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

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3555

RIN 0575–AD00

Single Family Housing Guaranteed Loan Program

AGENCY: Rural Housing Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS or Agency) is amending the current regulation for the Single Family Housing Guaranteed Loan Program (SFHGLP) on the subjects of lender indemnification, refinancing, and qualified mortgage requirements. The Agency is expanding its lender indemnification authority for loss claims in the case of fraud, misrepresentation, or noncompliance with applicable loan origination requirements. This action is taken to continue the Agency's efforts to improve and expand the risk management of the SFHGLP. The Agency is amending its refinancing provisions to simply require that the new interest rate not exceed the interest rate on the original loan and to add a new refinance option, ''streamlined-assist.'' Finally, the agency is amending its regulation to indicate that a loan guaranteed by RHS is a Qualified Mortgage if it meets certain requirements set forth by the Consumer Protection Finance Bureau (CFPB).

DATES: Effective April 28, 2016.

FOR FURTHER INFORMATION CONTACT: Lilian Lipton, Finance and Loan Analyst, Single Family Housing Guaranteed Loan Division, STOP 0784, Room 2250, USDA Rural Development, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0784, telephone: (202) 260–8012, email is *lilian.lipton@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been determined to be non-significant by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Except where specified, all State and local laws and regulations that are in direct conflict with this rule will be preempted. Federal funds carry Federal requirements. No person is required to apply for funding under this program, but if they do apply and are selected for funding, they must comply with the requirements applicable to the Federal program funds. This rule is not retroactive. It will not affect agreements entered into prior to the effective date of the rule. Before any judicial action may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR part 11 must be exhausted.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effect of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Agency generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million, or more, in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. This final rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of the Agency that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, neither an Environmental Assessment nor an Environmental Impact Statement is required.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the undersigned has determined and certified by signature of this document that this rule change will not have a significant impact on a substantial number of small entities. This rule does not impose any significant new requirements on Agency applicants and borrowers, and the regulatory changes affect only Agency determination of program benefits for guarantees of loans made to individuals.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This executive order imposes requirements on RD in the development of regulatory policies that have Tribal implications or preempt tribal laws. RD has determined that the final rule does not have a substantial direct effect on one or more Indian Tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian Tribes. Thus, this rule is not subject to the requirements of Executive Order 13175. If a Tribe determines that this rule has implications of which RD is not aware and would like to engage with RD on this rule, please contact RD's Native

American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

Executive Order 12372, Intergovernmental Consultation

This program/activity is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. (See the Notice related to 7 CFR part 3015, subpart V, at 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985).

Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.410, Very Low to Moderate Income Housing Loans (Section 502 Rural Housing Loans).

Paperwork Reduction Act

The information collection and record keeping requirements contained in this regulation have been approved by OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The assigned OMB control number is 0575–0179.

E-Government Act Compliance

The Rural Housing Service 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.

Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Background Information

On March 5, 2015, RHS published a proposed rule with request for comments for the Single Family Housing Guaranteed Loan Program (SFHGLP) (80 FR 11950–11954). Rural Development received comments from seventeen respondents. Comments were from lenders, secondary market sources, builders, and other interest groups. Specific public comments and substantive changes from the proposed rule are addressed below in general order of appearance in the regulation, not based in the order of importance.

One respondent requested the Agency to clarify when the rule would become effective and what the trigger events will be for the effective date of the various requirements for loan applications received by lenders on or after the effective date of the final rule. The final rule will become effective 60 days after its publication in the **Federal Register**.

Refinancing (§ 3555.101(d))

Five respondents fully supported the Agency's proposal to amend its refinancing provisions and add the Streamlined-Assist Refinance option.

One respondent supported the Streamlined-Assist Refinance program but requested that the Agency: (1) Add repayment requirements for remaining borrowers; (2) limit costs to principal and current interest charges due, reasonable and customary re-conveyance fee, and the upfront guarantee fee; and (3) limit refinance balance to original purchase loan amount. The Agency believes the Streamlined-Assist Refinance's purpose is to increase affordability for current borrowers and implementing the suggested changes will defeat the purpose of this option. No change is made in this provision.

One respondent supported the addition of the Streamlined-Assist Refinance option but requested clarification with regards to the inclusion of the guarantee fee and eligible closing costs. Eligible loan purposes, including fees and closing costs, will remain the same as described on § 3555.101(d) for all refinancing transactions. Closing costs may be included in the refinance loan amount. No change is made in this provision.

One respondent requested the eligibility of non-section 502 loans to be refinanced through the program, such as balloon or ARM mortgage products, if they meet USDA eligibility requirements. The Agency does not have statutory authority as this request does not conform with the Housing Act of 1949 limits on refinancing in this program. No change is made in this provision.

Indemnification (§ 3555.108(d))

Two respondents believe a five-year indemnification period is too long and requested the Agency to maintain the current lender indemnification period of 24 months. The Agency will continue to pursue a five-year indemnification period, similar to those of other federal agencies and as recommended by the Office of Inspector General (OIG) Report 04703–003–HY. The rule has been amended to clarify that the loan originator will be required to indemnify the Agency and not a subsequent holder or acquirer of the loan. No other change is made in this provision.

Two respondents requested the Agency to amend its definition of default accounts from 30 days delinquent to 60 days. The Agency will maintain the 30-day definition, consistent with other federal agencies. No change is made in this provision.

One respondent encouraged the Agency to add a standard of materiality for the underwriting defect and to specify that there must be a connection between the defect and the cause of default by adding that ''The Agency may seek indemnification if fraud or misrepresentation occurs in connection with the origination *and the lender knew, or should have known about the occurrence.''* It also recommended the Agency to clarify that an indemnification does not affect the guaranty status of the loan. RHS will include the standard of materiality and a provision that the loan note guarantee of the holder will not be affected by indemnification by the originating lender.

Qualified Mortgage (§ 3555.109)

Six respondents requested RHS to update program guidance to incorporate different points and fee limitations than those proposed. The Agency will remain consistent with the Consumer Financial Protection Bureau (CFPB) and other federal agencies in its points and fees limitations. No change is made in this provision.

Two respondents requested the Agency to not adopt CFPB's 43-percent debt-to-income limit. The Agency had not included any debt-to-income limitation in the proposed rule. The CFPB debt ratio limitations do not apply to loans guaranteed by the Agency. Until January 20, 2021 or the date on which an agency rule defining qualified mortgages becomes effective (whichever is earlier), loans guaranteed by RHS are presumed to be qualified mortgages under 12 CFR 1026.43(e)(4).

Four respondents noted that Housing Finance Agencies (HFA) loans are exempt from the Qualified Mortgage requirements and are automatically classified as Qualified Mortgages eligible for insurance through the SFHGLP. The Agency is amending its rule and will include language exempting HFAs from the Qualified Mortgage requirements.

Principal Reduction (§ 3555.304(d))

One respondent wrote that the Mortgage Recovery Advance (MRA) already provides for principal reductions, and that by separating principal reduction from the MRA would complicate the process because loan servicers would now have to take two steps instead of only one. The respondent pointed out that if the PRA is eventually forgiven, it would become a tax liability to borrowers because the Internal Revenue Service (IRS) considers forgiven debt to be taxable income. Struggling low or moderate income borrowers may not be able to handle the additional tax bill. The respondent also indicated that since the PRA results in an unsecured loan which would not be forgiven if the borrower re-defaulted on their mortgage, mortgage loan servicers would be in a position of collecting on an unsecured loan. Mortgage loan servicers do not want to collect unsecured loans, and the respondent suggested that the agency should collect the unsecured loans.

One respondent indicated that the use of separate notes, one for an MRA and one for a PRA, would complicate special loan servicing workouts and may confuse or overwhelm eligible borrowers. The respondent indicated that the Agency should consider keeping both the MRA and PRA amounts as secured loans to avoid the likelihood of borrower confusion. The respondent also questioned how the PRA would be impacted should the borrower attempt to pay off the loan before the three year period prior to eligibility for debt forgiveness. Should the PRA be forgiven, the respondent suggested that the Agency should report the forgiveness amount to the IRS, and not the servicer. The respondent wrote that should the PRA not be forgiven, attempts to collect the unsecured loan would be detrimental to borrowers recovering from financial difficulties. Attempts to collect unsecured PRAs, suggested the respondent, could ultimately be more costly to the Agency than simply forgiving the amounts advanced. Finally, the respondent questioned whether the MRA and PRA claims should be filed separately or whether both amounts may be submitted in the same claim. Separate filings would be especially complicated according to the respondent.

Two respondents requested the Agency to eliminate the January 1, 2001 to January 1, 2010 timeframe restriction on PRAs.

One respondent supported the Principal Reduction Advance (PRA) proposal but requested that lenders have at least six months to implement the policy in order to allow for internal system integrations related to this process.

After careful review and consideration, the Agency agrees with all the comments submitted, and has decided to not implement the PRA transaction as it had been proposed. The original MRA procedure will remain unaltered and the PRA will not become a separate transaction.

Indemnification: In the Office of Inspector General (OIG) Report 04703–003–HY, SFH GL Loss Claims, the Agency was requested to re-evaluate the timeframe in which the Government can seek indemnification for noncompliance with regulations in loan origination. Present language in 7 CFR 3555.108(d)(1) limits the indemnification to losses if the payment under the guarantee was made within 24 months of loan closing. Origination defects which depart from Agency requirements, however, may cause defaults beyond 24 months from loan closing. Similarly, claims arising from defective originations may occur several years after loan closing. The change will trigger indemnification if the default occurs within five years from origination and the Agency concludes the default arose because the originator did not underwrite the loan according to Agency standards and guidelines, regardless of when the claim is paid. This is similar to how HUD and other federal agencies operate.

The Agency may also seek indemnification if the Agency determines that fraud or misrepresentation occurred in connection with the origination of the loan, regardless of when the loan closed. 7 CFR 3555.108(d)(2). This provision is being clarified to state that the Agency may seek indemnification in cases of fraud or misrepresentation regardless of when the loan closed or when the default occurred.

In addition, the definition of ''default'' has been added to section 3555.10 to clarify that default is when an account is more than 30 days overdue. This is consistent with how the term is used in the mortgage industry.

Refinance: There are currently two refinance options available to Section 502 borrowers, and the Agency is adding a third option which has been successfully tested in a pilot. The Agency is amending section 3555.101(d)(3)(i) to remove the requirement that the interest rate of a refinanced loan be at least 100 basis points below the original rate, and instead to require that the new interest rate not exceed the original interest loan's interest rate. The interest rate reduction requirement has proven problematic in rising rate environments. For example, in the case of divorce, the borrower may not be able to refinance as required by their divorce decree or judgment because they cannot secure an interest rate at least 1 percent lower than the first one.

The definition of ''streamlined-assist refinance'' is being added to 7 CFR 3555.10. On February 1, 2012 RHS created a refinancing pilot known as the ''Rural Refinance Pilot.'' The streamlined-assist refinance differs from the traditional refinance options in that there is no appraisal or credit report requirement in most instances, as long as the borrower has been current on their first mortgage for the previous 12 months and their new interest rate is at least 1 percent lower than their first one. A new appraisal is required for direct loan borrowers who received a subsidy for the purposes of calculating subsidy recapture.

The pilot was designed to assist existing Section 502 direct or guaranteed loan borrowers in refinancing their homes with greater ease in thirty-five eligible states where steep home price declines, unemployment and persistent poverty rates made refinancing a current

mortgage into more affordable terms difficult or impossible. Due to the success of the pilot program, RHS will adopt the pilot policy as a refinance option for existing Section 502 direct or guaranteed loan borrowers nationwide in addition to the two traditional refinance loan options of streamlined and non-streamlined. The special refinance loan option will be called ''streamlined-assist.''

This rule amends 7 CFR 3555.101(d)(3)(vi) to include ''streamlined-assist'' as one of three available refinance loan options in addition to the traditional ''streamlined'' and ''non-streamlined'' refinance loans. Section 3555.101(d)(3)(vi) discusses eligibility requirements for each streamlined and non-streamlined refinance loan. The streamlined-assist refinance will have the same features as the Rural Refinance Pilot described above. Additional eligibility criteria for refinance loans is discussed in Section 3555.101(d)(3).

Qualified Mortgage: The agency is changing Section 3555.109, to indicate that a loan guaranteed by RHS meeting certain CFPB requirements is a ''Qualified Mortgage.''

The CFPB published a ''Qualified Mortgage'' rule (12 CFR part 1026) which became effective January 10, 2014 and implemented in part the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (P.L. 111–203). This rule requires creditors to make a reasonable, good faith determination of a consumer's repayment ability for any consumer credit transaction secured by a dwelling, and establishes a safe harbor from liability for transactions that meet the requirements for ''qualified mortgages.'' Currently, SFHGLP loans are considered to be qualified mortgages if they meet the requirements in 12 CFR 1026.43(e)(2)(i)–(iii) and the points and fees limits in 12 CFR 1026.43(e)(3) until RHS promulgates its own rules regarding qualified mortgages, or January 10, 2021, whichever is earlier. (See 12 CFR 1026.43(e)(4)).

RHS guaranteed loans currently meet these requirements. Therefore, section 3555.109 is clarifying that RHS guaranteed loans which meet the CFPB requirements in 12 CFR 1026.43(e)(2)(i)-(iii) and 12 CFR 1026.43(e)(3) are considered qualified mortgages.

List of Subjects in 7 CFR Part 3555

Home improvement, Loan programs—Housing and community development, Mortgage insurance, Mortgages, Rural areas.

For the reason stated in the preamble, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended as follows:

PART 3555—GUARANTEED RURAL HOUSING PROGRAM

■ 1. The authority citation for part 3555 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, 42 U.S.C. 1480, and Subpart E of 7 U.S.C. 1932(a).

Subpart C—Loan Requirements

■ 2. Amend § 3555.10 by adding definitions for ''Default''and ''Streamlined-assist refinance'' to read as follows:

§ 3555.10 Definitions and abbreviations.

* * * * *

Default. A loan is considered in default when a payment has not been paid after 30 days from the date it was due.

* * * * *

Streamlined-assist refinance. A streamlined-assist refinance is an abbreviated method of refinancing which does not require a credit report, or the calculation of loan-to-value or debt-to-income ratios. Lenders must verify that the borrower has been current on their existing loan for the preceding 12 month period.

* * * * *

■ 3. Section 3555.101 is amended by revising paragraphs (d)(3)(i), (ii), and (iv) to read as follows:

§ 3555.101 Loan purposes.

* * * * *

(d) * * *

(3) * * *

(i) Three options for refinancing may be offered: streamlined, non-streamlined, and streamlined-assist. Other than provided in this paragraph, no cash out is permitted for any refinance. Documentation costs and underwriting requirements of subparts D, E, and F of this part apply to streamlined and non-streamlined refinances.

(A) Lenders may offer a streamlined refinance for existing Section 502 Guaranteed loans, which does not require a new appraisal. The lender will pay off the balance of the existing Section 502 Guaranteed loan.

(B) Lenders may offer non-streamlined refinancing for existing Section 502 Guaranteed or Direct loans, which requires a new and current market value appraisal. The amount of the new loan must be supported by sufficient equity in the property as determined by an appraisal. The appraised value may be exceeded by the amount of up-front guarantee fee financed, if any, when using the non-streamlined option.

(C) A streamlined-assist refinance loan is a special refinance option available to existing Section 502 direct and guaranteed loan borrowers. Applicants must meet the income eligibility requirements of § 3555.151(a), and must not have had any defaults during the 12 month period prior to the refinance loan application. There are no debt-to-income calculation requirements, no credit report requirements, no property inspection requirements, and no loan-to-value requirements. There is no appraisal requirement except for Section 502 direct loan borrowers who have received a subsidy.

(ii) The interest rate of the new loan must be fixed and must not exceed the interest rate of the original loan being refinanced.

* * * * *

(iv) The loan security must include the same property as the original loan and be owned and occupied by the borrowers as their principal residence.

* * * * *

■ 4. Amend § 3555.108 by revising paragraph (d) to read as follows:

§ 3555.108 Full faith and credit.

* * * * *

(d) *Indemnification.* The loan note guarantee will remain in effect for any holder of the loan who acquired it from an originating lender. If the Agency determines that a lender did not originate a loan in accordance with the requirements in this part, and the Agency pays a claim under the loan guarantee, the Agency may revoke the originating lender's eligibility status in accordance with subpart B of this part and may also require the originating lender:

(1) To indemnify the Agency for the loss, if the default leading to the payment of loss claim occurred within five (5) years of loan closing, when one or more of the following conditions is satisfied:

(i) The originating lender utilized unsupported data or omitted material information when submitting the request for a conditional commitment to the Agency;

(ii) The originating lender failed to properly verify and analyze the applicant's income and employment history in accordance with Agency guidelines;

(iii) The originating lender failed to address property deficiencies identified in the appraisal or inspection report that affect the health and safety of the

occupants or the structural integrity of the property;

(iv) The originating lender used an appraiser that was not properly licensed or certified, as appropriate, to make residential real estate appraisal in accordance with § 3555.103(a); or,

(2) To indemnify the Agency for the loss regardless of how long ago the loan closed or the default occurred, if the Agency determines that fraud or misrepresentation was involved with the origination of the loan.

(3) In addition, the Agency may use any other legal remedies it has against the originating lender.

* * * * *

■ 5. Add § 3555.109 to read as follows:

§ 3555.109 Qualified Mortgage

A qualified mortgage is a guaranteed loan meeting the requirements of this part and applicable Agency guidance, as well as the requirements in 12 CFR 1026.43(e)(i) through (iii) and 12 CFR 1026.43(e)(3). An extension of credit made pursuant to a program administered by a State Housing Finance Agency is exempt from this requirement as defined in 12 CFR 1026.43(a)(3)(iv). Lenders will be allowed to cure unintentional errors and retain the qualified mortgage status if the conditions set in 12 CFR 1026.31(h) are met.

Dated: February 18, 2016.

Tony Hernandez,

Administrator, Rural Housing Service.

[FR Doc. 2016–07049 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4816; Directorate Identifier 2014–NM–238–AD; Amendment 39–18444; AD 2016–06–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A319, A320, and A321 series airplanes. This AD was prompted by investigations that revealed that the cover seal of the brake dual distribution valve (BDDV) was damaged and did not ensure efficient sealing. This AD requires modifying the BDDVs having certain part numbers; modifying the drain hose of the BDDV; checking for the presence of water, ice, and hydraulic fluid; re-identifying the BDDV; and doing related investigative and corrective actions if necessary. We are issuing this AD to prevent damage to the BDDV, which could lead to water ingestion in the BDDV and freezing of the BDDV in flight, possibly resulting in loss of braking system function after landing.

DATES: This AD is effective May 3, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 3, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4816.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4816; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on November 19, 2015 (80 FR 72401) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0251R1, dated December 17, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A319, A320, and A321 series airplanes. The MCAI states:

> In 1998, an operator experienced a dual loss of braking systems. Investigation results revealed that the cover seal of the Brake Dual Distribution Valve (BDDV) was damaged and did not ensure the sealing efficiency.
>
> This condition, if not corrected, could lead to water ingestion in the BDDV and freezing of the BDDV in flight, possibly resulting in loss of braking system function after landing.
>
> [The Directorate General for Civil Aviation] (DGAC) France issued AD 2000–258–146 [*http://ad.easa.europa.eu/blob/20002580tb_superseded.pdf/AD_F-2000-258-146_1*] [which corresponds to certain actions in FAA AD 2001–15–10, Amendment 39–12344 (66 FR 39413, July 31, 2001)] to require modification of the BDDV with a new cover and installation of a draining tube with a cap.
>
> Since that French AD was issued, following a new event, Airbus developed a modification of the BDDV drain tube which will leave it open, ensuring continuous drainage of any ingested water, thereby preventing freezing of the brake system.
>
> For the reasons described above, EASA issued [another AD] * * *, to require modification of the BDDV drain tube.
>
> Since that [EASA] AD was issued, comments were received that indicated a need for correction and clarification. Consequently, this [EASA] AD is revised to add a Note to Table 1 and to amend paragraph (3).

The modification includes a check for the presence of water, ice, and hydraulic fluid, and related investigative and corrective actions if necessary. Related investigative actions include an inspection for corrosion. Corrective actions include replacing the BDDV. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4816.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received.

United Airlines had no objection to the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A320–32–1415, dated September 2, 2014. The service information describes procedures for modifying the BDDVs having certain part numbers; modifying the drain hose of the BDDV; checking for the presence of water, ice, and hydraulic fluid; re-identifying the BDDV; and doing related investigative and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 953 airplanes of U.S. registry.

We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts cost about $421 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $887,243, or $931 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–06–13 Airbus: Amendment 39–18444. Docket No. FAA–2015–4816; Directorate Identifier 2014–NM–238–AD.

(a) Effective Date

This AD is effective May 3, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(3) of this AD, certificated in any category, all manufacturer serial numbers, except those on which Airbus Modification 26925 has been embodied in production.

(1) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(3) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by investigations that revealed that the cover seal of the BDDV was damaged and did not ensure efficient sealing. We are issuing this AD to prevent damage to the BDDV, which could lead to water ingestion in the BDDV and freezing of the BDDV in flight, possibly resulting in loss of braking system function after landing.

(f) Compliance

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

(g) Modification and Re-Identification

Within 24 months after the effective date of this AD, modify the BDDV having a part number listed in the column ''Old Part Number'' in table 1 to paragraph (g) of this AD; modify the drain hose of the affected BDDV; check for the presence of water, ice, and hydraulic fluid; and re-identify the BDDV to the corresponding part number, as applicable, as listed as ''New Part Number'' in table 1 to paragraph (g) of this AD; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1415, dated September 2, 2014. Do all applicable related investigative and corrective actions before further flight.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—BDDV PART NUMBER RE-IDENTIFICATION

Old part number	New part number
A25434006–3	A25434006–3000
A25434005–101	A25434005–1010
A25434005–201	A25434005–2010
A25434005–301	A25434005–3010
A25434005–401	A25434005–4010
A25434006–101	A25434006–1010

Note 1 to table 1 to paragraph (g) of this AD: The part number listed in table 1 to paragraph (g) of this AD can have an ''A'' or ''B'' suffix, which is an indication of the amendment level of the BDDV. This does not affect compliance with this AD.

(h) Parts Installation Limitations

As of the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, no person may install a BDDV having a part number listed as ''Old Part Number'' in table 1 to paragraph (g) of this AD, on any airplane.

(1) For any airplane that, on the effective date of this AD, has a BDDV installed with a part number listed as ''Old Part Number'' in table 1 to paragraph (g) of this AD: After modification of the airplane, as required by paragraph (g) of this AD.

(2) For any airplane that, on the effective date of this AD, has a BDDV installed with a part number listed as ''New Part Number'' in table 1 to paragraph (g) of this AD, or has a BDDV installed with a part number not listed in table 1 to paragraph (g) of this AD: As of the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0251R1, dated December 17, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–4816.

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–32–1415, dated September 2, 2014.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on March 16, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06528 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3636; Directorate Identifier 2015–NM–043–AD; Amendment 39–18442; AD 2016–06–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes. This AD was prompted by a report of cracks on the lugs of the inboard and outboard control rod fittings of the right hand (RH) and left hand (LH) side ailerons. This AD requires a one-time non-destructive test (NDT) inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks and corrosion, and repair if necessary. We are issuing this AD to detect and correct cracks and corrosion on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons, which could lead to reduced controllability of the airplane.

DATE: This AD becomes effective May 3, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 3, 2016.

ADDRESSES: For service information identified in this final rule, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 55 05; email: *MTA.TechnicalService@casa.eads.net;* Internet: *http://www.eads.net.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3636.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3636; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes. The NPRM published in the **Federal**

Register on September 28, 2015 (80 FR 58224). The NPRM was prompted by a report of cracks on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons. The NPRM proposed to require a one-time NDT inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks and corrosion, and repair if necessary. We are issuing this AD to detect and correct cracks and corrosion on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons, which could lead to reduced controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0040, dated March 6, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes. The MCAI states:

> A CN–235 operator recently reported finding, during scheduled maintenance tasks, cracks on the lugs of the control rod fittings (inboard and outboard) of the ailerons [Right Hand (RH) and Left Hand (LH) side] of two aeroplanes. At the time of the finding, the two affected aeroplanes had accumulated between 16 000 and 17 000 flight hours (FH), around 6 000 flight cycles and had been in service for 20 years. Following the investigation results, it was determined that these cracks were due to stress corrosion.
>
> This condition, if not detected and corrected, could lead to aileron fittings failure, possibly resulting in reduced control of the aeroplane.
>
> To address this unsafe condition and verify the integrity of the fittings, EADS–CASA (Airbus Military) issued Alert Operators Transmission (AOT) CN235–57–0001 to provide instructions for a one-time Non-Destructive (NDT) inspection of the affected fittings for cracks and corrosion.
>
> For the reasons described above, this [EASA] AD requires a one-time NDT inspection of the affected aileron fittings and, if discrepancies are detected, accomplishment of applicable corrective action(s) [repair of any cracked or corroded parts].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3636.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (80 FR 58224, September 28, 2015) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (80 FR 58224, September 28, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 58224, September 28, 2015).

