height ranging from 100 to 190 feet, and a width of approximately 100 feet. The distance between each structure would depend on site-specific characteristics, but is expected to be 400 to 2,200 feet with an average span length of approximately 1,600 feet.

The Project would involve additional facilities, including the construction of a series compensation substation parallel to the existing compensation substation located in Vicksburg, Arizona. To the extent possible, existing access roads for the DPV1 transmission line would be used for construction and maintenance. For a 2.8-mile segment of the proposed route, DCR Transmission would need an agreement with SCE to use the vacant circuit positions on SCE's existing double-circuit towers in the Copper Bottom Pass area. The requested ROW width on public lands is 200 feet.

The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis, including potential alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues: Visual resource management classifications that would not allow a 500kV transmission line, possible route changes outside the designated corridors, potential interference with the U.S. Army's Yuma Proving Ground; cultural resources; Native American cultural concerns; social and economic effects; potential public health and safety; wildlife (including migratory birds); special status species; and recreation. The analysis will also consider mitigation at a regional scale for those resources that warrant mitigation offsite.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the Project will assist the BLM in identifying and evaluating impacts to such resources in the context of both the NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration.

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.

Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the Project are invited to participate in the scoping process. If eligible, they may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Authority: 40 CFR 1501.7.

Raymond Suazo,

Arizona State Director.

[FR Doc. 2016–06626 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO922000–L13100000–FI0000–16X]

Proposed Reinstatement of Terminated Oil and Gas Lease COC73441, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Lands Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for the reinstatement of oil and gas lease COC73441 from Synergy Resources Corporation, for lands in Morgan County, Colorado. The lessee filed the petition on time, along with all the rentals due since the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Cheryl Hirschel, BLM Land Law Examiner, Fluid Minerals Adjudication, at (303) 239–3749. Persons who use a telecommunication 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 questions with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for additional stipulations and for

rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $159 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate lease COC73441 effective December 1, 2010, under the modified terms and conditions of the lease and the increased rental and royalty rates cited above.

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2016–06608 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. 16XL5017AR. L57000000.RB0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW178970, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per the Mineral Leasing Act of 1920, James Zerbst filed a petition for reinstatement of noncompetitive oil and gas lease WYW178970, in Niobrara and Weston counties, Wyoming. The petition was filed on time, and the lessee paid the required rentals accruing from the date of termination. No leases that affect these lands were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Chief of Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee also agreed to the amended lease stipulations described in the associated Reinstatement Certification. The lessee has paid the required $500 administrative fee and the $159 cost for publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM proposes to reinstate the lease effective May 1, 2013, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2016–06569 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM920000 15X L13100000.FI0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease OKNM 118150, Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per the Mineral Leasing Act of 1920, Chesapeake Exploration LLC timely filed a petition for reinstatement of competitive oil and gas lease OKNM 118150, Major County, Oklahoma. The lessee paid the required rentals accruing from the date of termination. No leases were issued that affect these lands.

FOR FURTHER INFORMATION CONTACT: Gloria S. Baca, Supervisory Land Law Examiner, Branch of Adjudication, Bureau of Land Management New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508, 505–954–2141, *gbaca@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: The lessee agrees to new lease terms for rentals and royalties of $10 per acre, or fraction thereof, per year, and 16⅔ percent, respectively. The lessee agrees to additional or amended stipulations. The lessee paid the $500 administration fee for the reinstatement of the lease and $159 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM is proposing to reinstate the lease, effective the date of termination subject to the:

- Original terms and conditions of the lease;
- Additional and amended stipulations;
- Increased rental of $10 per acre;
- Increased royalty of 16⅔ percent; and
- $159 cost of publishing this Notice.

Authority: 43 CFR 3108.2–3.

Gloria S. Baca,

Supervisory Land Law Examiner, Branch of Adjudication.

[FR Doc. 2016–06630 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. 16XL5017AR. L57000000.RB0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW178969, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per the Mineral Leasing Act of 1920, James Zerbst filed a petition for reinstatement of noncompetitive oil and gas lease WYW178969, in Niobrara County, Wyoming. The petition was filed on time, and the lessee paid the required rentals accruing from the date of termination. No leases that affect these lands were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Chief of Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming, 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lessee agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee also agreed to the amended lease stipulations described in the associated Reinstatement Certification. The lessee

has paid the required $500 administrative fee and the $159 cost for publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM proposes to reinstate the lease effective May 1, 2013, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2016–06607 Filed 3–22–16; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–540–544 and 731–TA–1283–1287, 1289–1290 (Final)]

Cold-Rolled Steel Flat Products From Brazil, China, India, Japan, Korea, Russia, and the United Kingdom; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing and antidumping duty investigation Nos. 701–TA–540–544 and 731–TA–1283–1287, 1289–1290 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain cold-rolled steel flat products from Brazil, China, India, Japan, Korea, Russia, and the United Kingdom, provided for in subheadings 7209.15.00, 7209.16.00, 7209.17.00, 7209.18.15, 7209.18.25, 7209.18.60, 7209.25.00, 7209.26.00, 7209.27.00, 7209.28.00, 7209.90.00, 7210.70.30, 7211.23.15, 7211.23.20, 7211.23.30, 7211.23.45, 7211.23.60, 7211.29.20, 7211.29.45, 7211.29.60, 7211.90.00, 7212.40.10, 7212.40.50, 7225.50.60, 7225.50.80, 7225.99.00, 7226.92.50, 7226.92.70, and 7226.92.80 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be subsidized [1] and/or sold at less-than-fair-value.[2] [3]

DATES: *Effective Dates:* March 7, 2016.

FOR FURTHER INFORMATION CONTACT: Nathanael N. Comly ((202) 205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Brazil, China, India, and Russia of cold-rolled steel flat products, and that such products from Brazil, China, India, Japan, Korea, Russia, and the United Kingdom are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 28, 2015 by AK Steel Corporation (West Chester, Ohio), ArcelorMittal USA LLC (Chicago, Illinois), Nucor Corporation (Charlotte, North Carolina), Steel Dynamics, Inc. (Fort Wayne, Indiana), and United States Steel Corporation (Pittsburgh, Pennsylvania).

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are

[1] The Department of Commerce has preliminarily determined that countervailable subsidies are not being provided to producers and exporters of certain cold-rolled steel flat products from Korea and that countervailable subsidies are being provided to producers and exporters of certain cold-rolled steel flat products from Brazil, China, India, and Russia.

[2] The Department of Commerce has preliminarily determined that imports of certain cold-rolled steel flat products from Brazil, China, India, Japan, Russia, and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value.

[3] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For a full description of the scope of the investigations, including product exclusions, *see Countervailing Duty Investigation of Certain Cold-Rolled Steel Flat Products from Brazil: Preliminary Affirmative Determination and Alignment of Final Determination with Final Antidumping Duty Determination,* 80 FR 79569, December 22, 2015.

parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 10, 2016, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, May 24, 2016, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 18, 2016. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on May 23, 2016, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 17, 2016. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 1, 2016. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 1, 2016. On June 15, 2016, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 17, 2016, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 17, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–06527 Filed 3–22–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Meda Pharmaceuticals, Inc.

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 22, 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 22, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix of subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on January 11, 2016, Meda Pharmaceuticals, Inc., 705 Eldorado Street, Decatur, Illinois 62523 applied to be registered as an importer of nabilone (7379), a basic class of controlled substance listed in schedule II.

The company plans to import the FDA approved drug product in finished dosage form for distribution to its customers. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06544 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Chattem Chemicals, Inc.

ACTION: Notice of registration.

SUMMARY: Chattem Chemicals, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Chattem Chemicals, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63835, Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Chattanooga, Tennessee 37409 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Chattem Chemicals, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
4-Methoxyamphetamine (7411)	I
Dihydromorphine (9145)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution and sale to its customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06531 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Noramco, Inc.

ACTION: Notice of registration.

SUMMARY: Noramco, Inc. applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Noramco, Inc. registration as an importer of those controlled substance.

SUPPLEMENTARY INFORMATION: By notice dated August 21, 2015, and published in the **Federal Register** on August 31, 2015, 80 FR 52510, Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601 applied to be registered as an importer of certain basic classes of controlled substances. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007). No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Noramco, Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Phenylacetone (8501)	II
Thebaine (9333)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import thebaine (9333) analytical reference standards for distribution to its customers. The company plans to import an intermediate form of tapentadol (9780) to bulk manufacture tapentadol for distribution to its customers. The company plans to import phenylacetone (8501) and poppy straw concentrate (9670) to manufacture other controlled substances.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06547 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Cerilliant Corporation

ACTION: Notice of registration.

SUMMARY: Cerilliant Corporation applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cerilliant Corporation registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated September 21, 2015, and published in the **Federal Register** on September 30, 2015, 80 FR 58788, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments

or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cerilliant Corporation to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
3-Fluoro-N-methylcathinone (3-FMC) (1233)	I
Cathinone (1235)	I
Methcathinone (1237)	I
4-Fluoro-N-methylcathinone (4-FMC) (1238)	I
Pentedrone (a-methylaminovalerophenone) (1246)	I
Mephedrone (4-Methyl-N-methylcathinone) (1248)	I
4-Methyl-N-ethylcathinone (4-MEC) (1249)	I
Naphyrone (1258)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) (6250)	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) (7008)	I
5-Flouro-UR-144 and XLR11 [1-(5-Fluoro-pentyl) 1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl) methanone (7011)	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) (7012)	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) (7019)	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (7023)	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-yl)methanone (7024)	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (7031)	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7035)	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (7048)	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) (7081)	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole (7104)	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118)	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) (7122)	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (7144)	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole) (7173)	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl) indole) (7200)	I
AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) (7201)	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) (7203)	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (7222)	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) (7225)	I
Alpha-ethyltryptamine (7249)	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S) 3-hydroxycyclohexyl-phenol) (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7) (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Parahexyl (7374)	I
Mescaline (7381)	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2) (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole (7398)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I

Controlled substance	Schedule
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
N-Benzylpiperazine (7493)	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP) (7498)	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D) (7508)	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E) (7509)	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H) (7517)	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I) (7518)	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C) (7519)	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N) (7521)	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P) (7524)	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4) (7532)	I
MDPV (3,4-Methylenedioxypyrovalerone) (7535)	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe) (7536)	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe) (7537)	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe) (7538)	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540)	I
Butylone (7541)	I
Pentylone (7542)	I
alpha-pyrrolidinopentiophenone (a-PVP) (7545)	I
alpha-pyrrolidinobutiophenone (a-PBP) (7546)	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole) (7694)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Desomorphine (9055)	I
Codeine methylbromide (9070)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Dipipanone (9622)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II

Controlled substance	Schedule
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06535 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Halo Pharmaceutical, Inc.

ACTION: Notice of registration.

SUMMARY: Halo Pharmaceutical, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Halo Pharmaceutical, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63838, Halo Pharmaceutical, Inc., 30 North Jefferson Road, Whippany, New Jersey 07981 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Halo Pharmaceutical, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

The company plans to manufacture Hydromorphone HCl for sale to other manufacturers and to manufacture other controlled substances for distribution to its customers. Dihydromorphine is an intermediate in the manufacture of Hydromorphone and is not for commercial distribution.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06533 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Pharmacore

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 22, 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 22, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications 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, dispenser, 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 January 26, 2016, Pharmacore, 4180 Mendenhall Oaks Parkway, High Point, North Carolina 27265 applied to be registered as an importer of poppy straw concentrate (9670), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to bulk manufacture into other controlled substances for sale to its customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06541 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Cody Laboratories, Inc.

ACTION: Notice of registration.

SUMMARY: Cody Laboratories, Inc. applied to be registered as a manufacturer of a certain basic class of controlled substance. The Drug Enforcement Administration (DEA) grants Cody Laboratories, Inc. registration as a manufacturer of this controlled substance.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63835, Cody Laboratories, Inc., Steven Hartman—Vice President of Compliance, 601 Yellowstone Avenue, Cody, Wyoming 82414 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cody Laboratories, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of methadone intermediate (9254), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance as an intermediate in the manufacture of an active pharmaceutical ingredient to sell to its customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06534 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Siemens Healthcare Diagnostics, Inc.

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 1301.33(a) on or before May 23, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 14, 2015, Siemens Healthcare Diagnostics, Inc., 100 GBC Drive, Mailstop 514, Newark, Delaware 19702 applied to be registered as a bulk manufacturer of ecgonine (9180) a basic class of controlled substance listed in schedule II.

The company plans to produce the listed controlled substance in bulk to be

used in the manufacture of DEA exempt products.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06540 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: R & D Systems, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before April 22, 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 22, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications 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 February 25, 2015, R & D Systems, Inc., 614 McKinley Place NE., Minneapolis, Minnesota 55413 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Mephedrone (4-Methyl-N-methylcathinone) (1248)	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118)	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
3,4-Methylenedioxymethamphetamine (7405)	I
Dimethyltryptamine (7435)	I
Psilocyn (7438)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Oxycodone (9143)	II
Morphine (9300)	II
Thebaine (9333)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in dosage form to distribute to researchers.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for these drug codes is authorized for this registration.

The import of the above listed basic classes of controlled substances would be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished Food and Drug Administration approved or non-approved dosage form for commercial distribution in the United States.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06542 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mallinckrodt LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before April 22, 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 22, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug

Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications 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 December 22, 2015, Mallinckrodt LLC, 3600 North Second Street, Saint Louis, Missouri 63147 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Phenylacetone (8501)	II
Coca Leaves (9040)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to bulk manufacture into Active Pharmaceutical Ingredients for distribution to its customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06543 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Siegfried USA, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before May 23, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 12, 2015, Siegfried USA, LLC, 33 Industrial Park Road, Pennsville, New Jersey 08070 applied to be registered as a bulk manufacturer the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Dihydromorphine (9145)	I
Hydromorphinol (9301)	I
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium tincture (9630)	II
Oxymorphone (9652)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06537 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Halo Pharmaceutical, Inc.

ACTION: Notice of registration.

SUMMARY: Halo Pharmaceutical, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Halo Pharmaceutical, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63838, Halo Pharmaceutical, Inc., 30 North Jefferson Road, Whippany, New Jersey 07981 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Halo Pharmaceutical, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

The company plans to manufacture Hydromorphone HCl for sale to other manufacturers and to manufacture other controlled substances for distribution to

its customers. Dihydromorphine is an intermediate in the manufacture of Hydromorphone and is not for commercial distribution.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06532 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Cambrex Charles City

ACTION: Notice of registration.

SUMMARY: Cambrex Charles City applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cambrex Charles City registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63835, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616 applied to be registered as a manufacturer of certain basic classes of controlled substances. No other comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cambrex Charles City to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333).	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers, for dosage form development, for clinical trials, and for use in stability qualification studies.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06536 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Cerilliant Corporation

ACTION: Notice of registration.

SUMMARY: Cerilliant Corporation applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cerilliant Corporation registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 13, 2015, and published in the **Federal Register** on October 21, 2015, 80 FR 63836, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402 applied to be registered as an importer of certain basic classes of controlled substances. Comments and requests for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007). No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Cerilliant Corporation to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
3-Fluoro-N-methylcathinone (3–FMC) (1233)	I
Cathinone (1235)	I
Methcathinone (1237)	I
4-Fluoro-N-methylcathinone (4–FMC) (1238)	I
Pentedrone (*a*-methylaminovalerophenone) (1246)	I
Mephedrone (4-Methyl-N-methylcathinone) (1248)	I
4-Methyl-N-ethylcathinone (4–MEC) (1249)	I
Naphyrone (1258)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Methaqualone (2565)	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole) (6250)	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole) (7008)	I

Controlled substance	Schedule
5-Flouro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (7011)	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) (7012)	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole) (7019)	I
AB–PINACA (N-(1 amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7023)	I
THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalene-1-yl)methanone (7024)	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohenxylmethyl)-1H-indazole-3-carboxamide (7031)	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7035)	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (7048)	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl)indole) (7081)	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole (7104)	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118)	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole) (7122)	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (7144)	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole) (7173)	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl) indole) (7200)	I
AM–2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole) (7201)	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl)indole) (7203)	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (7222)	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) (7225)	I
Alpha-ethyltryptamine (7249)	I
Ibogaine (7260)	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol) (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7) (7348)	I
Marihuana (7360)	I
Parahexyl (7374)	I
Mescaline (7381)	I
2-(4-Elthylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2) (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole (7398)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N–N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
N-Benzylpiperazine (7493)	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP) (7498)	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D) (7508)	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E) (7509)	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) (7517)	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) (7518)	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C) (7519)	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N) (7521)	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P) (7524)	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4) (7532)	I
MDPV (3,4-Methylenedioxypyrovalerone) (7535)	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe) (7536)	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe) (7537)	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe) (7538)	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540)	I
Butylone (7541)	I
Pentylone (7542)	I
alpha-pyrrolidinopentiophenone (*a*-PVP) (7545)	I
alpha-pyrrolidinobutiophenone (*a*-PBP) (7546)	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole) (7694)	I
Desomorphine (9055)	I
Etorphine (except HCI) (9056)	I

Controlled substance	Schedule
Codeine methylbromide (9070)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Dextromoramide (9613)	I
Dipipanone (9622)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Racemoramide (9645)	I
Trimeperidine (9646)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Dihydrocodeine (9120)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Levo-alphacetylmethadol (9648)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II

The company plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards and distribution to their research and forensic customers.

In reference to drug codes 7360 the company plans to import a synthetic cannabidiol. No other activity for this drug code is authorized for this registration.

Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06548 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Patheon Pharmaceuticals, Inc.

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 1301.33(a) on or before May 23, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 10, 2015, Patheon Pharmaceuticals, Inc., 2110 E. Galbraith Road, Cincinnati, Ohio 45237 applied to be registered as a bulk manufacturer of gamma hydroxybutyric acid (2010) a basic class of controlled substance listed in schedule I.

The company plans to manufacture the listed controlled substance for product development.

Dated: March 14, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–06539 Filed 3–22–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2016–0008]

Whistleblower Protection Advisory Committee (WPAC)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of a meeting of WPAC.

SUMMARY: WPAC will meet April 26, 2016, in Washington, DC.

DATES: *WPAC meeting:* WPAC will meet from 9:00 a.m. to 4:00 p.m., E.T., Tuesday, April 26, 2015.

Written comments, requests to speak, speaker presentations, and requests for special accommodation: You must submit (postmark, send, transmit) comments, requests to address the WPAC meeting, speaker presentations (written or electronic), and requests for special accommodations for the WPAC meeting by April 12, 2016.

ADDRESSES: *WPAC meeting:* WPAC will meet in Room N–4437 A–C, U.S. Department of Labor, Francis Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210.

Submission of comments, requests to speak, and speaker presentations: You may submit comments, requests to speak at the WPAC meeting, and speaker presentations using one of the following methods:

Electronically: You may submit materials, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions.

Facsimile (Fax): If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, or messenger (courier) service: You may submit your materials to the OSHA Docket Office, Docket No. OSHA–2016–0008, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger service) during normal business hours, 8:15 a.m.–4:45 p.m., E.T., weekdays.

Requests for special accommodations: Please submit any requests for special accommodations to attend the WPAC meeting to Ms. Gretta Jameson, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *jameson.grettah@dol.gov.*

Instructions: Your submissions must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2016–0008). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information on submitting comments, requests to speak, and speaker presentations, see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information about WPAC and WPAC meetings: Mr. Anthony Rosa, OSHA, Directorate of Whistleblower Protection Programs, Room N–4618, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2199; email *osha.dwpp@dol.gov.*

SUPPLEMENTARY INFORMATION:

WPAC Meeting

WPAC will meet Tuesday, April 26, 2015, in Washington, DC. WPAC meetings are open to the public.

The tentative agenda of the WPAC meeting includes:

Remarks from the Assistant Secretary of Labor for Occupational Safety and Health (OSHA);
Remarks from the Director of the Directorate of Whistleblower Protection Programs;
Presentations from other federal agencies with whistleblower programs;
Railroad worker whistleblower presentation;
Public comments;
Work Group presentations; and,
Old business.

OSHA transcribes WPAC meetings and prepares detailed minutes of the meetings. OSHA places the meeting transcripts and minutes in the public record of the WPAC meeting. The public record also includes Work Group reports, speaker presentations, comments and other materials submitted to WPAC.

WPAC Work Groups

The WPAC work groups (Outreach and Training) will meet on April 25, 2016. These work group meetings will be open to the public. The purpose of the work groups is to provide recommendations to the full WPAC

committee on their subject matters. The work groups will report to WPAC at the April 26, 2016 meeting for discussion by the full committee.

The work groups will meet from 3:00 p.m. to 5:00 p.m. on April 25, 2016 in the following rooms in the Francis Perkins Building:

Outreach—Room C–5320
Training—Room C–5521

For additional information on WPAC work group meetings or participating in them, please contact Mr. Rosa.

Public Participation, Submissions, and Access to Public Record

WPAC meetings: All WPAC meetings are open to the public. Individuals attending meetings at the U.S. Department of Labor must enter the building at the visitors' entrance, 3rd and C Streets NW., and pass through building security. Attendees must have valid government-issued photo identification (such as a driver's license) to enter the building. For additional information about building security measures for attending WPAC meetings, please contact Ms. Jameson (see **ADDRESSES** section).