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued Airbus Military Alert Operators Transmission (AOT) AOT–CN235–57–0001, Revision 1, dated March 14, 2014. The service information describes procedures for a one-time NDT inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks and corrosion, and contacting Airbus Military for repair instructions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 24 airplanes of U.S. registry.

We also estimate that it will take about 30 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $61,200, or $2,550 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–06–11 Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.): Amendment 39–18442. Docket No. FAA–2015–3636; Directorate Identifier 2015–NM–043–AD.

(a) Effective Date

This AD becomes effective May 3, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracks on the lugs of the inboard and outboard control rod fittings of the right hand (RH) and left hand (LH) side ailerons. We are issuing this AD to detect and correct cracks and corrosion on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons, which could lead to reduced controllability of the airplane.

(f) Compliance

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

(g) One-Time Non-Destructive Test (NDT) Inspection

(1) At the later of the compliance times specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD: Do a one-time NDT inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks, and a one-time general visual inspection for corrosion, in accordance with Airbus Military Alert Operators Transmission (AOT) AOT–CN235–57–0001, Revision 1, dated March 14, 2014.

(i) Before exceeding 8,000 flight hours or 10 years since first flight of the airplane, whichever occurs first.

(ii) Within 3 months after the effective date of this AD.

(2) If any crack or corrosion is found during any inspection required by paragraph (g)(1) of this AD, before further flight, contact the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA) for approved repair instructions, and before further flight, accomplish the repair accordingly.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0040, dated March 6, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3636.

(j) Material Incorporated by Reference

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

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

(i) Airbus Military Alert Operators Transmission (AOT) AOT–CN235–57–0001, Revision 1, dated March 14, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact EADS–CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 55 05; email: *MTA.TechnicalService@casa.eads.net;* Internet: *http://www.eads.net.*

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

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

Issued in Renton, Washington, on March 16, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06622 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2966; Directorate Identifier 2015–NM–051–AD; Amendment 39–18441; AD 2016–06–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 airplanes. This AD was prompted by a report of fuel leaking onto the hot exhaust portion of an engine as a result of an unintended leak path from the leading edge through the pylon. This AD requires installing new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, including an inspection for damage of the outboard blade seal and applicable corrective actions. We are issuing this AD to prevent fuel leaking from an unintended drain path from the leading edge through either the left or right pylon and onto the hot engine parts or brakes, which could lead to a major ground fire.

DATES: This AD is effective May 3, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publication listed in this AD as of May 3, 2016.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2966.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2966; or in person at the Docket Management Facility between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6514; fax: 425–917–6590; email: *sherry.vevea@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 airplanes. The NPRM published in the **Federal Register** on July 30, 2015 (80 FR 45460) (''the NPRM''). The NPRM was prompted by a report of fuel leaking onto the hot exhaust portion of an engine as a result of an unintended leak path from the leading edge through the pylon. The NPRM proposed to require installing new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, including an inspection for damage of the outboard blade seal and applicable corrective actions. We are issuing this AD to prevent fuel leaking from an unintended drain path from the leading edge through either the left or right pylon and onto the hot engine parts or brakes, which could lead to a major ground fire.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment. United Airlines concurred with the content of the NPRM.

Request To Add Revised Service Information

Boeing and All Nippon Airways (ANA) asked that we reference Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015, for accomplishing the actions in the NPRM. ANA stated that there are several errors in the referenced service information. Boeing stated that a revision would be issued to incorporate minor clarifications, and to update the effectivity.

We agree to reference Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015, in this AD. Since we published the NPRM, Boeing issued Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015. That revision removes three airplanes from the effectivity, and clarifies certain instructions as a result of feedback reported by operators after incorporation of Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014. Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014, was specified as the appropriate source of service information for accomplishing the actions in the NPRM.

We have changed paragraphs (c) and (g) of this AD to specify Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015. We have also added a new paragraph (h) of this AD to give credit for actions done before the effective date of this AD using Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014; and redesignated subsequent paragraphs accordingly.

Request To Reduce the Compliance Time

The Air Line Pilots Association (ALPA) International asked that we reduce the compliance time specified in the proposed AD (the proposed compliance time is within 60 months after the effective date of this AD). ALPA stated that the severity of a fuel leak from the leading edge through the pylon and onto the hot exhaust part of the engines warrants a shorter compliance time to correct this problem.

We do not agree with the commenter's request to reduce the compliance time. In developing an appropriate compliance time, we considered the safety implications and normal maintenance schedules for timely installation of inboard and outboard seal dams. In consideration of all of these factors, we determined that the compliance time, as proposed, represents an appropriate interval in which the inboard and outboard seal dams can be installed in a timely manner within the fleet, while still maintaining an adequate level of safety. Most ADs, including this one, permit operators to accomplish the requirements of an AD at a time earlier than the specified compliance time; therefore, an operator may choose to install the inboard and outboard seal dams before the 60-month compliance time specified in paragraph (g) of this AD. If additional data are presented that would justify a shorter compliance time, we may consider further rulemaking on this issue. We have not changed this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015. This service information describes procedures for installing new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, doing a general visual inspection to detect damage of the outboard blade seal, and doing corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 17 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation of seal dams ...	Up to 22 work-hours × $85 per hour = $1,870.	Up to $14,611	Up to $16,481	Up to $280,177.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–06–10 The Boeing Company: Amendment 39–18441; Docket No. FAA–2015–2966; Directorate Identifier 2015–NM–051–AD.

(a) Effective Date

This AD is effective May 3, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of fuel leaking onto the hot exhaust portion of the engine as a result of an unintended leak path from the leading edge through the pylon. We are issuing this AD to prevent fuel leaking from an unintended drain path from the leading edge through either the left or right pylon and onto the hot engine parts or brakes, which could lead to a major ground fire.

(f) Compliance

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

(g) Installation of Inboard and Outboard Seal Dams

Within 60 months after the effective date of this AD, install new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, including a general visual inspection to detect damage of the outboard blade seal, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015. Do all applicable corrective actions before further flight, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014; which is not incorporated by reference in this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6514; fax: 425–917–6590; email: *sherry.vevea@faa.gov.*

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 002, dated December 3, 2015.

(ii) Reserved.

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

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

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

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06401 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–5815; Directorate Identifier 2015–NM–039–AD; Amendment 39–18443; AD 2016–06–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–200 and –300 series airplanes; and all Model A340–200, –300, –500, and –600 series airplanes. This AD was prompted by reports that the potable water service panel access door was lost during flight. This AD requires modifying affected potable water service panel access doors. We are issuing this AD to prevent failure of the latching mechanism of the potable water service panel access door, which could result in the loss of the potable water service panel access door during flight, and resultant damage to the airplane (*e.g.,* damage to the trimmable horizontal stabilizer) that could cause loss of control of the airplane.

DATES: This AD becomes effective May 3, 2016.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 3, 2016.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5815.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5815; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200 and –300 series airplanes; and all Model A340–200, –300, –500, and –600 series airplanes. The NPRM published in the **Federal Register** on November 27, 2015 (80 FR 74042) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0028R1, dated May 29, 2015, dated (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200 and –300 series airplanes; and all Model A340–200, –300, –500, and –600 series airplanes. The MCAI states:

> Several cases have been reported in which the potable water service panel access door was lost during flight, causing damage to the trimmable horizontal stabilizer. The results of subsequent investigations showed that these events were due to failure of the latching mechanism of the potable water service panel access door.
>
> This condition, if not corrected, could lead to further cases of in-flight loss of the potable water service panel access door, possibly resulting in injury to persons on ground and/or damage to the aeroplane [(*e.g.,* damage to the trimmable horizontal stabilizer)].
>
> To address this condition, Airbus developed a modification and published Service Bulletin (SB) A330–52–3086, SB A340–52–4094 and SB A340–52–5019, to provide instructions for in-service accomplishment of that modification.
>
> Consequently, EASA issued [an] AD * * * to require modification of the potable water service panel access door 164AR for A330/A340–200/-300 aeroplanes or 154BR for A340–500/-600 aeroplanes, which includes installation of reinforced hinge screws and more robust latches.
>
> Since that [EASA] AD was issued, it was determined that aeroplanes that have embodied Airbus Mod 201938 (Improvement of latching mechanism of potable water service panel) are also not affected by the requirements of this [EASA] AD.
>
> For the reason described above, this [EASA] AD is revised to exclude post-mod 201938 aeroplanes from the Applicability.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–5815.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

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

• Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

• Airbus Service Bulletin A330–52–3086, Revision 01, dated April 25, 2014.

• Airbus Service Bulletin A340–52–4094, Revision 01, dated April 25, 2014.

• Airbus Service Bulletin A340–52–5019, Revision 01, dated April 25, 2014.

The service information describes procedures for modifying the affected potable water service panel access door. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 63 airplanes of U.S. registry.

We also estimate that it will take about 21 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $15,280 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,075,095, or $17,065 per product.

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

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator.

''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–06–12 Airbus: Amendment 39–18443. Docket No. FAA–2015–5815; Directorate Identifier 2015–NM–039–AD.

(a) Effective Date

This AD becomes effective May 3, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, all manufacturer serial numbers, except those on which Airbus modification 201715, or Airbus modification 201796, or Airbus modification 201938 has been embodied in production.

(2) Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes, all manufacturing serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by reports that the potable water service panel access door was lost during flight. We are issuing this AD to prevent failure of the latching mechanism of the potable water service panel access door, which could result in the loss of the potable water service panel access door during flight, and resultant damage to the airplane (*e.g.,* damage to the trimmable horizontal stabilizer) that could cause loss of control of the airplane.

(f) Compliance

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

(g) Modification

(1) Except as required by paragraph (g)(2) of this AD, within 36 months after the effective date of this AD, modify the affected potable water service panel access door, in accordance with the Accomplishment Instructions of the service information identified in paragraph (g)(1)(i), (g)(1)(ii), or (g)(1)(iii) of this AD, as applicable to airplane type and model.

(i) Airbus Service Bulletin A330–52–3086, Revision 01, dated April 25, 2014.

(ii) Airbus Service Bulletin A340–52–4094, Revision 01, dated April 25, 2014.

(iii) Airbus Service Bulletin A340–52–5019, Revision 01, dated April 25, 2014.

(2) For airplanes that have already been modified before the effective date of this AD, as specified in the service information identified in paragraph (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD, as applicable to airplane type and model: Within 16 months after the effective date of this AD, modify the potable water service panel access door by accomplishing the actions identified as ''additional work,'' as specified in and in accordance with the Accomplishment Instructions of the service information identified in paragraph (g)(1)(i), (g)(1)(ii), or (g)(1)(iii) of this AD, as applicable to airplane type and model.

(i) Airbus Service Bulletin A330–52–3086, dated April 27, 2012.

(ii) Airbus Service Bulletin A340–52–4094, dated April 27, 2012.

(iii) Airbus Service Bulletin A340–52–5019, dated May 29, 2012.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

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

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0028R1, dated May 29, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA-2015–5815.

(j) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–52–3086, Revision 01, dated April 25, 2014.

(ii) Airbus Service Bulletin A340–52–4094, Revision 01, dated April 25, 2014.

(iii) Airbus Service Bulletin A340–52–5019, Revision 01, dated April 25, 2014.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on March 16, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–06524 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–3772; Airspace Docket No. 15–ANM–21]

Amendment of Class E Airspace; Butte, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E surface area airspace and Class E airspace extending upward from 700 feet above the surface at Bert Mooney Airport, Butte, MT. After a review, the FAA found it necessary to amend the standard instrument approach procedures for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Turan Wright, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4553.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Bert Mooney Airport, Butte, MT.

History

On December 18, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E surface area airspace and Class E airspace extending upward from 700 feet above the surface at Bert Mooney Airport, Butte, MT (80 FR 78986) FAA–2015–3772. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E surface area airspace and Class E airspace extending upward from 700 feet above the surface at Bert Mooney Airport, Butte, MT. Class E surface area airspace is increased upward from the surface within a 4.3-mile radius of Bert Mooney Airport, with a segment extending to 11.5 miles to the northwest of the airport. Class E airspace extending upward from 700 feet above the surface is modified to within a 5.2-mile radius of Bert Mooney Airport, with a segment extending from the 5.2-mile radius to 6 miles to the southeast, 20.7 miles to the north, and 27.5 miles to the northwest of the airport.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015 and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as an Extension.

* * * * *

ANM MT E2 Butte, MT [Modified]

Bert Mooney Airport, MT
(Lat. 45°57′17″ N., long. 112°29′51″ W.)

That airspace extending upward from the surface within a 4.3-mile radius of the Bert Mooney Airport, and within 4.3 miles south of and parallel to the 309° bearing of the airport extending from the 4.3-mile radius to the 11.5 miles northwest, thence clockwise along the 11.5-mile radius to 2.5 miles east of and parallel to the 347° bearing from the airport extending from the 4.3-mile radius to 11.5 miles north of the airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM MT E5 Butte, MT [Modified]

Bert Mooney Airport, MT
(Lat. 45°57′17″ N., long. 112°29′51″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at Lat. 46°17′24″ N., Long. 112°44′15″ W.; to Lat. 46°18′25″ N., Long. 112°30′26″ W.; to Lat. 45°55′41″ N., Long. 112°20′52″ W.; to Lat. 45°50′32″ N., Long. 112°26′02″ W.; to Lat. 45°57′11″ N., Long. 112°47′54″ W.; to Lat. 46°11′45″ N., Long. 113°04′28″ W.; thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 45°35′00″ N., Long. 113°05′00″ W.; to Lat. 46°37′00″ N., Long. 113°05′00″ W.; to Lat. 46°37′00″ N., Long. 112°26′00″ W.; to Lat. 46°16′00″ N., Long. 112°00′00″ W.; to Lat. 45°35′00″ N., Long. 112°00′00″ W.; thence to point of beginning.

Issued in Seattle, Washington, on March 16, 2016.

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2016–06935 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–7484; Airspace Docket No. 15–AGL–24]

Amendment of Class D and Class E Airspace for the Following Minnesota Towns: Rochester, MN; and St. Cloud, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, delay of effective date, correction.

SUMMARY: This action changes the effective date of a final rule published in the **Federal Register** of February 8, 2016, amending Class E surface area airspace and Class E airspace designated as an extension at Rochester International Airport, Rochester, MN; and St. Cloud Regional Airport, St. Cloud, MN. This correction adds the part-time Notice to Airmen (NOTAM) language inadvertently removed from the Class E surface area descriptions for the above airports. Additionally, adjustment is made to the geographic coordinates of Rochester International Airport in the Class D airspace and Class E airspace extending upward from 700 feet above the surface. The Title is also amended to include Class D airspace.

DATES: This correction is effective 0901 UTC, April 28, 2016, and the effective date of the rule amending 14 CFR part 71, published on February 8, 2016 (81 FR 6448) is delayed to 0901 UTC April 28, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

The **Federal Register** published a final rule amending Class E airspace at Rochester International Airport, Rochester, MN, and St. Cloud Regional Airport, St. Cloud, MN (81 FR 6448, February 8, 2016) Docket No. FAA–2015–7484. Subsequent to publication, the FAA determined that the part-time NOTAM language in the Class E surface area description was inadvertently removed in error. Potential safety concerns were identified due to the possibility for confusion in determining the operating rules and equipment requirements in the Rochester International Airport and St. Cloud Regional Airport terminal areas. The concerns were based on the opportunity for part-time Class D surface area airspace and continuous Class E surface area airspace to be active at the same time.

To resolve these concerns, the FAA is keeping the part-time NOTAM language in the Class E surface area description to retain it as part-time airspace supplementing the existing part-time Class D surface area airspace at Rochester International Airport and St. Cloud Regional Airport. Also, the FAA found in amending the airport reference point for the Rochester International Airport, additional existing controlled airspace was inadvertently omitted from the rule. This action adds adjustment of the geographic coordinates of the airport in Class D airspace and Class E airspace extending upward from 700 feet above the surface.

These are administrative corrections and do not affect the controlled airspace boundaries or operating requirements supporting operations in the Rochester International Airport and St. Cloud Regional Airport terminal areas.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of February 8, 2016 (81 FR 6448) FR Doc. 2016–02283), Amendment of Class D and E Airspace for the Following Minnesota Towns; Rochester, MN; and St. Cloud, MN, is corrected as follows:

§ 71.1 [Amended]

On page 6448, column 3, line 27, remove ''Amendment of Class E Airspace for the Following Minnesota Towns: Rochester, MN; and St. Cloud, MN'' and add in its place ''Amendment of Class D and Class E Airspace for the Following Minnesota Towns: Rochester, MN; and St. Cloud, MN''.

AGL MN E2 Rochester, MN [Corrected]

On page 6449, column 3, after line 49, add the following text:

''This Class E airspace area is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

AGL MN E2 St. Cloud, MN [Corrected]

On page 6449, column 3, after line 59, add the following text:

''This Class E airspace area is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

On page 6450, column 1, after line 24, add the following text:

Paragraph 5000 Class D Airspace.

* * * * *

AGL MN D Rochester, MN [Corrected]

Rochester International Airport, MN
(Lat. 43°54′30″ N., long. 92°30′00″ W.)
Rochester VOR/DME
(Lat. 43°46′58″ N., long. 92°35′49″ W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.3-mile radius of the Rochester International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MN E5 Rochester, MN [Corrected]

Rochester International Airport, MN
(Lat. 43°54′30″ N., long. 92°30′00″ W.)
Rochester VOR/DME
(Lat. 43°46′58″ N., long. 92°35′49″ W.)
Mayo Clinic-St. Mary's Hospital, MN
(Lat. 44°01′11″ N., long. 92°28′59″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Rochester International Airport, and within 3.2 miles each side of the Rochester VOR/DME 028° radial extending from the 6.8-mile radius to 7.9 miles southwest of the airport, within 5.3 miles southwest and 4 miles northeast of the Rochester northwest localizer course extending from the 6.8-mile radius to 20 miles northwest of the airport, within 5.3 miles northeast and 4 miles southwest of the Rochester southeast localizer course extending from the 6.8-mile radius to 17.3 miles southeast of the airport and within a 6.4-mile radius of the St. Mary's Hospital Heliport.

Issued in Fort Worth, Texas, on March 21, 2016.

Robert W. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2016–06932 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–0735; Airspace Docket No. 16–ASO–2]

Amendment of Class E Airspace for the Following Tennessee Towns: Jackson, TN; Tri-Cities, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at McKellar-Sipes Regional Airport, Jackson, TN, and Tri-Cities Regional Airport, Tri-Cities, TN, by eliminating the Notice to Airmen (NOTAM) part time status of the Class E airspace designated as an extension at each airport. This is an administrative change to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/airtraffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation

Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at the Tennessee airports listed in this final rule.

History

In a review of the airspace, the FAA found the airspace description for Class E Airspace at McKellar-Sipes Regional Airport, Jackson, TN, and Tri-Cities Regional Airport, Tri-Cities, TN, as published in FAA Order 7400.9Z, Airspace Designations and Reporting Points, does not match the FAA's charting information. This administrative change to remove the NOTAM information to be in concert with the FAA's aeronautical database.

Class E airspace designations are published in paragraphs 6004 of FAA Order 7400.9Z dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by eliminating the NOTAM information that reads ''This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.'' from the regulatory text of Class E airspace designated as an extension to Class D at McKellar-Sipes Regional Airport, Jackson, TN; and Tri-Cities Regional Airport, Tri-Cities, TN. This is an administrative change amending the description for the above Tennessee airports to be in concert with the FAAs aeronautical database, and does not affect the boundaries, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, effective September 15, 2015, is amended as follows:

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

ASO TN E4 Jackson, TN [Amended]

McKellar-Sipes Regional Airport, TN
(Lat. 35°35′59″ N., long. 88°54′56″ W.)
McKellar VOR/DME
(Lat. 35°36′13″ N., long. 88°54′38″ W.)

That airspace extending upward from the surface within 3.1 miles each side of the McKellar VOR/DME 206° radial, extending from the 4.2-mile radius of McKellar-Sipes Regional Airport to 7 miles southwest of the VOR/DME.

ASO TN E4 Tri-Cities, TN

Tri-Cities Regional Airport, TN/VA
(Lat. 36°28′31″ N., long. 82°24′27″ W.)

That airspace extending from the surface within 2.5-miles either side of the 043° bearing from Tri-Cities Regional Airport, extending from the 4.3-mile radius of the airport to 6.8-miles northeast of the airport.

Issued in College Park, Georgia, on March 15, 2016.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2016–06933 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–3773; Airspace Docket No. 15–ANM–22]

Amendment of Class E Airspace; Deer Lodge MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Deer Lodge-

City-County Airport, Deer Lodge, MT. After a review, the FAA found it necessary to amend the airspace area for the safety and management of standard instrument approach procedures for Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, May 26, 2016. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html*.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Turan Wright, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4533.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Deer Lodge-City-County Airport, Deer Lodge, MT.

History

On December 14, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify the Class E airspace extending upward from 700 feet above the surface at Deer Lodge-City-County Airport, Deer Lodge, MT (80 FR, 77283) FAA2015–3773. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface to within a 6-mile radius of Deer Lodge-City-County Airport, Deer Lodge-City-County Airport, Deer Lodge, MT.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM MT E5 Deer Lodge, MT [Modified]

Deer Lodge-City-County Airport, MT
(Lat. 46°23′16″ N., long. 112°45′54″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Deer Lodge-City-County Airport.

Issued in Seattle, Washington, on March 16, 2016.

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2016–06934 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2014–0370; Airspace Docket No. 14–ASO–2]

RIN 2120–AA66

Redesignation and Expansion of Restricted Area R–4403; Gainesville, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes restricted area R–4403 Gainesville, MS, and replaces it with an expanded area redesignated as R–4403A, B, C, E and F, Stennis Space Center (SSC), MS (the designation R–4403D is not used). The expanded restricted airspace is necessary to support essential National Aeronautics and Space Administration (NASA) testing and Naval Special Warfare Command (NSWC) training requirements.

DATES: Effective date 0901 UTC, May 26, 2016.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it restructures the restricted airspace at the Stennis Space Center, MS, to enhance aviation safety and accommodate essential testing and training by NASA and the NSWC.

History

On July 10, 2014, the FAA published in the **Federal Register** a notice proposing to re-designate and expand restricted area R–4403, Gainesville, MS, to support missions of the National Aeronautics and Space Administration (NASA) and the Naval Special Warfare Command (NSWC) (79 FR 39344). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Eight comments were received.

On August 17, 2015, the FAA published a Supplemental Notice of Proposed Rulemaking (SNPRM) (80 FR 49181) to solicit comments on changes to the originally proposed boundaries, time of designation and proposed restricted area activities. Three comments were received in response to the SNPRM.

Discussion of Comments

In response to the NPRM and SNPRM, a combined total of 11 comments were received (including one duplicate submission). Comments were submitted by four individuals and the Aircraft Owners and Pilots Association (AOPA), Partners for Stennis, Hancock County Board of Supervisors, Hancock County Port and Harbor Commission, and the Mississippi Airports Association. Two individuals expressed support for the proposal. The remaining commenters expressed objections or concerns that are discussed in this section.

Several commenters objected to size of the expanded area stating that all other options, including the use of other existing special use airspace (SUA) elsewhere, should be explored first. One commenter wrote that the entire area should not be designated as restricted airspace. Instead, the bulk of the area should be a military operations area (MOA).

The R–4403 complex is being expanded because the current airspace cannot fully contain the lateral and vertical hazards associated with rocket engine testing. Plus, it cannot accommodate NASA's testing of untethered autonomous space vehicles. Further, the Navy's existing Western Maneuver Area (WMA) has no restricted airspace to permit air-to-ground live-fire training for Special Operations Force (SOF) units. The dimensions of the expanded restricted airspace were calculated to contain the hazard zones for all NASA tests and NSWC training events. The dimensions of R–4403A cannot be reduced due to the rocket engine testing hazard area. R–4403B provides airspace to contain untethered autonomous vehicle testing and is designed to ensure containment of untethered vehicle flight profiles. R–4403C is required to contain air-to-ground firing of various weapons and lasers at ground targets within R–4403C. R–4403E is required to contain air-to-ground laser firing at ground targets within R–4403E. R–4403F is sized to contain the AC–130 gunship orbit while firing lasers at the target in R–4403E. The expansion represents the minimum restricted airspace needed to segregate these hazards from nonparticipating aircraft.

Regarding the comment that other existing SUA should be used instead of expanding R–4403, there is no other special use airspace available to relocate the testing and training missions. It would be economically unfeasible to move the large infrastructure and engine testing facilities in place at SSC (test stands, etc.). Further, the SSC Acoustical Buffer Zone makes SSC the last place in the country where NASA can test large engines and whole rocket stages. For the Navy, R–4403C through F overlie a combination of riverine, jungle and coastal features that support SOF training requirements. These subareas contain double and triple canopy jungles similar to environments in other parts of the world where SOF units could be deployed. Plus, the area contains seven miles of river to support coastal and riverine operations training. These features form a unique area that cannot be duplicated anywhere else in the United States where the Navy owns land.

The FAA determined that a MOA is not the appropriate type of SUA to use in this case. MOAs are established to contain nonhazardous military flight training activities. Examples include, but are not limited to, aerobatics, air combat maneuvers, low altitude tactics, air intercepts, etc. No firing of weapons or ordnance is permitted in a MOA.

One commenter wrote that the different times of designation for R–4403A and B versus those for R–4403C through F are confusing. Also, the provision allowing activation of R–4403C through F at ''other times by NOTAM with ATC approval'' would permit operations to be conducted at any time (with minimal notice) thus hindering the ability of pilots to effectively plan flights and leading transient pilots to select other airfields.

The time periods for R–4403A and B are based on NASA testing requirements which are primarily accomplished during daylight hours. The times for R–4403C through F reflect NSWC training requirements which are primarily accomplished during nighttime hours. In response to the comment, the proposed provision to activate R–4403C through F at ''other times by NOTAM with ATC approval'' is removed. Therefore, any activations of the R–4403 complex (R–4403A through F) will

require that a NOTAM be issued at least 24 hours in advance. There is no allowance for activating the areas outside the specific times listed in the restricted area descriptions (see the ''Adoption of the Amendment'' section, below). The 24-hour NOTAM requirement will provide pilots with advance information needed for flight planning purposes. In addition, the restricted area using agencies have agreed to publish a VHF frequency on the New Orleans Sectional Aeronautical Chart so that pilots can call to determine the real-time status of the airspace.

One commenter responding to the NPRM wrote that the VPRAM VFR waypoint, located at the intersection of Interstate I–10 and U.S. Highway 90, is too close to the restricted areas for pilots to safely use I–10 as a visual reference. The commenter believes that it could actually increase the chance of pilots mistakenly intruding into restricted airspace or force them to fly farther south and potentially out of visual range of the interstate. In response to this comment, the FAA proposed in the SNPRM to move the southern boundary slightly northward in an effort to remain clear of I–10. However, a commenter responding to the SNPRM said that the revised line was still too close for pilots to safely navigate using VPRAM and I–10 as a reference. The commenter recommended that the southern boundary be moved still further north to be at least one nautical mile (NM) from I–10 in all places.

NASA and NSWC considered moving the boundary further north but determined it could not be done without infringing on the required safety buffers in R–4403A, B and C. The FAA agrees that VPRAM is too close to the new restricted areas and therefore is cancelling that waypoint. In its place, the FAA is establishing two new Visual Flight Rules (VFR) waypoints south of I–10 to assist pilots transitioning east and west in that area. The new VFR waypoints are VPASD located at 30°15′45″ N., 89°41′18″ W.; and VPHSA located at 30°18′54″ N., 89°28′51″ W. It should be noted that when inflight visibility permits, pilots remaining south of I–10 while flying east or westbound can be assured that they will be clear of the southern boundaries of R–4403A, B and C.

One commenter objected to R–4403A because it increases the land-based testing area. The commenter also objected to untethered space vehicle testing to the extent that it would exceed 6,000 feet MSL.

R–4403A is a 2.5 NM radius circle from the surface up to 12,000 feet MSL. It will be used approximately 40 times per year to test rocket engines on fixed-in-place test stands. Due to its small footprint, only a minor lateral flight deviation would be required to circumnavigate the area. Untethered space vehicle testing will only occur in R–4403B, which has a ceiling of 6,000 feet MSL.

A commenter said that the proposed live-fire operations in R–4403E and F pose a risk for planes travelling to Stennis International Airport. Further, the area of proposed firing encompasses an area through which Mississippi Highway 43 extends and is only a short distance from a Hancock County elementary school.

Highway 43 and the school are located in the vicinity of R–4403E and F. The original proposal included a plan to expend ordnance and fire lasers into R–4403E. During the range design process, the Navy determined that the required weapons danger zones could not be fully contained within Federally-owned property. Therefore, the target area was reduced to an air-to-ground laser-only target, and there will be no air-to-ground ordnance delivery into R–4403E. Instead, only laser firing by AC–130s at the ground target on Navy-owned land will be conducted. Highway 43 and the school are clear of any risk. Restricted areas are established to segregate hazardous activities from nonparticipating aircraft. By avoiding the restricted areas, aircraft operating to or from Stennis International Airport would not be exposed to hazards.

Concern was expressed about the proposal for ground forces to use eye-safe lasers for signaling military aircraft operating overhead.

The Navy re-evaluated this requirement and determined it is not necessary. There will be no ground-to-air laser use at SSC.

Several commenters raised concerns about the safety of residents and visitors, the firing of weapons over land that remains in legal title with individual landowners and restrictions on public access to, and the use of, the property.

Both NASA and the Navy have stringent policies and procedures to ensure that hazardous activities are contained within restricted airspace. A number of measures are in place to ensure public safety. All Stennis facilities are contained within a 13,800-acre area owned by the Federal government known as the ''Stennis Fee Area.'' This area is gated and patrolled 24-hours by a security force to deny unauthorized access. The Fee Area is surrounded by a 125,000-acre acoustical buffer zone that was established in 1962 to reduce the harmful effects of very loud sound waves and sonic vibration produced by rocket engine tests. The buffer zone grants to the United States government a perpetual restrictive easement for restricting certain uses in, on, across and over the land in the buffer zone. The easement encumbers every buffer zone property owner by prohibiting human habitation or human occupancy of dwellings or other buildings. The easement gives the government the right to prohibit the construction of dwellings and other buildings for human habitation or occupancy, together with the right to post signs indicating the nature and extent of the Government's control and the right of ingress and egress over and across the affected lands.

The restricted area expansion was specifically designed and sized to contain hazards from NASA and NSWC activities within the ground features of Stennis Space Center and the associated acoustical buffer zone. While individual land owners make up much of the Stennis Buffer Zone, all impact areas and weapons danger zones will be on property that is owned by the Navy. The restricted areas that go to the surface are totally contained within the SSC Buffer Zone.

The easement does permit other uses when those activities do not interfere with, or reduce the rights of, the government. Access to private property in the buffer zone is allowed with prior coordination with SSC. In cases where property owners require aerial access to parcels encumbered by this restricted airspace, aerial access may be arranged through coordination with the NASA/SSC Range Safety Manager via the Stennis Flight Request System at (*https://airrange.ssc.nasa.gov/FlightRequest.asp*).

Regarding concerns about the safety of persons with respect to the firing of weapons in the restricted areas, real-time operational control over the underlying land is most critical where live-fire operations are conducted. The impact areas in the Navy-owned WMA are fenced for denial of public access with signs posted along the fence line warning of the hazardous range activities. The Navy cannot fire onto lands they do not own.

Conversely, public access to Pearl River, Mike's River and McCarty Bayou is not restricted but, prior to any live-fire operations, range guards in boats will clear all waterways encumbered by surface danger zones. Picket boats are then posted at the north and south ends of the Pearl River to guard against unauthorized public access to live-fire areas. These safety measures are in use today during ground-based training

operations in the WMA, and they will also be used for future activities within the restricted airspace. For an added layer of safety when AC–130 gunships are operating, their crews, as a matter of procedure, inspect target and impact areas both visually and with on-board sensors to ensure no unauthorized personnel are in the area.

A commenter asked why the ''airport operating area'' around Picayune Municipal Airport was reduced from 5 NM to 3 NM.

There is no designated ''airport operating area'' airspace at Picayune Municipal. The airspace in the immediate vicinity (6.5 NM radius) of Picayune is uncontrolled airspace (Class G) below 700 feet AGL. FAA policy requires that restricted areas must exclude the airspace at and below 1,500 feet above ground level (AGL) within a 3 NM radius of airports that are available for public use. That is the reason for the 3–NM exclusion applied at Picayune Municipal. Because Picayune does not have an airport traffic control tower (ATCT), there is no Class D airspace (that would extend upward from the surface) designated at that airport. Thus, the 3–NM exclusion was applied. By comparison, at Stennis International Airport, which has an operating ATCT, Class D airspace has been designated within a 4.2-NM radius of the airport from the surface up to 2,500 feet MSL. The boundaries of R–4403B, C, and E are aligned along the boundary of the Stennis Class D airspace area so as to avoid infringing upon the airport's Class D airspace.

A commenter requested that any airspace changes should take place only in concert with the publication of VFR and IFR aeronautical charts so that all pilots are aware of the changes. Further, the instrument approach procedure plates for Picayune Municipal Airport should be revised to show the restricted areas to warn pilots of their location.

The restricted area expansion becomes effective on May 26, 2016, which coincides with both the next edition of the New Orleans Sectional Aeronautical Chart and the IFR chart cycle. The applicable instrument approach procedure plates will also be revised to depict the new restricted areas.

Most commenters are concerned about the potential impact of the restricted areas on IFR and VFR aircraft transiting the area and on the published instrument approach procedures serving Picayune Municipal (KMJD) and Stennis International (KHSA) airports. There is also concern that pilots would simply avoid using those airports.

The FAA acknowledges that, depending on actual utilization of the restricted areas, there may be times when instrument procedures and/or transiting flights would be impacted requiring additional vectoring by air traffic control (ATC) or causing pilots to deviate in order to avoid the restricted airspace. A number of mitigations such as the planned intermittent use of the complex, the ability of ATC to recall airspace, adjustment to instrument procedures, etc., are intended to lessen the overall impact of the restricted areas.

Regarding the instrument procedures for Picayune Municipal Airport (KMJD), the RNAV (GPS) RWY 36 approach would be impacted since its protected airspace penetrates areas A, B, C and E. When only R–4403A is in use, and radar is available, ATC may be able to vector aircraft so as to clear the R–4403A boundary. Because R–4403A does not contain any aviation activity, ATC can vector aircraft to miss the boundary rather than apply 3–NM lateral separation that would be required if the area contained flight activity. In a non-radar environment, however, the approach would be unavailable. The use of R–4403A is expected to be infrequent (approximately 40 days per year) minimizing potential impacts. When R–4403B, C or E are in use, Picayune's runway 36 approach would be unavailable unless ATC can recall the airspace or temporarily assign military aircraft to maintain an altitude that would provide separation from the IFR arrivals or departures. The current runway 36 missed approach procedure is being revised so that aircraft will climb straight ahead to the CIQYI waypoint and hold, instead of proceeding eastward to the CAESA fix, which would further penetrate restricted airspace.

The missed approach procedure for the RNAV (GPS) RWY 18 approach at Picayune penetrates R–4403B, C and E. The missed approach procedure is being redesigned so that instead of taking aircraft east of the airport and into restricted airspace, aircraft will execute a climbing right turn, away from the restricted areas, direct to the CIQYI initial approach fix and hold.

Minor modifications are being made to the VOR–A approach. The inbound course is being changed by three degrees from 132° to 129°, and the missed approach point changed to 5.23 NM from the final approach fix instead of 5.7 NM from the fix.

Regarding Stennis International Airport's (KHSA) instrument procedures, a commenter asked FAA to ensure that R–4403F does not interfere with the instrument approaches to runway 18 at Stennis International Airport.

The floor of R–4403F was set at 4,000 feet MSL to provide room for runway 18 approaches underneath R–4403F.

A concern was raised about medevac helicopter flights to the Ochsner Medical Center Heliport (LS51) in Slidell, LA.

The proximity of the heliport to the boundary of R–4403B and C could affect IFR flight to and from the facility when those areas are active. Provisions for ATC to recall a portion of the airspace to accommodate emergency medevac flights are included in the Letter of Procedure (LOP). When R–4403A is active, as discussed above, it is only necessary for flights to miss the boundary. The small size (2.5-NM radius) would require a minor lateral flight deviation to circumnavigate the area.

There would be some impact on the use of a feeder route from the Picayune (PCU) VOR/DME to the DUFOS initial approach fix (IAF) for the RNAV (GPS) RWY 36 approach at Slidell Airport (KASD), LA. The flight path will come very close to the boundary of R–4403B and C and the protected airspace for that route penetrates the restricted areas.

A note will be added to the approach plate to indicate the feeder route is ''Not Authorized'' when R–4403B or C is active.

Need for Restricted Airspace

As noted above, R–4403 is too small to fully contain hazards from rocket engine tests and other NASA test requirements. Expanded restricted airspace is needed to test current and future space transportation systems so that NASA can meet its obligations under the National Space Policy. Additionally, the current restricted area cannot accommodate essential NSWC training scenarios. Today, the Navy uses the existing WMA to train land and riverine SOF elements. However, this training is limited by the lack of restricted airspace needed to train under air-to-ground live-fire conditions. This severely restricts the Navy's ability to conduct realistic, full- mission profile training to prepare SOF units for deployments world-wide. The lack of an air-to-ground, live-fire capability means that air and ground units are forced to simulate the coordination and integration of air-to-ground live-fire operations limiting this phase of training to basically a communications-only exercise. Because operations with live air-to-ground weapons employment cannot be practiced in advance, the SOF units are unable to identify and correct

any potential conflicts or coordination problems that could otherwise arise for the first time during actual missions while deployed. This training limitation places the mission, personnel and equipment at risk. The designation of R–4403C, E and F alleviates that training shortfall.

Projected Use of Restricted Areas

Use of R–4403A through F will be governed by the terms in a LOP between NASA/SSC, NSWC, Houston Air Route Traffic Control Center (ARTCC) and the ATC facilities at New Orleans, LA, and Gulfport, MS. The LOP will include procedures for activating and deactivating the restricted areas, and it includes several provisions aimed at lessening potential aeronautical impacts of the restricted areas.

The LOP provides that R–4403B through F cannot be scheduled during certain special events that would attract a high volume of air traffic to or through the local area. Examples include, but are not limited to, the Sugar Bowl, Mardi Gras, Super Bowl, Final Four, large conventions, etc.

The LOP further provides that ATC can recall the airspace (except R–4403A) for severe weather, severe traffic congestion, inflight emergencies or equipment outages (radar and communications). Additionally, when bad weather is forecast and ATC sees a requirement for all of R–4403, then ATC has the ability to disapprove the next day's schedule for a complete weather recall of the airspace, if needed. One exception is that R–4403A cannot be recalled once the rocket engine fueling process has begun.

The LOP also enables ATC, under certain conditions, to accommodate access to affected airports (such as Picayune Municipal) by temporarily restricting the military aircraft operating in the restricted area at a higher altitude so that IFR traffic can arrive or depart the airport underneath. Once the traffic is clear, the restricted airspace is returned to the users.

The expected overall use of the R–4403 restricted area complex will be approximately 160 days per year, on an intermittent basis, depending on NASA test requirements and Navy mission taskings. Planned use of each subarea is described below.

R–4403A is for the exclusive use by NASA for testing rocket engine technology on fixed-in-place engine test stands. Anticipated need for this testing is approximately 20 to 40 times per year. NASA will activate R–4403A an average of 7 hours for each engine test event. If technical difficulties or other conditions require, R–4403A may need to be activated for up to 12 hours. Once loading of the propellant and oxidizer tanks begins, a potential hazard exists due to the volatility of those products; hence, the operation cannot be halted. For this reason, R–4403A cannot be recalled by ATC once the fueling begins. Note: No other subarea can be activated while R–4403A is in use.

R–4403B is for the exclusive use by NASA for Untethered Autonomous Flight Vehicle testing (such as the Morpheus Lander). Testing of these vehicles involves hazards because failure of the vehicle, its propulsion system, or propellant tanks can result in explosion of the vehicle. The propensity for this to occur is greater with these vehicles than with a standard aircraft because of the extremely volatile nature of the propellants and the poor aerodynamic characteristics of the vehicle during earth-based operation. The anticipated need for this type of testing is approximately 3 times per year. Actual flight during these test events would be less than 8 minutes; however, due to the complexity of the event, each test will require activation of R–4403B for 7 to 12 hours. NASA will only activate R–4403B to the altitude necessary for the specific activity being conducted. Note: No other subarea can be activated while R–4403B is in use.

R–4403C is used for Navy SOF Integration Training. It has the same lateral boundaries as R–4403B. The purpose of R–4403C is to support pre-deployment training of SOF units with air-to-ground, live-fire of munitions and lasers. Total usage of R–4403C is anticipated to be 100 to 120 days per year in approximately 3-hour blocks. R–4403C extends from the surface up to 10,000 feet MSL. However, when AC–130s are not participating in a training event, R–4403C will only be scheduled up to 6,000 feet MSL. This will lessen potential impacts of the restricted area on nonparticipating aircraft. Depending on the mission, R–4403C can and will be used by itself, but approximately 20 days per year, it will be used in conjunction with R–4403E and F.

R–4403E and F are also used for SOF training. Their purpose is to contain AC–130 gunships firing non-eye-safe lasers aimed at a ground target in R–4403E. They will always be activated together for that purpose. The AC–130 will fly in a circular orbit at a 2 to 2.5–NM radius from the target, at an altitude ranging from 8,000 feet to 10,000 feet MSL. R–4403E and F can be activated independently of R–4403C, but typically they would be used in conjunction with R–4403C. Total usage of R–4403E and F is anticipated to be 20 days per year in approximately 3-hour blocks concurrent with R–4403C.

R–4403C, E and F will also be used during the annual Emerald Warrior SOF training exercise. This exercise lasts no more than 10 days.

Note: The term ''intermittent'' as used in the times of designation for the R–4403 complex indicates occasional, irregular, or changeable use periods within the stated times.

Summary of Mitigations

This section presents a summary of mitigations intended to lessen the potential impact of the restricted area expansion.

—The restricted areas will be used intermittently. Overall use of the complex is limited to approximately 160 days per year per the Letter of Procedure.
—The original proposal allowing activation of R–4403C, E and F at ''other times by NOTAM with ATC approval'' was eliminated.
—No other subarea can be activated while R–4403A is in use.
—No other subarea can be activated when R–4403B is in use.
—NASA will activate R–4403B only to the altitude required for the specific mission.
—R–4403C will only be activated to 6,000 feet MSL when AC–130 gunships are not participating in a mission.
—Two new VFR waypoints are being established south of I–10 to aid VFR navigation.
—A VHF frequency will be added to the New Orleans Sectional Aeronautical chart for pilots to obtain real-time status of the restricted areas.
—R–4403B through F cannot be activated during certain special events that would attract a high volume of air traffic to or through the area.
—ATC can recall the airspace in cases of inflight emergencies, severe weather, severe air traffic congestion or equipment outages (radar and communications).
—ATC can recall the airspace, if necessary, for medevac helicopters.
—ATC can recall or restrict users to higher altitudes to allow IFR operations at Picayune Municipal Airport.
—Revisions to instrument approach procedures serving Picayune Municipal Airport and Stennis International Airport.

The Rule

The FAA is amending 14 CFR part 73 by removing restricted area R–4403, Gainesville, MS, and replacing it with expanded restricted airspace consisting

of five subareas, designated R–4403A, R–4403B, R–4403C, R–4403E and R–4403F. (Note: the designation R–4403D is not used).

The FAA is taking this action because the existing airspace is too small to fully contain NASA test activities and NSWC pre-deployment training for Special Operations Forces.

R–4403A and B will be used solely by NASA for rocket engine testing and untethered space vehicle propulsion system testing. The NSWC will use R–4403C, E and F for pre-deployment integration training for Special Operations Forces. The restricted area subareas are described below.

R–4403A contains testing of rocket engine technologies on Stennis Space Center's engine test stands. It consists of the airspace within a 2.5–NM radius of lat. 30°21′51″ N., long. 89°35′39″ W., (centered on the rocket engine test complex) and extends from the ground up to 12,000 feet MSL. This testing does not entail any flight activity as the operation takes place on fixed-in-place stands. No other subareas may be activated while R–4403A is in use.

R–4403B is used by NASA for testing of untethered autonomous space vehicles that are used to explore planets and asteroids. R–4403B extends from the ground up to 6,000 feet MSL. No other subareas may be activated while R–4403B is in use.

R–4403C contains the Navy's existing Western Maneuver Area (WMA) which is used for pre-deployment training for Special Operations Forces. R–4403C extends from the ground up to 10,000 feet MSL. Hazardous activities in R–4403C will consist of air-to-ground live-fire training for AC–130 gunships, armed helicopters and tilt-rotor (CV–22) aircraft and surface-to-surface weapons firing by ground forces. R–4403C contains two impact areas (targets) for air-to-ground munitions employment (up to 105mm), and air-to-ground non-eye-safe laser firing. R–4403C will be activated to 10,000 feet MSL when AC–130 gunships are operating. If AC–130s are not operating, R–4403C will only be activated up to 6,000 feet MSL (the remaining airspace is available to other users). Originally, the Navy intended to also employ eye-safe lasers for signaling military aircraft operating overhead, but this activity has been eliminated.

R–4403D. This designation is not used.

R–4403E contains a ground target for the firing of non-eye safe lasers by AC–130 gunships. R–4403E extends from the ground up to 10,000 feet MSL. The original proposals to also use this area for air-to-ground munitions delivery and for the use of eye-safe ground-to-air lasers to signal military aircraft operating overhead are eliminated.

R–4403F wraps around the northeast corner of R–4403E and extends upward from 4,000 feet MSL to 10,000 feet MSL. Its purpose is to ensure containment of the AC–130 orbit, which is a 2.5 NM radius around the laser ground target in R–4403E. R–4403E could be activated by itself, but R–4403E and F will always be activated together for AC–130 laser firing. The two areas can be activated separately from R–4403C, but typically they will be used in conjunction with R–4403C.

The time of designation for NASA's R–4403A and R–4403B is ''Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance.'' The time of designation for NSWC's R–4403C, R–4403E and R–4403F is ''Intermittent, 2000 to 0500 local time, as activated by NOTAM at least 24 hours in advance; and 1800 to 2000 local time, November 1 to March 1, as activated by NOTAM at least 24 hours in advance (not to exceed 20 days per year).'' To clarify, the 1800 to 2000 time frame can only be used between November 1 and March 1 and only for a maximum 20 days per year during that period. In the original proposal, R–4403C, E and F included an additional provision allowing the airspace also to be activated at any other times by NOTAM with ATC approval. That provision has been eliminated.

During times when the above restricted areas are not needed by the using agencies, the airspace will be returned to the FAA controlling agency, Houston Air Route Traffic Control Center (ARTCC), and will be available for access by other airspace users.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has conducted an environmental review for this rulemaking in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, and the regulations of the Council on Environmental Quality implementing the National Environmental Policy Act, 40 CFR parts 1500–1508. This review has included independent evaluation and adoption of the NSWC's and NASA's Final Environmental Assessment for the Redesignation and Expansion of Restricted Airspace R–4403 to Support Military Air-to-Ground Munitions Training and National Aeronautics and Space Administration Rocket Engine Testing at Stennis Space Center dated October 2015 (hereinafter ''the FEA''), on which the FAA was a cooperating agency, as well as environmental analysis of the changes to approach procedures at Picayune Municipal Airport and Stennis International Airport described in the Summary of Mitigations above. Based on its environmental review, the FAA has determined that this rule will not significantly affect the human environment. The FAA's ROD and environmental review are included in the docket for this rulemaking. The FEA is available at *http://www.ssc.nasa.gov/environmental/docforms/eas/eas.html.*

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.44 [Amended]

■ 2. Section 73.44 is amended as follows:

R–4403 Gainesville, MS [Removed]

R–4403A Stennis Space Center, MS [New]

Boundaries. That airspace within a 2.5–NM radius centered at lat. 30°21′51″ N., long. 89°35′39″ W.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. NASA, Director, Stennis Space Center, Bay St. Louis, MS.