Individuals needing special accommodations to attend the WPAC meeting should contact Ms. Jameson as well.

Submission of written comments: You may submit written comments using one of the methods identified in the **ADDRESSES** section. Your submissions must include the Agency name and docket number for this WPAC meeting (Docket No. OSHA–2016–0008). OSHA will provide copies of submissions to WPAC members.

Because of security-related procedures, submissions by regular mail may experience significant delays. For information about security procedures for submitting materials by hand delivery, express mail, and messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

Requests to speak and speaker presentations: If you want to address WPAC at the meeting, you must submit your request to speak, as well as any written or electronic presentation, by April 12, 2016, using one of the methods listed in the **ADDRESSES** section. Your request must state:

- The amount of time requested to speak;
- The interest you represent (*e.g.,* business, organization, affiliation), if any; and
- A brief outline of your presentation.

The WPAC Chair may grant requests to address WPAC as time and circumstances permit.

Public docket of the WPAC meeting: OSHA will place comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket of this WPAC meeting without change, and those documents may be available online at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information, such as Social Security numbers and birthdates.

OSHA also places in the public docket the meeting transcript, meeting minutes, documents presented at the WPAC meeting, and other documents pertaining to the WPAC meeting. These documents are available online at *http://www.regulations.gov* under Docket No. OSHA–2016–0008.

Access to the public record of WPAC meetings: To read or download documents in the public docket of this WPAC meeting, go to Docket No. OSHA–2016–0008 at *http://www.regulations.gov.* The *http://www.regulations.gov* index also lists all documents in the public record for this meeting; however, some documents (*e.g.,* copyrighted materials) are not publicly available through that Web page. All documents in the public record, including materials not available through *http://www.regulations.gov,* are available for inspection and copying in the OSHA Docket Office (see **ADDRESSES** section). Please contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the public docket.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, also are available on the Directorate of Whistleblower Protections Programs' Web page at: *http://www.whistleblowers.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 5 U.S.C. App. 2, 41 CFR part 102–3, chapter 1600 of Department of Labor Management Series 3 (Aug. 15, 2013), 77 FR 3912 (Jan. 25, 2012), and the Secretary of Labor's authority to administer the whistleblower provisions found in 29 U.S.C. 660(c), 49 U.S.C. 31105, 15 U.S.C. 2651, 46 U.S.C. 80507, 42 U.S.C. 300j–9(i), 33 U.S.C. 1367, 15 U.S.C. 2622, 42 U.S.C. 6971, 42 U.S.C. 7622, 42 U.S.C. 9610, 42 U.S.C. 5851, 49 U.S.C. 42121, 18 U.S.C. 1514A, 49 U.S.C. 60129, 49 U.S.C. 20109, 6 U.S.C. 1142, 15 U.S.C. 2087, 29 U.S.C. 218c, 12 U.S.C. 5567, 46 U.S.C. 2114, 21 U.S.C. 399d, and 49 U.S.C. 30171.

Signed at Washington, DC on March 17, 2016.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2016–06519 Filed 3–22–16; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Extension of Existing Collection; Comment Request

AGENCY: Division of Federal Employees' Compensation, Office of Workers' Compensation Programs

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection:

Claim for Reimbursement—Assisted Reemployment (CA–2231). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 23, 2016.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3323, Washington, DC 20210, telephone (202) 354–9647, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act

(FECA) under 5 U.S.C. 8101 *et seq.* Section 8104(a) of the FECA provides vocational rehabilitation services to eligible injured workers to facilitate their return to work. The costs of providing these vocational rehabilitation services are paid from the Employees' Compensation Fund. Annual appropriations language (currently in Pub. L. 114–113), provides OWCP with legal authority to use amounts from the Fund to reimburse private sector employers for a portion of the salary of reemployed FECA claimants hired through OWCP's assisted reemployment program. Information collected on Form CA–2231 provides OWCP with the necessary remittance information for the employer, documents the hours of work, certifies the payment of wages to the claimant for which reimbursement is sought, and summarizes the nature and costs of the wage reimbursement program for a prompt decision by OWCP. This information collection is currently approved for use through July 31, 2016.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* 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 submissions of responses.

III. Current Actions

The Department of Labor seeks extension of approval to collect this information to ensure timely and accurate payments to eligible employers for reimbursement claims.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Claim for Reimbursement-Assisted Reemployment.

OMB Number: 1240–0018.

Agency Number: CA–2231.

Affected Public: Business or other for-profit, Not-for-profit institutions.

Total Respondents: 32.

Total Annual Responses: 128.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 64.

Frequency: Quarterly.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $67.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 17, 2016.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2016–06491 Filed 3–22–16; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (16–024)]

Applied Sciences Advisory Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Applied Sciences Advisory Committee (ASAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the applied sciences community and other persons, scientific and technical information relevant to program planning.

DATE: Tuesday, April 19, 2016, 11:00 a.m. to 2:00 p.m., Eastern Daylight Time (EDT).

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov*.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 1–844–467–4685, passcode 635840, followed by the # sign, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/;* the meeting number is 995 194 812 and the password is @ April19.

The agenda for the meeting includes the following topics:

- Overview of 2016 Applied Sciences Program Budget.
- Continuity Study.
- Status of User Working Groups and Science Teams.
- Update on Status of Decadal Survey.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2016–06461 Filed 3–22–16; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0256]

Information Collection: NRC Form 136, ''Security Termination Statement''

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 136, ''Security Termination Statement.''

DATES: Submit comments by May 23, 2016. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0256. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0256 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–2015–0256. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0256.

• *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML16071A051. The supporting statement is available in ADAMS under Accession No. ML16014A605.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2015–0256 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions 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, and 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 into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 136, ''Security Termination Statement.''

2. *OMB approval number:* 3150–0049.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 136.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* NRC Employees, licensees and contractors.

7. *The estimated number of annual responses:* 300.

8. *The estimated number of annual respondents:* 300.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 50.

10. *Abstract:* The NRC Form 136 is completed by licensees and contractors that are leaving the NRC to acknowledge and accept their continuing security responsibility.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 17th day of March 2016.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2016–06497 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0023]

Information Collection: Access Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Access Authorization.''

DATES: Submit comments by May 23, 2016. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0023. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear

Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0023 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0023. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2016–0023 on this Web site.

• *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 supporting statement is available in ADAMS under Accession No. ML16013A043.

• *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.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2016–0023 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions 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, and 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 into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 25, ''Access Authorization.''

2. *OMB approval number:* 3150–0046.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* N/A.

5. *How often the collection is required or requested:* On Occasion.

6. *Who will be required or asked to respond:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

7. *The estimated number of annual responses:* 330.

8. *The estimated number of annual respondents:* 78.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 156.

10. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 17th day of March 2016.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2016–06496 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on AP1000; Notice of Meeting

The ACRS Subcommittee on AP1000 will hold a meeting on April 5, 2016, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Tuesday, April 5, 2016—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the issues related to AP1000 generic design changes, including condensate return cooling system design change, main control room operator dose, main control room heat load, and hydrogen vent in containment. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Peter Wen (Telephone 301–415–2832 or Email:

Peter.*Wen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 16, 2016.

Mike Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–06587 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Meeting of the ACRS Subcommittee on Reliability and PRA; Notice of Meeting

The ACRS Subcommittee on Reliability and PRA will hold a meeting on April 6, 2016, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect security information pursuant to 5 U.S.C. 552b(c)(1). The agenda for the subject meeting shall be as follows:

Wednesday, April 6, 2016—8:30 a.m. until 5:00 p.m.

The Subcommittee will hold a meeting to receive information on the security regulatory framework for nuclear power plants and planned activities to more explicitly incorporate vulnerability assessment results into NRC's regulatory approach. The Subcommittee will hear presentations by and hold discussions with the NRC staff, other federal agencies, and interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christiana Lui (Telephone 301–415–2492 or Email: *Christiana.Lui@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 16, 2016.

Mike Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–06582 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Digital I&C Systems; Notice of Meeting

The ACRS Subcommittee on Digital I&C Systems will hold a meeting on April 4, 2016, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Monday, April 4, 2016—1:00 p.m. Until 5:00 p.m.

The Subcommittee will review the draft safety evaluation associated with the Diablo Canyon Power Plant, Unit 1 and Unit 2, digital replacement of the Process Protection System license amendment request. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters

should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015, (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: February 24, 2016.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–06593 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Thermal Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on April 19, 2016, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Thursday, April 19, 2016—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review the Westinghouse Topical Report WCAP–16996P, ''Release of Loss-of-Coolant Accident Evaluation Methodology Applied to Full Spectrum of Break Sizes.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and Westinghouse regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Zena Abdullahi (Telephone 301–415–8716 or Email: *Zena.Abdullahi@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015, (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Date: March 16, 2016.

Mike Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–06595 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the ACRS Subcommittee on Planning and Procedures

Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 6, 2016, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, April 6, 2016—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings

were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: March 16, 2016.

Mike Snodderly,

Acting Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2016–06585 Filed 3–22–16; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Approval of Alternative Arbitration Procedure; American Arbitration Association

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation (''PBGC'') has received a request from the American Arbitration Association (''AAA'') for approval of an Alternative Arbitration Procedure under section 4221 of the Employee Retirement Income Security Act of 1974, as amended, and 29 CFR 4221.14. The purpose of this notice is to advise interested persons of the AAA application for approval and solicit their views on it.

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

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: reg.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

Comments received, including personal information provided, will be posted to *www.pbgc.gov.* Copies of comments and non-confidential portions of the request may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026 or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Bruce Perlin (*Perlin.Bruce@PBGC.gov*), 202–326–4020, ext. 6818 or Jon Chatalian (*Chatalian.Jon@PBGC.gov*), ext. 6757, Office of the Chief Counsel, Suite 340, 1200 K Street NW., Washington, DC 20005–4026; (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020.)

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980 (''MPPAA'') requires ''any dispute'' between an employer and a multiemployer pension plan concerning a withdrawal liability determination to be ''resolved through arbitration.'' ERISA § 4221(a)(1). Under the MPPAA, an employer has 90 days after receipt of notice of a withdrawal liability assessment to request review of that assessment. ERISA § 4219(b)(2)(A). If there remains a dispute about the assessment of withdrawal liability, the employer may ''initiate'' arbitration of the dispute within a 60-day period after the earlier of (i) the date the employer was notified of the plan's response to the employer's request for review, or (ii) 120 days after the date that the employer requested review of the withdrawal liability. ERISA § 4221(a)(1). If the employer fails to timely initiate arbitration, the assessment becomes due and owing and the plan sponsor may bring an action in a state or federal court to collect the assessment. ERISA § 4221(b).

The MPPAA directed PBGC to promulgate fair and equitable procedures for the conduct of an arbitration under ERISA § 4221. PBGC's implementing regulations (29 CFR part 4221) were designed to provide procedures to facilitate prompt resolution of disputes by an impartial arbitrator, facilitating expeditious resolutions of disputes concerning an employer's withdrawal liability. PBGC's default arbitration procedures provide rules for the appointment and powers of the arbitrator, rules for discovery and hearings, and rules for awards, costs, filing and service (§§ 4221.4–4221.13).

Scope of Alternative Arbitration Procedures

In lieu of the default procedures, under 29 CFR 4221.14, an arbitration may be conducted in accordance with an alternative arbitration procedure approved by the PBGC in accordance with § 4221.14(c). Certain rules applicable to the default procedures cannot be varied in any alternative procedure. 29 CFR 4221.14(b). If an arbitration is conducted under a PBGC-approved alternative procedure, the alternative procedure governs all aspects of the arbitration, with the following exceptions provided in 4221.14(b): The time limits for initiating arbitration may not differ from the time limits provided 4221.3; the arbitrator must be selected after the initiation of arbitration; the arbitrator must give the parties an opportunity for prehearing discovery that is substantially equivalent to that required by § 4221.5(a)(2); copies of the award must be made available to the public at least to the extent mandated by § 4221.8(g); and the arbitration costs must be allocated in accordance with § 4221.10.

Process for Approval of Alternative Arbitration Procedures

Under § 4221.14(c), PBGC may approve alternative arbitration procedures on its own initiative by publishing an appropriate notice in the **Federal Register**. Additionally, the sponsor of an arbitration procedure may request PBGC approval of its procedures by submitting an application to the PBGC. The application must include: (1) A copy of the procedures for which approval is sought; (2) a description of the history, structure and membership of the organization that sponsors the procedures; and (3) a description of the reasons why, in the sponsoring organization's opinion, the procedures satisfy the criteria for approval set forth in this section.

Criteria for Approval of Alternative Procedures

Under 4221.21(d), PBGC shall approve an application if it determines that the proposed procedures will be substantially fair to all parties involved in the arbitration of a withdrawal liability dispute and that the sponsoring organization is neutral and able to carry out its role under the procedures. PBGC may request comments on the application by publishing an appropriate notice in the **Federal**

Register and notice of PBGC's decision on the application shall be published in the **Federal Register**. Unless the notice of approval specifies otherwise, approval will remain effective until revoked by the PBGC through a **Federal Register** notice.

AAA's Alternative Arbitration Rules—1981 & 1986 MPPAR

In 1985, on its own initiative, PBGC approved the 1981 Multiemployer Pension Plan Arbitration Rules for Withdrawal Liability Disputes (the ''1981 MPPAR''), an alternative arbitration procedure sponsored by the International Foundation of Employee Benefit Plans and administered by AAA. 50 FR 38046 (Sept. 19, 1985). In 1986, PBGC approved AAA's request to use an amended MPPAR (the ''1986 MPPAR'') which eliminated certain procedural differences between the 1981 MPPAR and PBGC's final arbitration regulation. 51 FR 22585 (June 20, 1986). The administrative fee schedule for handling arbitrations in the 1986 MPPAR was applicable until 2013, when AAA adopted an updated 2013 Fee Schedule, creating a revised MPPAR, effective February 1, 2013 (''2013 MPPAR''). The new Administrative Fee Schedule provides for increases to the Initial Filing Fee, establishes two different fee arrangements—the Standard and Flexible Fee Schedules, and adds a ''Final Fee'' under each schedule and a ''Proceed Fee'' in the flexible schedule context. Other than significant changes to the Administrative Fee Schedule, the 2013 MPPAR are identical to the 1986 MPPAR that PBGC previously approved. Under 4221.14, AAA has requested PBGC's approval of the updated 2013 Fee Schedule (the ''Application'').

AAA's Application included the necessary information under 4221.14(c): A copy of the 2013 Fee Schedule; a description of the history, structure and membership of AAA; and a discussion of the reasons why, in AAA's opinion, the 2013 Fee Schedule satisfies the criteria for PBGC approval under § 4221.14(d).

A copy of AAA's Application can be found at: *http://www.pbgc.gov/prac/pg/other/guidance/multiemployer-notices.html.*

Request for Comments

All interested persons are invited to submit written comments on the pending Application request. All comments will be made part of the administrative record.

Issued in Washington, DC, on this 15th day of March, 2016.

W. Thomas Reeder,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2016–06565 Filed 3–22–16; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0194, Annuity Supplement Earnings Report, RI 92–22

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0194, Annuity Supplement Earnings Report, RI 92–22. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on August 11, 2015 at Volume 80 FR 48125 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 22, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Retirement Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–0001, Attention: Alberta Butler, Room 2347E, or sent via email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

RI 92–22, Annuity Supplement Earnings Report, is used each year to obtain the earned income of Federal Employees Retirement System (FERS) annuitants receiving an annuity supplement. The annuity supplement is paid to eligible FERS annuitants who are not retired on disability and are not yet age 62. The supplement approximates the portion of a full career Social Security benefit earned while under FERS and ends at age 62. Like Social Security benefits, the annuity supplement is subject to an earnings limitation.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Annuity Supplement Earnings Report.

OMB Number: 3206–0194.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 13,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 3,250.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–06552 Filed 3–22–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Reemployment of Annuitants

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an existing information collection request (ICR) 3206–0211, Reemployment of Annuitants. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until May 23, 2016. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Retirement Services, 1900 E Street NW., Room 2347E, Washington, DC 20415–3500, Attention: Alberta Butler or sent via electronic mail to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: 5 CFR 837.103, Reemployment of Annuitants, requires agencies to collect information from retirees who become employed in Government positions. Agencies need to collect timely information regarding the type and amount of annuity being received so the correct rate of pay can be determined. Agencies provide this information to OPM so a determination can be made whether the reemployed retiree's annuity must be terminated. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: 5 CFR 837.103, Reemployment of Annuitants.

OMB Number: 3206–0211.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 3,000.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 250.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–06551 Filed 3–22–16; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System Board of Actuaries Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Civil Service Retirement System Board of Actuaries plans to meet on Friday, July 8, 2016. The meeting will start at 10:00 a.m. EDT and will be held at the U.S. Office of Personnel Management (OPM), 1900 E Street NW., Room 1350, Washington, DC 20415.

The purpose of the meeting is for the Board to review the actuarial methods and assumptions used in the valuations of the Civil Service Retirement and Disability Fund (CSRDF).

Agenda

1. Summary of recent and proposed legislation and regulations;

2. Review of actuarial assumptions.

Persons desiring to attend this meeting of the Civil Service Retirement System Board of Actuaries, or to make a statement for consideration at the meeting, should contact OPM at least 5 business days in advance of the meeting date at the address shown below. The manner and time for any material presented to the Board may be limited.

FOR FURTHER INFORMATION CONTACT: Gregory Kissel, Senior Actuary for Retirement Programs, U.S. Office of Personnel Management, 1900 E Street NW., Room 4316, Washington, DC 20415. Phone (202) 606–0722 or email at *actuary@opm.gov.*

For the Board of Actuaries.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–06550 Filed 3–22–16; 8:45 am]

BILLING CODE 6325–63–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–123; Order No. 3159]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional International Business Reply Service Competitive Contract 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 24, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On March 16, 2016, the Postal Service filed notice that it has entered into an additional International Business Reply Service Competitive Contract 3 (IBRS 3) negotiated service agreement (Agreement).[1]

[1] Notice of the United States Postal Service Filing of a Functionally Equivalent International Business Reply Service Competitive Contract 3 Negotiated Service Agreement, March 16, 2016 (Notice).

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–123 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than March 24, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–123 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than March 24, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–06472 Filed 3–22–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–124; Order No. 3161]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning notice to enter into an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 24, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

On March 16, 2016, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2016–124 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than March 24, 2016. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2016–124 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than March 24, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–06545 Filed 3–22–16; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, March 16, 2016 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–75; Order No. 3158]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to a Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 24, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On March 16, 2016, the Postal Service filed notice that it has agreed to a modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of Modification Two and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Modification Two and supporting financial information under seal. The Postal Service seeks to

[1] Notice of the United States Postal Service of Filing Modification Two to Global Expedited Package Services 3 Negotiated Service Agreement, March 16, 2016 (Notice). The modification is an attachment to the Notice (Modification Two).

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 1–2.

Modification Two amends Annex 1 of the agreement, setting forth the postage prices for Priority Mail Express International and Priority Mail International mail. *Id.* at 1; *see id.* Attachment 1 at 3.

The Postal Service intends for Modification Two to become effective on April 1, 2016. Notice at 1. The Postal Service asserts that Modification Two will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.* Attachment 2.

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 24, 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. CP2015–75 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 24, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–06471 Filed 3–22–16; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Wednesday, March 30, 2016, at 10:00 a.m.

PLACE: via Teleconference.

STATUS: *Committee Changes the Date and Time of its meeting scheduled for March 21, 2016:* On March 17, 2016, the Temporary Emergency Committee of the Board of Governors of the United States Postal Service agreed unanimously to change the date of the meeting previously scheduled for March 21, 2016, via teleconference, to March 30, 2016, and to begin its closed meeting session at 10:00 a.m., rather than the previously announced time of 4:00 p.m.

MATTERS TO BE CONSIDERED:

Wednesday, March 30, 2016, at 10:00 a.m.

1. Strategic Issues.
2. Financial Matters.
3. Pricing/Product Development Matters.
4. Personnel Matters and Compensation Issues.
5. Executive Session—Discussion of prior agenda items and Board governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR INFORMATION: Requests for information about the meeting should be addressed to the Secretary of the Board, Julie S. Moore, at 202–268–4800.

Julie S. Moore.

Secretary, Board of Governors.

[FR Doc. 2016–06610 Filed 3–21–16; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77390; File No. SR–MSRB–2016–01]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of a Proposed Rule Change Consisting of Proposed Amendments to Rule A–3, on Membership on the Board

March 17, 2016.

I. Introduction

On January 15, 2016, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''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 consisting of proposed amendments to the MSRB Rule A–3, on membership on the Board (the ''proposed rule change'').