R–4403B Stennis Space Center, MS [New]

Boundaries. Beginning at lat. 30°29′37″ N., long. 89°35′16″ W.; to lat. 30°29′37″ N., long. 89°32′33″ W.; thence clockwise along a 0.85–NM arc centered at lat. 30°28′46″ N., long. 89°32′33″ W.; to lat. 30°28′46″ N., long. 89°31′34″ W.; to lat. 30°26′25″ N., long. 89°31′34″ W.; to lat. 30°24′02″ N., long. 89°31′34″ W.; thence counterclockwise along a 4.2–NM arc centered at lat. 30°22′04″ N., long. 89°27′17″ W.; to lat. 30°20′28″ N., long. 89°31′46″ W.; to lat. 30°19′19″ N., long. 89°35′32″ W.; to lat. 30°18′23″ N., long. 89°40′17″ W.; to lat. 30°21′08″ N., long. 89°42′25″ W.; to lat. 30°22′22″ N., long. 89°42′58″ W.; to lat. 30°23′44″ N., long. 89°42′43″ W.; to lat. 30°26′40″ N., long. 89°40′51″ W.; thence counterclockwise along a 3–NM arc centered at lat. 30°29′15″ N., long. 89°39′04″ W.; to lat. 30°27′08″ N., long. 89°36′37″ W.; to lat. 30°27′58″ N., long. 89°35′27″ W.; to lat. 30°28′47″ N., long. 89°35′27″ W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Intermittent, 1000 to 0300 local time, as activated by NOTAM at least 24 hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. NASA, Director, Stennis Space Center, Bay St. Louis, MS.

R–4403C Stennis Space Center, MS [New]

Boundaries. Beginning at lat. 30°27′58″ N., long. 89°35′27″ W.; to lat. 30°22′35″ N., long. 89°35′27″ W.; to lat. 30°22′35″ N., long. 89°32′06″ W.; thence counterclockwise along a 4.2–NM arc centered at lat. 30°22′04″ N., long. 89°27′17″ W.; to lat. 30°20′28″ N., long. 89°31′46″ W.; to lat. 30°19′19″ N., long. 89°35′32″ W.; to lat. 30°18′23″ N., long. 89°40′17″ W.; to lat. 30°21′08″ N., long. 89°42′25″ W.; to lat. 30°22′22″ N., long. 89°42′58″ W.; to lat. 30°23′44″ N., long. 89°42′43″ W.; to lat. 30°26′40″ N., long. 89°40′51″ W.; thence counterclockwise along a 3–NM arc centered at lat. 30°29′15″ N., long. 89°39′04″ W.; to lat. 30°27′08″ N., long. 89°36′37″ W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, 2000 to 0500 local time, as activated by NOTAM at least 24 hours in advance; and 1800 to 2000 local time, November 1 to March 1, as activated by NOTAM at least 24 hours in advance, not to exceed 20 days per year.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Navy, Commander, Naval Special Warfare Command, Naval Special Warfare N31 Branch, Stennis Space Center, Bay St. Louis, MS.

R–4403E Stennis Space Center, MS [New]

Boundaries. Beginning at lat. 30°29′37″ N., long. 89°35′16″ W.; to lat. 30°29′37″ N., long. 89°32′33″ W.; thence clockwise along a 0.85M arc centered at lat. 30°28′46″ N., long. 89°32′33″ W.; to lat. 30°28′46″ N., long. 89°31′34″ W.; to lat. 30°26′25″ N., long. 89°31′34″ W.; to lat. 30°24′02″ N., long. 89°31′34″ W.; thence counterclockwise along a 4.2–NM arc centered at lat. 30°22′04″ N., long. 89°27′17″ W.; to lat. 30°22′35″ N., long. 89°32′06″ W.; to lat. 30°22′35″ N., long. 89°35′27″ W.; to lat. 30°27′58″ N., long. 89°35′27″ W.,; to lat. 30°28′47″ N., long. 89°35′27″ W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, 2000 to 0500 local time, as activated by NOTAM at least 24 hours in advance; and 1800 to 2000 local time, November 1 to March 1, as activated by NOTAM at least 24 hours in advance, not to exceed 20 days per year.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Navy, Commander, Naval Special Warfare Command, Naval Special Warfare N31 Branch, Stennis Space Center, Bay St. Louis, MS.

R–4403F Stennis Space Center, MS [New]

Boundaries. Beginning at lat. 30°29′37″ N., long. 89°35′16″ W.; thence clockwise along a 2.5–NM arc centered at lat. 30°28′46″ N., long. 89°32′33″ W.; to lat. 30°26′25″ N., long. 89°31′34″ W.; to lat. 30°28′46″ N., long. 89°31′34″ W.; thence counterclockwise along a 0.85–NM arc centered at lat. 30°28′46″ N., long. 89°32′33″ W.; to lat. 30°29′37″ N., long. 89°32′33″ W.; to the point of beginning.

Designated altitudes. 4,000 feet MSL to 10,000 feet MSL.

Time of designation. Intermittent, 2000 to 0500 local time, as activated by NOTAM at least 24 hours in advance; and 1800 to 2000 local time, November 1 to March 1, as activated by NOTAM at least 24 hours in advance, not to exceed 20 days per year.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Navy, Commander, Naval Special Warfare Command, Naval Special Warfare N31 Branch, Stennis Space Center, Bay St. Louis, MS.

Issued in Washington, DC on March 23, 2016.

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

[FR Doc. 2016–07055 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 540

Highly Enriched Uranium (HEU) Agreement Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing from the Code of Federal Regulations the Highly Enriched Uranium (HEU) Agreement Assets Control Regulations as a result of the termination of the national emergency on which the regulations were based.

DATES: *Effective:* March 29, 2016.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202/622–2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On June 21, 2000, the President signed Executive Order 13159, ''Blocking Property of the Government of the Russian Federation Relating to the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons'' (E.O. 13159), finding that the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation constituted an unusual and extraordinary threat to the national security and foreign policy of the United States, and declaring a national emergency to deal with that threat. In E.O. 13159, the President ordered blocked the property and interests in property of the Russian Federation directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the ''HEU Agreements'').

On July 25, 2001, OFAC issued the Highly Enriched Uranium (HEU) Agreement Assets Control Regulations, 31 CFR part 540 (the ''Regulations''), as a final rule to implement Executive Order 13159.

On June 21, 2012, the national emergency declared in E.O. 13159 automatically terminated pursuant to section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) (NEA).

On June 25, 2012, President Obama signed Executive Order 13617, ''Blocking Property of the Government of the Russian Federation Relating to the Disposition of Highly Enriched Uranium

Extracted From Nuclear Weapons'' (E.O. 13617). In E.O. 13617, the President found that the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation constituted an unusual and extraordinary threat to the national security and foreign policy of the United States, and declared a new national emergency to deal with that threat. The President issued E.O. 13617 to continue to protect the same property and interests in property that had been blocked pursuant to the national emergency declared in E.O. 13159.

On May 26, 2015, the President issued Executive Order 13695, ''Termination of Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of a Large Volume of Weapons-Usable Fissile Material in the Territory of the Russian Federation'' (E.O. 13695). In E.O. 13695, the President found that the situation that gave rise to the declaration of a national emergency in E.O. 13617 had been significantly altered by the successful implementation of the HEU Agreements. As a result, he terminated the national emergency declared in E.O. 13617 and revoked that order, noting that, pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency shall not affect any action taken or proceeding pending that was not fully concluded or determined as of the date of E.O. 13695, any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date.

Accordingly, OFAC is removing the Regulations from the Code of Federal Regulations. Removal of this part does not affect ongoing enforcement proceedings or prevent the initiation of enforcement proceedings with respect to violations of the Regulations or of E.O. 13617 when they were in effect.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 540

Administrative practice and procedure, Blocking of assets, Government of the Russian Federation, HEU Agreement, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Uranium.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 50 U.S.C. 1601–1651; E.O. 13159, 66 FR 39279, 3 CFR, 2001 Comp., p. 277; E.O. 13617, 77 FR 38459, 3 CFR, 2013 Comp., p. 217; E.O. 13695, 80 FR 30331, OFAC amends 31 CFR chapter V as follows:

PART 540—[REMOVED]

■ 1. Remove part 540.

Dated: March 22, 2016.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2016–06874 Filed 3–28–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 635

[Docket No. USA–2010–0020]

RIN 0702–AA62

Law Enforcement Reporting

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This rule adopts as final, with minor administrative changes, an interim rule of the Department of the Army to amend its regulation concerning law enforcement reporting for a number of statutory requirements to better coordinate law enforcement work and personnel both within the Department of the Army, across the Department of Defense (DoD), and with other Federal, State, and local law enforcement officials. The Department of the Army is making minor administrative changes based on the name change of a form and reporting system mentioned in the rule. The Centralized Operations Police Suite (COPS) Military Police Reporting System (MPRS) name is changed to Army Law Enforcement Reporting and Tracking System (ALERTS). The Department of the Army Form 3975, ''Military Police Report'' name was changed to ''Law Enforcement Report''.

DATES: Effective April 28, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Brennan, (703) 692–6721.

SUPPLEMENTARY INFORMATION: On May 19, 2015, the Department of the Army published an interim rule in the **Federal Register** (80 FR 28545), as 32 CFR part 635, to amend its regulation concerning law enforcement reporting for a number of statutory requirements to better coordinate law enforcement work and personnel both within the Department of the Army, across DoD, and with other Federal, State, and local law enforcement officials.

The interim rule met law enforcement reporting requirements for selected criminal and national security incidents and provides law enforcement agencies, such as the Department of Homeland Security and Transportation Security Administration, with the most current information available. It also provided the Army chain of command with timely criminal information to respond to queries from the Department of Defense, the news media, and others. The rule established policies and procedures for offense and serious-incident reporting with the Army; for reporting to DoD and the Department of Justice, as appropriate; and for participating in the Federal Bureau of Investigation's National Crime Information Center, the Department of Justice's Criminal Justice Information System, the National Law Enforcement Telecommunications System, and State criminal justice systems. It also updated various reporting requirements described in various Federal statutes.

I. Public Comments

The publication of this rule finalizes the interim final rule published on May 19, 2015, and will ensure the Army is in compliance with multiple Department of Defense and Federal requirements. No comments were received on the interim rule; however, the Department of the Army is making minor administrative changes based on the name change of a form and reporting system mentioned in the rule.

II. Cost and Benefits

This rule will not have a monetary effect upon the public. This rule facilitates information sharing between authorized agencies to enhance protection of personnel and resources critical to DoD mission assurance.

III. Retrospective Review

The revisions to this rule will be reported in future status updates as part of DoD's retrospective plan under Executive Order 13563 completed in August 2011. DoD's full plan can be

accessed at: *http://www.regulations.gov/#!docketDetail;D=DOD-2011-OS-0036.*

IV. Regulatory Procedures

A. Regulatory Flexibility Act

The Department of the Army has determined that the Regulatory Flexibility Act does not apply because the rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

B. Unfunded Mandates Reform Act

The Department of the Army has determined that the Unfunded Mandates Reform Act does not apply because the rule does not include a mandate that may result in estimated costs to State, local or tribal governments in the aggregate, or the private sector, of $100 million or more.

C. National Environmental Policy Act

The Department of the Army has determined that the National Environmental Policy Act does not apply because the rule does not have an adverse impact on the environment.

D. Paperwork Reduction Act

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995. OMB has approved these requirements under OMB Control Number 0702–0128.

E. Executive Order 12630 (Government Actions and Interference With Constitutionally Protected Property Rights)

The Department of the Army has determined that Executive Order 12630 does not apply because the rule does not impair private property rights.

F. Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

The Department of the Army has determined that according to the criteria defined in Executive Order 12866 and Executive Order 13563 this rule is not a significant regulatory action.

G. Executive Order 13045 (Protection of Children From Environmental Health Risk and Safety Risks)

The Department of the Army has determined that the criteria of Executive Order 13045 do not apply because this rule does not implement or require actions impacting environmental health and safety risks on children.

H. Executive Order 13132 (Federalism)

The Department of the Army has determined that the criteria of Executive Order 13132 do not apply because this rule will not have a substantial 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.

List of Subjects in 32 CFR Part 635

Crime, Law, Law enforcement, Law enforcement officers, Military law.

Thomas Blair,

Chief, Law Enforcement Branch, Operations Division, Office of the Provost Marshal General, DA.

For reasons stated in the preamble the Department of the Army amends 32 CFR part 635 as follows:

PART 635—LAW ENFORCEMENT REPORTING

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 28 U.S.C. 534, 42 U.S.C. 10601, 18 U.S.C. 922, 10 U.S.C. 1562, 10 U.S.C. Chap. 47, 42 U.S.C. 16901 *et seq.,* 10 U.S.C. 1565, 42 U.S.C. 14135a.

§ 635.1 [Amended]

■ 2. Amend § 635.1 by removing ''MPR'' and adding in its place ''Law Enforcement Report''.

§ 635.3 [Amended]

■ 3. Amend § 635.3 by removing ''MPRs'' and adding in its place ''law enforcement reports'' in paragraph (c) introductory text and paragraph (c)(2).

■ 4. Amend § 635.5 by:

■ a. Revising paragraph (b).

■ b. Removing ''COPS MPRS'' and adding in its place ''ALERTS'' in paragraphs (d) and (e) introductory text.

■ c. Removing ''COPS MPRS'' and adding in its place ''ALERTS'' in paragraph (e)(4) the first time it appears and removing ''COPS MPRS system'' and adding in its place ''ALERTS'' at the end of paragraph (e)(4).

The revision reads as follows:

§ 635.5 Name checks.

* * * * *

(b) Checks will be accomplished by a review of the Army's Law Enforcement Reporting and Tracking System (ALERTS). Information will be disseminated according to subpart B of this part.

* * * * *

■ 5. Amend § 635.6 by:

■ a. Removing ''Department of the Army Form 3975'' and adding in its place ''Raw Data File'' and removing ''Army's Centralized Operations Police Suite (COPS)'' and adding in its place ''Army's Law Enforcement Reporting and Tracking System (ALERTS)'' in paragraph (c).

■ b. Revising paragraphs (e)(1) and (2).

The revisions read as follows:

§ 635.6 Registration of sex offenders on Army installations (inside and outside the Continental United States).

* * * * *

(e) * * *

(1) Complete a Raw Data File as an information entry into ALERTS.

(2) Ensure the sex offender produces either evidence of the qualifying conviction or the sex offender registration paperwork in order to complete the narrative with the state in which the sex offender was convicted, date of conviction, and results of conviction, to include length of time required to register and any specific court ordered restrictions.

* * * * *

§ 635.8 [Amended]

e. Amend § 635.8 by removing ''MPR'' and adding in its place ''Law Enforcement Report'' in paragraph (d)(3).

§ 635.17 [Amended]

f. Amend § 635.17 by removing ''COPS'' and adding in its place ''ALERTS'' in paragraph (b) introductory text.

[FR Doc. 2016–07054 Filed 3–28–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0230]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the University Bridge, mile 4.3, and the Montlake Bridge, mile 5.2, both crossing Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to accommodate the ''Beat the Bridge'' foot race event. This deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

DATES: This deviation is effective from 8 a.m. to 9:30 a.m. on May 15, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0230] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The Seattle Department of Transportation requested a temporary deviation from the operating schedule for the University Bridge, mile 4.3, and the Montlake Bridge, mile 5.2, both crossing Lake Washington Ship Canal at Seattle, WA, to facilitate safe passage of participants in the ''Beat the Bridge'' foot race. The University Bridge provides a vertical clearance of 30 feet in the closed-to-navigation position. The Montlake Bridge provides 30 feet of vertical clearance in the closed-to-navigation position throughout the navigation channel, and 46 feet of vertical clearance in the closed-to-navigation position throughout the center 60 feet of the bridge. Vertical clearances are referenced to the Mean Water Level of Lake Washington. The normal operating schedule for both the University Bridge and Montlake Bridge is in 33 CFR 117.1051. During this deviation period, the University Bridge, mile 4.3, need not open to marine vessels from 8 a.m. to 9:30 a.m. on May 15, 2016. The Montlake Bridge, mile 5.2, need not open to marine vessels from 8:15 a.m. to 8:45 a.m. on May 15, 2016. Waterway usage on Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridges in the closed positions may do so at any time. Both bridges will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 23, 2016.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2016–07011 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0229]

Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, both crossing the Lake Washington Ship Canal at Seattle, WA. The deviation is necessary to accommodate the Brooks Trailhead 10K & 15K foot race event. This deviation allows the bridges to remain in the closed-to-navigation position to allow for the safe movement of event participants.

DATES: This deviation is effective from 8 a.m. to 10 a.m. on May 22, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0229] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The Seattle Department of Transportation requested a temporary deviation from the operating schedule for the Fremont Bridge, mile 2.6, and the University Bridge, mile 4.3, both crossing the Lake Washington Ship Canal at Seattle, WA, to facilitate safe passage of participants in the Brooks Trailhead 10K & 15K foot race event. The Fremont Bridge provides a vertical clearance of 14 feet (31 feet of vertical clearance for the center 36 horizontal feet) in the closed-to-navigation position. The University Bridge provides a vertical clearance of 30 feet in the closed-to-navigation position. Both bridge clearances are referenced to the mean water elevation of Lake Washington. The normal operating schedule for both the Fremont Bridge and the University Bridge is in 33 CFR 117.1051. During this deviation period, the Fremont Bridge, mile 2.6, need not open to marine vessels from 8:15 a.m. to 10 a.m. on May 22, 2016. The University Bridge, mile 4.3, need not open to marine vessel from 8 a.m. to 8:30 a.m. on May 22, 2016. Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridges in the closed-to-navigation positions may do so at any time. Both bridges will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 23, 2016.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2016–07010 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0022]

RIN 1625–AA–08

Safety Zone; Cooper River Bridge Run, Cooper River, and Town Creek Reaches, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Cooper River and Town Creek Reaches in Charleston, South Carolina during the Cooper River Bridge Run on April 2, 2016 from 7:30

a.m. to 10:30 a.m. The Cooper River Bridge Run is a 10–K run across the Arthur Ravenel Bridge. The safety zone is necessary for the safety of the runners and the general public during this event. This regulation prohibits persons and vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from 7:30 a.m. to 10:30 a.m. on April 2, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0022 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule call or email Lieutenant John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *John.Z.Downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The purpose of the rule is to ensure the safety of the runners, and the general public during the scheduled event. The Coast Guard published a notice of proposed rulemaking titled Cooper River Bridge Run, Cooper River, and Town Creek Reaches, Charleston, SC. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this Safety Zone. During the comment period that ended February 26, 2016, we received no comments.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. It is impracticable to publish notice of this regulation at least 30 days before the effective date because the Coast Guard did not receive the proper information with enough advance time to effectively publish both the NPRM and notice of this regulation. The Coast Guard received no comments on the NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists to make this rule effective less than 30 days after publication in the **Federal Register** because any delay in the effective date of this rule would be impracticable and contrary to the public interest. Immediate action is needed to minimize potential danger to the public during the date of the event.

III. Legal Authority and Need for Rule

The legal basis for this rule is the Coast Guard's authority to establish regulated safety zones and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170. The purpose of the rule is to ensure the safety of the runners, and the general public during the Cooper River Bridge Run.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published February 11, 2016. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone on the waters of the Cooper River and Town Creek Reaches in Charleston, South Carolina during the Cooper River Bridge Run. The race is scheduled to take place from 7:30 a.m. to 10:30 a.m. on April 2, 2016. Approximately 40,000 runners are anticipated to participate in the race. Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

V. Regulatory Analyses

We developed this 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

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O.13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under E.O. 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget. This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of three hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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 received 0 comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during

the enforcement period. For the reasons discussed in Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone prohibiting vessel traffic from a limited area surrounding the Cooper River Bridge on the waters of the Cooper River and Town Creek Reaches for a 3 hour period. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.35T07–0022 to read as follows:

§ 165.T07–0022 Safety Zone; Cooper River Bridge Run, Charleston, SC.

(a) *Location.* All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: 32°48′32″ N./079°56′08″ W., 32°48′20″ N./079°54′20″ W., 32°47′20″ N./079°54′29″ W., 32°47′20″ N./079°55′28″ W.

(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 Charleston in the enforcement of the regulated areas.

(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 Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced from 7:30 a.m. until 10:30 a.m. on April 2, 2016.

Dated: March 18, 2016.

G.L. Tomasulo,

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

[FR Doc. 2016–06972 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0552; FRL–9943–40–Region9]

Approval of California Air Plan Revisions, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and the South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of oxides of nitrogen (NO_X) from fan-driven natural-gas-fired central furnaces for residences and businesses. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules will be effective on April 28, 2016.

ADDRESSES: The EPA has established docket number EPA–R09–OAR–2015–0552 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, (415) 972 3073, *Gong.Kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On November 7, 2015 in 80 FR 68484, the EPA proposed to approve the following rules into the California SIP.

Local agency	Rule No.	Rule title	Amended	Submitted
SJVUAPCD	4905	Natural-Gas-Fired, Fan-Type Central Furnaces	01/22/15	04/07/15
SCAQMD	1111	Reduction of NO_X Emissions From Natural-Gas-Fired, Fan-Type Central Furnaces.	09/05/14	04/07/15

We proposed to approve these rule because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. On December 7, 2015, we received two emails from Harvey Eder representing the Public Solar Power Coalition (PSPC). One email included the subject line, ''FW: docket ID EPA–R09–2015–0552, Can,t Email You Again All of The Record from me HE/PSPC inc. into record by reference from 6/2014 etc. to today SC PM 2.5 SC SIP EPA–R09–OAR–2015–0204 to Extreme.'' The second email included the subject line, ''FW: Part 3 of 3 there may be a Part 4/ This isDocut ID EPA–R09–OAR–2015–0552, emissions of NO_X from fan-driven natural-gas-firedd furnaces for res & business SCD R1111/SJV 4905 +FRL–9936–70–Region 9 (pt 1 & 2 also Inc This etc. Incorporate allfrom . . .'' We received an additional email from PSPC on December 9, 2015 labeled as ''part 1 of 3,'' after the close of the comment period. We have summarized below the substance of the emailed comments from PSPC to the extent possible. The comments and our responses are as follows:

Comment #1: PSPC listed several external sources in reference to our proposal. These included the following: Documents attributed to a California Superior Court case where PSPC was a plaintiff against the SCAQMD; references to information attributed to the International Energy Agency and the California Governor's Office of Planning and Research; documents previously submitted for comment in other EPA dockets (including EPA–R09–OAR–2015–0204); communications with local and federal officials; and Santa Cruz County and Los Angeles County planning documents. None of these documents were summarized or provided as attachments to comments on docket EPA–R09–OAR–2015–0552.

Response #1: In PSPC's emails to the EPA, PSPC did not provide attachments or provide source materials supporting its claims. The emails attempted to incorporate by reference various news articles, reports, and other documents in support of PSPC's stated claims and assertions (see additional discussion in Comments #2 and #3). However, such a practice is in violation of EPA's commenting guidelines, available at *http://www.epa.gov/dockets/commenting-epa-dockets#rules.* In particular, the comments do not comply with the restriction that ''EPA will not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system).'' [1]

Moreover, submitting general documents on a topic fails to raise any particular issue with reasonable specificity as required by the Clean Air Act and the Administrative Procedures Act. See generally Mossville Envtl. Action Now v. EPA, 370 F.3d 1232, 1238 (D.C. Cir. 2004) (''Petitioners also point to a sentence in the letter requesting the EPA to use 'all reasonably available data, including the data provided under Subpart F.' Petitioners' argument that, because Subpart F contains data for both the ten and 400 ppm standards, the EPA was on notice fails for the same reasons as articulated above.'') Therefore, EPA is not making any changes to our proposed approval on the basis of this comment.

Comment #2: PSPC commented that a range of solar-related technologies, including solar seasonal heating, concentrating solar, and photovoltaic-powered heating and cooling systems are an alternative to natural gas-fired home furnaces that are subject to this rule. PSPC claims that the EPA should

[1] United States Environmental Protection Agency. ''Commenting on EPA Dockets—Rules and Restrictions.'' Last updated December 21, 2015. *http://www.epa.gov/dockets/commenting-epa-dockets.*

consider such technologies as RACT for space heating applications that are currently being fulfilled by furnaces.

Response #2: The EPA can identify no CAA requirement in PSPC's comment emails that would require the consideration of solar-based technologies as RACT in this context, as all natural gas-fired fan-driven furnaces subject to these rules do not meet the major source threshold triggering a RACT requirement for ozone. The SIP must still implement all RACM/RACT for NO_X, but these requirements are generally evaluated in the context of a broader RACM/RACT assessment. Furthermore, the revisions to South Coast Rule 1111 that are the subject of this action do not include any substantive revisions concerning control technologies or emission limits that PSPC's comment would be germane to.

Comment #3: PSPC made several additional claims including: The solar technologies as described would be RACT for other source categories, including boilers and heaters not subject to the rules in this action; and water tank-based solar seasonal storage heating has secondary use in firefighting and public safety applications following earthquakes.