The proposed rule change was published for comment in the **Federal Register** on February 4, 2016.[3] The Commission received two comment letters on the proposed rule change.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Board is comprised of 21 members [5] who, collectively, govern the MSRB to carry out its mission primarily by regulating dealers and municipal advisors, providing market transparency through its Electronic Municipal Market Access (EMMA) Web site, and conducting market leadership, outreach and education. Many general and some more detailed aspects of the Board's composition are set forth in the Act.[6] It categorizes the members of the Board into two broad groups: Individuals who must be associated with a broker, dealer or municipal securities dealer (''dealer'') or municipal advisor (collectively, ''Regulated Representatives''), and individuals who must be independent of any dealer or municipal advisor (''Public Representatives'').[7] The Act then specifies that the number of Public Representatives must at all times exceed the number of Regulated Representatives,[8] and sets minimum requirements for certain types of individuals to serve in the two groups.[9]

Congress also delegated authority to the MSRB to determine many aspects of Board composition by rule, including the size of the Board and the length of the term of Board member service.[10] Currently, the Board is divided into three seven-member classes that serve staggered, three-year terms.[11] The MSRB stated that under this framework, total

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 76999 (Jan. 29, 2016), 81 FR 6088 (Feb. 4, 2016) (the ''Proposing Release'').

[4] *See* Letters from Lisa S. Good, Executive Director, National Federation of Municipal Analysts (''NFMA''), dated February 25, 2016 (''NFMA Letter''); and Michael Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA''), dated February 25, 2016 (''BDA Letter'').

[5] *See* MSRB Rule A–3(a).

[6] *See* 15 U.S.C. 78*o*–4(b)(1). MSRB Rule A–3 further establishes the Board's composition.

[7] *See* 15 U.S.C. 78*o*–4(b)(1); MSRB Rule A–3(a)(i)–(ii).

[8] *See* 15 U.S.C. 78*o*–4(b)(2)(B)(i).

[9] *See* 15 U.S.C. 78*o*–4(b)(1); MSRB Rule A–3(a).

[10] The Act provides that ''[t]he members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board,'' and that the rules of the Board ''specify the length or lengths of terms members shall serve.'' 15 U.S.C. 78*o*–4 (b)(1), (b)(2)(B)(ii).

[11] *See* MSRB Rule A–3(b)(i).

Board tenure typically is no more than three years because Board members may only serve consecutive terms under two limited scenarios: (1) By invitation from, and due to special circumstances as determined by, the Board; or (2) having filled a vacancy and, therefore, having served only a partial term.[12]

According to the MSRB, the proposed rule change would lengthen the term of Board member service from three years to four years, and facilitate the new, longer term length by increasing the number of Board classes and adjusting their sizes.[13] Additionally, the MSRB has stated that the proposed rule change would limit the number of consecutive terms a Board member can serve to two, and eliminate the requirement that there be at least one non-dealer municipal advisor per Board class.[14] Finally, the MSRB has stated that the proposed amendments would delete an obsolete provision from the rule and provide a technical update to the name of a Board committee.[15] The MSRB believes that the proposed rule change would ensure greater continuity and institutional knowledge from year to year, particularly through the rulemaking process, and increase overall efficiency, while maintaining the benefits of having a significant number of new Board members join the organization each year.[16] A full description of the proposed rule change is contained in the Proposing Release.

1. Lengthening the Term of Board Member Service and Increasing the Number of Board Classes

The MSRB has proposed increasing both the Board member term length from three years to four years and the number of Board classes from three to four.[17] The MSRB has proposed that one class would be comprised of six members and three classes comprised of five members.[18] The MSRB has stated that it believes that having members serve on the Board for a fourth year would improve the continuity and institutional knowledge of the Board from year to year which is important for the MSRB rulemaking process which can often span multiple years from conception to full implementation.[19] The MSRB has further stated that the proposed changes would ensure that the MSRB nominates and elects new members every year, maintains classes that are as evenly distributed in size as possible, and has a Board composition that always satisfies the statutorily-required position allocations.[20] According to the MSRB, such changes would result in a consistent and manageable turnover from year to year.[21] The MSRB has further represented that the classes would continue to be as evenly divided in number as possible between Public Representatives and Regulated Representatives, while also remaining majority public as is required by the Act and Rule A–3(a) and (b)(i).[22]

2. Establishing a Limit on Consecutive Terms

The MSRB has proposed that a Board member could serve no more than two consecutive terms, eight years in total, which could only occur under the a special circumstances exception.[23] The MSRB has stated that this added provision would ensure that the special circumstances exception is not overused, mitigate some commenters' concerns of Board members becoming too dominant and unduly influential, assure appropriate turnover of Board membership, and help maintain a robust pool of applicants for Board service.[24] The MSRB believes this modification reflects good corporate governance practices as applied to the particular characteristics of the MSRB.[25]

3. Eliminating Requirement of One Non-Dealer Municipal Advisor

The MSRB has proposed eliminating the requirement that there be at least one non-dealer municipal advisor per class.[26] The MSRB has stated that it is proposing this change because the proposed amendments would result in the creation of four classes which would create an obligation that the Board always includes four non-dealer municipal advisors, which could potentially diminish representation of other regulated entities.[27] The MSRB has represented that the proposed rule change would not affect the existing requirement in Rule A–3(a)(ii)(3) that for the Board as a whole ''at least one, and not less than 30 percent of the total number of [R]egulated [R]epresentatives, shall be associated with and representative of municipal advisors and shall not be associated with a broker, dealer or municipal securities dealer.'' [28] The MSRB has stated that nothing in this proposed change would reduce the minimum required representation of municipal advisors and such proposed change would not prohibit the MSRB from deciding to include more than three non-dealer municipal advisors on the Board.[29] The MSRB has represented that all other provisions in Rule A–3(b)(i) would remain unchanged.[30]

Clarifying and Technical Amendments

The MSRB has proposed two amendments to delete an obsolete provision and make a technical update. The MSRB believes that these changes will improve the clarity and readability of MSRB Rule A–3.

The MSRB has stated that MSRB Rule A–3(h) currently describes the transition process the MSRB used to increase its Board size from 15 to 21 members during its fiscal years 2013 and 2014.[31] The MSRB has stated that the proposed rule change would delete this provision from MSRB Rule A–3 because that process has been completed and the provision is therefore obsolete.[32]

Additionally, MSRB Rule A–3(g)(ii) makes reference to the ''Nominating Committee,'' which is now called the ''Nominating and Governance Committee.'' [33] The MSRB has stated that the proposed rule change would provide a technical update to the reference of the current name of the committee which would promote the accuracy of the rule.[34]

Transition Plan

In order to effectuate the changes in term length and the number and size of classes, the MSRB has proposed a transition plan (the ''Transition Plan''), under which each Board member, who was elected prior to, and whose term ends on or after the end of, the MSRB's fiscal year 2016,[35] could be considered for a term extension not exceeding one year.[36] The MSRB has represented that this process would occur over fiscal years 2017, 2018 and 2019 and that the transition would proceed as follows: (1) For fiscal year 2017, one Public Representative from the Board class of 2016 (*i.e.,* members who began a three-year term on October 1, 2013) would

[12] *Id.*
[13] *See supra* note 3.
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *See* Rule A–3(b)(i).
[24] *See supra* note 3.
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] The MSRB's fiscal year commences on October 1 of a given year and ends on September 30 of the following year.
[36] *See supra* note 3.

receive a one-year extension and six new members would join the Board; (2) for fiscal year 2018, one Public and two Regulated Representatives from the Board class of 2017 (*i.e.,* members who began a three-year term on October 1, 2014) each would receive a one-year extension and five new members would join the Board; and (3) for fiscal year 2019, three Public and two Regulated Representatives from the Board class of 2018 (*i.e.,* members who began a three-year term on October 1, 2015) each would receive a one-year extension and five new members would join the Board.[37] The MSRB has stated that the full Board would vote by ballot on all members eligible for term extensions to determine who receives them.[38] Further, the MSRB has noted that the selection of Board members whose terms would be extended would be in compliance with the statutorily-required compositional requirements of the Board, and the Board would continue to consist of 21 members with a majority of Public Representatives.[39] The MSRB has represented that in fiscal year 2020, no further extensions would be required and five new members would join the Board, completing the transition to four classes and from that point forward, the Board would repeatedly nominate and elect classes in the sequence of six, five, five, and five members.[40] The MSRB has further stated that while there are numerous possible combinations of the number of Board classes and the number of members in each class, they believe this specific combination would achieve the transition expeditiously and efficiently while minimizing any disruption from the changes.[41]

III. Summary of Comments Received

As noted previously, the Commission received two comment letters on the proposed rule change.[42] The NFMA Letter expressed general support and agreement with the proposed rule change.[43] The BDA Letter also expressed general support and agreement with the proposed rule change, but noted interest in seeing the MSRB continue to strengthen its training of future Board members and to continue to reevaluate its training program to ensure it reflects changes in market practices and new regulations.[44] BDA made a substantially similar comment [45] in response to the MSRB's Request for Comment,[46], and the MSRB responded to such comment in the Proposing Release.[47] Full descriptions of the comments are contained in the comment letters.[48]

Increase in Term Length—Training

The MSRB noted that this comment by BDA addresses internal MSRB matters and does not suggest any revision to the language of the amendments in the proposed rule change.[49] The MSRB further stated that the MSRB already allocates significant resources to educating new Board members as part of a robust and dedicated orientation process that begins prior to the commencement of their terms and focuses on organizational and other substantive matters, including, but not limited to, rulemaking and other large initiatives.[50] Finally, the MSRB represented that it already routinely revises and improves this process with the benefit of each successive experience orienting new Board members.[51]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change as well as the comments received. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB.

In particular, the Commission finds that the rule change is consistent with Section 15B(b)(2)(B) of the Act, which provides that the MSRB's rules shall:

> establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of [P]ublic [R]epresentatives, broker dealer representatives, bank representatives, and advisor representatives. Such rules—
>
> (i) shall provide that the number of [P]ublic [R]epresentatives of the Board shall at all times exceed the total number of [R]egulated [R]epresentatives and that the membership shall at all times be as evenly divided in number as possible between [P]ublic [R]epresentatives and [R]egulated [R]epresentatives;
>
> (ii) shall specify the length or lengths of terms members shall serve;
>
> (iii) may increase the number of members which shall constitute the whole Board, provided that such number is an odd number; and
>
> (iv) shall establish requirements regarding the independence of public representatives.

The Commission believes the increase of the term length from three to four years, the change in the number and size of Board classes from three classes of seven members to one class of six and three classes of five, and the elimination of the requirement that there be one non-dealer municipal advisor per class are consistent with the Act in that the composition of the Board would continue to satisfy the requirements of the Act. Further, the Commission believes the limitation of consecutive terms to two, totaling a maximum of eight years of consecutive service, is consistent with the Act in that it specifies the length of term that Board members can serve when the MSRB invokes the special circumstances exception.

Further, the Commission finds that the proposed deletion of the transition process described in MSRB Rule A–3(h) is consistent with the Act because removing the obsolete provision improves the clarity and readability of the rule. The Commission also believes the proposed update to the reference to the ''Nominating and Governance Committee'' in MSRB Rule A–3(g)(ii) is consistent with the Act because it enhances the accuracy of the rule in regard to a reference to a component of the Board's governance structure.

In approving the proposed rule change, the Commission has also considered the proposed rule change's impact on efficiency, competition, and capital formation.[52] The Commission believes that the effect of the proposed rule is beneficial and the proposed changes will improve the effectiveness and efficiency of the Board by providing the Board with increased continuity and institutional knowledge particularly in connection with the rulemaking process. The Commission 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.

For the reasons noted above, the Commission believes that the proposed rule change is consistent with the Act.

MSRB Execution of the Transition Plan

In evaluating the proposed rule change, the Commission has considered the Transition Plan to effectuate the changes in term length and the number

[37] *Id.*

[38] *Id.*

[39] *See supra* notes 3, 5 and 7–9.

[40] *See supra* note 3.

[41] *Id.*

[42] *See supra* note 4.

[43] *See* NFMA Letter.

[44] *See* BDA Letter.

[45] *See* Letter from Michael Nicholas, Chief Executive Officer, BDA, dated November 19, 2015.

[46] Request for Comment on Draft Amendments to MSRB Rule A–3 to Lengthen the Term of Board Member Service, MSRB Notice 2015–18 (Oct. 5, 2015) (''MSRB Request for Comment'').

[47] *See supra* note 3.

[48] *See supra* notes 4 and 33.

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] 15 U.S.C. 78c(f).

and size of Board classes proposed by the MSRB in the Proposing Release.[53] The Commission's approval of the proposed rule change is premised on the MSRB executing the Transition Plan.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[54] that the proposed rule change (SR–MSRB–2016–01) be, and hereby is,approved.

For the Commission, pursuant to delegated authority.[55]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06452 Filed 3–22–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77401; File No. SR–NYSEMKT–2016–12]

Self-Regulatory Organizations; NYSE MKT LLC; Order Approving Proposed Rule Change Amending the NYSE MKT Company Guide To Create a New Section 146 Under Which a Certain Category of Newly Listed Issuers Would Be Entitled To Receive Complimentary Products and Services From the Exchange

March 17, 2016.

I. Introduction

On January 14, 2016, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the NYSE MKT Company Guide (''Company Guide'') to create a new Section 146 under which a certain category of newly listed issuers (''Eligible New Listings'') would be entitled to receive complimentary products and services from the Exchange. The proposed rule change was published for comment in the **Federal Register** on February 3, 2016.[3] No comment letters were received in response to the Notice. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to adopt Section 146 of the Company Guide to offer the following complimentary products and services to Eligible New Listings[4] on the Exchange: Web-hosting products and services (with an approximate commercial value of $16,000 per year), web-casting services (with an approximate commercial value of $6,500 per year), whistleblower hotline services (with an approximate commercial value of $4,000 per year), news distribution products and services (with an approximate commercial value of $20,000 per year), and corporate governance tools (with an approximate commercial value of $15,000 per year).[5]

The Exchange proposes to provide Eligible New Listings with such products and services for a period of 24 calendar months, which period would begin on the date of listing on the Exchange.[6] Notwithstanding the foregoing, however, the proposal provides that if an Eligible New Listing begins to use a particular product or service under proposed Section 146 within 30 days of its initial listing date, the complimentary period will begin on the date of first use.[7] Under the proposal, Eligible New Listings may elect to receive some or all of the products and services for which they are eligible under Section 146 of the Company Guide and are under no obligation to accept any product or service for which they are eligible.[8]

The Exchange states that the specific products and services offered by the Exchange will be developed by the Exchange or by third-party vendors.[9] The Exchange states that NYSE Governance Services, an entity that is owned by the Exchange's parent company that provides corporate governance, risk, and compliance services to its clients, which include companies listed on the Exchange, will offer and develop the corporate governance tools provided to Eligible New Listings, but will not provide any other service related to the proposed rule.[10]

The Exchange proposes to codify in proposed Section 146 of the Company Guide that all companies listed on the Exchange are entitled to certain complimentary products and services via the Exchange's Market Access Center, as described on the Exchange's Web site.[11] The Exchange represents that all issuers listed on the Exchange have access to the Exchange's Market Access Center on the same basis and that the products and services currently available through the Exchange's Market Access Center have a commercial value of approximately $50,000.[12]

III. Discussion and Commission Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of Section 6 of the Act.[13]

[53] *See supra* note 3.

[54] 15 U.S.C. 78s(b)(2).

[55] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76996 (January 28, 2016), 81 FR 5803 (''Notice'').

[4] For the purposes of the proposed rule, the term ''Eligible New Listing'' means (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 101 or 110 of the Company Guide for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering, (ii) any U.S. or non-U.S. company that transfers its listing of common stock or equity securities, respectively, to the Exchange from another national securities exchange and (iii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), and carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering). For purposes of the proposed rule, ''equity securities'' means common stock or common share equivalents such as ordinary shares, New York shares, global shares, American Depository Receipts, or Global Depository Receipts. *See* proposed Section 146 of the Company Guide.

[5] *See* proposed Section 146 of the Company Guide.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *See* Notice, *supra* note 3, at 5804.

[10] *Id.* In its filing, the Exchange stated its belief that NYSE Governance Services is not a ''facility'' of the Exchange as defined in 15 U.S.C. 78c(a)(2), and noted that its proposed rule change is being filed with the Commission under Section 19(b)(2) of the Act because it relates to services offered in connection with a listing on the Exchange. *See id.* at 5804 n.6. The Commission notes that the definition of a ''facility'' of an exchange is broad under the Act, and ''includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange . . . and any right of the exchange to the use of any property or service.'' The Commission further notes that any determination as to whether a service or other product is a facility of an exchange requires an analysis of the particular facts and circumstances.

[11] *See* Notice, *supra* note 3, at 5804. According to the Exchange, the Market Access Center is a market information analytics platform that is a combination of technology-enabled market intelligence insight and a team of highly skilled market professionals. According to the Exchange, the platform was created to provide issuers with better market insight and information across all exchanges and trading venues and includes products and services that were (i) developed by the Exchange using proprietary data and/or intellectual property or (ii) built by a third-party expressly for the Exchange's listed companies. According to the Exchange, within this platform all issuers have access to tools and information related to market intelligence, education, investor outreach, media visibility, corporate governance, and advocacy initiatives. For example, the Market Access Center offers daily trading summaries, a trading alert system highlighting user-defined trading or market events, and a Web site featuring timely content for Exchange-listed senior executives featuring trading information, market data, and institutional ownership. *Id.*

[12] *See id.*

[13] 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the

Continued

Specifically, the Commission finds that the proposal is consistent with Sections 6(b)(4) [14] and 6(b)(5) of the Act [15] in particular, in that the proposed rule is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Moreover, the Commission believes that the proposed rule change is consistent with Section 6(b)(8) of the Act [16] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that the proposed rule change, which would permit the Exchange to provide additional complimentary products and services to Eligible New Listings, as well as services to all listed companies through the Exchange's Market Access Center, as described above,[17] is appropriate and consistent with the Act. The Commission believes that by describing in the Company Guide the products and services available to listed companies and the values of the products and services, the Exchange is adding greater transparency to its rules and the fees applicable to such companies. This will help to ensure that individual listed companies are not given specially negotiated packages of products and services to list or remain listed that would raise unfair discrimination issues under the Act.

The Commission notes that while all listed companies will receive some services from the Exchange via the Exchange's Market Access Center, some listed companies will receive additional products and services for 24 months from the date of listing based on their status as an Eligible New Listing. The Commission notes that Section 6(b)(5) of the Act does not require that all issuers be treated the same; rather, the Act requires that the rules of an exchange not unfairly discriminate between issuers. The Commission believes that the Exchange has provided a sufficient basis for its different treatment of Eligible New Listings and that this portion of the Exchange's proposal meets the requirements of the Act in that it reflects competition between exchanges, with the Exchange offering additional products and services to those companies choosing to list for the first time on the Exchange or transferring their listing from a competing exchange. In making this determination, the Commission notes that the provision of services under the proposal is for a limited duration and that the Exchange has provided a reasonable basis for deciding to treat Eligible New Listings differently from other listed companies. Among other things, the Exchange has stated that the offered products and services will help to ease the transition of these companies that are becoming public for the first time or are transferring their listing to a new exchange.[18] In addition, all Eligible New Listings will receive the same package of services. Further, the Exchange states that it hopes to better compete with the Nasdaq Global Market for listings in the future.[19] The Commission has also previously approved proposals providing different services to newly-listed issuers, including those transferring their listing from another exchange, and has found this consistent with Sections 6(b)(4) and 6(b)(5) of the Act.[20] The Commission notes that, according to the Exchange, Nasdaq offers similar products and services to new listings and those companies transferring their listing from the New York Stock Exchange.[21]

Accordingly, based on the factors noted above, the Commission believes that the proposed rule changes to the Company Guide are consistent with the requirements of the Act and, in particular, that the products and services and their commercial value are equitably allocated among issuers consistent with Section 6(b)(4) of the Act, and the rule does not unfairly discriminate between issuers consistent with Section 6(b)(5) of the Act.

The Commission also believes that it is consistent with the Act for the Exchange to allow the complimentary period for a particular service offered to Eligible New Listings to begin on the date of first use if a company begins to use the service within 30 days after the date of listing. According to the Exchange, companies listing on the Exchange for the first time often require a period of time after listing to complete the contracting and training process with vendors providing the complimentary products and services.[22] Therefore, many companies are not able to begin using the suite of products offered to them immediately on the date of listing.[23] The Commission notes that this proposed change is substantially similar to Nasdaq Rule IM–5900–7, which also allows a company to begin using services within 30 days of listing.[24] As noted in the Nasdaq Order, the Commission believes that this change would provide only a short window of additional time to allow companies to finalize their contracts for the complimentary products and services, and that this additional time would only be available to companies that have already determined to list on the Exchange.[25]

The Exchange will provide the corporate governance tools to Eligible New Listings through an affiliated service provider, and all other products and services will be developed by the Exchange or by third-party vendors. The Exchange has represented that listed companies that are offered products under Section 146 of the Company Guide are under no obligation to accept them and a company's listing on the Exchange is not conditioned upon acceptance of any product or service. Moreover, the Exchange represents that,

proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(8).

[17] *See supra* notes 5 and 11–12 and accompanying text.

[18] *See* Notice, *supra* note 3, at 5805. Specifically, the Exchange states that the Web-hosting products and services will assist Eligible New Listings in engaging with their shareholders by providing them with a Web site that contains business content that can be viewed by investors; the web-casting services allow listed companies to communicate with shareholders in connection with their quarterly earnings release process; the whistleblower hotline will assist Eligible New Listings in complying with, among other things, the requirements of the Sarbanes-Oxley Act, Foreign Corrupt Practices Act, and UK Bribery Act; the news distribution products and services will assist Eligible New Listings in complying with Exchange disclosure requirements; and the corporate governance tools will help educate the board of directors of each Eligible New Listing about corporate governance best practices. *See id.* at 5804.