Response #3: These claims are not relevant to our analysis of the approval of the rules and we are finalizing our proposed approval without change.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SCAQMD and SJVUAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available electronically through *www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 31, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: February 4, 2016.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(344)(i)(C)(*2*), (c)(379)(i)(A)(*6*), (c)(461)(i)(C)(*2*) and (c)(461)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(344) * * *

(i) * * *

(C) * * *

(*2*) Previously approved on May 30, 2007 in paragraph (c)(344)(i)(C)(*1*) of this section and now deleted with replacement in paragraph (c)(461)(i)(D)(*1*), Rule 4905, ''Natural-Gas-Fired Fan-Type Central Furnaces,'' adopted on October 20, 2005.

* * * * *

(379) * * *

(i) * * *

(A) * * *

(*6*) Previously approved on August 4, 2010 in paragraph (c)(379)(i)(A)(*3*) of this section and now deleted with replacement in paragraph (c)(461)(i)(C)(*2*), Rule 1111, ''Reduction of NO_X Emissions from Natural-Gas-Fired Fan-Type Central Furnaces,'' amended on November 6, 2009.

* * * * *

(461) * * *

(i) * * *

(C) * * *

(*2*) Rule 1111, ''Reduction of NO_X Emissions From Natural-Gas-Fired, Fan-Type Central Furnaces,'' amended September 5, 2014.

(D) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Rule 4905, ''Natural-Gas-Fired, Fan-Type Central Furnaces,'' amended January 22, 2015.

* * * * *

[FR Doc. 2016–06962 Filed 3–28–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 711

[EPA–HQ–OPPT–2014–0809; FRL–9941–19]

Partial Exemption of Certain Chemical Substances From Reporting Additional Chemical Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the list of chemical substances that are partially exempt from reporting additional information under the Chemical Data Reporting (CDR) rule. EPA has determined that, based on the totality of information available on the chemical substances listed in this final rule, there is a low current interest in their CDR processing and use information. EPA reached this conclusion after considering a number of factors, including the risk of adverse human health or environmental effects, information needs for CDR processing and use information, and the availability of other sources of comparable processing and use information.

DATES: This final rule is effective March 29, 2016.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0809, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Christina Thompson, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0983; email address: *thompson.christina@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you manufacture (defined by statute at 15 U.S.C. 2602(7) to include import) the chemical substances contained in this rule. The North American Industrial Classification System (NAICS) codes provided here are not intended to be exhaustive, but rather provide a guide to help readers determine whether this document applies to them. Potentially affected entities may include chemical manufacturers subject to CDR reporting of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

II. Background

A. What action is the agency taking?

This partial exemption eliminates an existing reporting requirement under 40 CFR 711.6(b)(2). EPA is adding the following chemical substances to the list of chemical substances that are exempt from reporting the information described in 40 CFR 711.15(b)(4): Fatty acids, C14–18 and C16–18 unsaturated, methyl esters (Chemical Abstract Services Registry Number (CASRN) 67762–26–9); fatty acids, C16–18 and C–18 unsaturated, methyl esters (CASRN 67762–38–3); fatty acids, canola oil, methyl esters (CASRN 129828–16–6); fatty acids, corn oil, methyl esters (CASRN 515152–40–6); fatty acids, tallow, methyl esters (CASRN 61788–61–2); and soybean oil, methyl esters (CASRN 67784–80–9). However, by existing terms at 40 CFR 711.6, this partial exemption will become inapplicable to a subject chemical substance in the event that the chemical substance later becomes the subject of a rule proposed or promulgated under section 4, 5(a)(2), 5(b)(4), or 6 of the Toxic Substances Control Act (TSCA); an enforceable consent agreement (ECA) developed under the procedures of 40 CFR part 790; an order issued under TSCA section 5(e) or 5(f); or relief that has been granted under a civil action under TSCA section 5 or 7.

In the January 27, 2015 **Federal Register** (80 FR 4482)(FRL–9921–56), EPA published a direct final rule to add these six chemical substances to the list of chemical substances that are partially exempt from reporting additional information under the CDR rule. EPA received one adverse comment that was pertinent to all six of the chemical substances that were the subject of that direct final rule. In accordance with the procedures described in the January 27, 2015 **Federal Register** document, EPA withdrew the direct final rule, and subsequently proposed to add the six chemical substances to the list of chemical substances that are partially exempt from reporting additional information under the CDR rule in the July 22, 2015 **Federal Register** (80 FR 43383) (FRL–9928–99). EPA received one comment on the proposed rule. Before taking final action, EPA considered both the comment it received in response to the direct final rule and the comment it received in response to the proposed rule. A full discussion of EPA's responses to these comments is included in Unit V. of this document.

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

This action is finalized under the authority of TSCA, 15 U.S.C. 2600 *et seq.,* to carry out the provisions of section 8(a), 15 U.S.C. 2607(a). TSCA section 8(a) authorizes EPA to promulgate rules under which manufacturers of chemical substances and mixtures must submit such information as the Agency may reasonably require. The partial exemption list was established in 2003 (Ref. 1) and can be found in 40 CFR 711.6.

Consistent with section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, EPA is finalizing this action based on public notice and opportunity to comment afforded by the July 22, 2015 proposed rule. Under section 553(d)(1) of the APA, the Agency may make a rule immediately effective ''which grants or recognizes an exemption or relieves a restriction.'' EPA has determined that this action ''relieves a restriction'' by creating a partial exemption from CDR reporting, without creating any new reporting or recordkeeping requirements, and that this action will be effective immediately upon publication in the **Federal Register**.

C. Why is the agency taking this action?

This rule is in response to a petition EPA received for these chemical substances (Refs. 2 and 3) submitted under 40 CFR 711.6(b)(2)(iii)(A). EPA reviewed the information put forward in the petition and additional information against the considerations listed at 40 CFR 711.6(b)(2)(ii). EPA's chemical substance-specific analysis is detailed in supplementary documents available in the docket under docket ID number EPA–HQ–OPPT–2014–0809 (Refs. 4, 5, 6, 7, 8, and 9). The Agency is adding these chemical substances to the partially exempt chemical substances list because it has concluded that, based on the totality of information available, the CDR processing and use information for these chemical substances is of low current interest.

D. What are the impacts of this action?

There are no costs associated with this action and the benefits provided would be related to avoiding potential costs. This partial exemption eliminates an existing reporting requirement without imposing any new requirements. See also the discussion in Unit VI.

III. Petition Process and ''Low Current Interest'' Partial Exemption

In 2003 (Ref. 1), EPA established a partial exemption for certain chemical substances for which EPA determined the processing and use information required in 40 CFR part 711 to be of ''low current interest.'' That provision establishes a particular procedure whereby the public may petition EPA to add or remove a chemical substance to or from the list of partially exempt chemical substances. In determining whether the partial exemption should apply to a particular chemical substance, EPA considers the totality of information available for the chemical substance in question, including but not limited to information associated with one or more of the considerations listed at 40 CFR 711.6(b)(2)(ii).

The addition of a chemical substance under this partial exemption will not necessarily be based on its potential risks. The addition is based on the Agency's current assessment of the need for collecting CDR processing and use information for that chemical substance, based upon the totality of information available during the petition review process. Additionally, interest in a chemical substance or a chemical substance's processing and use information may increase in the future, at which time EPA will reconsider the applicability of a partial exemption for a chemical substance.

IV. Rationale for These Partial Exemptions

EPA is granting a partial exemption for: Fatty acids, C14–18 and C16–18 unsaturated, methyl esters (CASRN 67762–26–9); fatty acids, C16–18 and C–18 unsaturated, methyl esters (CASRN 67762–38–3); fatty acids, canola oil, methyl esters (CASRN 129828–16–6); fatty acids, corn oil, methyl esters (CASRN 515152–40–6); fatty acids, tallow, methyl esters (CASRN 61788–61–2); and soybean oil, methyl esters (CASRN 67784–80–9) because the Agency has concluded it has low current interest in the processing and use information for these chemical substances. EPA made these determinations based on its analysis of the totality of information available on the six chemical substances, including information about the chemical substances relevant to the considerations defined at 40 CFR 711.6(b)(2)(ii). EPA's chemical substance-specific analysis is detailed in supplementary documents available in the docket under docket ID number EPA–HQ–OPPT–2014–0809 (Refs. 4, 5, 6, 7, 8, and 9).

V. Response to Comment

The Agency reviewed and considered both comments received related to the direct final rule and the proposed rule.

Comment 1: The commenter states that methyl esters can degrade to methanol, and provides references to support this statement. The commenter questioned how the possible existence of methanol from methyl esters can be ignored as ''a hazard for human health and the environment.''

EPA Response: EPA is aware that some methanol may be formed when methyl esters degrade. However, under both aerobic and anaerobic conditions, such methanol is itself rapidly degraded (Ref. 10). Therefore, EPA does not expect exposure to methanol from use of the six biofuels included in this petition for partial exemption. Note also that the inclusion of a chemical substance under this partial exemption is not a determination on the potential risks of a chemical substance. Rather, it is a determination that there is a low current interest in CDR processing and use information for that substance. Hazard alone is not determinative of the level of interest in such information. Other pertinent factors include the information needs of various parties and the current availability of comparable processing and use information. The commenter did not assert that he had a particular need for additional CDR information about the processing and use of these chemical substances. Nor did he dispute EPA's characterization of the currently available processing and use information. If the level of interest in the CDR processing and use information for any listed chemical substance were to change after final listing, EPA may reevaluate the listing decision and pursue amendment of the listing as appropriate.

Comment 2: The Biobased and Renewable Advocacy Group (BRAG), the group that submitted the petitions to EPA for these chemical substances, submitted a comment on the proposed rule in support of adding these chemical substances to the list at 40 CFR 711.6(b)(2)(iv). BRAG's comment stated that these chemical substances should be treated similarly to the petroleum products included in 40 CFR 711.6(b)(1) due to the conditions of manufacture and the properties and uses of the substances. The commenter also notes that based on the considerations listed at 40 CFR 711.6(b)(2)(ii) ''a partial reporting exemption does not require that EPA determine that an affected substance poses neither hazard nor toxicity.''

EPA Response: This partial exemption decision is based on the considerations described under 40 CFR 711.6(b)(2)(ii). EPA has made no determination whether any of the six chemical substances should be, as the commenter BRAG suggested, treated similarly to the petroleum products included in 40 CFR 711.6(b)(1) due to the conditions of manufacture and the properties and uses of the substances. This latter issue is moot because equivalent partial exemptions are being granted under 40 CFR 711.6(b)(2)(ii).

EPA agrees that in this action it is not making a determination of the potential risks of the six chemical substances.

VI. Economic Impacts

EPA has evaluated the economic consequences associated with amending the CDR partially exempt chemical substances list. Since this final rule creates a partial exemption from CDR reporting, without creating any new reporting or recordkeeping requirements, this action does not impose any new burden. Based on the currently approved Information Collection Request (ICR), the burden estimates for reporting processing and use information total 65.63 hours with an associated cost of $4,367 per submission. Based on 2012 CDR reporting, EPA estimates that 61 submissions with manufacture volumes of 25,000 pounds or greater will be received for these chemical substances in 2016 and subsequent reporting years.

Eliminating the requirement to report processing and use information for these submissions results in a total burden savings of approximately 4,003 hours and $266,387 in future reporting cycles (Ref. 11).

VII. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. TSCA Inventory Update Rule Amendments; Final Rule. **Federal Register** (68 FR 848, January 7, 2003) (FRL–6767–4).
2. Letter from Biobased and Renewable Products Advocacy Group, to EPA, OPPT CDR Submission Coordinator, October 21, 2014. Docket ID number EPA–HQ–OPPT–2014–0809, regarding request for exemption of biodiesel products.
3. Letter from Biobased and Renewable Products Advocacy Group, to EPA, OPPT CDR Submission Coordinator, November 5, 2014. Docket ID number EPA–HQ–OPPT–2014–0809, supplement to request for exemption of biodiesel products.
4. EPA, OPPT. Fatty acids, C14–18 and C16–18 unsaturated, methyl esters (CASRN 67762–26–9) Partial Exemption Analysis. December 2014.
5. EPA, OPPT. Fatty acids, C16–18 and C–18 unsaturated, methyl esters (CASRN 67762–38–3) Partial Exemption Analysis. December 2014.
6. EPA, OPPT. Fatty acids, canola oil, methyl esters (CASRN 129828–16–6) Partial Exemption Analysis. December 2014.
7. EPA, OPPT. Fatty acids, corn oil, methyl esters (CASRN 515152–40–6) Partial Exemption Analysis. December 2014.
8. EPA, OPPT. Fatty acids, tallow, methyl esters (CASRN 61788–61–2) Partial Exemption Analysis. December 2014.
9. EPA, OPPT. Soybean oil, methyl esters (CASRN 67784–80–9) Partial Exemption Analysis. December 2014.
10. OECD (Organization for Economic Co-operation and Development). 2004. SIDS (Screening Information Data Set) Initial Assessment Report: Methanol. SIAM 19. Berlin, Germany, 18–20 October, 2004.
11. EPA, OPPT. Cost Savings Estimate of Adding Six Chemicals to the 40 CFR 711.6(b)(2)(iv) List of Chemical Substances. December 2015.

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866, October 4, 1993 (58 FR 51735) and 13563, January 21, 2011 (76 FR 3821).

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection requirements that would require additional review or approval by OMB under the PRA, 44 U.S.C. 3501 *et seq.*

The information collection requirements related to CDR have already been approved by OMB pursuant to the PRA under OMB control number 2070–0162 (EPA ICR No. 1884.08). Since this action creates a partial exemption from that reporting, without creating any new reporting or recordkeeping requirements, this action does not impose any new burdens that require additional OMB approval.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule has no net burden effect or otherwise has a positive economic effect on the small entities subject to the rule.

As indicated previously, EPA is eliminating an existing reporting requirement for the chemical identified in this document. In granting a partial exemption from existing reporting, this final rule does not have a significant economic impact on any affected entities, regardless of their size.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. In granting a partial exemption from existing reporting, this action imposes no new enforceable duty on any State, local or tribal governments, or on the private sector. In addition, based on EPA's experience with chemical data reporting under TSCA, State, local, and Tribal governments are not engaged in the activities that would require them to report chemical data under 40 CFR part 711. Accordingly, this action is not subject to the requirements of UMRA, 2 U.S.C. 1501 *et seq.*

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132, August 10, 1999 (64 FR 43255). It will not have substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175, November 9, 2000 (65 FR 67249). This action will not have any effect on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, on the distribution of power and

responsibilities between the Federal Government and Indian Tribes. Thus Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045, April 23, 1997 (62 FR 19885) as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, May 22, 2001 (66 FR 28355), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act (NTTAA)

This action does not involve any technical standards that would require the consideration of voluntary consensus standards pursuant to NTTAA section 12(d), 15 U.S.C. 272 note.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not involve special considerations of environmental justice related issues as specified in Executive Order 12898, February 16, 1994 (59 FR 7629). This action does not address human health or environmental risks or otherwise have any disproportionate high and adverse human health or environmental effects on minority or low-income or indigenous populations.

IX. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major'' rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 711

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

Dated: March 22, 2016.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR chapter I is amended as follows:

PART 711—[AMENDED]

■ 1. The authority citation for part 711 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

■ 2. In § 711.6, add in numerical order by CASRN number the following entries to Table 2 in paragraph (b)(2)(iv).

§ 711.6 Chemical substances for which information is not required.

* * * * *

(b) * * *

(2) * * *

(iv) * * *

TABLE 2—CASRN OF PARTIALLY EXEMPT CHEMICAL SUBSTANCES

CASRN	Chemical
* * * * * * *	
61788–61–2	Fatty acids, tallow, methyl esters.
* * * * * * *	
67762–26–9	Fatty acids, C14–18 and C16–18 unsaturated, methyl esters.
67762–38–3	Fatty acids, C16–18 and C–18 unsaturated, methyl esters.
67784–80–9	Soybean oil, methyl esters.
* * * * * * *	
129828–16–6	Fatty acids, canola oil, methyl esters.
515152–40–6	Fatty acids, corn oil, methyl esters.

[FR Doc. 2016–07086 Filed 3–28–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8427]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4149.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not

otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale offlood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Alabama:				
Ariton, Town of, Dale County	010411	N/A, Emerg; January 30, 2008, Reg; May 2, 2016, Susp.	May 2, 2016	May 2, 2016
Clayhatchee, Town of, Dale County	010415	January 6, 1995, Emerg; August 16, 2007, Reg; May 2, 2016, Susp.	.....do	Do.
Coffee County, Unincorporated Areas	010239	March 27, 1990, Emerg; December 5, 1990, Reg; May 2, 2016, Susp.	.....do	Do.
Coffee Springs, Town of, Geneva County.	010408	N/A, Emerg; November 1, 2010, Reg; May 2, 2016, Susp.	.....do	Do.
Dale County, Unincorporated Areas	010060	September 10, 1975, Emerg; July 4, 1989, Reg; May 2, 2016, Susp.	.....do	Do.
Daleville, City of, Dale County	010061	April 11, 1975, Emerg; September 4, 1985, Reg; May 2, 2016, Susp.	.....do	Do.
Enterprise, City of, Coffee and Dale Counties.	010045	February 21, 1975, Emerg; July 2, 1980, Reg; May 2, 2016, Susp.	.....do	Do.
Geneva, City of, Geneva County	010085	March 6, 1975, Emerg; July 2, 1980, Reg; May 2, 2016, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale offlood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Geneva County, Unincorporated Areas	010258	April 17, 1990, Emerg; May 1, 1995, Reg; May 2, 2016, Susp.	.....do	Do.
Hartford, City of, Geneva County	010086	April 23, 1975, Emerg; July 22, 1977, Reg; May 2, 2016, Susp.	.....do	Do.
Houston County, Unincorporated Areas	010098	June 25, 1975, Emerg; September 29, 1989, Reg; May 2, 2016, Susp.	.....do	Do.
Level Plains, City of, Dale County	010416	N/A, Emerg; July 17, 2003, Reg; May 2, 2016, Susp.	.....do	Do.
Malvern, Town of, Geneva County	010087	September 16, 1975, Emerg; February 24, 1978, Reg; May 2, 2016, Susp.	.....do	Do.
Midland City, City of, Dale County	010248	October 29, 1976, Emerg; August 5, 1986, Reg; May 2, 2016, Susp.	.....do	Do.
New Brockton, Town of, Coffee County	010238	January 12, 1976, Emerg; July 22, 1977, Reg; May 2, 2016, Susp.	.....do	Do.
Newton, Town of, Dale County	010419	June 20, 1990, Emerg; July 5, 1993, Reg; May 2, 2016, Susp.	.....do	Do.
Ozark, City of, Dale County	010062	April 17, 1975, Emerg; August 5, 1985, Reg; May 2, 2016, Susp.	.....do	Do.
Pinckard, Town of, Dale County	010249	December 8, 1976, Emerg; September 4, 1985, Reg; May 2, 2016, Susp.	.....do	Do.
Samson, City of, Geneva County	010088	May 5, 1975, Emerg; June 17, 1977, Reg; May 2, 2016, Susp.	.....do	Do.
Slocomb, City of, Geneva County	010089	May 21, 1975, Emerg; December 16, 1977, Reg; May 2, 2016, Susp.	.....do	Do.
Region VI				
New Mexico:				
Magdalena, Village of, Socorro County	350076	November 15, 2007, Emerg; N/A, Reg; May 2, 2016, Susp.	.....do	Do.
Socorro, City of, Socorro County	350077	February 27, 1975, Emerg; May 17, 1988, Reg; May 2, 2016, Susp.	.....do	Do.
Socorro County, Unincorporated Areas	350075	N/A, Emerg; August 28, 2008, Reg; May 2, 2016, Susp.	.....do	Do.
Region VII				
Iowa:				
Audubon, City of, Audubon County	190011	September 4, 1974, Emerg; August 15, 1979, Reg; May 2, 2016, Susp.	.....do	Do.
Brayton, City of, Audubon County	190920	June 9, 1975, Emerg; August 19, 1985, Reg; May 2, 2016, Susp.	.....do	Do.
Exira, City of, Audubon County	190013	July 25, 1975, Emerg; September 18, 1985, Reg; May 2, 2016, Susp.	.....do	Do.
Grant, City of, Montgomery County	190466	May 5, 2008, Emerg; May 1, 2011, Reg; May 2, 2016, Susp.	.....do	Do.
Gray, City of, Audubon County	190318	January 10, 1997, Emerg; September 4, 2003, Reg; May 2, 2016, Susp.	.....do	Do.
Kimballton, City of, Audubon County	190014	April 8, 1975, Emerg; September 1, 1986, Reg; May 2, 2016, Susp.	.....do	Do.
Red Oak, City of, Montgomery County	190210	August 22, 1974, Emerg; August 3, 1981, Reg; May 2, 2016, Susp.	.....do	Do.
Villisica, City of, Montgomery County ...	190468	October 31, 2000, Emerg; May 1, 2011, Reg; May 2, 2016, Susp.	.....do	Do.
Nebraska: Gage County, Unincorporated Areas.	310088	July 27, 1984, Emerg; May 1, 1990, Reg; May 2, 2016, Susp.	.....do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 16, 2016.

Roy E. Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2016–06977 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 141219999–6207–02]

RIN 0648–XD681

Endangered and Threatened Wildlife and Plants; Final Rule To List the Tanzanian DPS of African Coelacanth (*Latimeria chalumnae*) as Threatened Under the Endangered Species Act

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

ACTION: Final rule.

SUMMARY: We, NMFS, issue a final rule to list the Tanzanian Distinct Population Segment (DPS) of African coelacanth (*Latimeria chalumnae*) as a threatened species under the Endangered Species Act (ESA). We will not designate critical habitat for this species because the geographical areas occupied by the species are entirely outside U.S. jurisdiction, and we have not identified any unoccupied areas within U.S. jurisdiction that are essential to the conservation of the species.

DATES: This final rule is effective April 28, 2016.

ADDRESSES: Chief, Endangered Species Division, NMFS Office of Protected Resources (F/PR3), 1315 East-West Highway, Silver Spring, MD 20910, USA.

FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Office of Protected Resources, (301) 427–8491.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from WildEarth Guardians to list 81 marine species as threatened or endangered under the Endangered Species Act (ESA). We found that the petitioned actions may be warranted for 27 of the 81 species, including the African coelacanth, and announced the initiation of status reviews for each of the 27 species (78 FR 63941, October 25, 2013; 78 FR 66675, November 6, 2013; 78 FR 69376, November 19, 2013; 79 FR 9880, February 21, 2014; and 79 FR 10104, February 24, 2014). Following the positive 90-day finding, we conducted a comprehensive status review of the African coelacanth. A ''status review report'' (Whittaker, 2014) was produced and used as the basis of 12-month finding determination and proposed rule. Please refer to our Web site (*http://www.nmfs.noaa.gov/pr/species/fish/coelacanth.html*) for access to the status review report, which details African coelacanth biology, ecology, and habitat, the DPS determination, past, present, and future potential risk factors, and overall extinction risk. On March 3, 2015, we published a proposed rule to list the Tanzanian DPS of African coelacanth (*L. chalumnae*) as a threatened species (80 FR 11363) and solicited comments from all interested parties including the public, other governmental agencies, the scientific community, industry, and environmental groups.

ESA Statutory Provisions, Regulations, and Policy Considerations

As the designee of the Secretary of Commerce, we are responsible for determining whether marine and anadromous species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we consider first whether a group of organisms constitutes a ''species'' under the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines a ''species'' to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' 16 U.S.C. 1532(16).

Section 3 of the ESA also defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' 16 U.S.C. 1632(6); (20). We interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the ''foreseeable future'' (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). The duration of the ''foreseeable future'' in any circumstance is inherently fact-specific and depends on the particular kinds of threats, the life-history characteristics, and the specific habitat requirements for the species under consideration. The foreseeable future also considers the availability of data, the ability to predict particular threats, and the reliability to forecast the effects of these threats and future events on the status of the species under consideration. Because a species may be susceptible to a variety of threats for which different data are available, or which operate across different time scales, the foreseeable future is not necessarily reducible to a particular number of years. Further, the existence of a threat to a species and the species' response to that threat are not, in general, equally predictable or foreseeable. Hence, in some cases, the ability to foresee a threat to a species is greater than the ability to foresee the species' exact response, or the timeframe of such a response, to that threat. In making a listing determination, we must ask whether the species' population response to a threat (*i.e.,* abundance, productivity, spatial distribution, diversity) is foreseeable, not merely whether the emergence or continuation of a threat is foreseeable. Because we are obligated to base our determinations on the best available scientific and commercial information, the foreseeable future extends only as far as we are able to reliably predict the species' population response to a particular threat.