[19] *See id.* at 5804.

[20] *See* Securities Exchange Act Release Nos. 76127 (October 9, 2015), 80 FR 62584 (October 16, 2015) (order approving SR–NYSE–2015–36); 72669 (July 24, 2014), 79 FR 44234 (July 30, 2014) (order approving NASDAQ–2014–058) (''Nasdaq Order''); 65963 (December 15, 2011), 76 FR 79262 (December 21, 2011) (order approving SR–NASDAQ–2011–122).

[21] The Commission notes that the Nasdaq Global Market offers new listings and companies transferring their listing from the New York Stock Exchange complimentary products and services, while the Nasdaq Capital Market does not offer similar services. *See* Nasdaq Stock Market Rule IM–5900–7(a). The Exchange states that it currently competes with the Nasdaq Capital Market and, in some cases, with the Nasdaq Global Market. *See* Notice, *supra* note 3, at 5804. While we recognize that Nasdaq does not currently provide services to transfers from NYSE MKT, based on the current competitive environment for listings it is not unreasonable for NYSE MKT to want to offer services to companies transferring from another national securities exchange to attract new listings, and is consistent with the Act as long as such offerings, among other things, under Section 6(b)(5), do not discriminate between issuers.

[22] *See* Notice, *supra* note 3, at 5805.

[23] *See id.*

[24] *See* Nasdaq Order, *supra* note 20.

[25] The Commission expects the Exchange to track the start (and end) date of each free service.

from time to time, companies elect to purchase products and services from other vendors at their own expense rather than accepting comparable products and services offered by the Exchange.[26]

The Commission believes that the Exchange is responding to competitive pressures in the market for listings in making this proposal. Specifically, the Exchange has represented that it faces competition in the market for listing services and that it competes in part by improving the quality of the services that it offers to listed companies.[27] The Exchange states that by offering products and services on a complimentary basis and ensuring that it is offering the services most valued by its listed issuers, it improves the quality of the services that listed companies receive.[28] Further, the Exchange states that it hopes to better compete with the Nasdaq Global Market, which offers a comparable suite of complimentary products and services to new listings and certain transfers, and expects the proposed rule change to enable the Exchange to more effectively compete with this market for listings.[29] Accordingly, the Commission believes that the proposed rule reflects the current competitive environment for exchange listings among national securities exchanges, and is appropriate and consistent with Section 6(b)(8) of the Act.[30]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[31] that the proposed rule change (SR–NYSEMKT–2016–12), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06515 Filed 3–22–16; 8:45 am]

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[26] *See* Notice, *supra* note 3, at 5805.

[27] *See id.*

[28] *See id.*

[29] *See id.* at 5804–05. *See also* Nasdaq Stock Market Rule IM–5900–7(b).

[30] 15 U.S.C. 78f(b)(8).

[31] 15 U.S.C. 78s(b)(2).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77395; File No. 4–533]

Joint Industry Plan; Order Approving Amendment No. 3 to the National Market System Plan for the Selection and Reservation of Securities Symbols Submitted by Financial Industry Regulatory Authority, Inc., BATS Exchange, Inc., BOX Options Exchange, LLC, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., International Securities Exchange, LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., The Nasdaq Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE MKT, LLC, and NYSE Arca, Inc.

March 17, 2016.

I. Introduction

On August 24, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA''), on behalf of itself and the following parties to the National Market System (''NMS'') Plan for the Selection and Reservation of Securities Symbols (the ''Plan''): BATS Exchange, Inc., BOX Options Exchange, LLC, Chicago Board Options Exchange, Incorporated, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., International Securities Exchange, LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., The Nasdaq Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE MKT, LLC, and NYSE Arca, Inc. (each a ''Party'' and collectively with FINRA, the ''Parties''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] an amendment (''Amendment No. 3'') to the Plan.[3] Amendment No. 3 was published for comment in the **Federal Register** on February 18, 2016.[4] The Commission received no comment letters on this proposal. This Order approves Amendment No. 3 to the Plan.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Plan is an NMS plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder. *See* Securities Exchange Act Release No. 58904 (November 6, 2008), 73 FR 67218 (November 13, 2008).

[4] *See* Securities Exchange Act Release No. 77123 (February 11, 2016), 81 FR 8264 (February 18, 2016) (''Amendment No. 3 Notice'').

II. Background and Description of the Proposal

A. Background

The Plan was created to establish a uniform system for the selection and reservation of securities symbols and sets forth, among other things, the process for securing perpetual and limited-time reservations (''List A and List B''), the use of a waiting list, the right to reuse a symbol, and the ability to request the release of a symbol. Currently, Section IV(d) of the Plan outlines the procedures with respect to reuse of a symbol, and requires that in the event a Party ceases to use a symbol, such symbol will be automatically reserved by that Party for a period of 24 months, notwithstanding any other limits on the number of reserved symbols specified in the Plan. However, in the event that the Party ceasing to use the symbol neither: (1) Places the symbol on its List A or (2) uses the symbol within 24 months, the symbol will be released for use pursuant to Section IV(b)(5) (Non-Use or Release of Symbols Within Time Period). In such instances, the symbol may be reused by a different Party to identify a new security in accordance with the procedures set forth in the Plan, but in no event may a symbol be reused to identify a new security if such use would cause investor confusion in the judgment of the party seeking to reuse the symbol.

B. Description of the Proposal

In Amendment No. 3,[5] the Parties propose to modify the Plan to revise Section IV(d) to provide that, where a Party ceases to use a symbol, such party may: (1) Elect to release the symbol, and (2) that such symbol may not be reused to identify a new security within 90 calendar days from the last day of its use, without the consent of the Party that released the symbol. In addition, Amendment No. 3 proposes that a Party may not reuse (or consent to the reuse of) a symbol to identify a new security unless such Party reasonably determines that such use would not cause investor confusion.[6]

Separately, Amendment No. 3 also includes several technical and ministerial proposed changes to provide current information about the name and

[5] *See* Amendment No. 3 Notice, *supra* note 4, for a more detailed description of the proposed changes.

[6] In making a reasonable determination as to whether the reuse of a symbol would cause investor confusion, Parties would consider factors such as the level of recent activity in the old security, including trading frequency, volume and the number of market maker quotes. *See* Amendment No. 3 Notice, *supra* note 4, at 5.

principal place of business of certain parties to the Plan.

III. Discussion

After careful review, the Commission finds that Amendment No. 3 is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and perfect the mechanisms of, a national market system. By allowing a Party to elect to release a symbol immediately after its discontinued use, Amendment No. 3 would encourage the efficient use of symbols to the benefit of the Parties and potential issuers. Additionally, the proposed symbol reuse process, which includes a presumptive 90-day waiting period as well as the requirement that a Party may not reuse (or consent to the reuse of) a symbol to identify a new security unless such Party reasonably determines that such use would not cause investor confusion, would help ensure that the reuse of symbols would not cause investor confusion. The Commission notes that the Parties have also stated that the amendment provides for a fair and orderly approach that would be applied consistently by all Parties to facilitate investor protection. Finally, the Commission believes that the proposed technical and ministerial changes should be adopted to reflect updated Party names and addresses to the Plan.

IV. Conclusion

For the reasons discussed above, the Commission finds that Amendment No. 3 is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

It is therefore ordered, pursuant to Section 11A of the Act, and the rules and regulations thereunder, that Amendment No. 3 to the Plan (File No. 4–553) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06455 Filed 3–22–16; 8:45 am]

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[7] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77391; File No. SR–FINRA–2015–054]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Adopt FINRA Capital Acquisition Broker Rules

March 17, 2016.

I. Introduction

On October 9, 2015, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules for capital acquisition brokers (collectively, the ''CAB Rules''). The proposed rule change was published for comment in the **Federal Register** on December 23, 2015.[3] The Commission received seventeen comment letters on the proposed rule change.[4] On December 9, 2015, FINRA extended the time period for Commission action on this proposed rule change until March 22, 2016.

The Commission is publishing this order to solicit comments on the proposed rule change and to institute proceedings pursuant to Exchange Act Section 19(b)(2)(B) [5] to determine whether to approve or disapprove the proposed rule change.

Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as discussed below, the Commission seeks additional input on the proposed rule change and issues presented by the proposal.

II. Description of the Proposed Rule Change [6]

FINRA is proposing to create a separate rule set that would apply to firms that meet the definition of ''capital acquisition broker'' (''CAB'') and elect to be governed under this rule set. FINRA states that there are firms that are solely corporate financing firms that advise companies on mergers and acquisitions, advise issuers on raising debt and equity capital in private placements with institutional investors, or provide advisory services on a consulting basis to companies that need assistance analyzing their strategic and financial alternatives. These firms often are registered as broker-dealers because of their activities and because they may receive transaction-based compensation as part of their services.

Nevertheless, FINRA believes that these firms do not engage in many of the types of activities typically associated with traditional broker-dealers. For example, these firms typically do not carry or act as an introducing broker with respect to customer accounts, handle customer funds or securities, accept orders to purchase or sell securities either as principal or agent for the customer, exercise investment discretion on behalf of any customer, or engage in proprietary trading of securities or market-making activities.

FINRA is proposing to establish a separate rule set that would apply exclusively to firms that meet the definition of ''capital acquisition broker'' and that elect to be governed under this rule set. CABs would be subject to the FINRA By-Laws, as well as core FINRA rules that FINRA believes

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 76675 (Dec. 23, 2015), 80 FR 79969 (''Notice'').

[4] *See* letters from Peter W. LaVigne, Esq., Chair, Securities Regulation Committee, Business Law Section, New York State Bar Association dated January 22, 2016 (''New York State Bar Association Letter''); Judith M. Shaw, President, North American Securities Administrators Association (''NASAA''), and Maine Securities Administrator, Washington, District of Columbia dated January 15, 2016 (''NASAA Letter''); Michael S. Quinn, Member and CCO, Q Advisors dated January 13, 2016 (''Q Advisors Letter''); Howard Spindel, Senior Managing Director, and Cassondra E. Joseph, Managing Director, Integrated Management Solutions USA LLC dated January 13, 2016 (''IMS Letter''); Lisa Roth, President, Monahan & Roth, LLC dated January 13, 2016 (''Roth Letter''); Mark Fairbanks, President, Foreside Distributors dated January 13, 2016 (''Foreside Letter''); Arne Rovell, Coronado Investments, LLC dated January 6, 2016 (''Coronado Letter''); Daniel H. Kolber, President/CEO, Intellivest Securities, Inc. dated December 30, 2016 (''Intellivest Letter''); Roger W. Mehle, Washington, District of Columbia dated December 29, 2015 (''Mehle Letter''); Donna B. DiMaria, Chairman of the Board of Directors, and Lisa Roth, Board of Directors, Third Party Marketers Association dated January 12, 2016 (''3PM Letter'') (letters supporting the 3PM letter: Sajan K. Thomas, President, and Stephen J. Myott, Chief Compliance Officer, Thomas Capital Group, Inc. dated January 13, 2016; Richard A. Murphy, North Bridge Capital LLC, Boston, Massachusetts dated January 13, 2016; Steven Jafarzadeh, CAIA, CCO, Stonehaven, New York dated January 13, 2016; Dan Glusker, Perkins Fund Marketing LLC dated January 13, 2016; Ron Oldenkamp, President, Genesis Marketing Group dated January 13, 2016; Timothy Cahill, President, Compass Securities Corporation dated January 13, 2016; Frank P. L. Minard, Managing Partner, XT Capital Partners, LLC dated January 12, 2016).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] The proposed rule change, as described in this Item II, is excerpted, in part, from the Notice, which was substantially prepared by FINRA. *See supra* note 3.

should apply to all firms. The rule set would also include other FINRA rules that are tailored to address CABs' business activities. A brief description of the proposed rule set for CABs is contained below.

A. General Standards

Proposed CAB Rule 014 provides that all persons that have been approved for membership in FINRA as a CAB and persons associated with CABs shall be subject to the Capital Acquisition Broker rules and the FINRA By-Laws (including the schedules thereto), unless the context requires otherwise. Proposed CAB Rule 015 provides that FINRA Rule 0150(b) shall apply to the CAB rules. FINRA Rule 0150(b) provides that the FINRA rules do not apply to transactions in, and business activities relating to, municipal securities as that term is defined in the Exchange Act.

CAB Rule 016 sets forth basic definitions modified as appropriate to apply to CABs. The proposed definitions of ''capital acquisition broker'' and ''institutional investor'' are particularly important to the application of the rule set. The term ''capital acquisition broker'' would mean any broker that solely engages in any one or more of the following activities:

- advising an issuer, including a private fund, concerning its securities offerings or other capital raising activities;
- advising a company regarding its purchase or sale of a business or assets or regarding its corporate restructuring, including a going-private transaction, divestiture or merger;
- advising a company regarding its selection of an investment banker;
- assisting in the preparation of offering materials on behalf of an issuer;
- providing fairness opinions, valuation services, expert testimony, litigation support, and negotiation and structuring services;
- qualifying, identifying, soliciting, or acting as a placement agent or finder with respect to institutional investors in connection with purchases or sales of unregistered securities; and
- effecting securities transactions solely in connection with the transfer of ownership and control of a privately-held company through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the company, to a buyer that will actively operate the company or the business conducted with the assets of the company, in accordance with the terms and conditions of an SEC rule, release, interpretation or ''no-action'' letter that permits a person to engage in such activities without having to register as a broker or dealer pursuant to Section 15(b) of the Exchange Act.[7]

A firm would be permitted to register as, or change its status to, a CAB *only* if the firm solely engages in one or more of these activities.

The term ''capital acquisition broker'' would not include any broker or dealer that:

- carries or acts as an introducing broker with respect to customer accounts;
- holds or handles customers' funds or securities;
- accepts orders from customers to purchase or sell securities either as principal or as agent for the customer (except as permitted by paragraphs (c)(1)(F) and (G) of CAB Rule 016);
- has investment discretion on behalf of any customer;
- engages in proprietary trading of securities or market-making activities; or
- participates in or maintains an online platform in connection with offerings of unregistered securities pursuant to Regulation Crowdfunding or Regulation A under the Securities Act of 1933.[8]

The term ''institutional investor'' would have the same meaning as that term has under FINRA Rule 2210 (Communications with the Public), with one exception. The term would include any:

- bank, savings and loan association, insurance company or registered investment company;
- governmental entity or subdivision thereof;
- employee benefit plan, or multiple employee benefit plans offered to employees of the same employer, that meet the requirements of Section 403(b) or Section 457 of the Internal Revenue Code and in the aggregate have at least 100 participants, but does not include any participant of such plans;
- qualified plan, as defined in Section 3(a)(12)(C) of the Exchange Act, or multiple qualified plans offered to employees of the same employer, that in the aggregate have at least 100 participants, but does not include any participant of such plans;
- other person (whether a natural person, corporation, partnership, trust, family office or otherwise) with total assets of at least $50 million; and
- person acting solely on behalf of any such institutional investor.

The definition also would include any person meeting the definition of ''qualified purchaser'' as that term is defined in Section 2(a)(51) of the Investment Company Act of 1940.[9]

B. FINRA Membership

The proposed CAB Rule 100 Series sets forth the requirements for firms that wish to register as a CAB. The proposed CAB Rule 100 Series generally incorporates by reference FINRA Rules 1010 (Electronic Filing Requirements for Uniform Forms), and 1122 (Filing of Misleading Information as to Membership or Registration), and NASD Rules 1011 (Definitions), 1012 (General Provisions), 1013 (New Member Application and Interview), 1014 (Department Decision), 1015 (Review by National Adjudicatory Council), 1016 (Discretionary Review by FINRA Board), 1017 (Application for Approval of Change in Ownership, Control, or Business Operations), 1019 (Application to Commission for Review), 1090 (Foreign Members), 1100 (Foreign Associates) and IM–1011–1 (Safe Harbor for Business Expansions). Accordingly, a CAB applicant would follow the same procedures for membership as any other FINRA applicant, with four modifications.

- First, an applicant for membership that seeks to qualify as a CAB would have to state in its application that it intends to operate solely as such.
- Second, in reviewing an application for membership as a CAB, the FINRA Member Regulation Department would consider, in addition to the standards for admission set forth in NASD Rule 1014, whether the applicant's proposed activities are consistent with the limitations imposed on CABs under CAB Rule 016(c).
- Third, proposed CAB Rule 116(b) sets forth the procedures for an existing FINRA firm to change its status to a CAB. If an existing firm is already approved to engage in the activities of a CAB, and the firm does not intend to change its existing ownership, control or business operations, it would not be required to file either a New Member Application (''NMA'') or a Change in Membership Application (''CMA''). Instead, such a firm would be required to file a request to amend its membership agreement or obtain a membership agreement (if none exists currently) to provide that: (i) The firm's activities will be limited to those permitted for CABs under CAB Rule 016(c), and (ii) the firm agrees to comply with the CAB rules.[10]
- Fourth, proposed CAB Rules 116(c) and (d) set forth the procedures for an existing CAB to terminate its status as such and continue as a FINRA firm. Under Rule 116(c), such a firm would be required to file a CMA with the FINRA Member Regulation Department, and to amend its membership agreement to

[7] *See* proposed CAB Rule 016(c)(1).

[8] *See* proposed CAB Rule 016(c)(2).

[9] *See* proposed CAB Rule 016(i). FINRA Rule 2210 does not include ''qualified purchaser'' within its definition of ''institutional investor.''

[10] There would not be an application fee associated with this request.

provide that the firm agrees to comply with all FINRA rules.[11]

Under Rule 116(d), however, if during the first year following an existing FINRA member firm's amendment to its membership agreement to convert a full-service broker-dealer to a CAB pursuant to Rule 116(b) a CAB seeks to terminate its status as such and continue as a FINRA member firm, the CAB may notify the FINRA Membership Application Program group of this change without having to file an application for approval of a material change in business operations pursuant to NASD Rule 1017. The CAB would instead file a request to amend its membership agreement to provide that the member firm agrees to comply with all FINRA rules, and execute an amended membership agreement that imposes the same limitations on the member firm's activities that existed prior to the member firm's change of status to a CAB.[12]

The proposed CAB Rule 100 Series also would govern the registration and qualification examinations of principals and representatives that are associated with CABs. These Rules incorporate by reference NASD Rules 1021 (Registration Requirements—Principals), 1022 (Categories of Principal Registration), 1031 (Registration Requirements—Representatives), 1032 (Categories of Representative Registration), 1060 (Persons Exempt from Registration), 1070 (Qualification Examinations and Waiver of Requirements), 1080 (Confidentiality of Examinations), IM–1000–2 (Status of Persons Serving in the Armed Forces of the United States), IM–1000–3 (Failure to Register Personnel) and FINRA Rule 1250 (Continuing Education Requirements). Accordingly, CAB firm principals and representatives would be subject to the same registration, qualification examination, and continuing education requirements as principals and representatives of other FINRA firms. CABs also would be subject to FINRA Rule 1230(b)(6) regarding Operations Professional registration.

C. Duties and Conflicts (CAB Rule 200 Series)

The proposed CAB Rule 200 Series would establish a streamlined set of conduct rules. CABs would be subject to FINRA Rules 2010 (Standards of Commercial Honor and Principles of Trade), 2020 (Use of Manipulative, Deceptive or Other Fraudulent Devices), 2040 (Payments to Unregistered Persons),[13] 2070 (Transactions Involving FINRA Employees), 2080 (Obtaining an Order of Expungement of Customer Dispute Information from the CRD System), 2081 (Prohibited Conditions Relating to Expungement of Customer Dispute Information), 2263 (Arbitration Disclosure to Associated Persons Signing or Acknowledging Form U4), and 2268 (Requirements When Using Predispute Arbitration Agreements for Customer Accounts).

CAB Rules 209 and 211 would impose know-your-customer and suitability obligations similar to those imposed under FINRA Rules 2090 and 2111. CAB Rule 211(b) includes an exception to the customer-specific suitability obligations for institutional investors similar to the exception found in FINRA Rule 2111(b).

Proposed CAB Rule 221 is an abbreviated version of FINRA Rule 2210 (Communications with the Public), essentially prohibiting false and misleading statements.

Under proposed CAB Rule 240, if a CAB or associated person of a CAB had engaged in activities that would require the CAB to register as a broker or dealer under the Exchange Act, and that are inconsistent with the limitations imposed on CABs under CAB Rule 016(c), FINRA could examine for and enforce all FINRA rules against such a broker or associated person, including any rule that applies to a FINRA broker-dealer that is not a CAB or to an associated person who is not a person associated with a CAB.

FINRA has determined not to subject CABs to FINRA Rules 2121 (Fair Prices and Commissions), 2122 (Charges for Services Performed), and 2124 (Net Transactions with Customers), since CABs' business model does not raise the same concerns that Rules 2121, 2122 and 2124 are intended to address.

Rule 2121 provides that, for securities in both listed and unlisted securities, a member that buys for its own account from its customer, or sells for its own account to its customer, shall buy or sell at a price which is fair, taking into consideration all relevant circumstances, including market conditions with respect to the security at the time of the transaction, the expense involved, and the fact that the member is entitled to a profit. Further, if the member acts as agent for its customer in any such transaction, the member shall not charge its customer more than a fair commission or service charge, taking into consideration all relevant circumstances, including market conditions with respect to the security at the time of the transaction, the expense of executing the order and the value of any service the member may have rendered by reason of its experience in and knowledge of such security and the market therefor.