Section 4(a)(1) of the ESA requires us to determine whether any species is endangered or threatened due to any one or a combination of the following threat factors: the present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence. 16 U.S.C. 1533(a)(1). We are also required to make listing determinations based solely on the best scientific and commercial data available, after conducting a review of the species' status and after taking into account efforts being made by any state or foreign nation (or subdivision thereof) to protect the species. 16 U.S.C. 1533(b)(1)(A).

Pursuant to the ESA, any interested person may petition to list or delist a species, subspecies, or DPS of a vertebrate species that interbreeds when mature (5 U.S.C. 553(e), 16 U.S.C. 1533(b)(3)(A)). ESA-implementing regulations issued by NMFS and the U.S. Fish and Wildlife Service (FWS) also establish procedures for receiving and considering petitions to revise the lists of endangered and threatened species and for conducting periodic reviews of listed species (50 CFR 424.01).

When we receive a petition to list a species, we are required to the maximum extent practicable to make a finding within 90 days as to whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. The ESA-implementing regulations provide that ''substantial information'' is that amount of information that would lead a reasonable person to believe that listing may be warranted (50 CFR 424.14(b)(1)). In determining whether substantial information exists, we take into account several factors, in light of any information noted in the petition or otherwise readily available in our files. If a positive finding is made at that initial stage, then we commence a status review in order to assemble and assess the best available scientific and commercial information. 16 U.S.C. 1533(b)(3)(A). After conducting the status review and within 12 months of receiving the petition, we must prepare a finding that the action is not warranted, warranted, or warranted but precluded by higher listing priorities. 16 U.S.C. 1533(b)(3)(B). If we find that the petitioned action is warranted, we promptly publish a proposed rule to list the species, take steps to notify affected states and foreign governments, and solicit public input. 16 U.S.C. 1533(b)(3)(B)(ii); 16 U.S.C. 1533(b)(5). After reviewing additional information received during the comment period, we must either publish a final regulation to implement the determination or take certain other actions. 16 U.S.C. 1533(b)(6).

In making a final listing determination, we first determine whether a petitioned species meets the ESA definition of a ''species.'' This term includes taxonomic species, subspecies, and ''distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' 16 U.S.C. 1532(16). On February 7, 1996, the Services adopted a policy describing what constitutes a DPS of a taxonomic species (61 FR 4722). The joint DPS Policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs. A population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions:

(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation.

(2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA.

If a population segment is considered discrete under one or more of the above conditions, its biological and ecological significance is then considered in light of Congressional guidance (see S. Rep. No. 96–151(1979)) that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. This consideration may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon;

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon;

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

After determining whether a group of organisms constitutes a listable ''species,'' then using the best available information gathered during the status review for the species, we complete a status and extinction risk assessment to determine whether the species qualifies as an endangered species or threatened species. In assessing extinction risk, we consider the demographic viability factors developed by McElhany *et al.* (2000) and the risk matrix approach developed by Wainwright and Kope (1999) to organize and summarize extinction risk considerations. The approach of considering demographic risk factors to help frame the consideration of extinction risk has been used in many of our status reviews, including for Pacific salmonids, Pacific hake, walleye pollock, Pacific cod, Puget Sound rockfishes, Pacific herring, scalloped hammerhead sharks, and black abalone (see *http://www.nmfs.noaa.gov/pr/species/* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four demographic viability factors: abundance, growth rate/productivity, spatial structure/connectivity, and diversity. These viability factors reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk. Against this backdrop we evaluate the influence of the Section 4(a)(1) threat factors.

As the definition of ''endangered species'' and ''threatened species'' makes clear, the determination of extinction risk can be based on either assessment of the range wide status of the species, or the status of the species in a ''significant portion of its range.'' NMFS and FWS recently published a final policy to clarify the interpretation of the phrase ''significant portion of the range'' in the ESA definitions of ''threatened species'' and ''endangered species'' (79 FR 37577; July 1, 2014) (SPR Policy). The SPR Policy reads:

Consequences of a species being endangered or threatened throughout a significant portion of its range: The phrase ''significant portion of its range'' in the Act's definitions of ''endangered species'' and ''threatened species'' provides an independent basis for listing. Thus, there are two situations (or factual bases) under which a species would qualify for listing: a species may be endangered or threatened throughout all of its range or a species may be endangered or threatened throughout only a significant portion of its range.

If a species is found to be endangered or threatened throughout only a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act's protections apply to all individuals of the species wherever found.

Significant: A portion of the range of a species is ''significant'' if the species is not currently endangered or threatened throughout its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range.

Range: The range of a species is considered to be the general geographical area within which that species can be found at the time FWS or NMFS makes any particular status determination. This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (*e.g.,* seasonal habitats). Lost historical range is relevant to the analysis of the status of the species, but it cannot constitute a significant portion of a species' range.

Reconciling SPR with DPS authority: If the species is endangered or threatened throughout a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The Final Policy explains that it is necessary to fully evaluate a portion for potential listing under the ''significant

portion of its range'' authority only if the species is not found to warrant listing rangewide and if substantial information indicates that the members of the species in a particular area are likely *both* to meet the test for biological significance *and* to be currently endangered or threatened in that area. Making this preliminary determination triggers a need for further review, but does not prejudge whether the portion actually meets these standards such that the species should be listed:

> To identify only those portions that warrant further consideration, we will determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required. 79 FR 37586.

After reviewing the best available information as to the species status and threats throughout its range (and, if necessary, in a significant portion of its range), we then assess efforts being made to protect the species, to determine if these conservation efforts are adequate to mitigate the existing threats as required under Section 4(b)(1)(A), and whether they are likely improving the status of the species to the point at which listing is not warranted, or contribute to forming the basis for listing a species as threatened rather than endangered. Finally, we re-assess the extinction risk of the species in light of the existing conservation efforts, as necessary and come to a final conclusion as to whether the species qualifies as an endangered or threatened species.

Summary of Comments Received

Below we address comments received pertaining to the proposed listing of the Tanzanian DPS of African coelacanth in the March 3, 2015, proposed rule (80 FR 11363). During the 60-day public comment period from March 3, 2015, to May 4, 2015, we received a total of 8 written comments from individuals. Each of the commenters generally supported the proposed listing.

Comment 1: We received eight comments in general support of the proposed listing. Commenters agreed with the proposal to list the species as threatened. They cited its rarity and current threats from fishing and habitat impacts as reasons why the Tanzanian DPS of African coelacanth warrants protection under the ESA. One commenter noted that ESA listing status would help raise awareness of the species' plight and authorize the United States to fund and assist in conservation programs.

Response: We appreciate these comments as they support the proposed listing rule for the Tanzanian DPS of African coelacanth as a threatened species under the ESA. We also agree that the species' listing status as threatened could help raise conservation awareness for the species. However, we emphasize that our listing determination is based solely on consideration of the best scientific and commercial information available regarding the threats facing this species as required under Section 4(b)(1)(A) and discussed in the proposed rule.

Comment 2: One commenter noted that they would prefer all populations of coelacanth be listed under the ESA, but did not provide any additional information to support listing any other populations. In contrast, the commenter pointed out that great progress has been made regarding educational outreach of Comoran fishermen on how to avoid incidental catch of coelacanths, and also noted that coelacanth habitat in the Comoros Islands is currently stable.

Response: As detailed in the proposed listing rule and explained further below in our Final Determination section, we conducted a status review of the African coelacanth and first considered whether the species was at risk of extinction throughout its range and found that threats to the species across its range are generally low, with isolated threats of overutilization and habitat loss concentrated in the Tanzanian portion of the range. Thus, we determined on the basis of the best available scientific and commercial information that there was no basis to list the species overall based on an assessment of its status throughout its range. However, applying our SPR Policy and DPS Policy, we concluded that the Tanzanian DPS was a listable entity and that it met the test for a threatened species. Because the population is a valid DPS, our SPR Policy directs that the members of that population be listed rather than the species at large. We thus proposed to list only the Tanzanian DPS as a threatened species. Because the commenter provided no information to indicate that we should reconsider these findings, we cannot adopt their suggestion to list the entire species.

Status Review

The status review for the African coelacanth addressed in this finding was conducted in 2014 (Whittaker, 2014). The status review represents the best available scientific and commercial information on the species' biology, ecology, life history, threats, and conservation status from information contained in the petition, our files, a comprehensive literature search, and consultation with experts. We also considered information submitted by the public and peer reviewers. This information is available in the status review report (Whittaker, 2014), which is available on our Web site (*http://www.nmfs.noaa.gov/pr/species/fish/coelacanth.html*). The status review report provides a thorough discussion of life history, demographic risks, and threats to the particular species. We considered all identified threats, both individually and cumulatively, to determine whether the species responds in a way that causes actual impacts at the species level. The collective condition of individual populations was also considered at the species level, according to the four demographic viability factors discussed above.

The proposed rule (80 FR 11363, March 3, 2015) summarizes general background information on the species' natural history, range, reproduction, population structure, distribution and abundance. None of this information has changed since the proposed rule, and we received no new information through the public comment period that would cause us to reconsider our previous finding as reflected in the 12-month finding and proposed rule. Thus, all of the information contained in the status review report and proposed rule is reaffirmed in this final action.

Overview of Determination Regarding the African Coelacanth at the Species Level

Based on the best available scientific and commercial information described in the status review report and proposed rule, in developing our 12-month finding we determined that the African coelacanth is taxonomically distinct from the Indonesian coelacanth, *Latimeria menadoensis,* and is a valid species under the ESA; it meets the definition of ''species'' pursuant to section 3 of the ESA and is eligible for listing under the ESA. Next we considered whether any one or a combination of the five threat factors specified in section 4(a)(1) of the ESA contribute to the extinction risk of the African coelacanth species and went on to evaluate the species' level of extinction risk. Finally we considered conservation efforts for the species overall as required under Section 4(b)(1)(A).

We received no information or analysis from public comment on the

proposed rule that would cause us to reconsider any of our analysis or conclusions regarding any of the section 4(a)(1) factors or their interactions for the species overall. Likewise, we did not receive any new information or analysis that would cause us to reconsider our analysis of extinction risk. Finally, we did not receive any new information regarding conservation efforts, which we evaluated as required under Section 4(b)(1)(A). For this final rule, we clarify that we do not apply the particularized rubric of the Policy on the Evaluation of Conservation Efforts (PECE Policy, 68 FR 15100, March 28, 2003) to consideration of foreign conservation efforts, because that policy applies only to conservation efforts ''identified in conservation agreements, conservation plans, management plans, or similar documents developed by Federal agencies, State and local governments, Tribal governments, businesses, organizations, and individuals.'' Nevertheless, in this case we have substantively evaluated the likelihood of implementation and efficacy of relevant efforts, including specifically the recently established Tanga Coelacanth Marine Park and its associated protections, as described in the proposed rule. We therefore reaffirm the substance of our discussion of the 4(a)(1) factors, extinction risk, and conservation efforts from the 12-month finding and proposed rule (80 FR 11363, March 03, 2015) in this final action. In summary, after considering the status, threats and extinction risk for the African coelacanth (*L. chalumnae*), we determined the species does not meet the definition of a threatened or endangered species when evaluated throughout all of its range. Thus, we did not propose to list the species overall. We received no information or analysis through the comment process that would cause us to reevaluate our determination that the African coelacanth does not warrant listing rangewide.

Final Determination

We have reviewed the best available scientific and commercial information, including the petition, the information in the status review reports, public comments, and the comments of peer reviewers. Based on the information presented, and as described in the proposed listing rule, because we found the African coelacanth species overall to not warrant listing on the basis of the range wide analysis, we applied the SPR Policy and considered whether any portions of the range of the species would be likely to be both significant to the species and at risk of extinction now or within the foreseeable future. We considered first whether any populations faced an unusual concentration of threats that might suggest they were at risk of extinction. After a review of the best available information, we identified the Tanzanian population of the African coelacanth as a population facing concentrated threats because of increased catch rates in this region since 2003, and the threat of a deep-water port directly impacting coelacanth habitat in this region. Due to these concentrated threats, we found that the species may be at risk of extinction in this area, so next we determined whether this portion of the range of the species could be considered significant under the SPR Policy (79 FR 37577; July 1, 2014).

The Tanzanian population is one of only three confirmed populations of the African coelacanth, all considered to be small and isolated. Because all three populations are isolated, the loss of one would not directly impact the other remaining populations. However, loss of any one of the three known African coelacanth populations would significantly increase the extinction risk of the species as a whole, as only two small populations would remain, making them more vulnerable to catastrophic events such as storms, disease, or temperature anomalies. Therefore, we determined that this portion of the range of the species (the Tanzanian population) represents a significant portion of the range of the African coelacanth.

Having found that the members of the Tanzanian population constituted a significant portion of the species' range, we next evaluated the extinction risk of this significant portion of the range to determine whether it was threatened or endangered. After reviewing the best available scientific and commercial information, we determined that the Tanzanian population faces demographic risks, such as population isolation and low productivity, which make it likely to be influenced by stochastic or depensatory processes throughout its range. Additionally, ongoing or future threats include overutilization via bycatch in the Tanzanian gillnet shark fishery, as well as habitat destruction as a result of coastal development. The species' natural biological vulnerability to overexploitation exacerbates the severity of these threats and places the population at an increased risk of extinction within the foreseeable future. In our consideration of the foreseeable future, we evaluated how far into the future we could reliably predict the operation of the major threats to this population, as well as the population's response to those threats. We are confident in our ability to make projections over the next several decades in assessing the threats of overutilization and habitat destruction, and their interaction with the life history of the coelacanth, with its lifespan of 40 or more years. Based on this information, we find that the Tanzanian population is at a moderate risk of extinction within the foreseeable future. Therefore, we consider the Tanzanian population to be threatened.

Because the Tanzanian population represents a significant portion of the range of the species, and this population is threatened, we conclude that the African coelacanth is threatened in a significant portion of its range. We next applied the provision from the SPR Policy providing that if a species is determined to be threatened or endangered across a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies. In evaluating whether this population qualified as a DPS under the DPS Policy (61 FR 4722; February 7, 1996), we determined that the Tanzanian population is discrete based on evidence for its genetic and geographic isolation from the rest of the taxon. The population also meets the significance criterion set forth by the DPS policy, as its loss would constitute a significant gap in the taxon's range. Because it is both discrete and significant to the taxon as a whole, we identified the Tanzanian population as a valid DPS.

Finally, because the population in the significant portion of the range is a valid DPS, we proposed to list the DPS rather than the entire taxonomic species or subspecies. We received no information or analysis through the public comment process that would cause us to reconsider our determination. Therefore, with this final rule we are listing the Tanzanian DPS of the African coelacanth as a threatened species under the ESA.

Effects of Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include recovery actions (16 U.S.C. 1533(f)); concurrent designation of critical habitat for species that occur within the United States, if prudent and determinable (16 U.S.C. 1533(a)(3)(A)); Federal agency requirements to consult with NMFS under section 7 of the ESA to ensure their actions do not jeopardize the species or result in adverse modification or destruction of critical

habitat should it be designated (16 U.S.C. 1536); and, for endangered species, certain prohibitions including against ''take'' of the species by persons subject to United States jurisdiction (16 U.S.C. 1538(a)(1)). Recognition of the species' plight through listing also promotes conservation actions by Federal and state agencies, foreign entities, private groups, and individuals.

Identifying Section 7 Consultation Requirements

Section 7(a)(2) (16 U.S.C. 1536(a)(2)) of the ESA and NMFS/USFWS regulations require Federal agencies to consult with us to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat. It is unlikely that the listing of these species under the ESA will increase the number of section 7 consultations, because these species occur outside of the United States and are unlikely to be affected by Federal actions.

Critical Habitat

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(5)) as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the ESA is no longer necessary. Section 4(a)(3)(A) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. However, our regulations provide that critical habitat shall not be designated in foreign countries or other areas outside U.S. jurisdiction (50 CFR 424.12 (h)).

The best available scientific and commercial data as discussed above identify the geographical areas occupied by *Latimeria chalumnae* as being entirely outside U.S. jurisdiction, so we cannot designate critical habitat for this species.

We can designate critical habitat in areas in the United States currently unoccupied by the species only if the area(s) are determined by the Secretary to be essential for the conservation of the species. The best available scientific and commercial information on the species does not indicate that U.S. waters provide any specific essential biological function for the species proposed for listing. Based on the best available information, we have not identified unoccupied area(s) in U.S. water that are essential to the conservation of the Tanzanian DPS of *Latimeria chalumnae.* Therefore, based on the available information, we will not designate critical habitat for this DPS.

Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and FWS published a policy (59 FR 34272) that requires NMFS to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. Because we are finalizing a rule to list the Tanzanian DPS of the African coelacanth as threatened, no prohibitions of Section 9(a)(1) of the ESA will apply to this species.

Protective Regulations Under Section 4(d) of the ESA

We are listing the Tanzanian DPS of African coelacanth as a threatened species. In the case of threatened species, ESA section 4(d) states the Secretary shall issue such regulations as he deems necessary and advisable for the conservation of the species and authorizes the Secretary to extend the section 9(a) prohibitions to the species. We have flexibility under section 4(d) to tailor protective regulations, taking into account the effectiveness of available conservation measures. The 4(d) protective regulations may prohibit, with respect to threatened species, some or all of the acts which section 9(a) of the ESA prohibits with respect to endangered species. These section 9(a) prohibitions apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. We did not receive any information from governmental agencies, the scientific community, industry, or any other interested parties on information in the status review and proposed rule pertaining to potential ESA section 4(d) protective regulations for the proposed threatened DPS, including the application, if any, of the ESA section 9 prohibitions on import, take, possession, receipt, and sale of the African coelacanth. Additionally, commercial trade, including import and export, of the African coelacanth is prohibited as a result of an Appendix I listing under the Convention on International Trade in Endangered Species of Wild Flora and Fauna. Finally, we have no evidence to suggest that the species is at risk due to illegal trade. Any trade of the species is limited to the transfer of specimens for scientific purposes. Thus, we have determined that protective regulations pursuant to section 4(d) are not necessary for the conservation of the species at this time.

References

Whittaker, Kerry. 2014. Endangered Species Act draft status review report for the coelacanth (*Latimeria chalumnae*). Report to National Marine Fisheries Service, Office of Protected Resources. October 2014. 47 pp.

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered and the basis that must be found when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F.2d 829 (6th Cir.1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (NEPA) (See NOAA Administrative Order 216–6).

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

Under the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. 16 U.S.C. 1533(b)(1)(a) (''The Secretary shall make determinations required by subsection (a)(1) solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species. . . .''). Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this final rule is exempt from review under Executive Order 12866. This final rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13132, Federalism

In accordance with E.O. 13132, we determined that this final rule does not have significant Federalism effects and that a Federalism assessment is not required.

List of Subjects in 50 CFR Part 223

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

Dated: March 23, 2016.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 223 is amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e) by adding the entry ''Coelacanth, African'' in alphabetical order under the subheading ''Fishes'' to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA Rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*
FISHES					
*	*	*	*	*	*
Coelacanth, African (Tanzanian DPS).	*Latimeria chalumnae*	African coelacanth population inhabiting deep waters off the coast of Tanzania.	81 FR [Insert FR page number where the document begins], March 29, 2016.	NA	NA
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 150904827–6233–02]

RIN 0648–BF36

Fisheries of the Exclusive Economic Zone Off of Alaska; Observer Coverage Requirements for Small Catcher/Processors in the Gulf of Alaska and Bering Sea and Aleutian Islands Groundfish Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 112 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 102 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and revise regulations for observer coverage requirements for certain small catcher/processors in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands Management Area (BSAI). This final rule modifies the criteria for NMFS to place small catcher/processors in the partial observer coverage category under the North Pacific Groundfish and Halibut Observer Program (Observer Program). Under this final rule, the owner of a non-trawl catcher/processor can choose to be in the partial observer coverage category, on an annual basis, if the vessel processed less than 79,000 lb (35.8 mt) of groundfish on an average weekly basis in a particular prior year, as specified in this final rule. This final rule provides a relatively limited exception to the general requirement that all catcher/processors are in the full observer coverage category, and maintains the full observer coverage requirement for all trawl catcher/processors and catcher/processors participating in a catch share program that requires full observer coverage. This final rule promotes the goals of the BSAI and GOA FMPs, and the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable laws.

DATES: Effective March 29, 2016.

ADDRESSES: Electronic copies of Amendment 112 to the BSAI FMP and Amendment 102 to the GOA FMP, the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (Analysis), and the Categorical Exclusion prepared for this action are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection of information requirements contained in this final rule may be submitted by mail to NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; by email to *OIRA_submission@omb.eop.gov;* or by fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Anne Marie Eich, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

This final rule implements Amendment 112 to the BSAI FMP and Amendment 102 to the GOA FMP (collectively referred to as Amendment 112/102). NMFS published a notice of availability (NOA) for Amendment 112/102 on December 17, 2015 (80 FR 78705). The comment period on the NOA for Amendment 112/102 ended on February 16, 2016. The Secretary of Commerce approved Amendment

112/102 on March 11, 2016, after accounting for information from the public, and determining that Amendment 112/102 is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable law. NMFS published a proposed rule to implement Amendment 112/102 and the regulatory amendments on December 29, 2015 (80 FR 81262; corrected January 22, 2016 (81 FR 3775)). The comment period on the proposed rule ended on January 28, 2016. NMFS received three comments on proposed Amendment 112/102 or the proposed rule.

This final rule modifies the criteria used by NMFS to place small catcher/processors in the partial observer coverage category in the Observer Program. Under this final rule, the owners of non-trawl catcher/processors can choose to be in the partial observer coverage category for the upcoming fishing year if their vessels processed less than 79,000 lb (35.8 mt) of groundfish on an average weekly basis in a particular prior year, as specified in this final rule. This final rule does not alter observer coverage requirements for a catcher/processor using trawl gear or for a catcher/processor when participating in a catch share program; these catcher/processors will continue to be required to be in the full observer coverage category. The terms ''production'' and ''processing'' are used synonymously in this final rule.

Below is a brief description of the Observer Program and the elements of the Observer Program that apply to Amendment 112/102 and this final rule. The preamble of the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)) provides a more detailed description of the Observer Program and this action.

The Observer Program

Regulations implementing the Observer Program allow NMFS-certified observers (observers) to obtain information necessary for the conservation and management of the BSAI and GOA groundfish and halibut fisheries. The Observer Program was implemented in 1990 (55 FR 4839, February 12, 1990). In 2012, NMFS restructured the funding and deployment systems of the Observer Program (77 FR 70062, November 21, 2012). Since implementation of the restructured Observer Program in 2013, vessels, shoreside processors, and stationary floating processors participating in the groundfish and halibut fisheries off Alaska are placed in one of two observer coverage categories: (1) Partial observer coverage category, or (2) full observer coverage category.

Under the restructured Observer Program, almost all catcher/processors were assigned to the full observer coverage category to obtain independent estimates of catch, at-sea discards, and prohibited species catch to reduce the potential for introducing error into NMFS' catch accounting system (as described in the proposed rule: 77 FR 23326, April 18, 2012). In the full observer coverage category, an observer must be on board a vessel any time the vessel is harvesting, receiving, or processing groundfish in a federally managed or parallel groundfish fishery, as specified at § 679.51(a)(2)(i). In the full observer coverage category, vessel operators obtain observers by contracting directly with observer providers. Operators of vessels in the full observer coverage category pay the observer provider for each day the observer is on board the vessel, including days that the vessel is travelling to or from the fishing grounds but not fishing.

NMFS deploys observers on vessels in the partial observer coverage category according to a statistical sample design based on an annual deployment plan developed in consultation with the North Pacific Fishery Management Council (Council). Vessels in the partial observer coverage category are required to carry observers on fishing trips selected at random per the statistical sample design. Instead of paying for each day an observer is on board, NMFS assesses a fee equal to 1.25 percent of the ex-vessel value of the retained groundfish and halibut landed by vessels in the partial observer coverage category. NMFS uses these fees to establish a Federal contract with an observer service provider to deploy observers in the partial observer coverage category.

The restructured Observer Program provided three limited exceptions for catcher/processors to be placed in the partial observer coverage category, in recognition that the cost of full observer coverage would be disproportionate to total revenues for some small catcher/processors. The first exception applied to a hybrid vessel less than 60 feet length overall (LOA) that acted as both a catcher vessel and a catcher/processor in the same year in any year from 2003 through 2009. The second exception applied to a catcher/processor that had an average daily production of less than 5,000 lb (2.3 mt) round weight equivalent in its most recent full calendar year of operation from 2003 through 2009. The third exception applied to a catcher/processor that did not process more than one metric ton round weight of groundfish on any day in the immediately preceding year.

Under the first two exceptions, a vessel that started processing after 2009 could never qualify to be placed in the partial observer coverage category. Also, the first two exceptions permanently placed a vessel in the partial observer coverage category. These exceptions have no provision to review the production of a catcher/processor placed in the partial observer coverage category on an ongoing basis and remove them from the partial observer coverage category if their production increases. The third exception is theoretically open to any catcher/processor that began production after 2009.

Summary of Amendment 112/102

The following discussion summarizes the provisions of Amendment 112/102; additional details are provided in the NOA for Amendment 112/102 (80 FR 78705; December 17, 2015), the proposed rule for Amendment 112/102 (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)), and Section 2 of the Analysis (see **ADDRESSES**).

1. The Production Threshold for Placement in the Partial Observer Coverage Category

This final rule establishes a production threshold for placement in the partial observer coverage category of average weekly groundfish production of 79,000 lb (35.8 mt) or less in a standard basis year or an alternate basis year (as defined below). The weekly production measure includes catcher/processors that engage in intense bursts of processing activity during a year but may not process throughout the whole year.

The Council and NMFS considered a range of average weekly production measures as a threshold for partial coverage. The production standard of 79,000 lb (35.8 mt) was selected to ensure that catcher/processors that are currently eligible for placement in the partial observer coverage category will continue to be eligible if these vessels maintain their current levels of production. The catcher/processors eligible for partial observer coverage under this final rule are engaged primarily in the hook-and-line and Pacific cod and sablefish fisheries (see Section 2.2.1 of the Analysis). This production threshold maintains a limited exception to the general requirement that catcher/processors are in the full observer coverage category.

The Council and NMFS concluded that this production threshold would

maintain a limited exception to the general requirement that catcher/processors are in the full observer coverage category. The Council does not anticipate that this action would impair data quality because the overwhelming amount of groundfish production would remain subject to full observer coverage (Section 3.6.7 of the Analysis). The catcher/processors eligible for the partial observer coverage category under this final rule are engaged primarily in the hook-and-line and Pacific cod and sablefish fisheries (see Section 3.7.12 of the Analysis).

2. The Basis Year for Placing a Catcher/Processor in the Partial Observer Coverage Category

This final rule establishes the fishing year minus two years as the standard basis year for determining whether a catcher/processor is eligible for placement in the partial observer coverage category, as it is the most recent year for which NMFS will have full production data. As an example, to determine if a catcher/processor will be eligible for partial observer coverage in the fishing year that begins on January 1, 2017, NMFS will assess production data from 2015 (*i.e.,* the fishing year minus two years).

If a catcher/processor had no production in the standard basis year, (*i.e.,* the fishing year minus two years), but that catcher/processor had production before the standard basis year, the vessel's most recent year of production, but not earlier than 2009, will be used (referred to as the alternate basis year) (see Section 2.4 of the Analysis). For example, if for the fishing year beginning January 1, 2017, the most recent fishing year prior to 2015 that a catcher/processor had production was 2011, the production from 2011 would be used to assess whether that catcher/processor met the threshold production amount to be eligible for placement in the partial observer coverage category. This final rule does not consider production data prior to 2009 because that is the first year that NMFS collected daily production reports (73 FR 76136, December 15, 2008), permitting calculation of average daily production (see Appendix D of the Analysis).

3. A Catcher/Processor With No History of Production

The Council and NMFS also considered the initial type of observer coverage (*i.e.,* full or partial) that should apply to a catcher/processor with no production in either the standard basis year or an alternate basis year, *e.g.,* a new catcher/processor. This final rule places any non-trawl catcher/processor with no production from 2009 through the standard basis year in the partial observer coverage category in the partial observer coverage category in its first two years of operation. The costs of full observer coverage could prevent some non-trawl catcher/processors from starting processing, particularly processing of sablefish in remote fishing grounds in the Aleutian Islands, and processing of Pacific cod by catcher/processors using jig gear. If non-trawl catcher/processors had to operate for their first two years in the full observer coverage category, it might defeat one of the objectives of this action, namely encouraging beneficial activity that is being prevented by the cost of full observer coverage.

4. Owner Choice by an Annual Deadline

Under this final rule, the owner of a qualifying vessel may request placement in the partial observer coverage category through an annual selection process that includes an annual deadline. Absent selection by the owner of a qualifying vessel, that catcher/processor will be placed in the full observer coverage category for the upcoming fishing year. This annual selection process is a new requirement for the three catcher/processors that are currently permanently placed in the partial observer coverage category.

This final rule does not establish a deadline for vessel operators to request placement in the partial coverage category during the 2016 fishing year; vessel operators can request placement in partial coverage as soon as the final rule is effective. The application process for the 2016 fishing year is described in further detail in the section Changes from the Proposed Rule.

This final rule establishes an annual deadline of July 1 to request placement in the partial observer coverage category applicable for the 2017 fishing year, and for all future fishing years. For the 2017 fishing year, a vessel owner would have to request placement in the partial observer coverage category by July 1, 2016.

5. Unchanged Observer Requirements for Trawl Catcher/Processors and Catcher/Processors That Participate in a Catch Share Program

This final rule does not alter existing observer coverage requirements for a catcher/processor using trawl gear or a catcher/processor when participating in a catch share program; these catcher/processors will continue to be required to be in the full observer coverage category. The rationale for the existing observer coverage requirements for each catch share program is described in the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)).

The Final Rule

This final rule revises regulations at 50 CFR part 679 to modify the criteria for NMFS to place small catcher/processors in the partial observer coverage category in the Observer Program. This final rule establishes a new paragraph in § 679.51, namely § 679.51(a)(3).

At § 679.51(a)(3)(i), this final rule defines the following terms for purposes of the new § 679.51(a)(3): a ''fishing year'' as the year during which a catcher/processor might be placed in the partial observer coverage category; the ''standard basis year'' as the fishing year minus two years; and the ''alternate basis year'' as the most recent year before the standard basis year in which a catcher/processor had any groundfish production but not earlier than 2009. At § 679.51(a)(3)(i), this final rule defines a vessel's ''average weekly groundfish production,'' as the annual groundfish round weight production estimate for a catcher/processor, divided by the number of separate weeks during which production occurred, as determined by production reports, but excluding any groundfish that was caught with trawl gear. Thus, if a vessel has groundfish production any day in a week, excluding trawl production, that will be considered as a week of production.

At § 679.51(a)(3)(ii), this final rule specifies the annual deadline for requesting placement in the partial observer coverage category as July 1 of the year before the year that the vessel owner would like to be placed in the partial observer coverage category, for 2017 and all future years. As described in the section titled Changes from the Proposed Rule, no deadline is specified for the owner of a catcher/processor to apply to be placed in the partial observer coverage category in 2016. NMFS should be able to make an eligibility determination within 30 days of receipt of the request for placement in the partial observer coverage category.

At § 679.51(a)(3)(iii), this final rule specifies the requirements for NMFS to place a catcher/processor in the partial observer coverage category, namely if the vessel owner requests placement by the annual deadline specified and the vessel meets the production threshold of 79,000 lb (35.8 mt) of average weekly groundfish production (excluding groundfish caught with trawl gear).

To determine eligibility for placement in the partial observer coverage category, NMFS will first examine the

catcher/processor's production in the standard basis year, namely two years before the fishing year. If a catcher/processor produced at or below the production threshold (79,000 lb (35.8 mt) average weekly groundfish production) in the standard basis year, but more than zero pounds, the vessel will meet the production threshold for placement in the partial observer coverage category in the upcoming fishing year. If a catcher/processor exceeded that production threshold, the vessel will not be eligible for placement in the partial observer coverage category in the upcoming fishing year.

If a catcher/processor had no production in the standard basis year, NMFS will examine the vessel's production in the alternative basis year, namely the first year that the vessel had any production before the standard basis year but not earlier than 2009. If a catcher/processor had average weekly groundfish production of 79,000 lb (35.8 mt) or less in the alternate basis year, the vessel will meet the production threshold requirement for placement in the partial observer coverage category for the upcoming fishing year. If a catcher/processor exceeded the production threshold in the alternate basis year, the vessel will not be eligible for placement in the partial observer coverage category. If a catcher/processor had no production from 2009 through the standard basis year, the vessel will meet the production threshold requirement for placement in the partial observer coverage category.

If a catcher/processor meets the production threshold requirement for placement in the partial observer coverage category and is not a vessel using trawl gear or otherwise required to have full observer coverage by participation in a catch share program, the catcher/processor will be placed in partial observer coverage only if the owner of the vessel makes the request by the annual deadline. This final rule specifies at § 679.51(a)(3)(iv) how the vessel owner can request placement in the partial observer coverage category. A vessel owner must submit a request form to NMFS, which NMFS will make available on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

At § 679.51(a)(3)(v), this final rule specifies that NMFS will notify a vessel owner in writing if NMFS has placed the vessel in the partial observer coverage category. Until NMFS provides this notice, the catcher/processor will remain in the full observer coverage category.

At § 679.51(a)(3)(vi), this final rule specifies that if NMFS denies a request for placement in the partial observer coverage category, NMFS will issue an Initial Administrative Determination, which will explain the reasons for the denial. If the vessel owner wishes to appeal the denial, this final rule provides at § 679.51(a)(3)(vii) that the vessel owner may appeal to the National Appeals Office according to the procedures in 15 CFR part 906. During the appeal process, the catcher/processor will remain in the full observer coverage category.

This final rule has several provisions in addition to the new paragraph at § 679.51(a)(3). This final rule adds regulations at § 679.51(a)(1)(i)(C) to clarify that certain catcher/processors (newly specified by this final rule at § 679.51(a)(3)) are in the partial observer coverage category when fishing for halibut with hook-and-line gear or when directed fishing for groundfish in a federally managed or parallel groundfish fishery. This final rule revises § 679.51(a)(2)(i)(A) to clarify that catcher/processors are placed in the full observer coverage category unless they are placed the partial observer coverage category using criteria specified at § 679.51(a)(3). This final rule also removes the regulations detailing the exceptions to the full observer coverage category for catcher/processors at § 679.51(a)(2)(iv)(B) that were in place prior to implementation of this final rule.

This final rule adds a new category to the definition of fishing trip for purposes of the Observer Program in § 679.2. Prior to implementation of this final rule, § 679.2 defined a fishing trip for a catcher vessel delivering to a shoreside processor or stationary floating processor and for a catcher vessel delivering to a tender vessel. This final rule defines a fishing trip for a catcher/processor in the partial observer coverage category, as the period of time that begins when the vessel departs a port to harvest fish until the vessel returns to port and offloads all processed product. This new definition is necessary because the current definition of a fishing trip does not accurately apply to a catcher/processor in the partial observer coverage category.

This final rule adds a new requirement at § 679.5(e)(13) for a catcher/processor landing report. The operator of a catcher/processor placed in the partial observer coverage category must submit a catcher/processor landing report by 2400 hours, A.l.t., on the day after the end of the fishing trip. This is a new reporting requirement created for this program. The landing report will be generated through eLandings or other NMFS-approved software by consolidating the daily production reports for the period the vessel operator defines as the fishing trip for purposes of observer coverage. NMFS will use information from the catcher/processor landing report to link catch data with observer data, to determine how to appropriately assign at-sea discard rates and prohibited species catch rates to unobserved catcher/processors in the partial observer coverage category, and to monitor compliance with the requirement for catcher/processors placed in the partial observer coverage category to log all fishing trips in the Observer Declare and Deploy System.

This final rule revises § 679.51(e)(1)(iii)(B) to remove requirements from catcher/processors placed in the partial observer coverage category to provide equipment for the purpose of observer data entry and transmission. Prior to implementation of this final rule, all catcher/processors were required to provide an observer with a computer, NMFS-supplied software, and the ability to transmit data to NMFS using a point-to-point connection from the vessel. Removing this requirement reduces the financial burden on small catcher/processors placed in the partial observer coverage category, especially for vessels mentioned in Section 3.7.4 of the Analysis that may begin to operate as a catcher/processor (*e.g.,* catcher/processors using jig gear). Prior to implementation of this final rule, observers deployed in the partial observer coverage category entered and transmitted data without equipment provided by the industry. Maintaining those equipment requirements for catcher/processors in the partial observer coverage category may have resulted in duplicative and unnecessary equipment being available on the vessel. NMFS typically receives data from observers deployed in the partial observer coverage category at the end of each trip, and that timeline is sufficient for catcher/processors in partial observer coverage under this final rule. NMFS notes that even with this change, more frequent data transmission could be achieved on some catcher/processors in partial observer coverage if the observer is allowed to use existing communication equipment.

This final rule revises § 679.55(a) and (c) to clarify that all catcher/processors named on a Federal Fishing Permit and not in the full observer coverage category are responsible for paying the observer fee.

This final rule corrects two cross references in § 679.2 and replaces language in § 679.5 that refers to old

terminology of ''100 percent observer coverage.'' That terminology is replaced with ''full observer coverage;'' this is the terminology used under the restructured Observer Program.

Comments and Responses

During the public comment periods for the NOA for Amendment 112/102 and the proposed rule to implement Amendment 112/102, NMFS received three comment letters from the public that contained three substantive comments. NMFS' responses to these comments are presented below.

Comment 1: All three commenters expressed support for this action.

Response: NMFS acknowledges these comments.

Comment 2: Two commenters requested that NMFS implement this action as soon as possible in 2016. One commenter would like to begin fishing for Individual Fishing Quota (IFQ) Program Pacific halibut and sablefish around April 1, but due to the costs of full coverage, would not start fishing until they were allowed to be placed in the partial observer coverage category. The second commenter stated that it benefits the few eligible catcher/processors to be placed in the partial observer coverage as soon as possible in 2016, and doing so would not negatively impact any other fishery participants.

Response: NMFS acknowledges these comments. Most of the catcher/processors that will be eligible to be placed in the partial observer coverage category under this final rule participate in the sablefish IFQ fisheries or fish for Pacific cod. Directed fishing for Pacific cod opened in most areas off Alaska on January 1, 2016, and the IFQ fishing season started on March 19, 2016. Under existing regulations, any catcher/processors not placed in the partial observer coverage category are in the full observer coverage category and must carry an observer at all times while fishing in the GOA or BSAI. As noted in the proposed rule and Analysis, being placed in the full observer coverage category imposes costs on vessel owners that generally exceed the costs of being placed in the partial observer coverage category. Allowing the owners of catcher/processors to apply to be placed in the partial observer coverage category as soon as possible in 2016 would minimize the cost of observer coverage for these vessel owners. Due to the costs of the full observer coverage category, some vessel owners may even choose not to fish until the catcher/processor can be placed in the partial observer coverage category. Therefore, for reasons discussed in the Classification section, the NMFS Assistant Administrator has waived the 30-day delay in effectiveness of this final rule and will accept applications from the owners of catcher/processors to be placed in the partial observer coverage category on the day that this final rule is published in the **Federal Register**.

Comment 3: The proposed regulations appropriately add a paragraph (C), referencing catcher/processors, to 50 CFR 679.51(a)(1)(i). New paragraph (C) joins a list of certain classes of vessels in partial observer coverage, with paragraphs (A) and (B) describing certain catcher vessels. The language introducing the list at § 679.51(a)(1)(i) should be revised to reference not just catcher vessels but also catcher/processors: '' . . . the following catcher vessels [and catcher/processors] are in the partial observer coverage category . . .'' The word ''or'' should be deleted after paragraph (A).

Response: NMFS agrees with the suggested addition of ''and catcher/processors'' at § 679.51(a)(1)(i). However, NMFS does not agree with the suggested deletion of the word ''or'' after § 679.51(a)(1)(i)(A). With the implementation of this final rule, § 679.51(a)(1)(i) contains three paragraphs, (A), (B), and (C), each of which is independent of the others. Therefore, it is appropriate to retain the word ''or'' after § 679.51(a)(1)(i)(A).

Changes From the Proposed Rule

Initial Implementation Deadline for 2016

The proposed rule for Amendment 112/102 (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)) proposed to establish an application deadline in 2016 for an owner of an eligible catcher/processor to request placement in the partial observer coverage category within 15 days after the effective date of the final rule. The effective date of the final rule was anticipated to be 30 days after its publication in the **Federal Register**; therefore, this deadline would have provided a vessel owner 45 days to consider and submit a timely request for placement in the partial observer coverage category after the date of publication of the final rule.

NMFS has determined that an application deadline for the 2016 fishing year is not necessary. One of the primary reasons for an application deadline for 2017 and future years is to provide information about which catcher/processors will be in the partial observer coverage category in time to prepare the Observer Program annual deployment plan for the upcoming year. NMFS has already prepared the 2016 annual deployment plan assuming that any catcher/processor eligible to be in partial observer coverage in 2016 would choose to do so; therefore NMFS does not need an application deadline in 2016 to enable a catcher/processor to be placed in the partial observer coverage category. Nevertheless, an owner wishing to place a catcher/processor in the partial observer coverage category has an incentive to submit an application as soon as possible in 2016 if placement in partial coverage reduces the cost of observer coverage. In addition, not having an application deadline for 2016 provides additional time for potential new participants in the fishery to adjust to the new regulations. If a vessel owner missed the 2016 application deadline described in the proposed rule, the vessel would require full observer coverage until January 2017. Removing the 2016 deadline does not create a substantial administrative burden for NMFS because of the small number of vessels involved. Fishery participants are reminded that the July 1 deadline applies for the 2017 fishing year, and for all future fishing years.

Other Changes

NMFS adds the phrase ''and catcher/processors'' at § 679.51(a)(1)(i) to reference not just catcher vessels but also catcher/processors, as described in the response to Comment 3 in the Comments and Responses section.

NMFS corrects a verb disagreement error in the table at § 679.55(c) by changing ''is'' to ''are'' in row (5).

Classification

The Administrator, Alaska Region, determined that Amendments 112 and 102 and this final rule are necessary for the conservation and management of the BSAI and GOA groundfish fisheries and that they are consistent with the Magnuson-Stevens Act, and other applicable law.

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

Administrative Procedure Act

The NMFS Assistant Administrator finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for the provisions in this final rule. Maintaining the 30-day delay would be contrary to the public interest. Waiving the 30-day delay in effectiveness would allow the owners of catcher/processors to apply to be placed in the partial observer coverage category as soon as the final rule is published and would allow NMFS to approve this placement for eligible catcher/

processors as soon as NMFS is able to complete the necessary review. Maintaining the 30-day delay in effectiveness would not prevent vessel owners from applying to be placed in the partial observer coverage category, but NMFS would not be able to approve placement of eligible catcher/processors in the partial observer coverage category until the effective date of the final rule. This would require vessel owners to bear the costs of the full observer coverage category or delay fishing for up to 30 days. Public comment received on the proposed rule overwhelmingly requested that NMFS implement this action as soon as possible in 2016.

Most of the catcher/processors that will be eligible to be placed in the partial observer coverage category under this final rule participate in the sablefish IFQ fisheries or fish for Pacific cod. Pacific cod opened for directed fishing in most areas off Alaska on January 1, 2016, and the sablefish IFQ fishing season started on March 19, 2016. Under existing regulations, any catcher/processors not placed in the partial observer coverage category are in the full observer coverage category and required to carry an observer at all times while fishing in the GOA or BSAI. As noted in the proposed rule and Analysis, the full observer coverage category imposes costs on vessel owners that generally exceed the costs of being placed in the partial observer coverage category. Allowing the owners of catcher/processors to apply to be placed in the partial observer coverage category as soon as possible in 2016 would minimize the cost of observer coverage for these vessel owners.

Waiving the 30-day delay in this final rule's effectiveness will help maximize economic opportunities for these commercial fishermen in the BSAI and GOA during the 2016 fishing year and will allow qualifying vessel owners to start operating under partial observer coverage requirements as soon as the vessel owner receives notification from NMFS that the vessel is placed in the partial observer coverage category.

There is no administrative need for additional time beyond the point of notification from NMFS. This is a non-controversial action that affects a small number of vessel owners. NMFS is unaware of any participants who would not be in favor of or who would be potentially harmed by waiving the 30-day delay in effectiveness. Without waiving the 30-day delay in effectiveness, vessel owners affected by this final rule that are currently in full observer coverage would have to wait an additional 30 days after publication of this final rule to be placed in partial observer coverage, which would delay the associated economic opportunities being sought through this final rule, thus undermining its intent.

For these reasons, the NMFS Assistant Administrator waives the 30-day delay in effectiveness of this final rule and will accept applications from the owners of catcher/processors to be placed in the partial observer coverage category on the day that this final rule is published in the **Federal Register**.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. The preamble to the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)) and the preamble to this final rule serve as the small entity compliance guide. This final rule does not require any additional compliance from small entities that is not described in the preamble to the proposed rule and this final rule. Copies of the proposed rule and this final rule are available from NMFS at the following Web site: *http://alaskafisheries.noaa.gov.*

Final Regulatory Flexibility Analysis (FRFA)

Section 604 of the Regulatory Flexibility Act requires an agency to prepare a FRFA after being required by that section or any other law to publish a general notice of proposed rulemaking and when an agency promulgates a final rule under section 553 of Title 5 of the U.S. Code. The following paragraphs constitute the FRFA for this action.

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and 6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

Need for and Objectives of the Rule

A description of the need for, and objectives of, the rule is contained in the preamble to the proposed rule and this final rule and is not repeated here. This FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA) and the summary of the IRFA in the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775)).

Summary of Significant Issues Raised During Public Comment

NMFS published a proposed rule on December 29, 2015 (80 FR 81262; corrected January 22, 2016 (81 FR 3775)). An IRFA was prepared and summarized in the Classification section of the preamble to the proposed rule. The comment period closed on January 28, 2016. NMFS received 3 letters of public comment on the proposed rule. These comment letters did not address the IRFA. The comments did address the economic impacts of the rule generally by requesting that the rule be implemented as soon as possible to help maximize economic opportunities for commercial fishermen in the BSAI and GOA during the 2016 fishing year by allowing qualifying vessels to start operating under partial observer coverage requirements as soon as the vessel owner receives notification from NMFS that the vessel is placed in the partial observer coverage category. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

Number and Description of Small Entities Regulated by the Action

NMFS expects that up to 11 vessels will qualify for placement in the partial observer coverage category (See the Classification section of the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775))). NMFS estimates that up to 9 of the 11 vessels identified are considered directly regulated small entities.

Recordkeeping, Reporting, and Other Compliance Requirements

This action contains one new reporting and recordkeeping requirement that affects the small entities. Vessel owners desiring to be placed in the partial observer coverage category for a fishing year must submit a form expressing that choice by July 1 (except for the 2016 fishing year).

This form will use production data that will be available to the owner on the eLandings Web site. Given the simplicity of the form, and the accessibility of the data needed to complete it, NMFS estimates that it will take no more than 30 minutes to complete and file the form. For Paperwork Reduction Act estimation purposes, NMFS values this type of effort at $37 per hour. Approximately nine small entities could be affected by this requirement. Thus, the total public time required to complete nine forms a year x 30 minutes is 4.5 hours. At a cost of $37 per hour, the estimated cost is about $167.

Description of Significant Alternatives to the Final Action That Minimize Adverse Impacts on Small Entities

A FRFA must describe the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statues, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected. ''Significant alternatives'' are those that achieve the stated objectives for the action, consistent with prevailing law, with potentially lesser adverse economic impacts on small entities as a whole.

The Council and NMFS considered a range of alternatives and options to the preferred alternative that is implemented by this final rule. These alternatives and options are described in Section 2 of the RIR/IRFA and are not repeated here. The Council and NMFS did not identify alternatives to the preferred alternative that would minimize the impact on small entities better than the preferred alternative and still meet the objectives for this final rule—to provide a relatively limited exception to the general requirement that all catcher/processors are in the full observer coverage category, and maintain the full observer coverage requirement for all trawl catcher/processors and catcher/processors participating in a catch share program that requires full observer coverage.

The preferred alternative implemented by this final rule modifies existing regulations that are necessary to meet the objectives of this final rule. The preferred alternative is not anticipated to have adverse impacts on small entities. As noted in the IRFA, this action is expected to create a net benefit for the directly regulated small entities. In other words, the benefits of this action are expected to outweigh the reporting, recordkeeping, and other compliance costs described above.

The Council and NMFS adopted the average weekly production threshold of 79,000 lb (35.8 mt) as its preferred alternative. This production threshold allows a catcher/processor to qualify for placement in the partial observer coverage category for a year, if its round weight equivalent of their processed product, two years previous, averaged less than 79,000 lb (35.8 mt) a week. If the vessel had not operated two years previously, NMFS will use its production in the first year with production since 2009, inclusive of 2009. If the vessel has not produced in this period, NMFS will allow the vessel to be placed in the partial observer coverage category in the year in which application is made, unless it is a trawl vessel, in which case it will be in the full observer coverage category.