CABs would not be permitted to act as a principal in a securities transaction. Accordingly, the provisions of Rule 2121 that govern principal transactions would not apply to a CAB's permitted activities.

CABs would be permitted act as agent in a securities transaction only in very narrow circumstances. CABs would be allowed to act as an agent with respect to institutional investors in connection with purchases or sales of unregistered securities. CABs also would be permitted to effect securities transactions solely in connection with the transfer of ownership and control of a privately-held company to a buyer that will actively operate the company or the business conducted with the assets of the company in accordance with the terms and conditions of an SEC rule, release, interpretation or ''no-action'' letter.

In both instances, FINRA believes that these circumstances either involve institutional parties that negotiate the terms of permitted securities transactions without the need for the conditions set forth in Rule 2121, or involve the sale of a business as a going concern, which differs in nature from the types of transactions that typically raise issues under Rule 2121.

Rule 2122 provides that charges, if any, for services performed, including, but not limited to, miscellaneous services such as collections due for principal, dividends, or interest; exchange or transfer of securities; appraisals, safekeeping or custody of securities, and other services shall be reasonable and not unfairly discriminatory among customers. As discussed above, CABs typically provide services to institutional customers that generally do not need the protections that Rule 2122 offers, since these customers are capable of negotiating fair prices for the services that CABs provide. Moreover, CABs are not permitted to provide many of the services listed in Rule 2122, such as collecting principal, dividends or interest, or providing safekeeping or custody services.

[11] Absent a waiver, such a firm would have to pay an application fee associated with the CMA. *See* FINRA By-Laws, Schedule A, Section 4(i).

[12] To the extent that the rules applicable to the member firm had been amended since it had changed its status to a CAB, FINRA would have the discretion to modify any limitations to reflect any new rule requirements.

[13] The SEC has approved FINRA's rule change to adopt rules relating to payments to unregistered persons for the consolidated FINRA rulebook. *See Regulatory Notice* 15–07 (March 2015). FINRA Rule 2040 became effective on August 24, 2015.

Rule 2124 sets forth specific requirements for executing transactions with customers on a ''net'' basis. ''Net'' transactions are defined as a type of principal transaction, and CABs may not trade securities on a principal basis. For these reasons, FINRA does not believe it is necessary to include FINRA Rules 2121, 2122 and 2124 as part of the CAB rule set.

CAB Rule 201 would subject CABs to FINRA Rule 2010 (Standards of Commercial Honor and Principles of Trade), which requires a member, in the conduct of its business, to observe high standards of commercial honor and just and equitable principles of trade. Depending on the facts, other rules, such as Rule 2010, may apply in situations in which a CAB charged a commission or fee that clearly is unreasonable under the circumstances.

D. Supervision and Responsibilities Related to Associated Persons (CAB Rule 300 Series)

The proposed CAB Rule 300 Series would establish a limited set of supervisory rules for CABs. CABs would be subject to FINRA Rules 3220 (Influencing or Rewarding Employees of Others), 3240 (Borrowing from or Lending to Customers), and 3270 (Outside Business Activities of Registered Persons).

Proposed CAB Rule 311 would subject CABs to some, but not all, of the requirements of FINRA Rule 3110 (Supervision) and, consistent with Rule 3110, is designed to provide CABs with the flexibility to tailor their supervisory systems to their business models. CABs would be subject to many of the provisions of Rule 3110 concerning the supervision of offices, personnel, customer complaints, correspondence and internal communications. However, CABs would not be subject to the provisions of Rule 3110 that require annual compliance meetings (paragraph (a)(7)), review and investigation of transactions (paragraphs (b)(2) and (d)), specific documentation and supervisory procedures for supervisory personnel (paragraph (b)(6)), and internal inspections (paragraph (c)).

FINRA does not believe that the annual compliance meeting requirement in FINRA Rule 3110(a)(7) should apply to CABs given the nature of CABs' business model and structure. FINRA has observed that most current FINRA member firms that would qualify as CABs tend to be small and often operate out of a single office. In addition, the range of rules that CABs would be subject to is narrower than the rules that apply to other broker-dealers. Moreover, as noted above, CABs would be subject to both the Regulatory and Firm Element continuing education requirements. Accordingly, FINRA does not believe that CABs need to conduct an annual compliance meeting as required under FINRA Rule 3110(a)(7).[14] The fact that the annual compliance meeting requirement would not apply to CABs or their associated persons in no way would reduce their responsibility to have knowledge of and comply with applicable securities laws and regulations and the CAB rule set.

FINRA does not believe that FINRA Rule 3110(b)(2), which requires members to adopt and implement procedures for the review by a registered principal of all transactions relating to the member's investment banking or securities business, or FINRA Rule 3110(d), which imposes requirements related to the investigation of securities transactions and heightened reporting requirements for members engaged in investment banking services, should apply to CABs. CABs would not be permitted to carry or act as an introducing broker with respect to customer accounts, hold or handle customers' funds or securities, accept orders from customers to purchase or sell securities except under the narrow circumstances discussed above, have investment discretion on behalf of any customer, engage in proprietary trading or market-making activities, or participate in Crowdfunding or Regulation A securities offerings. Accordingly, due to these restrictions, FINRA does not believe a CAB's business model necessitates the application of these provisions, which primarily address trading and investment banking functions that are beyond the permissible scope of a CAB's activities.[15]

FINRA does not believe that the requirements of FINRA Rule 3110(b)(6) should apply to CABs. Paragraph (b)(6) generally requires a member to have procedures to prohibit its supervisory personnel from (1) supervising their own activities; and (2) reporting to, or having their compensation or continued employment determined by, a person the supervisor is supervising.[16] FINRA also does not believe that FINRA Rule 3110(c), which requires members to conduct internal inspections of their businesses, should apply to CABs.

FINRA believes that a CAB's business model, which is geared toward acting as a consultant in capital acquisition transactions, or acting as an agent solely in connection with purchases or sales of unregistered securities to institutional investors, or with the transfer of ownership and control of a privately-held company, does not give rise to the same conflicts of interest and supervisory concerns that paragraph (b)(6) is intended to address. As discussed above, many CABs operate out of a single office with a small staff, which reduces the need for internal inspections of numerous or remote offices. In addition, part of the purpose of creating a separate CAB rule set is to streamline and reduce existing FINRA rule requirements where it does not hinder investor protection. FINRA believes that the remaining provisions of FINRA Rule 3110, coupled with the CAB Rule 200 Series addressing duties and conflicts, will sufficiently protect CABs' customers from potential harm due to insufficient supervision.[17]

Proposed CAB Rule 313 would require CABs to designate and identify one or more principals to serve as a firm's chief compliance officer, similar to the requirements of FINRA Rule 3130(a). CAB Rule 313 would not require a CAB to have its chief executive officer (''CEO'') certify that the member has in place processes to establish, maintain, review, test and modify written compliance policies and written supervisory procedures reasonably designed to achieve compliance with applicable federal securities laws and regulations, and FINRA and MSRB rules, which are required under FINRA Rules 3130(b) and (c). FINRA does not believe the CEO certification is necessary given a CAB's narrow business model and smaller rule set.

Proposed Rule 328 would prohibit any person associated with a CAB from participating in any manner in a private securities transaction as defined in

[14] For the same reasons, FINRA does not believe that FINRA Rule 3110.04 should apply to CABs.

[15] For the same reasons, FINRA does not believe that FINRA Rule 3110.05 should apply to CABs.

[16] FINRA Rule 3110(b)(6)(C)(i) and (ii). FINRA Rule 3110(b)(6) also requires that a member's supervisory procedures include the titles, registration status and locations of the required supervisory personnel and the responsibilities of each supervisory person as these relate to the types of business engaged in, applicable securities laws and regulations, and FINRA rules, as well as a record of the names of its designated supervisory personnel and the dates for which such designation is or was effective. FINRA Rule 3110(b)(6)(A) and (B). In addition, paragraph (b)(6) requires a member to have procedures reasonably designed to prevent the standards of supervision required pursuant to FINRA Rule 3110(a) from being compromised due to the conflicts of interest that may be present with respect to an associated person being supervised. FINRA Rule 3110(b)(6)(D).

[17] For the same reasons, FINRA does not believe that FINRA Rules 3110.10, .12, .13, or .14 should apply to CABs. FINRA also believes that it is unnecessary to apply FINRA Rule 3110.15 to CABs, since the temporary program authorized by the rule expired on December 1, 2015.

FINRA Rule 3280(e).[18] FINRA does not believe that an associated person of a CAB should be engaged in selling securities away from the CAB, nor should a CAB have to oversee and review such transactions, given its limited business model. This restriction would not prohibit associated persons from investing in securities on their own behalf, or engaging in securities transactions with immediate family members, provided that the associated person does not receive selling compensation.

Proposed CAB Rule 331 would require each CAB to implement a written anti-money laundering (''AML'') program. This is consistent with the SEC's requirements and Chapter X of Title 31 of the Code of Federal Regulations. Accordingly, the proposed rule is similar to FINRA Rule 3310 (Anti-Money Laundering Compliance Program); however, the proposed rule contemplates that all CABs would be eligible to conduct the required independent testing for compliance every two years.

E. Financial and Operational Rules (CAB Rule 400 Series)

The proposed CAB Rule 400 Series would establish a streamlined set of rules concerning firms' financial and operational obligations. CABs would be subject to FINRA Rules 4140 (Audit), 4150 (Guarantees by, or Flow through Benefits for, Members), 4160 (Verification of Assets), 4511 (Books and Records—General Requirements), 4513 (Records of Written Customer Complaints), 4517 (Member Filing and Contact Information Requirements), 4524 (Supplemental FOCUS Information), 4530 (Reporting Requirements), and 4570 (Custodian of Books and Records).

Proposed CAB Rule 411 includes some, but not all, of the capital compliance requirements of FINRA Rule 4110. CABs would be required to suspend business operations during any period a firm is not in compliance with the applicable net capital requirements set forth in Exchange Act Rule 15c3–1, and the rule also would authorize FINRA to direct a CAB to suspend its operation under those circumstances. Proposed CAB Rule 411 also sets forth requirements concerning withdrawal of capital, subordinated loans, notes collateralized by securities, and capital borrowings.

CABs would not be subject to FINRA Rules 4370 (Business Continuity Plans and Emergency Contact Information) or 4380 (Mandatory Participation in FINRA BC/DR Testing Under Regulation SCI). FINRA does not believe it would be necessary for a CAB to maintain a business continuity plan (BCP), given a CAB's limited activities, particularly since a CAB would not engage in retail customer account transactions or clearance, settlement, trading, underwriting or similar investment banking activities. Moreover, FINRA Rule 4380 relates to Rule SCI under the Exchange Act, which is not applicable to a member that limits its activities to those permitted under the CAB rule set.

Because CABs would not carry or act as an introducing broker with respect to customer accounts, they would have more limited customer information requirements than is imposed under FINRA Rule 4512.[19] CABs would have to maintain each customer's name and residence, whether the customer is of legal age (if applicable), and the names of any persons authorized to transact business on behalf of the customer. CABs would still have to make and preserve all books and records required under Exchange Act Rules 17a–3 and 17a–4.

CAB Rule 452(a) establishes a limited set of requirements for the supervision and review of a firm's general ledger accounts.

F. Securities Offerings (CAB Rule 500 Series)

The proposed CAB Rule 500 Series would subject CABs to certain rules concerning securities offerings. CABs would be subject to FINRA Rules 5122 (Private Placements of Securities Issued by Members) and 5150 (Fairness Opinions).

G. Investigations and Sanctions, Code of Procedure, and Arbitration and Mediation (CAB Rules 800, 900 and 1000)

CABs would be subject to the FINRA Rule 8000 Series governing investigations and sanctions of firms, other than FINRA Rules 8110 (Availability of Manual to Customers), 8211 (Automated Submission of Trading Data Requested by FINRA), and 8213 (Automated Submission of Trading Data for Non-Exchange-Listed Securities Requested by FINRA).

CABs would not be subject to FINRA Rule 8110 (Availability of Manual to Customers), which requires members to make available a current copy of the FINRA manual for examination by customers upon request. If the Commission approves this proposed rule change, the CAB rule set would be available through the FINRA Web site. Accordingly, FINRA does not believe this rule is necessary for CABs.

CABs also would not be subject to FINRA Rules 8211 (Automated Submission of Trading Data Requested by FINRA) or 8213 (Automated Submission of Trading Data for Non-Exchange-Listed Securities Requested by FINRA). Given that these rules are intended to assist FINRA in requesting trade data from firms engaged in securities trading, and that CABs would not engage in securities trading, FINRA does not believe that these rules should apply to CABs.

CABs would be subject to the FINRA Rule 9000 Series governing disciplinary and other proceedings involving firms, other than the FINRA Rule 9700 Series (Procedures on Grievances Concerning the Automated Systems). Proposed CAB Rule 900(c) would provide that any CAB may be subject to a fine under FINRA Rule 9216(b) with respect to an enumerated list of FINRA By-Laws, CAB rules and SEC rules under the Exchange Act. Proposed CAB Rule 900(d) would authorize FINRA staff to require a CAB to file communications with the FINRA Advertising Regulation Department at least ten days prior to use if the staff determined that the CAB had departed from CAB Rule 221's standards.

CABs would be subject to the FINRA Rule 12000 Series (Code of Arbitration Procedure for Customer Disputes), 13000 Series (Code of Arbitration Procedure for Industry Disputes) and 14000 Series (Code of Mediation Procedure).

III. Summary of Comments

Commenters generally supported FINRA's proposal to develop a new rule set for CABs. As discussed below, some commenters recommended that the proposal include additional requirements or explanations in certain aspects.

A. Review of Membership Application

One commenter suggested that FINRA should approve the membership applications of new CABs within 60 days of the filing of the application, provided that certain conditions are met, including: A completed application; the required supervisory

[18] FINRA Rule 3280(e) defines ''private securities transaction'' as ''any securities transaction outside the regular course or scope of an associated person's employment with a member, including, though not limited to, new offerings of securities which are not registered with the Commission, provided however that transactions subject to the notification requirements of NASD Rule 3050, transactions among immediate family members (as defined in FINRA Rule 5130), for which no associated person receives any selling compensation, and personal transactions in investment company and variable annuity securities, shall be excluded.''

[19] *See* proposed CAB Rule 451(b).

principals, who have each taken and passed the applicable examinations; and no significant disciplinary history or other red flag indications of potential compliance problems.[20]

B. Registration and Licensing

Two commenters requested that FINRA confirm that CABs may hold all licenses previously sought and attained by their associated persons, including Series 53, 4 and other licenses.[21] One of these commenters also suggested that CABs should not be subject to FINRA Rule 1230(b)(6)[22] regarding Operations Professional registration because of the scope and nature of the examination.[23] The other commenter suggested that FINRA should exempt CAB Chief Compliance Officers (''CCOs'') from the proposed requirement to obtain and maintain the Series 14 CCO license because of the broad and comprehensive scope of the proposed license.[24] This commenter also sought clarification as to whether a CAB's responsibility under Rule 209[25] is limited to learning the essential facts of the agent.[26]

C. Registered Representative Exams

One commenter suggested that FINRA (outside of the rulemaking context) establish new examinations specifically for the registered representatives and supervisory principals of CABs that will test only that subject matter relevant to the business of CABs.[27]

D. Prohibition on Private Securities Transactions

One commenter suggested that proposed Rule 328 (Prohibition on Private Securities Transactions)[28] should be revised to exclude: (1) The investment advisory activities of associated persons who are also employees or supervised persons of an investment adviser registered with the SEC or a state, and (2) employees of a bank or trust company engaged in securities or advisory activities that a bank may engage in pursuant to the exceptions from the definition of broker or dealer in Exchange Act Sections 3(a)(4) or (5) of Regulation R.[29]

Another commenter believes that FINRA's proposed CAB rule set unduly prohibits sales of private placements to accredited investors and therefore vitiates any usefulness or appeal of the CAB rules to certain firms.[30]

E. Secondary Transactions

As discussed above, the definition of CAB in proposed Rule 016(c) includes, among the permissible activities of a CAB, ''qualifying, identifying, soliciting, or acting as a placement agent or finder with respect to institutional investors in connection with purchases or sales of unregistered securities.'' One commenter interpreted that description as including both primary issuances and secondary transaction in unregistered securities and requested that FINRA confirm the intent to include secondary transactions among the permitted activities of a CAB.[31]

F. Grace Period for Reverses CAB Registration

One commenter states although a CAB firm has a year to decide if it wants to become a registered broker-dealer, it is not convinced that this one-year grace period is a sufficient amount of time for a firm to determine if CAB status is appropriate for its business model.[32] The commenter states that a converted firm may not have sufficient data within the first year to evaluate its decision fully and recommends that this grace period be extended to at least 24 months or that there be no grace time restrictions at all.[33] This commenter suggested that FINRA allow interim continued operations as a CAB (provided the firm is in regulatory compliance) while an active CMA is being reviewed by FINRA, with the firm remaining subject to all the CAB strictures pending a final decision by FINRA on the CMA.[34]

G. Impermissible Activities

One commenter recommended that FINRA consider a grace period for firms that unintentionally conduct activities beyond the scope of a CAB's permissible activities.[35]

H. CAB Rule Suggested Changes

Several commenters suggested various changes to FINRA's proposed CAB rules. The significant suggested changes are described below.

1. Institutional Investor Definition

One comment suggested that FINRA consider lowering the threshold for institutional investor preferably to $5 million or even less.[36] This commenter also suggested that many broker-dealers would otherwise qualify as a CAB except that sometimes investors investing in clients' offerings may have less than $50 million in assets but are otherwise sophisticated, knowledgeable and advised by competent attorneys.[37]

In addition to institutional investors, one commenter suggested that FINRA permit CAB transactions with certain other categories of persons, specifically: (1) A ''knowledgeable employee'' as defined in Investment Company Act Rule 3C–5, except that for purposes of the institutional investor definition, ''covered company'' would mean either the CAB or the issuer of the securities sold in the transaction; and (2) a person designated by the issuer of the securities sold in the transaction, provided that the CAB did not solicit the person or make a recommendation to the person with respect to purchase of the securities.[38]

This commenter also stated that there may be circumstances where the issuer wishes to sell securities to persons who would not otherwise qualify as institutional investors, but wants the transaction to be effected by the CAB.[39] In addition, the commenter believes that CAB rules should not prohibit sales to those categories of persons, since the

[20] *See* New York State Bar Association Letter. NASD Rule 1014 permits up to a 180 day review period absent an extension.

[21] *See* 3PM and M&R Letters.

[22] Rule 1230 requires that each of the following persons be registered with FINRA as an Operations Professional: (i) Senior management with direct responsibility over the covered functions under the Rule; (ii) any person designated by senior management under the Rule as a supervisor, manager or other person responsible for approving or authorizing work, including work of other persons, in direct furtherance of each of the covered functions in the Rule, as applicable, provided that there is sufficient designation of such persons by senior management to address each of the applicable covered functions; and (iii) persons with the authority or discretion materially to commit a member's capital in direct furtherance of the covered functions in the Rule or to commit a member to any material contract or agreement (written or oral) in direct furtherance of the covered functions in the Rule.

[23] *See* 3PM Letter.

[24] *See* M&R Letter.

[25] Proposed Rule 209 states that every capital acquisition broker shall use reasonable diligence to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer. For purposes of this Rule, facts ''essential'' to ''knowing the customer'' are those required to (a) effectively service the customer, (b) understand the authority of each person acting on behalf of the customer, and (c) comply with applicable laws, regulations and rules.

[26] *See* M&R Letter.

[27] *See* New York State Bar Association Letter.

[28] Proposed Rule 328 would prohibit persons associated with a CAB from participating in any manner in a private securities transaction as defined in FINRA Rule 3280(e).

[29] *See* New York State Bar Association Letter.

[30] *See* Mehle Letter.

[31] *See* New York State Bar Association Letter.

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *See* 3PM Letter.

[36] *See* Intellivest Letter.

[37] *Id.*

[38] New York State Bar Association Letter. *See also* Coronado Letter (requesting a de minimis and/or knowledgeable employee exemption to allow for one-off capital-raises (under various scenarios where accredited individuals working at alternative investment firms and the funds they manage or other closely affiliated individuals desire to invest) without violating the proposed CAB rules).

[39] New York State Bar Association Letter.

usual concerns about suitability determinations and content of communications by member firms to retail investors would not apply.[40]

2. Know Your Customer

One commenter requested clarification of FINRA's statement that ''[i]t also recognizes that a CAB or its associated person may look to an institutional investor's agent if the investor is represented by an agent.'' [41] Specifically, clarification as to what ''look to'' requires and whether this can be interpreted to mean that a CAB's responsibility under Rule 209 is limited to learning the essential facts of the agent.[42]

3. Suitability

One commenter generally agreed with Rule 211 (Suitability), but believes that the rule as proposed fails by requiring the suitability analyses to be performed before any recommendation is made.[43] The commenter believes that the rule does not recognize that the process of diligence is ongoing, in many cases can take several months to several years before an investment decision is made, and often does not, and should not conclude until the deal is closed. The commenter also believes that Rule 211 should emphasize this point and encourage registered representatives to periodically review their suitability analysis throughout the offering process, but no less frequently than once before the subscription agreement or relevant contract is signed and due diligence is as complete as it can be at that particular time.[44]

One commenter stated that CABs are not making recommendations in the traditional definition of the term, and therefore, as an example, will not have insight into the overall composition of the institutional investor's portfolio—as a retail broker would have over one of their accounts.[45] Accordingly, this commenter suggested that the rules should address some type of minimum compliance that would be appropriate in these situations. Further, the commenter suggested that a demonstrable best efforts basis may be a satisfactory alternative in such instances.[46]

4. Commissions/Fees

One commenter stated that applying Rule 2010 (Standards of Commercial Honor and Principles of Trade) in situations in which a CAB charged a commission or fee that clearly is unreasonable under the circumstances may create an interpretive issue between the two sets of rules.[47]

5. Supervisory Procedures

One commenter stated that requirements related to supervisory procedures for supervisors should not be required for CABs.[48] This commenter also recommended that FINRA clarify its expectations with respect to email review.[49] Specifically, the commenter suggested that the rules should note that expectations for email review should be tailored according to the CAB's business and that such expectations would not be as stringent as those for broker-dealers engaged in non-CAB activities.[50]

6. Cybersecurity

One commenter recommended that FINRA clarify the expectations with respect to cybersecurity.[51] Specifically, while the proposal suggests that a CAB not be required to have a business continuity plan, the commenter suggested that the final rules include a requirement to have appropriate cybersecurity/information security programs in place, tailored to the CAB's business.[52]

I. Rules Beyond FINRA's CAB Rules

1. SIPC

One commenter stated that the CAB designation should be added to the list of exempt entities contained in the SIPC rules (although the commenter understands that FINRA is not in a position to alter the current SIPC requirement).[53]

2. Net Capital

One commenter expressed concern that FINRA will force existing FINRA members and new applicants who now or will operate as so-called ''nickel BDs'' to become CABs, if for no other reason than to vindicate FINRA's questionable statistics of eligible firms.[54] This commenter also disagreed with the fact that although CABs may nominally advise an issuer of private funds on its capital raising efforts, FINRA's customer limitations for CABs only allow them to contact institutional investors.

One commenter objected to what it believes is FINRA's failure to change or in any way modify the net capital, recordkeeping and reporting requirements applicable to CABs.[55] This commenter stated that compliance with the Financial Responsibility and Net Capital rules remains the same for both CABs and FINRA-registered BDs, and that there is no relief from the annual audit requirement, which, in light of auditors having to comply with onerous PCAOB and SEC rules, has become a significant expense to all FINRA member firms regardless of size.[56]

Similarly, one commenter stated that the FINRA proposal should address the capital requirements, which appear to be unnecessary based on the business model of CABs and also address the requirement for a PCAOB audit in light of the streamlined rule set seems wholly out of line, excessive and meaningless to investor protections.[57]

One commenter suggested that proposed CAB Rule 411 [58] should remove the minimum net capital requirement of $5,000 currently applied to CAB members.[59] While the commenter understood that this is outside of FINRA's authority, the commenter urged the SEC to review the calculation of net capital for CABs and modify the rule so that the nature of a CAB's business does not cause it to have to improperly report its financial condition to FINRA.[60]

3. Audit

One commenter believed FINRA should eliminate the audit requirement altogether for broker-dealers that never hold securities or cash belonging to others.[61] Another commenter also suggested that FINRA has not made any effort to have the SEC change Rule 17a–5 to exclude CABs from the annual audit requirement, or to require a review instead of an audit.[62]

Another commenter suggested that annual compliance meetings and annual

[40] *Id.*

[41] *See* 3PM Letter.

[42] *Id.*

[43] *Id.* Rule 211 states that a capital acquisition broker or an associated person of a capital acquisition broker must have a reasonable basis to believe that a recommended transaction or investment strategy (as defined in FINRA Rule 2111) involving a security or securities is suitable for the customer, based on the information obtained through the reasonable diligence of the broker or associated person to ascertain the customer's investment profile.

[44] 3PM Letter.

[45] *Id.*

[46] *Id.*

[47] IMS Letter.

[48] Foreside Letter.

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] Q Advisors Letter.

[54] IMS Letter.

[55] *Id.*

[56] *Id.*

[57] *See* M&R Letter.

[58] Rule 411 states that unless otherwise permitted by FINRA, a capital acquisition broker must suspend all business operations during any period in which it is not in compliance with applicable net capital requirements set forth in Exchange Act Rule 15c3–1.

[59] *See* 3PM Letter.

[60] *Id.*

[61] *See* IMS Letter.

[62] *See* Mehle Letter.

inspections should not be required for CABs.[63]

4. Anti-Money Laundering

One commenter requests that the SEC work with the appropriate authorities to revisit the AML responsibilities of CABs and consider requiring U.S. registered entities, such as registered investment advisers, to share certain data with FINRA member firms so that all registered participants may satisfy their respective compliance obligations in the most complete and accurate manner possible.[64] In addition, this commenter sought the SEC's confirmation that the terms and conditions of the no-action letters initially dated 2004 and extended by subsequent no-action letter in January 2015 apply to CABs to the extent that customer identification is reasonable performed by a federally regulated entity under a contractual obligation.[65]

5. Form Custody

One commenter urged FINRA to make efforts to have the SEC eliminate the quarterly ''Form Custody'' FOCUS report for CABs.[66]

J. State Regulation

One commenter suggested that the Commission, FINRA, and NASAA should cooperate to more fully analyze the interaction between the CAB proposal and state registration requirements to better harmonize the application of these provisions.[67] This commenter suggested that the most relevant provisions to it are the proposal's inclusion of firms that effect securities transactions solely in connection with the transfer of ownership and control of a privately-held company through the purchase, sale, exchange, issuance, repurchase, or redemption of, or a business combination involving, securities or assets of the company, to a buyer that will actively operate the company or the business conducted with the assets of the company, in accordance with the terms and conditions of an SEC rule, release, interpretation or ''no-action'' letter that permits a person to engage in such activities without having to register as a broker or dealer pursuant to Section 15(b) of the Exchange Act.[68]

The commenter indicated that it would welcome the opportunity to work with FINRA and the Commission on the issues presented by the proposal, and encouraged the Commission to delay approval of the proposal until there has been an opportunity to more fully explore these issues.[69]

IV. Proceedings to Determine Whether to Approve or Disapprove SR–FINRA–2015–054 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Exchange Act Section 19(b)(2)(B) to determine whether the proposed rule change should be approved or disapproved.[70] Institution of proceedings appears appropriate at this time in view of the legal and policy issues raised by the proposal. As noted above, institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the issues presented by the proposed rule change and provide the Commission with arguments to support the Commission's analysis as to whether to approve or disapprove the proposal.

Pursuant to Exchange Act Section 19(b)(2)(B),[71] the Commission is providing notice of the grounds for disapproval under consideration. In particular, Exchange Act Section 15A(b)(6)[72] requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In addition, Exchange Act Section 15A(b)(9)[73] requires that FINRA rules not impose any unnecessary or inappropriate burden on competition.

The Commission believes FINRA's proposed rule change raises questions as to whether it is consistent with the requirements of Exchange Act Sections 15A(b)(6) and 15A(b)(9).

V. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues raised by the proposed rule change. In particular, the Commission invites the written views of interested persons on whether the proposed rule change is inconsistent with Sections 15A(b)(6) and 15A(b)(9), or any other provision, of the Exchange Act, or the rules and regulations thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[74]

Interested persons are invited to submit written data, views, and arguments by April 13, 2016 concerning whether the proposed rule change should be approved or disapproved. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by May 9, 2016. 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–FINRA–2015–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2015–054. 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

[63] *See* Foreside Letter.

[64] *See* 3PM Letter.

[65] *Id.*

[66] Mehle Letter.

[67] NASAA Letter.

[68] *Id.*

[69] *Id.*

[70] 15 U.S.C. 78s(b)(2). Exchange Act Section 19(b)(2)(B) provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

[71] 15 U.S.C. 78s(b)(2)(B).

[72] 15 U.S.C. 78*o*–3(b)(6).

[73] 15 U.S.C. 78*o*–3(b)(9).

[74] Exchange Act Section 19(b)(2), as amended by the Securities Acts Amendments of 1975, Pub. L. 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

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 principle office of FINRA. 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 publicly available.

All submissions should refer to File Number SR–FINRA–2015–054 and should be submitted on or before April 13, 2016. If comments are received, any rebuttal comments should be submitted by May 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[75]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06453 Filed 3–22–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77394; File No. SR–BatsEDGX–2016–02]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of the Exchange

March 17, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 17, 2016, Bats EDGX Exchange, Inc. f/k/a EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to EDGX Rules 15.1(a) and (c) (''Fee Schedule'') to: (i) Increase the rebate for Retail Orders[6] that yield fee code ZA; (ii) delete the Retail Order Tier under footnote 4; (iii) amend or delete various Add Volume Tiers under footnote 1; and (iv) amend the Tape B Step Up Tier under footnote 2.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

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 Fee Schedule to: (i) Increase the rebate for Retail Orders that yield fee code ZA; (ii) delete the Retail Order Tier under footnote 4; (iii) amend or delete various Add Volume Tiers under footnote 1; and (iv) amend the Tape B Step Up Tier under footnote 2.

Fee Code ZA and the Retail Order Tier

The Exchange proposes to increase the rebate for Retail Orders that yield fee code ZA and delete the Retail Order Tier under footnote 4.[7] First, the Exchange proposes to increase the rebate for Retail Orders that yield fee code ZA from $0.0032 per share to $0.0034 per share. Fee code ZA is appended to Retail Orders that add liquidity on the Exchange. In a related change, the Exchange proposes to delete the Retail Order Tier under footnote 4.[8] Currently, under the Retail Order Tier, a Retail Order that yields fee code ZA will receive a rebate of $0.0034 per share where that Member adds Retail Orders that average at least 0.07% of TCV.[9] Going forward, Members would receive a receive rebate of $0.0034 per share for their Retail Orders that yield fee code ZA without having to satisfy certain add volume criteria. Providing all Retail Orders that yield fee code ZA a rebate of $0.0034 per share would mirror the rebate currently provided by the Nasdaq Stock Market LLC (''Nasdaq'').[10]

Add Volume Tiers—Footnote 1

Currently, the Exchange determines the liquidity adding rebate that it will provide to Members using the Exchange's tiered pricing structure. Under such pricing structure, a Member will receive a rebate of anywhere between $0.0025 and $0.0035 per share executed, depending on the volume tier for which such Member qualifies. The Exchange currently offers thirteen separate Add Volume Tiers under footnote 1 of its Fee schedule which provide various enhanced rebates based on the Members satisfying certain monthly volume thresholds. The Exchange now proposes to amend or delete various tiers under footnote 1 in order to update, streamline, and simply its tiered pricing structure.

Tiers To Be Deleted

First, the Exchange proposes to delete the Market Depth Tier 1 and Market

[75] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] A ''Retail Order'' is ''an order that: (i) Is an agency order or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person; (ii) is submitted to EDGX by a Member, provided that no change is made to the terms of the order; and (iii) does not originate from a trading algorithm or any other computerized methodology.'' *See* Exchange Rule 11.24(a).

[7] Footnote 4 would continue to note that Members will only be able to designate their orders as Retail Orders on either an order-by-order basis using FIX ports or by designating certain of their FIX ports at the Exchange as ''Retail Order Ports.''

[8] As a result of deleting the Retail Order Tier under footnote 4, the Exchange proposes to delete a reference to footnote 4 in the Standard Rates table of its Fee Schedule.

[9] As defined in the Exchange's Fee Schedule.

[10] *See* Nasdaq Price List—Trading Connectivity *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2* (offering a rebate of $0.0034 per share to add displayed designated retail liquidity).

Depth Tier 2. Under the Market Depth Tier 1, a Member receives a rebate of $0.00325 per share when that Member adds an ADV [11] of at least 0.85% of the TCV; and adds an ADV of at least 4,000,000 shares as non-displayed orders that yield fee code HA.[12] Under the Market Depth Tier 2, a Member receives a rebate of $0.0029 per share when that Member adds an ADV of at least 10,000,000 shares; and adds an ADV of at least 1,000,000 shares as Non-displayed orders that yield fee code HA. The Exchange believes deleting the Market Depth Tier 1 and the Market Depth Tier 2 is reasonable as Members would be able to receive similar rebates by achieving other tiers without the additional requirement of adding a certain volume of non-displayed orders.

In addition, the Exchange proposes to delete Mega Step-Up Tier 1, Mega Step-Up Tier 2, and Mega Step-Up Tier 3. Under Mega Step-Up Tier 1, a Member receives a rebate of $0.0032 per share when they add: (i) An ADV of at least 0.12% of the TCV more than the Member's added ADV from February 2011; and (ii) an ADV of at least 0.35% of the TCV. Under Mega Step-Up Tier 2, a Member receives a rebate of $0.0030 per share when they add an ADV of at least 0.12% of the TCV more than the Member's added ADV from February 2011. Lastly, under Mega Step-Up Tier 3, a Member receives a rebate of $0.0028 per share when they add an ADV of at least 0.065% of the TCV more than the Member's added ADV from February 2011. Each of these tiers require a Member add more liquidity than their added ADV from February 2011. The Exchange believes that each of these tiers have served their intended purpose of encouraging Members to increase their trading activity on the Exchange from a February 2011 baseline. In addition, the Exchange believes that these tiers have become outdated by utilizing a baseline ADV that is approximately five years old. Therefore, the Exchange proposes to delete Mega Step-Up Tier 1, Mega Step-Up Tier 2, and Mega Step-Up Tier 3 from footnote 1 of its Fee Schedule.

Amendments to Mega Tiers 1, 2, and 3

The Exchange also proposes to amend the rebate and/or required criteria for the Mega Tier 1, Mega Tier 2, and Mega Tier 3. The Exchange proposes to amend Mega Tiers 1 and 3 by decreasing the applicable rebate and simplifying the criteria required to meet the tier. Under Mega Tier 1, a Member currently receives a rebate of $0.0035 per share where they satisfy the following three criteria: (i) Add or route a combined ADV of at least 4,000,000 shares prior to 9:30 a.m. or after 4:00 p.m.; (ii) add an ADV of at least 35,000,000 shares, including during both market hours and pre and post-trading hours; and (iii) has an ''added liquidity'' as a percentage of ''added plus removed liquidity'' of at least 85%. First, the Exchange proposes to simplify the criteria necessary to meet the tier by replacing the above three requirements with a single requirement that the Member add an ADV of at least 0.75% of TCV. Second, to reflect the simplified criteria, the Exchange proposes to decrease the rebate offered under Mega Tier 1 from $0.0035 per share to $0.0032 per share.

Under Mega Tier 3, a Member currently receives a rebate of $0.0032 per share where they satisfy the following two criteria: (i) Add or route a combined ADV of at least 1,500,000 shares prior to 9:30 a.m. or after 4:00 p.m.; and (ii) add an ADV of at least 0.75% of the TCV, including during both market hours and pre and post-trading hours. First, the Exchange proposes to simplify the criteria necessary to meet the tier by replacing the above two requirements with a single requirement that the Member add an ADV of at least 0.45% of TCV. Second, to reflect the tier's simplified criteria, the Exchange proposes to decrease the rebate offered by Mega Tier 3 from $0.0032 per share to $0.0031 per share.

The Exchange also proposes to increase the criteria necessary to achieve Mega Tier 2. Under Mega Tier 2, a Member currently receives a rebate of $0.0032 per share where they: (i) Add or route a combined ADV of at least 4,000,000 shares prior to 9:30 a.m. or after 4:00 p.m.; and (ii) adds an ADV of at least 0.20% of the TCV, including during both market hours and pre and post-trading hours. The Exchange proposes to amend the second requirement under Mega Tier 2 by increasing the add ADV from at least 0.20% of the TCV to at least 0.65% of TCV, including during both market hours and pre and post-trading hours. The Exchange believes the amendment to Mega Tier 2 is reasonable because increasing the criteria necessary to meet the tier reflects the amount of the rebate provided as compared to that necessary to achieve the next best tier, Mega Tier 1.

Amendments to the Ultra Tier, Super Tier, Growth Tier, and Investor Tier

The Exchange also proposes to amend the Ultra Tier, Super Tier, Growth Tier, and Investor Tier by altering the tiers' rebate and/or required criteria in order to incorporate a tiered rebate structure that is in relation to the Member's added ADV of at least a certain percentage of TCV. First, under the Ultra Tier, a Member receives a rebate of $0.0031 per share where they add an ADV of at least 0.50% of the TCV. The Exchange proposes to ease the criteria necessary to meet the tier by reducing the add ADV requirement to be at least 0.30% of TCV, rather than 0.50% of TCV. To reflect the easing of the tier's required criteria, the Exchange also proposes to decrease the rebate offered by the Ultra Tier from $0.0031 per share to $0.0030 per share.

Under the Super Tier, a Member receives a rebate of $0.0028 per share where they add an ADV of at least 10,000,000 shares. The Exchange proposes to amend the tier to require that the Member add an ADV of at least 0.15% of the TCV, rather than 10,000,000 shares.

Under the Growth Tier, a Member receives a rebate of $0.0025 per share where they add an ADV of at least 5,000,000 shares. The Exchange proposes to amend the tier to require that the Member add an ADV of at least 0.08% of the TCV, rather than 5,000,000 shares.

Lastly, under the Investor Tier, a Member receives a rebate of $0.0032 per share where they satisfy the following two criteria: (i) Adds an ADV of at least 0.15% of the TCV; and (ii) has an ''added liquidity'' as a percentage of ''added plus removed liquidity'' of at least 85%. The Exchange proposes to amend the second requirement under the Investor Tier by increasing the add ADV from at least 0.15% of the TCV to at least 0.20% of TCV.

Tape B Step Up Tier

Under the Tape B Step Up Tier, Member's orders yielding fee codes B [13] or 4 [14] receive a rebate of $0.0027 per share where that Member adds an ADV of at least 600,000 shares in Tape B securities more than the Member's added ADV in Tape B Securities from August 2013. First the Exchange proposes to rename the Tape B Step Up Tier as the Tape B Volume Tier. Second, the Exchange proposes to update the criteria necessary to achieve the tier by removing the requirement that the Member add an ADV of at least 600,000 shares in Tape B securities more than the Member's added ADV in Tape B Securities from August 2013. Instead,

[11] As defined in the Exchange's Fee Schedule.

[12] Fee code HA is appended to non-displayed orders that add liquidity.

[13] Fee code B is appended to orders in Tape B securities that add liquidity.

[14] Fee code 4 is appended to orders in Tape B securities that add liquidity during the pre and post market.

the Exchange would require that the Member add an ADV of at least 0.02% of TCV in Tape B securities. The Exchange believes that the tier's current criteria has served its intended purpose of encouraging Members to increase their trading activity on the Exchange in Tape B securities from an August 2013 baseline. In addition, the Exchange believes that this tier has become outdated by utilizing a baseline that is approximately two and a half years old and that the proposed criteria reflects a volume requirement reasonably related to the amount of the available rebate.

Implementation Date

The Exchange proposes to implement this amendment to its Fee Schedule immediately.[15]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[16] in general, and furthers the objectives of Section 6(b)(4),[17] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed tier is equitable and non-discriminatory in it would apply uniformly to all Members. The Exchange believes the rates remain competitive with those charged by other venues and, therefore, reasonable and equitably allocated to Members.

Volume-based rebates such as that proposed herein have been widely adopted by equities exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed tier revisions are a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and rebates because they will provide Members with an additional incentive to reach certain thresholds on the Exchange.

In particular, the Exchange believes the proposed revisions to footnote 1 are equitable, reasonable, and not unfairly discriminatory as they are designed to amend or delete various tiers resulting in an updated, streamlined, and simplified tiered pricing structure. As noted above, the Exchange currently offers thirteen separate tiers under footnote 1 of its Fee Schedule. Under the proposed rule change, the number of tiers offered under footnote 1 would decrease by nearly 50% from thirteen to seven. The Exchange believes that is reasonable to delete Mega Step-Up Tiers 1, 2, and 3 because it believes each of these tiers have served their intended purpose of encouraging Members to increase their trading activity on the Exchange from a February 2011 baseline. In addition, the Exchange believes that these tiers have become outdated by utilizing a baseline ADV that is approximately five years old. In addition, the Exchange believes deleting the Market Depth Tier 1 and the Market Depth Tier 2 is equitable, reasonable, and not unfairly discriminatory as Members would be able to receive similar rebates by achieving other tiers without the additional requirement of adding a certain volume of non-displayed orders.[18]

In addition, the Exchange believes its proposed changes to Mega Tier 1 and 3 are equitable, reasonable, and not unfairly discriminatory as they are designed to decrease the applicable rebate to reflect the proposed simplification of the criteria required to meet the tiers. The Exchange also believes the amendment to Mega Tier 2 is equitable, reasonable, and not unfairly discriminatory as increasing the criteria necessary to meet the tier reflects the amount of the rebate provided as compared to that necessary to achieve the next best tier, Mega Tier 1. In addition, the proposed amendments to the Ultra Tier, Super Tier, Growth Tier, and Investor Tier are designed to incorporate a rebate structure that is in relation to the Member's added ADV of at least a certain percentage of TCV. The Exchange believes that these incentives are reasonable, fair and equitable because the liquidity from each of these proposals also benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Such pricing programs thereby reward a Member's growth pattern and such increased volume increase potential revenue to the Exchange, and will allow the Exchange to continue to provide and potentially expand the incentive programs operated by the Exchange.

The Exchange also believes that its proposed revision to the Tape B Step Up Tier is also equitable, reasonable and not unfairly discriminatory. The tier as currently constructed has served its intended purpose of encouraging Members to increase their trading activity on the Exchange in Tape B securities from an August 2013 baseline. In addition, the Exchange believes that this tier has become outdated by utilizing a baseline that is approximately two and a half years old. The Exchange also believes the proposed amendment to the Tape B Step Up Tier is a reasonable means to encourage Members to increase their liquidity in Tape B securities. The Exchange also believes providing a rebate of $0.0027 per share where a Member's Tape B ADV as a percentage of TCV is equal to or greater than 0.02% is also equitable and reasonable. Such pricing rewards a Member's growth pattern in Tape B securities and such increased volume, in turn, results in increased potential revenue to the Exchange, allowing the Exchange to continue to provide and potentially expand the incentive programs operated by the Exchange.

Lastly, the Exchange believes that increasing the rebate for Retail Orders that yield fee code ZA and delete the Retail Order Tier under footnote 4 represents an equitable allocation of reasonable dues, fees, and other charges because providing a uniform rebate for Retail Orders would encourage Members to send additional Retail Orders that add liquidity to the Exchange without having to meet certain volume requirements. The increased liquidity benefits all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Lastly, the proposed rebate

[15] The Exchange initially filed the proposed fee change on March 1, 2016 (SR–EDGX–2016–15). On March 9, 2016, the Exchange withdrew SR–EDGX–2016–15 and submitted SR–EDGX–2016–17. On March 17, 2016, the Exchange withdrew SR–EDGX–2016–17 and submitted this filing.

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4).

[18] *See* Mega Tier 2 under footnote 1 of the Fee Schedule (offering a rebate of $0.0032 per share), and the Super Tier under footnote 1 of the Fee Schedule (offering a rebate of $0.0028 per share).

of $0.0034 per share for all Retail Orders is reasonable because it mirrors the rebate currently provided by Nasdaq.[19]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed amendment to its Fee Schedule would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange does not believe that the proposed tier revisions would burden competition, but instead, enhances competition, as they are intended to increase the competitiveness of and draw additional volume to the Exchange. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive. The proposed changes are generally intended to update, simplify, and streamline the Exchange's tiered pricing structure, which the Exchange designed to attract additional liquidity. The Exchange believes that the proposed tier revisions will allow the Exchange to compete more ably with other execution venues by drawing additional volume to the Exchange, thereby making it a more desirable destination venue for its customers. The Exchange does not believe the proposed tier revisions would burden intramarket competition as they would apply to all Members uniformly.

Regarding the Retail Orders, the Exchange believes that its proposal to provide a uniform rebate to all Retail Orders will increase intermarket competition for Retail Orders because the proposed would mirror the rebate currently provided by Nasdaq.[20] The Exchange believes that its proposal would neither increase nor decrease intramarket competition because the rebate would apply uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and paragraph (f) of Rule 19b–4 thereunder.[22] 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–BatsEDGX–2016–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGX–2016–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BatsEDGX–2016–02, and should be submitted on or before April 13, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–06514 Filed 3–22–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77400]

Order Granting a Temporary Exemption Pursuant to Section 36 of the Securities Exchange Act of 1934 From Compliance With Rules 13n–1 to 13n–12 Under the Securities Exchange Act of 1934

March 18, 2016.

I. Introduction

On June 15, 2011, the Securities and Exchange Commission (''Commission'') issued an exemptive order that provided guidance and certain exemptions with respect to the requirements under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act'') that had an effective date of July 16, 2011 (*i.e.,* the effective date of Title VII).[1] With respect

[19] *See* Nasdaq Price List—Trading Connectivity *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2* (offering a rebate of $0.0034 per share to add displayed designated retail liquidity).

[20] *See* Nasdaq Price List—Trading Connectivity *available at http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2* (offering a rebate of $0.0034 per share to add displayed designated retail liquidity).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

[23] 17 CFR 200.30–3(a)(12).

[1] *See* Temporary Exemptions and Other Temporary Relief, Together With Information on Compliance Dates for New Provisions of the

Continued

to Commission regulation of security-based swap data repositories (''SDR''), the DFA Effective Date Order provided exemptions from Exchange Act Sections 13(n)(5)(D)(i), 13(n)(5)(F), 13(n)(5)(G), 13(n)(5)(H), 13(n)(7)(A), 13(n)(7)(B), and 13(n)(7)(C), each of which will expire on the earlier of (1) the date the Commission grants registration to an SDR and (2) the earliest compliance date set forth in any of the final rules regarding the registration of SDRs.[2] The DFA Effective Date Order also provided an exemption from Exchange Act Section 29(b) with respect to provisions of the Exchange Act amended or added by subtitle B of the Dodd-Frank Act for which compliance is triggered by registration or by adoption of final rules by the Commission, or for which the Commission has provided an exception or exemptive relief, until such date as the Commission specifies.[3] Absent other Commission action, these exemptions relevant to SDRs (''SDR Relief'') will expire as of March 18, 2016, as further explained below.

In February 2015, the Commission adopted Rules 13n–11 to 13n–112 under the Exchange Act to govern SDRs (the ''SDR Rules''). The SDR Rules became effective on May 18, 2015.[4] The SDR Rules Release states that SDRs must be in compliance with the SDR Rules by March 18, 2016, which is 365 days after publication of the SDR Rules in the **Federal Register** (the ''SDR Rules Compliance Date'').[5] The SDR Rules Release also notes that (1) absent an exemption, any SDR must be registered with the Commission and in compliance with the federal securities laws and the rules and regulations thereunder (including the applicable Dodd-Frank Act provisions and all of the SDR Rules) by the SDR Rules Compliance Date, and (2) all exemptions that the Commission provided in the DFA Effective Date Order will expire on the compliance date, including the exemptions set forth in the DFA Effective Date Order.[6] The SDR Rules govern the SDR registration process, duties, and core principles. The 12 core SDR Rules establish a framework for SDRs to register with the Commission by filing a new Form SDR, and require an SDR to update its Form SDR when any information becomes inaccurate. The SDR Rules also provide a process for the Commission to cancel or revoke the registration of an SDR.

In addition to the requirements set forth in the SDR Rules, there are a number of regulatory requirements applicable to SDRs once registered under Regulation SBSR, which was adopted by the Commission at the same time as the SDR Rules.[7] Regulation SBSR provides for the reporting of security-based swap information to registered SDRs, and the public dissemination of security-based swap transaction, volume, and pricing information by registered SDRs. Rule 907 of Regulation SBSR requires a registered SDR to establish and maintain written policies and procedures for carrying out its duties under Regulation SBSR.[8]

II. Discussion

The Commission is using its authority under Section 36 of the Exchange Act to grant a temporary exemption from compliance with the SDR Rules until June 30, 2016 and to extend the SDR Relief so that it will expire on the earlier of (1) the date the Commission grants registration to an SDR and (2) June 30, 2016. The temporary exemption is designed to help facilitate the potential submission of any SDR applications.

Subject to certain exceptions, Section 36 of the Exchange Act[9] authorizes the Commission, by rule, regulation, or order, to exempt, either conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors. The Commission finds that it is necessary and appropriate in the public interest, and consistent with the protection of investors to grant a temporary exemption from compliance with the SDR Rules until June 30, 2016. The SDR Rules implement mandates under Title VII of the Dodd-Frank Act and govern the SDR registration process, duties and core principles.

The Commission notes that the SDR Rules Compliance Date is less than one month away. The Commission believes that granting the temporary exemption along with an extension of the SDR Relief will give additional time to potential SDR registrants to thoroughly develop and prepare a complete application for registration. Notices of completed Forms SDR will be published to afford interested persons an opportunity to submit written comments concerning such application.[10] Given the SDR Rules Compliance Date, the temporary exemption should also provide staff sufficient time to analyze adequately any application materials that may be submitted.

II. Conclusion

Accordingly, the Commission hereby grants, pursuant to Section 36 of the Exchange Act, a temporary exemption from compliance with the SDR Rules until June 30, 2016, and an extension of the SDR Relief such that it will expire on the earlier of (1) the date the Commission grants registration to an SDR and (2) June 30, 2016.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2016–06546 Filed 3–22–16; 8:45 am]

BILLING CODE 8011–01–P

Exchange Act Applicable to Security-Based Swaps, Exchange Act Release No. 64678 (June 15, 2011), 76 FR 36287 (June 22, 2011) (the ''DFA Effective Date Order'').

[2] *See* DFA Effective Date Order, 76 FR at 36306.

[3] *See* DFA Effective Date Order, 76 FR at 36305–36306.

[4] *See* Exchange Act Release No. 74246 (Feb. 11, 2015), 80 FR 14438 (Mar. 19, 2015) (''SDR Rules Release'').

[5] *See* SDR Rules Release, 80 FR at 14456.

[6] *See id.*

[7] *See* Exchange Act Release No. 74244 (Feb. 11, 2015), 80 FR 14563 (Mar. 19, 2015).

[8] *See* 17 CFR 242.907.

[9] 15 U.S.C. 78mm.

[10] In the SDR Rules Release, the Commission stated that if a person files an amendment to its application for registration after the Commission has already published notice of the filing of its Form SDR and the Commission finds that the amendment renders the prior filing materially incomplete, then the 90-day period pursuant to Rule 13n–11(c) will reset from the time that the Commission deems the amended application to be complete for the Commission's review.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77392; File No. SR–NASDAQ–2016–036]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Include U.S. Non-Display Policies in the Nasdaq Rule Book

March 17, 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 Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to include U.S. non-display policies in the Nasdaq rule book under Nasdaq Rule 7023.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Nasdaq Rule 7023 (NASDAQ Depth-of-Book Data) by adding IM–7023–1. Nasdaq Rule 7023(a)(2)(B) defines ''Non-Display Usage'' as any method of accessing depth-of-book [3] ''data that involves access or use by a machine or automated device without access or use of a display by a natural person or persons.'' IM–7023–1 will incorporate guidance regarding U.S. non-display policies into the Nasdaq rule book to provide additional detail with regard to specific data usages and thereby ensure greater transparency. The inclusion of these policies into the Nasdaq rule book will lessen ambiguity in this area without necessitating any changes by market participants. The Exchange has been working with both the industry and customers to ensure that they understand these policies.

Specifically, IM–7023–1 will, in large part, include guidance regarding: (i) Devices (or servers) used in the transportation, dissemination or aggregation of data and ways to count such devices; (ii) examples and details of what constitutes fee-liable Non-Display Usage; (iii) examples and details of what Non-Display Usage does not include; and (iv) examples of how to report Non-Display Usage.

IM–7023–1 will apply most specifically to distributors [4] who access Nasdaq U.S information and use it in a non-display manner. IM–7023–1 will also provide guidance in the form of examples of use cases and details on how the Nasdaq U.S. non-display policies should be applied and reported.

The Exchange believes that it will be beneficial to both distributors specifically and to market participants more generally to incorporate these policies into the Nasdaq rule book through the addition of IM–7023–1, as well as adding IM–7026–1, IM–7037–1, IM–7039–1, IM–7047–1, and IM–7057–1 (collectively, the ''IMs'') that will be added following each of their respective rules and each refers back to IM–7023–1.

The result will be to provide distributors additional clarity through increased transparency into U.S. non-display policies, including reporting requirements pertaining to non-display usage. The presentation of this guidance in a more transparent manner will, in turn, provide distributors with greater precision in making fee-liable Non-Display Usage determinations.

These policies are a result of the Exchange working with the industry, as well as soliciting feedback from customers. Technology changes that create any new use cases will result in a separate Nasdaq filing. These U.S. non-display policies already are publicly available and can be found at *https://www.nasdaqtrader.com/Trader.aspx?id=GDP_Ops*, but their inclusion into the Exchange's rule book provides an additional way for market participants to easily find and review such policies.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act [6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, and is consistent with the Section 6(b)(5) [7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8] Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [9] (''NetCoalition'') the DC Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[10] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [11]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker

[3] *See* Nasdaq Rule 7023(a)(1), which states that ''Depth-of-Book'' refers to data feeds containing price quotations at more than one price level. These Nasdaq data feeds include Nasdaq Level 2, Nasdaq OpenView, and Nasdaq TotalView.

[4] *See* Nasdaq Rule 7023(a)(4).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78f(b)(5).

[8] Securities Exchange Act Release No. 51808 at 37499 (June 9, 2005) (''Regulation NMS Adopting Release'').

[9] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[10] *See NetCoalition,* at 534.

[11] *Id.* at 537.

dealers'. . . .'' [12] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The proposed rule change to add IM–7023–1 and the other IMs to the rule book will, in large part, include guidance regarding: (i) Devices (or servers) used in the transportation, dissemination or aggregation of data and ways to count such devices; (ii) examples and details of what constitutes fee-liable Non-Display Usage; (iii) examples and details of what Non-Display Usage does not include; and (iv) examples of how to report Non-Display Usage.

The Exchange believes that the proposed rule change is reasonable because it does not change any of the current practices or any dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls. Rather, it adds transparency for market participants and provides for the equitable treatment for distributors through making all such U.S. non-display policies easily available and accessible to all distributors on an equal basis.

In sum, the Exchange believes that the proposed rule change will provide transparency, clarity, and eliminate potential confusion that may exist for distributors and market participants regarding Non-Display Usage and, thereby, will promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will provide market participants guidance and greater clarity in making fee-liable Non-Display Usage determinations and, as a result, will serve to enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[12] *Id.* at 539 (quoting ArcaBook Order, 73 FR at 74782–74783).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[13] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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–NASDAQ–2016–036 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–NASDAQ–2016–036. 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–NASDAQ–2016–036, and should be submitted on or before April 13, 2016.

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[14] 17 CFR 200.30–3(a)(12).

[FR Doc. 2016–06454 Filed 3–22–16; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14673 and #14674]

Delaware Disaster #DE–00005

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 Delaware (FEMA–4265–DR), dated 03/16/2016.

Incident: Severe Winter Storm and Flooding.

Incident Period: 01/22/2016 through 01/23/2016.

Effective Date: 03/16/2016.

Physical Loan Application Deadline Date: 05/16/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 12/16/2016.

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 03/16/2016, 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: Sussex.

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 14673B and for economic injury is 14674B.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06562 Filed 3–22–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14637 and #14638]

Oregon Disaster Number OR–00080

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oregon (FEMA–4258–DR), dated 02/17/2016.

Incident: Severe Winter Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 12/06/2015 through 12/23/2015.

Effective Date: 03/16/2016.

Physical Loan Application Deadline Date: 04/18/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/17/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oregon, dated 02/17/2016, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Douglas.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06560 Filed 3–22–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14627 and #14628]

Oklahoma Disaster Number OK–00100

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4256–DR), dated 02/10/2016.

Incident: Severe Winter Storms and Flooding.

Incident Period: 12/26/2015 through 01/05/2016.

Effective Date: 03/17/2016.

Physical Loan Application Deadline Date: 04/11/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 11/10/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oklahoma, dated 02/10/2016, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Ottawa.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06635 Filed 3–22–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14667 and #14668]

Louisiana Disaster Number LA–00062

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4263–DR), dated 03/13/2016.

Incident: Severe Storms and Flooding.

Incident Period: 03/08/2016 and continuing.

Effective Date: 03/17/2016.

Physical Loan Application Deadline Date: 05/12/2016.

EIDL Loan Application Deadline Date: 12/13/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of LOUISIANA, dated 03/13/2016 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Allen, Ascension, Calcasieu.

Contiguous Counties: (Economic Injury Loans Only):

Louisiana: Assumption, Cameron, Evangeline, Iberville, Saint James.

Texas: Orange.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06638 Filed 3–22–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9493]

Notice of U.S. Administration Role Concerning U.S. Sector Members at the International Telecommunication Union (ITU)

SUMMARY: The Department of State informs all existing and prospective

U.S. Sector Members of the ITU that the Department of State serves as the ITU membership approval authority for U.S. entities and reminds U.S. Sector Members and prospective members of their responsibilities for paying their membership fees and keeping their accounts current.

FOR FURTHER INFORMATION CONTACT: Please contact Franz Zichy at 202–647–5778, *zichyfj@state.gov* and Lynnette Jackson at 202–647–8344, *Jacksonln@state.gov.*

SUPPLEMENTARY INFORMATION: The ITU was founded in 1865 as the International Telegraph Union. Its current name was adopted in 1934 and it became a specialized agency of the United Nations (UN), now responsible for information and communication technologies (ICT's) in 1947. Its purpose is to coordinate international telecommunication issues. ITU currently has 193 member states and more than 700 Sector Members, including many U.S. businesses and academic institutions.

The Office of International Communications and Information Policy (CIP), Multilateral Affairs (MA) in the Bureau of Economic and Business (EB) Affairs, U.S. Department of State, approves U.S. Sector Memberships for the ITU, and partners with the ITU in managing U.S. Sector Membership arrears accounts. ITU Sector Members represent a cross-section of the global ICT sector, from the world's largest manufacturers and carriers to small, innovative players working with new and developing technologies, and academia. Founded on the principle of international cooperation between governments (Member States) and the private sector (Sector Members, Associates and Academia), the ITU is a global forum through which parties can work towards consensus on a wide range of issues affecting the ICT industry's future direction.

The ITU has three sectors—ITU Radiocommunication Sector (ITU–R), ITU Telecommunication Standardization Sector (ITU–T), and ITU Development Sector (ITU–D). It also has two types of sector memberships—one for corporate entities and regional or international organizations and one for academia, university and research establishments. Sector members from corporate entities and regional or international organizations may join as a member of an entire sector (*e.g.,* the ITU–R) or as an associate of a particular Study Group within a sector. Corporate entities with the interest of operating as Recognized Operating Agencies (ROA) are required to apply for such status and may only identify as an ROA if so approved by the Federal Communications Commission.

Membership fees are paid in contributory units, and Member States, Sector Members, Associates, and Academia may choose their annual contributory amounts according to the quantities listed below. Full Sector Members are entitled to participate in all of the Study Groups, while organizations with specific focus can participate in the work of a single study group as an Associate. Academia, universities and their associated research establishments benefit from preferential rates, as do Sector Members from some developing countries.

Sector membership is automatically renewed unless the member notifies the ITU that it is renouncing its membership. Since renunciation does not take effect until six months following official notification, sector members will owe fees up until the official date of renunciation.

Minimum Annual Contributory Amounts

Standardization/Radiocommunication Sectors

Sector Members: 31,800 CHF per Sector
Associates: 10,600 CHF
Academia and research establishments: 3,975 CHF

Development Sector

Members: 7,950 CHF
Associates: 3,975 CHF
Academia and research establishments: 3,975 CHF

Additional information on types of memberships and details on membership participation can be accessed on the ITU Web site as follows: *https://www.itu.int/en/join/Pages/default.aspx.*

Dated: March 11, 2016.

Julie N. Zoller,

Senior Deputy Coordinator, International Communications and Information Policy, U.S. State Department.

[FR Doc. 2016–06561 Filed 3–22–16; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF STATE

[Public Notice: 9492]

Notice of Public Meeting of the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

Summary: In accordance with the Federal Advisory Committee Act (FACA), the PEPFAR Scientific Advisory Board (hereinafter referred to as ''the Board'') will meet on Tuesday, April 19, 2016 at 1800 G St. NW., Suite 10300, Washington DC 20006. The meeting will last from 8:30 a.m. until approximately 5:00 p.m. and is open to the public.

The meeting will be hosted by the Office of the U.S. Global AIDS Coordinator, and led by Ambassador Deborah Birx, who leads implementation of the President's Emergency Plan for AIDS Relief (PEPFAR), and the Board Chair, Dr. Carlos del Rio.

The Board serves the Global AIDS Coordinator in a solely advisory capacity concerning scientific, implementation, and policy issues related to the global response to HIV/AIDS. These issues will be of concern as they influence the priorities and direction of PEPFAR evaluation and research, the content of national and international strategies and implementation, and the role of PEPFAR in international discourse regarding an appropriate and resourced response. Topics for the meeting will include follow-up discussion of previous Board recommendations on ''Test and START'' and pre-exposure prophylaxis (PrEP); updates on PEPFAR 3.0 programmatic activities in a number of areas including epidemic control, financing, tuberculosis (TB)/HIV co-infection and increasing civil society engagement in PEPFAR processes and decisions.

The public may attend this meeting as seating capacity allows. Admittance to the meeting will be by means of a pre-arranged clearance list. In order to be placed on the list and, if applicable, to request reasonable accommodation, please register online via the following: *http://goo.gl/forms/DchykN6z43* no later than Tuesday, April 5. While the meeting is open to public attendance, the Board will determine procedures for public participation. Requests for reasonable accommodation that are made after 5:00 p.m. on April 8 might not be possible to fulfill.

For further information about the meeting, please contact Dr. Julia MacKenzie, Designated Federal Officer for the Board, Office of the U.S. Global AIDS Coordinator and Health Diplomacy at *MacKenzieJJ@state.gov.*

Dated: March 10, 2016.

Julia MacKenzie,

Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Department of State.

[FR Doc. 2016–06558 Filed 3–22–16; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Delegation of Authority No. 393]

Classification Authority Acting Under the Direction of the Senior Agency Official

By virtue of the authority vested in me as the Senior Agency Official designated under Section 5.4 of the Executive Order on Classified National Security Information (E.O. 13526), and by authority delegated to me by the Secretary of State pursuant to Delegation of Authority 198, dated September 16, 1992, I hereby authorize and direct the Deputy Assistant Secretary for Global Information Services (DAS for A/GIS) and the Director of Information Programs and Services (A/GIS/IPS), to classify or reclassify information consistent with the circumstances and procedures described in section 1.7(d) of E.O. 13526.

This authority delegated herein may be re-delegated, to the extent consistent with law. The Under Secretary for Management and the Assistant Secretary for Administration will approve any such re-delegation of authority.

As prescribed in section 1.7(d), this authority shall be exercised on a document-by-document basis only as to information that has not been previously released to the public under proper authority, and only if such classification meets the requirements of E.O. 13526. The official exercising this authority shall do so under the direction of the Under Secretary for Management.

Any actions related to the functions described herein that may have been taken prior to the date of this delegation are hereby confirmed and ratified. Such actions shall remain in force as if taken under this delegation of authority, unless or until such actions are rescinded, amended, or superseded.

This delegation of authority supersedes the notice of the same title, published on February 12, 1999 (64 FR 7227). This document shall be published in the **Federal Register**.

Dated: March 10, 2016.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2016–06553 Filed 3–22–16; 8:45 am]

BILLING CODE 4710–24–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from the Association of American Railroads (WB16–11—3/15/16) for permission to sponsor The Georgetown Center for Business and Public Policy to use certain unmasked data from the Board's 1984–2014 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2016–06443 Filed 3–22–16; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0033]

National Emergency Medical Services Advisory Council; Notice of Federal Advisory Committee Meeting

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

ACTION: Meeting notice—National Emergency Medical Services Advisory Council.

SUMMARY: The NHTSA announces meeting of NEMSAC to be held in the Metropolitan Washington, DC, area. This notice announces the date, time, and location of the meetings, which will be open to the public, as well as opportunities for public input to the NEMSAC. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the Federal Interagency Committee on Emergency Medical Services (FICEMS) on matters relating to emergency medical services (EMS).

DATES: The NEMSAC meeting will be held on April 18, 2016 from 9 a.m. to 12:30 p.m. EDT, and on April 19, 2016 from 9 a.m. to 12:00 p.m. EDT. A public comment period will take place on April 18, 2016 between 12:15 p.m. and 12:30 p.m. EDT and on April 19, 2016 between 11:00 a.m. and 11:15 a.m. EDT. NEMSAC committees will meet in the same location on Monday, April 18, 2016 from 2 p.m. to 5 p.m. EDT. Written comments for the NEMSAC from the public must be received no later than April 11, 2016.

ADDRESSES: The meetings will be held at the FHI 360 Conference Center, 8th Floor, 1825 Connecticut Avenue NW., Washington, DC 20009. Attendees should plan to arrive 20 minutes early to check in for the meeting.

FOR FURTHER INFORMATION CONTACT: Susan McHenry, U.S. Department of Transportation, Office of Emergency Medical Services, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590, *susan.mchenry@dot.gov* or 202–366–6540.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.). The NEMSAC is authorized under section 31108 of the Moving Ahead with Progress in the 21st Century Act of 2012.

Tentative Agenda of the National EMS Advisory Council Meeting

The tentative NEMSAC agenda includes the following:

Monday, April 18, 2016 (9 a.m. to 12:30 p.m. EDT)

(1) Opening Remarks
(2) Disclosure of Conflicts of Interests by Members
(3) Federal Liaison Update—Reports and Updates from the Departments of Transportation, Homeland Security, and Health & Human Services
  a. DOT/NHTSA will present a letter to the NEMSAC requesting advice on the administration of narcotic antagonists by Emergency Medical Technicians and Emergency Medical Responders.
(4) Presentation on REPLICA—Recognition of EMS Personnel Licensure Interstate Compact
(5) Presentation on Drug Shortages and Controlled Substances
(6) NEMSAC Committee Updates
(7) Public Comment (12:15–12:30 p.m. EDT)
(8) Recess for Day (12:30 p.m. EDT)
NEMSAC Committees Breakout Sessions from 2 p.m.–5 p.m.—(on-site and open to the public)

Tuesday, April 19, 2016 (9:00 a.m. to 12:00 p.m. EDT)

(1) Reconvene and Approval of December 1–2, 2015 Meeting Minutes
(2) Presentation on Code Green Campaign
(3) NEMSAC Committee Reports (see committee list below)

(4) Public Comment (11:00 a.m.–11:15 a.m. EDT)
(5) Next Steps
(6) Recess—12:00 p.m. EDT
Overview of NEMSAC Committees:
a. Funding and Reimbursement
b. Innovative Practices of EMS Workforce
c. Data Integration and Technology
d. Patient Care, Quality Improvement and General Safety
e. Provider and Community Education
f. Ad Hoc Committee on Recognition of EMS Personnel Licensure Interstate Compact (REPLICA)

Registration Information: This meeting will be open to the public; however, pre-registration is requested. Individuals wishing to attend must register online no later than April 13, 2016. For NEMSAC please register at: *https://www.SignUp4.net/public/ap.aspx?EID=NEMS14E.* For assistance with registration, please contact Susan McHenry at *Susan.Mchenry@dot.gov* or at 202–366–6540. There will not be a teleconference option for these meetings.

Public Comment: Members of the public are encouraged to comment directly to the NEMSAC during designated public comment periods. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 5 minutes. Written comments from members of the public will be distributed to NEMSAC members at the meeting and should reach the NHTSA Office of EMS no later than April 11, 2016. Written comments may be submitted by either one of the following methods: (1) You may submit comments by email: *nemsac@dot.gov* or (2) you may submit comments by fax: (202) 366–7149.

A final agenda as well as meeting materials will be available to the public online through *www.EMS.gov* on or before April 13, 2016.

Issued on: March 17, 2016.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. 2016–06396 Filed 3–22–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Orders 13382 and 13551

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of (1) six individuals and one entity whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters;'' and (2) three entities whose property and interests in property are blocked pursuant to E.O. 13551, ''Blocking Property of Certain Persons With Respect to North Korea.''

DATES: OFAC's actions described in this notice are effective December 8, 2015.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202/622–2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On December 8, 2015, OFAC blocked the property and interests in property of the following six individuals and one entity pursuant to E.O. 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'':

Individuals

1. KIM, Kyong Nam (a.k.a. KIM, Kyo'ng-Nam), Russia; DOB 11 Jul 1976; nationality Korea, North; Foreign Trade Bank of the Democratic People's Republic of Korea Representative in Russia (individual) [NPWMD] (Linked To: FOREIGN TRADE BANK OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA).

2. CHOE, Song Il, Vietnam; DOB 08 Jun 1973; citizen Korea, North; Passport 472320665 (Korea, North) expires 26 Sep 2017; alt. Passport 563120356 (Korea, North) issued 19 Mar 2018; Tanchon Commercial Bank Representaotive in Vietnam (individual) [NPWMD] (Linked To: TANCHON COMMERCIAL BANK).

3. JANG, Bom Su (a.k.a. JANG, Pom Su), Syria; DOB 15 Apr 1957; citizen Korea, North; Tanchon Commercial Bank Representative in Syria (individual) [NPWMD] (Linked To: TANCHON COMMERCIAL BANK).

4. JON, Myong Guk (a.k.a. CHO'N, Myo'ng-kuk), Syria; DOB 18 Oct 1976; Passport 4721202031 (Korea, North) expires 21 Feb 2017; Tanchon Commercial Bank Representative in Syria (individual) [NPWMD] (Linked To: TANCHON COMMERCIAL BANK).

5. KIM, Jung Jong (a.k.a. KIM, Chung Chong), Vietnam; DOB 07 Nov 1966; Passport 199421147 (Korea, North) expires 29 Dec 2014; alt. Passport 381110042 (Korea, North) expires 25 Jan 2016; alt. Passport 563210184 (Korea, North) expires 18 Jun 2018; Tanchon Commercial Bank Representative in Vietnam (individual) [NPWMD] (Linked To: TANCHON COMMERCIAL BANK).

6. KO, Tae Hun (a.k.a. KIM, Myong Gi); DOB 25 May 1972; Passport 563120630 (Korea, North) expires 20 Mar 2018; Tanchon Commercial Bank Representative (individual) [NPWMD] (Linked To: TANCHON COMMERCIAL BANK).

Entity

1. STRATEGIC ROCKET FORCE OF THE KOREAN PEOPLE'S ARMY (a.k.a. STRATEGIC ROCKET FORCE; a.k.a. THE STRATEGIC ROCKET FORCE COMMAND OF KPA; a.k.a. ''STRATEGIC FORCE''; a.k.a. ''STRATEGIC FORCES''), Pyongyang, Korea, North [NPWMD].

In addition, on December 8, 2015, OFAC blocked the property and interests in property of the following three entities pursuant to E.O. 13551, ''Blocking Property of Certain Persons With Respect to North Korea'':

Entities

1. HAEJIN SHIP MANAGEMENT COMPANY LIMITED, Tonghung-dong, Chung-guyok, Pyongyang, Korea, North; Tonghung-dong, Central District, Pyongyang, Korea, North; Email Address *haejinsm@silibank.net.kp;* Identification Number IMO 5814866 [DPRK].

2. PYONGJIN SHIP MANAGEMENT COMPANY LIMITED, Ryukkyo 1-dong, Pyongchon-guyok, Pyongyang, Korea, North; 102 Ryuggyo 1-dong, Pyongchon District, Pyongyang, Korea, North; Identification Number IMO 5817790 [DPRK].

3. YONGJIN SHIP MANAGEMENT COMPANY LIMITED, Tonghung-dong, Chung-guyok, Pyongyang, Korea, North; Tonghung-dong, Central District, Korea, North; Email Address *yonmgjinsm@silibank.net.kp;* Identification Number IMO 5814883; alt. Identification Number IMO 5814906; alt. Identification Number IMO 5820255 [DPRK].

Dated: December 8, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2016–06493 Filed 3–22–16; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Orders 13382 and 13687

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of three individuals whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters;'' and seven individuals and two entities whose property and interests in property are blocked pursuant to E.O. 13687, ''Imposing Additional Sanctions With Respect To North Korea.''

DATES: OFAC's actions described in this notice were effective on March 2, 2016, as further specified below.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202–/622–2420, Associate Director for Sanctions Policy and Implementation, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Notice of OFAC Actions

On March 2, 2016, OFAC blocked the property and interests in property of the following three individuals pursuant to E.O. 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'':

Individuals

1. HYON, Gwang Il (a.k.a. HYON, Kwang Il), Korea, North; DOB 27 May 1961; nationality Korea, North; Department Director at the National Aerospace Development Administration (individual) [NPWMD] (Linked To: NATIONAL AEROSPACE DEVELOPMENT ADMINISTRATION).

2. KIM, Song Chol (a.k.a. KIM, Hak Song); DOB 26 Mar 1968; alt. DOB 15 Oct 1970; nationality Korea, North; Passport 654120219 (Korea, North) expires 24 Feb 2019; alt. Passport 381420565 (Korea, North) expires 23 Nov 2016 (individual) [NPWMD] (Linked To: KOREA MINING DEVELOPMENT TRADING CORPORATION).

3. SON, Jong Hyok (a.k.a. SON, Min), Egypt; DOB 20 May 1980; nationality Korea, North (individual) [NPWMD] (Linked To: KOREA MINING DEVELOPMENT TRADING CORPORATION).

In addition, on March 2, 2016, OFAC blocked the property and interests in property of the following seven individuals and two entities pursuant to E.O. 13687, ''Imposing Additional Sanctions With Respect To North Korea'':

Individuals

1. RI, Man Gon, Korea, North; DOB 1945 (individual) [DPRK2].

2. YU, Chol U, Korea, North; DOB 08 Aug 1959; Director, National Aerospace Development Administration (individual) [DPRK2] (Linked To: NATIONAL AEROSPACE DEVELOPMENT ADMINISTRATION).

3. HWANG, Pyong So (a.k.a. HWANG, Pyo'ng-so'), Korea, North; DOB 1940; Vice Chairman of the National Defense Commission (individual) [DPRK2] (Linked To: NATIONAL DEFENSE COMMISSION).

4. O, Kuk Ryol (a.k.a. O, Ku'k-ryo'l), Korea, North; DOB 07 Jan 1930; POB Onso'ng County, North Hambuk Province, Democratic People's Republic of Korea; Vice Chairman of the National Defense Commission (individual) [NPWMD] [DPRK2] (Linked To: NATIONAL DEFENSE COMMISSION).

5. PAK, Yong Sik (a.k.a. PAK, Yo'ng-sik), Korea, North; DOB 1950; Member of the Workers' Party of Korea Central Military Commission (individual) [DPRK2] (Linked To: WORKERS' PARTY OF KOREA CENTRAL MILITARY COMMISSION).

6. RI, Yong Mu (a.k.a. RI, Yong-Mu), Korea, North; DOB 25 Jan 1925; POB South Pyo'ngan Province, Pyo'ngso'ng; Vice Chairman of the National Defense Commission (individual) [DPRK2] (Linked To: NATIONAL DEFENSE COMMISSION).

7. PAK, Chun Il, Egypt; DOB 28 Jul 1954; nationality Korea, North; Passport 563410091 (Korea, North); North Korean Ambassador to Egypt (individual) [DPRK2].

Entities

1. NATIONAL DEFENSE COMMISSION, Pyongyang, Korea, North [DPRK2].

2. WORKERS' PARTY OF KOREA CENTRAL MILITARY COMMISSION, Pyongyang, Korea, North [DPRK2].

Dated: March 2, 2016.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2016–06494 Filed 3–22–16; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

[Docket No: TREAS–DO–2015–0013]

Notice Seeking Public Comment on the Evolution of the Treasury Market Structure

AGENCY: Office of the Under Secretary for Domestic Finance, Department of the Treasury.

ACTION: Request for information; extension of comment period.

SUMMARY: On January 22, 2016, the Department of the Treasury (Treasury) published in the **Federal Register** a request for information (RFI) on the Evolution of the Treasury Market Structure. The RFI seeks comments on structural changes in the U.S. Treasury market and their implications for market functioning; trading and risk management practices across the U.S. Treasury market; considerations with respect to more comprehensive official sector access to Treasury market data; and benefits and risks of increased public disclosure of Treasury market activity. Treasury is extending the comment period until April 22, 2016 to provide additional opportunity to comment.

DATES: The comment period for the notice published on January 22, 2016, (81 FR 3928) is extended. Comments must be received no later than April 22, 2016.

ADDRESSES: Comments may be submitted through the Federal eRulemaking Portal (*www.regulations.gov*). Please follow the instructions for submitting comments through the Web site. You may download this proposed rule from *www.regulations.gov* or *www.treasurydirect.gov.* Please submit your comments, along with your full name and mailing address. We will not accept comments by fax or email. All comments will be posted to *www.regulations.gov* and on the TreasuryDirect Web site at *www.treasurydirect.gov.*

Additional Instructions: In general, comments received, including attachments and other supporting materials, are part of the public record and are available to the public. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions or any additional information, please email *TreasuryMarket RFI@treasury.gov* or call (202) 622–2396. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339. All responses to this Notice and Request for Information should be submitted via *www.regulations.gov* to ensure consideration.

SUPPLEMENTARY INFORMATION: On January 22, 2016, Treasury published in the **Federal Register** a request for information on the Evolution of the Treasury Market Structure.[1] The RFI seeks public comment on several specific questions that will inform the ongoing work related to the next steps identified in the Joint Staff Report: The U.S. Treasury Market on October 15, 2014. The RFI is intended, in part, to seek information and viewpoints from a diverse group of stakeholders, including the general public, buy and sell-side market participants, academics, and industry groups regarding these and other structural changes in the Treasury market, and their implications for the depth, liquidity, and functioning of the market. The RFI is also intended to develop a holistic view of trading and risk management practices across U.S. Treasury futures and cash markets—including the various trading venues and modes of execution present in the cash market—and it seeks input on potential improvements in Treasury market policies, practices, and conduct.

Given the market evolution, access to timely and comprehensive data across related markets is increasingly important to fully assess new developments, and analyze market events. Accordingly, we are interested in the most efficient and effective ways for the official sector to obtain additional market data and in ways to more effectively monitor diverse but related markets. Finally, we are interested in the potential benefits and costs of additional transparency with respect to Treasury market trading activity and trading venue policies and practices.

James G. Clark,

Deputy Assistant Secretary for Federal Finance.

[FR Doc. 2016–06641 Filed 3–22–16; 8:45 am]

BILLING CODE 4810–AS–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—March 31, 2016, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: Dennis Shea, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on Thursday, March 31, 2016 on ''China and the U.S. Rebalance to Asia.''

Background: This is the fourth public hearing the Commission will hold during its 2016 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. This hearing will examine the origins, implementation, and impacts of the U.S. ''Rebalance to Asia'' strategy, now in its fourth year. It will assess the reactions of China and other regional countries to the Rebalance, and evaluate areas of strength and weakness. The hearing will also explore what objectives and policies will best serve U.S. regional interests moving into a new Administration. The hearing will be co-chaired by Vice Chairman Carolyn Bartholomew and Senator James Talent. Any interested party may file a written statement by March 31, 2016, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Location, Date and Time: Room: G–50, Dirksen Senate Office Building. Thursday, March 31, 2016, 9:00 a.m. to 2:50 p.m.. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Anthony DeMarino, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *ademarino@uscc.gov. Reservations are not required to attend the hearing.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: March 17, 2016.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2016–06529 Filed 3–22–16; 8:45 am]

BILLING CODE 1137–00–P

[1] 81 FR 3928 (January 22, 2016), *https://www.federalregister.gov/articles/2016/01/22/2016-01246/evolution-of-the-treasury-market-structure-request-for-comments.*

FEDERAL REGISTER

Vol. 81 Wednesday,
No. 56 March 23, 2016

Part II

The President

Proclamation 9407—National Poison Prevention Week, 2016

Federal Register
Vol. 81, No. 56
Wednesday, March 23, 2016

Presidential Documents

Title 3—

The President

Proclamation 9407 of March 18, 2016

National Poison Prevention Week, 2016

By the President of the United States of America

A Proclamation

As the leading cause of accidental injury death in the United States, poisonings can harm people of all ages and from all walks of life. More than 90 percent of poisonings occur inside the home, and most are treatable and preventable. During National Poison Prevention Week, we work to ensure the safety of our homes and communities by learning of the dangers of poison and striving to prevent poisonings.

The most common sources of poisoning in young children are items typically found at home, including cleaning, cosmetic, and personal care products, as well as over-the-counter and prescription medications. Although children are more likely to be poisoned, adults—who are most commonly poisoned by cleaning products, or by the improper use of sedatives, antidepressants, pain relievers, or prescription drugs—are far more likely to die from poison exposure.

With diligence and caution, these tragedies can be avoided. Make sure household products are kept in their original bottles and away from children, and never mix such products together. Some poisonous materials and vapors are harder to identify, including carbon monoxide—a colorless and odorless, yet very dangerous, gas. Everyone should have carbon monoxide detectors in their home, use them properly, and get them tested regularly. Medications should always be kept out of the reach of children, and whether prescription or over-the-counter, all drugs should be taken safely and in accordance with guidance on the label or as prescribed and instructed by healthcare professionals. To learn more about keeping you and your family safe from poison, visit www.PoisonHelp.HRSA.gov, and for more information on how to safely dispose of drugs, including by participating in the National Prescription Drug Take-Back Day on April 30, visit www.DEAdiversion.USDOJ.gov.

We can all play a role in preventing poisoning tragedies from occurring. Every individual can take steps on their own to make their homes safer and to learn of appropriate actions to take in the event of a poisoning incident. If you believe someone has been poisoned, immediately call the Poison Help line at 1–800–222–1222. By coming together to secure potentially-toxic materials in our homes and communities and by educating our friends and family on methods of prevention, we can help ensure no person is deprived of a full and healthy life due to poisoning.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventative measures, the Congress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681) has authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 20 through March 26, 2016, as National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to protect their families from hazardous household materials and misuse of prescription medicines.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2016–06793
Filed 3–22–16; 11:15 am]
Billing code 3295–F6–P

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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H.R. 1755/P.L. 114–135

To amend title 36, United States Code, to make certain improvements in the congressional charter of the Disabled American Veterans. (Mar. 18, 2016; 130 Stat. 300)

S. 1172/P.L. 114–136

Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Mar. 18, 2016; 130 Stat. 301)

S. 1580/P.L. 114–137

Competitive Service Act of 2015 (Mar. 18, 2016; 130 Stat. 310)

S. 1826/P.L. 114–138

To designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the Lieutenant Colonel James ''Maggie'' Megellas Post Office. (Mar. 18, 2016; 130 Stat. 313)

S. 2426/P.L. 114–139

To direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes. (Mar. 18, 2016; 130 Stat. 314)

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