This action reduces the relative burden on directly regulated small catcher/processors in comparison with the status quo. Vessels that qualify can forego full observer coverage and operate with less expensive partial observer coverage, should they choose to do so. The three catcher/processors that were permanently placed in the partial observer coverage category under the status quo now have to qualify for placement in the partial observer coverage category each year. The Council and NMFS chose the 79,000-lb average weekly threshold, rather than an alternative 42,000-lb average weekly threshold, to maximize the potential for these three vessels to qualify for the option to be placed in the partial observer coverage category in future years. Moreover, one of the objectives of this action was to end permanent placement in the partial observer coverage category for catcher/processor vessels and create a flexible system that could respond if a vessel increased production.

The Council and NMFS considered multiple elements and options under Alternative 2 that would qualify more vessels or fewer vessels for placement in the partial observer coverage category. In addition to the two average weekly production thresholds, a low and a high average daily, maximum daily production, maximum weekly, and annual production measures were considered.

The production thresholds analyzed under Element 1 Option 4B (high maximum weekly production) and Option 5B (high annual production) could have qualified one more small catcher/processor for partial observer coverage than is qualified under the preferred alternative (Option 2B: average weekly production threshold of 79,000 lb). The Council and NMFS did not select Option 4B because basing a threshold on maximum weekly production would have excluded some catcher/processors that had one week of relatively high production, but had relatively low average production over the remainder of the year. The Council did not select Option 5B because it would allow catcher/processors with relatively high production levels over the course of several weeks or months during the year into the partial observer coverage category. NMFS recommended that catcher/processors with these high intensity production periods during the year should remain in the full observer coverage category so that all of their fishing activity is observed.

The average weekly measure was chosen, because it provided a measure of production intensity, which the annual, maximum daily, and maximum weekly measures, did not provide; it was readily measurable; and it was less prone to manipulation or unusually high levels of production than the other options considered. A week is also the standard measure of production for a catcher/processor trip in current regulation (Section 2.2.1 of the Analysis and the Classification section of the proposed rule (80 FR 81262, December 29, 2015; corrected January 22, 2016 (81 FR 3775))).

Collection-of-Information Requirements

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) which have been approved by Office of Management and Budget (OMB) under control numbers 0648–0318, 0648–0515,

and 0648–0711. The information collections are presented by OMB control number.

OMB Control No. 0648–0318

Public reporting burden for Catcher/Processor Observer Partial Coverage Request is estimated to average 30 minutes per response.

OMB Control No. 0648–0515

Public reporting burden for Catcher/Processor Landing Report through eLandings is estimated to average one minute per response.

OMB Control No. 0648–0711

Public reporting burden for submittal of Observer Fee through eFISH is estimated to average 1 minute per response.

Send comments regarding these burden estimates or any other aspect of these collections, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–5806.

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. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 23, 2016.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281

■ 2. In § 679.2, add paragraph (3)(iii) to the definition of ''Fishing trip'' to read as follows:

§ 679.2 Definitions.

* * * * *

Fishing trip means: * * *

(3) * * *

(iii) For a catcher/processor in the partial observer coverage category, the period of time that begins when the vessel departs a port to harvest fish until the vessel returns to port and offloads all processed product.

* * * * *

■ 3. In § 679.5, add paragraph (e)(13) to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(e) * * *

(13) *Catcher/processor landing report.* (i) The operator of a catcher/processor placed in the partial observer coverage category under § 679.51(a)(3) must use eLandings or other NMFS-approved software to submit a catcher/processor landing report to NMFS for each fishing trip conducted while that catcher/processor is in the partial observer coverage category.

(ii) The vessel operator must log into eLandings or other NMFS-approved software and provide the information required on the computer screen. Additional instructions for submitting a catcher/processor landing report is on the Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

(iii) For purposes of this landing report requirement, the end of a fishing trip is defined in § 679.2, paragraph (3)(iii) of the definition of a fishing trip.

(iv) The vessel operator must submit the catcher/processor landing report to NMFS by 2400 hours, A.l.t., on the day after the end of the fishing trip.

* * * * *

■ 4. In § 679.51,

■ a. Revise paragraphs (a)(1)(i) and (a)(2)(i)(A);

■ b. Remove and reserve paragraphs (a)(2)(iv)(B) and (a)(2)(v);

■ c. Add paragraph (a)(3); and

■ d. Revise paragraph (e)(1)(iii)(B) introductory text to read as follows:

§ 679.51 Observer requirements for vessels and plants.

* * * * *

(a) * * *

(1) * * *

(i) *Vessel classes in partial coverage category.* Unless otherwise specified in paragraph (a)(2) of this section, the following catcher vessels and catcher/processors are in the partial observer coverage category when fishing for halibut with hook-and-line gear or when directed fishing for groundfish in a federally managed or parallel groundfish fishery, as defined at § 679.2:

(A) A catcher vessel designated on an FFP under § 679.4(b)(1); or

(B) A catcher vessel when fishing for halibut with hook-and-line gear and while carrying a person named on a permit issued under § 679.4(d)(1)(i), § 679.4(d)(2)(i), or § 679.4(e)(2), or for sablefish IFQ with hook-and-line or pot gear and while carrying a person named on a permit issued under § 679.4(d)(1)(i) or § 679.4(d)(2)(i); or

(C) A catcher/processor placed in the partial observer coverage category under paragraph (a)(3) of this section.

* * * * *

(2) * * *

(i) * * *

(A) Catcher/processors, except a catcher/processor placed in the partial observer coverage category under paragraph (a)(3) of this section;

* * * * *

(3) *Catcher/processor placement in the partial observer coverage category for a year*—(i) *Definitions.* For purposes of this paragraph (a)(3), these terms are defined as follows:

(A) *Average weekly groundfish production* means the annual groundfish round weight production estimate for a catcher/processor, divided by the number of separate weeks during which production occurred, as determined by production reports, excluding any groundfish caught using trawl gear.

(B) *Fishing year* means the year during which a catcher/processor might be placed in partial observer coverage.

(C) *Standard basis year* means the fishing year minus two years.

(D) *Alternate basis year* means the most recent year before the standard basis year in which a catcher/processor had any groundfish production but not earlier than 2009.

(ii) *Deadline for requesting partial observer coverage.* For the 2017 fishing year and every fishing year after 2017, the deadline for requesting partial observer coverage is July 1 of the year prior to the fishing year.

(iii) *Requirements for placing a catcher/processor in the partial observer coverage category.* NMFS will place a catcher/processor in the partial observer coverage category for a fishing year if the owner of the catcher/processor requests placement in partial observer coverage by the deadline for requesting partial observer coverage for that fishing year and the catcher/processor meets the following requirements:

(A) An average weekly groundfish production of:

(*1*) 79,000 lb (35.8 mt) or less, but more than zero lb, in the standard basis year; or

(*2*) Zero lb in the standard basis year and 79,000 lb (35.8 mt) or less, but more

than zero lb, in the alternate basis year; or

(*3*) Had no production from 2009 through the standard basis year; and

(B) Is not a catcher/processor using trawl gear; and

(C) Is not subject to additional observer coverage requirements in paragraph (a)(2)(vi) of this section.

(iv) *How to request placement of a catcher/processor in partial observer coverage.* A vessel owner must submit a request form to NMFS. The request form must be completed with all required fields accurately completed. The request form is provided by NMFS and is available on the NMFS Alaska Region Web site (*http://alaskafisheries.noaa.gov*). The submittal methods are described on the form.

(v) *Notification of placement in the partial observer coverage category.* NMFS will notify the owner if the catcher/processor has been placed in the partial observer coverage category in writing. Until NMFS provides notification, the catcher/processor is in the full observer coverage category for that fishing year.

(vi) *Initial Administrative Determination (IAD).* If NMFS denies a request to place a catcher/processor in the partial observer coverage category, NMFS will provide an IAD, which will explain the basis for the denial.

(vii) *Appeal.* If the owner of a catcher/processor wishes to appeal NMFS' denial of a request to place a catcher/processor in the partial observer coverage category, the owner may appeal the determination under the appeals procedure set out at 15 CFR part 906.

* * * * *

(e) * * *

(1) * * *

(iii) * * *

(B) *Communication equipment requirements.* In the case of an operator of a catcher/processor (except for a catcher/processor placed in the partial observer coverage category under paragraph (a)(3) of this section), a mothership, a catcher vessel 125 ft LOA or longer (except for a vessel fishing for groundfish with pot gear), or a catcher vessel participating in the Rockfish Program:

* * * * *

■ 5. In § 679.55, revise paragraphs (a) and (c) to read as follows:

§ 679.55 Observer fees.

(a) *Responsibility.* The owner of a shoreside processor or stationary floating processor named on a Federal Processing Permit (FPP), a catcher/processor named on a Federal Fisheries Permit (FFP), or a person named on a Registered Buyer permit at the time of the landing subject to the observer fee as specified at § 679.55(c) must comply with the requirements of this section. Subsequent non-renewal of an FPP, FFP, or a Registered Buyer permit does not affect the permit holder's liability for noncompliance with this section.

* * * * *

(c) *Landings subject to the observer fee.* The observer fee is assessed on landings by vessels not in the full observer coverage category described at § 679.51(a)(2) according to the following table:

If fish in the landing by a catcher vessel or production by a catcher/processor is from the following fishery or species:	Is fish from the landing subject to the observer fee?	
	If the vessel is not designated on an FFP or required to be designated on an FFP:	If the vessel is designated on an FFP or required to be designated on an FFP:
(1) Groundfish listed in Table 2a to this part that are harvested in the EEZ and subtracted from a total allowable catch limit specified under § 679.20(a).	Not applicable, an FFP is required to harvest these groundfish in the EEZ.	Yes.
(2) Groundfish listed in Table 2a to this part that are harvested in Alaska State waters, including in a parallel groundfish fishery, and subtracted from a total allowable catch limit specified under § 679.20(a).	No	Yes.
(3) Sablefish IFQ, regardless of where harvested	Yes	Yes.
(4) Halibut IFQ or halibut CDQ, regardless of where harvested	Yes	Yes.
(5) Groundfish listed in Table 2a to this part that are harvested in Alaska State waters, but are not subtracted from a total allowable catch limit under § 679.20(a).	No	No.
(6) Any groundfish or other species not listed in Table 2a to part 679, except halibut IFQ or CDQ halibut, regardless of where harvested.	No	No.

* * * * *

§§ 679.2 and 679.5 [Amended]

■ 6. At each of the locations shown in the ''Location'' column, remove the phrase indicated in the ''Remove'' column and replace it with the phrase indicated in the ''Add'' column for the number of times indicated in the ''Frequency'' column.

Location	Remove	Add	Frequency
§ 679.2 Definition of ''Suspension''	§ 679.50	§ 679.53	1
§ 679.2 Definition of ''Suspension''	§ 679.50(j)	§ 679.53(c)	1
§ 679.5(e)(10)(iv)(B)	required to have 100 percent observer coverage or more.	in the groundfish and halibut fishery full observer coverage category described at § 679.51(a)(2).	1

[FR Doc. 2016–07019 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 60
Tuesday, March 29, 2016

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23706; Directorate Identifier 2006–NE–03–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2015–12–04, which applies to all Honeywell International Inc. (Honeywell) TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –10, –10AV, –10GP, –10GT, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –12JR, –12UA, –12UAR, and –12UHR turboprop engines with certain Woodward fuel control unit (FCU) assemblies, installed. AD 2015–12–04 currently requires initial and repetitive dimensional inspections of the affected fuel control drives and insertion of certain airplane operating procedures into the applicable flight manuals. This proposed AD would correct compliance requirements and relax the inspection interval. We are proposing this AD to prevent failure of the fuel control drive, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by May 31, 2016.

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

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

For service information identified in this proposed AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2006–23706.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2006–23706; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–23706; Directorate Identifier 2006–NE–03–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

On June 5, 2015, we issued AD 2015–12–04, Amendment 39–18177, (80 FR 34534, June 17, 2015) (''AD 2015–12–04''), for all Honeywell International Inc. TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –10, –10AV, –10GP, –10GT, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –12JR, –12UA, –12UAR, and –12UHR turboprop engines with certain Woodward FCU assemblies, installed. AD 2015–12–04 requires initial and repetitive dimensional inspections of the affected fuel control drives and insertion of certain airplane operating procedures into the applicable flight manuals. AD 2015–12–04 resulted from reports of loss of the fuel control drive, leading to engine overspeed, overtorque, overtemperature, uncontained rotor failure, and asymmetric thrust in multi-engine airplanes. We issued AD 2015–12–04 to prevent failure of the fuel control drive, damage to the engine, and damage to the airplane.

Actions Since AD 2015–12–04 Was Issued

We received a request to change compliance time from 50 hours to 100 hours for fuel control part numbers affected by paragraph (e)(2) of this AD. We concluded that because the number of fuel control drives in-service that had not completed an initial inspection was small, changing the compliance time to 100 hours would not add additional risk of fuel control drive failure and, therefore, is appropriate.

We also received reports that some airplanes do not use the condition lever to shut down the engine, and so could not comply with the AD. We concluded that references to a condition lever were inappropriate. This proposed AD eliminates references to a condition lever.

Related Service Information

We reviewed Honeywell Operating Information Letter (OIL) OI331–12R6, dated May 26, 2009, for multi-engine airplanes; and OIL OI331–18R4, dated May 26, 2009, for single-engine airplanes and Honeywell TPE331 maintenance manuals. The service information describes procedures for conducting fuel control drive inspections and engine shutdown.

FAA's Determination

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

Proposed AD Requirements

This NPRM would increase the inspection time limits for the FCU assembly from 50 to 100 hours-in-service in Compliance paragraph (e)(2) of this AD. This NPRM would also delete reference to the condition lever.

Costs of Compliance

We estimate that this proposed AD affects 2,250 engines installed on airplanes of U.S. registry. We also estimate that it would take about 8 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. We estimate that 10% of affected engines will require FCU assembly stub shaft replacement and fuel pump or fuel control repair. We also estimate that repairs will cost about $10,000 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $525,587 per year.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2015–12–04, Amendment 39–18177 (80 FR 34534, June 17, 2015) (''AD 2015–12–04''), and adding the following new AD:

Honeywell International Inc.: Docket No. FAA–2006–23706; Directorate Identifier 2006–NE–03–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by May 31, 2016.

(b) Affected ADs

This AD replaces AD 2015–12–04.

(c) Applicability

This AD applies to all Honeywell International Inc. (Honeywell) TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –10, –10AV, –10GP, –10GT, –10P, –10R, –10T, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –12JR, –12UA, –12UAR, and –12UHR turboprop engines with Woodward fuel control unit (FCU) assemblies with Honeywell part numbers (P/Ns) as listed in Table 1 to paragraph (c) of this AD, installed.

TABLE 1 TO PARAGRAPH (c)—AFFECTED FCU ASSEMBLY P/NS

Group #	Engine	FCU Assembly P/Ns
1	TPE331–1, –2, and –2UA	P/N 869199–13, –20, –21, –22, –23, –24, –25, –26, –27, –28, –29, –31, –32, –33, –34, and –35.
2	TPE331–1, –2, and –2UA	P/N 869199–9, –10, –11, –12, –14, –16, –17, and –18.
3	TPE331–3U, –3UW, –5, –5A, –5AB, –5B, –6, –6A, –l0AV, –10GP, –10GT, –10P, and –10T.	P/N 893561–7, –8, –9, –10, –11, –14, –15, –16, –20, –26, –27, –29; and P/N 897770–1, –3, –7, –9, –10, –11, –12, –14, –15, –16, –25, –26, and –28.
4	TPE331–3U, –3UW, –5, –5B, –6, –6A, and –10T.	P/N 893561–4, –5, –12, –13; and P/N 897770–5, –8, and –13.
5	TPE331–10, –l0R, –10U, –10UA, –10UF, –10UG, –10UGR, –10UR, –11U, –12JR, –12UA, –12UAR, and –12UHR.	P/N 897375–2, –3, –4, –5, –8, –9, –10, –11, –12, –13, –14, –15, –16, –17, –19, –21, –24, –25, –26, –27; and P/N 897780–1, –2, –3, –4, –5, –6, –7, –8, –9, –10, –11, –14, –15, –16, –17, –18, –19, –20, –21, –22, –23, –24, –25, –26, –27, –30, –32, –34, –36, –37, –38; and P/N 893561–17, –18, and –19.

(d) Unsafe Condition

This AD was prompted by reports of loss of the fuel control drive, leading to engine overspeed and engine failure. We are issuing this AD to prevent failure of the fuel control drive, damage to the engine, and damage to the airplane.

(e) Compliance

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

(1) Inspection of Engines With FCU Assembly P/Ns in Groups 2 or 4

For FCU assembly P/Ns in Groups 2 or 4 listed in Table 1 to paragraph (c) of this AD:

(i) At the next scheduled inspection of the fuel control drive, or within 500 hours-in-service (HIS) after the effective date of this AD, whichever occurs first, inspect the fuel control drive for wear.

(ii) Thereafter, re-inspect the fuel control drive within every 1,000 HIS since-last-inspection (SLI).

(2) Inspection of Engines With FCU Assembly P/Ns in Groups 1, 3, or 5

For FCU assembly P/Ns in Groups 1, 3, or 5 listed in Table 1 to paragraph (c) of this AD:

(i) If on the effective date of this AD the FCU assembly has 900 or more HIS SLI, inspect the fuel control drive for wear within 100 HIS after the effective date of this AD.

(ii) If on the effective date of this AD the FCU assembly has fewer than 900 HIS SLI, inspect the fuel control drive for wear within 1,000 HIS.

(iii) Thereafter, re-inspect the fuel control drive for wear within every 1,000 HIS SLI.

(3) Airplane Operating Procedures

Within 60 days after the effective date of this AD, insert the information in Figure 1 to paragraph (e) of this AD, into the Emergency Procedures Section of the applicable Airplane Flight Manual (AFM), Pilot Operating Handbook (POH), or the Manufacturer's Operating Manual (MOM).

Figure 1 to Paragraph (e) – Airplane Operating Procedures

NOTE

Procedures in dotted line boxes are immediate action items to be performed by the pilot / flight crew.

RAPID, UNCOMMANDED ACCELERATION DURING ENGINE START (Propeller ON Start Locks)

- Engine Start – Abort Immediately – Shut Down Affected Engine in accordance with Emergency Procedures.

WARNING

Do not attempt to re-start engine. Report to maintenance.

ON GROUND or IN FLIGHT:

RAPID, UNCOMMANDED INCREASE IN RPM, TORQUE, FUEL FLOW AND/OR TURBINE TEMPERATURE (Propeller OFF Start Locks)

- Identify Malfunctioning Engine (multi-engine airplanes) – Cross check for high torque, RPM, fuel flow, and turbine temperatures.
- Shut Down Affected Engine in accordance with Emergency Procedures.

WARNING

Never retard the power levers aft of flight idle in flight or on the ground.

WARNING

Do not attempt an engine re-start. Report to maintenance.

(f) Optional Terminating Action

Replacing the affected FCU assembly with an FAA-approved FCU assembly not listed in this AD by P/N is terminating action for the initial and repetitive inspections required by this AD, and for inserting the information in Figure 1 to paragraph (e) of this AD into the AFM, POH, and MOM.

(g) Definitions

For the purposes of this AD:

(1) The ''fuel control drive'' is a series of mating splines located between the fuel pump and fuel control governor.

(2) The fuel control drive consists of four drive splines: The fuel pump internal spline, the fuel control external ''quill shaft'' spline, and the stub shaft internal and external splines.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

(2) Information pertaining to operating recommendations for affected engines after a fuel control drive failure is contained in Honeywell Operating Information Letter (OIL) OI331–12R6, dated May 26, 2009, for multi-engine airplanes; and OIL OI331–18R4, dated May 26, 2009, for single-engine airplanes. Information on fuel control drive inspection can be found in Section 72–00–00 of the applicable TPE331 maintenance manuals. These Honeywell OILs and the TPE331 maintenance manuals can be obtained from Honeywell using the contact information in paragraph (i)(3) of this proposed AD.

(3) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal.*

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

Issued in Burlington, Massachusetts, on March 15, 2016.

Ann C. Mollica,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2016–06936 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5034; Directorate Identifier 2015–NM–172–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–600, –700, –700C, –800, –900, and 900ER series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the S–14L and S–14R lap splices are subject to widespread fatigue damage (WFD). This proposed AD would require repetitive low frequency eddy current inspections for cracking in the lower fastener row of the S–14L and S–14R lap splices and repair if necessary. We are proposing this AD to detect and correct widespread cracking in the S–14L and S–14R lap splices that could rapidly link up and result in possible rapid decompression and reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by May 13, 2016.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5034.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5034; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jason Deutschman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6595; fax: 425–917–6590; email: *Jason.deutschman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–5034; Directorate Identifier 2015–NM–172–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-

damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

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

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

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

We received reports that the existing inspection program is not sufficient to preclude the occurrence of WFD in the S–14L and S–14R lap splices. This condition, if not corrected, could result in widespread cracking that could rapidly link up and result in possible rapid decompression and reduced structural integrity of the airplane.

Relevant Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1352, dated October 2, 2015. The service information describes procedures for low frequency eddy current inspections for cracking in the lower fastener row of the S–14L and S–14R lap splices and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5034.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–53A1352, dated October 2, 2015, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Costs of Compliance

We estimate that this proposed AD affects 1,513 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection for Group 1 airplanes (1,471 airplanes).	84 work-hours × $85 per hour = $7,140 per inspection cycle.	$0	$7,140 per inspection cycle ...	$10,502,940 per inspection cycle.
Inspection for Group 2 airplanes (42 airplanes).	65 work-hours × $85 per hour = $5,525 per inspection cycle.	$0	$5,525 per inspection cycle ...	$232,050 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2016–5034; Directorate Identifier 2015–NM–172–AD.

(a) Comments Due Date

We must receive comments by May 13, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the S–14L and S–14R lap splices are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct widespread cracking in the S–14L and S–14R lap splices that could rapidly link up and result in possible rapid decompression and reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1352, dated October 2, 2015, do a low frequency eddy current inspection for cracking of the lower fastener row of S–14L and S–14R lap splices, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1352, dated October 2, 2015. Repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1352, dated October 2, 2015. If any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(i) Related Information

(1) For more information about this AD, contact Jason Deutschman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6595; fax: 425–917–6590; email: *Jason.deutschman@faa.gov.*

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

Issued in Renton Washington, on March 20, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07023 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5035; Directorate Identifier 2015–NM–042–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Fokker Services B.V. Model F.28 Mark 0070 and Mark 0100 airplanes. This proposed AD was prompted by reports of cracking in a certain area of the pressure bulkhead webplate and skin connection angle. This proposed AD would require a one-time inspection of the affected pressure bulkhead webplate and skin connection angle, and corrective actions if necessary. We are proposing this AD to detect and correct cracking of the pressure bulkhead webplate and skin connection angle that could lead to sudden inflight decompression of the airplane resulting in injury to occupants.

DATES: We must receive comments on this proposed AD by May 13, 2016.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com*; Internet *http://www.myfokkerfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5035; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1139.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–5035; Directorate Identifier 2015–NM–042–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0024, dated February 19, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Fokker Services B.V. Model F.28 Mark 0070 and Mark 0100 series airplanes. The MCAI states:

> Service experience with the Fokker 100 type design has shown that cracking can occur in the pressure bulkhead webplate and skin connection angle on the right hand (RH) side at station 14911 (station 12447 for F28 Mark 0070) at stringer 67 of fuselage section 2, before reaching the existing threshold for inspection per ALS [Airworthiness Limitations Section] task 533016–00–03 (F28 Mark 0100) or task 533016–01–03 (F28 Mark 0070). Any cracks in this area are not visible from the outside (covered by fairing) until they reach a critical length.
>
> This condition, if not detected and corrected, could lead to sudden in-flight decompression of the aeroplane, possibly resulting in injury to occupants.
>
> To address this potential unsafe condition, Fokker Services published Service Bulletin (SB) SBF100–53–128, which provides inspection instructions to detect any crack in the affected area.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection of the affected pressure bulkhead webplate and skin connection angle, and, depending on findings, accomplishment of applicable corrective action(s).
>
> This AD is considered to be an interim action and further AD action may follow, possibly to lower the current ALS task threshold, if justified by the inspection results.

Corrective actions include repair of cracking in the skin connection angle and pressure bulkhead webplate, as applicable.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5035.

Related Service Information Under 1 CFR Part 51

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–53–128, dated November 12, 2014; and Fokker Service Bulletin SBF100–53–129, dated February 16, 2015. The service information describes procedures for inspection of the affected pressure bulkhead webplate and skin connection angle, and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI and Service Information

Although the MCAI and service information allow further flight after cracks are found during compliance with the proposed actions, paragraph (g)(2) of this proposed AD requires that you repair the crack before further flight.

Costs of Compliance

We estimate that this proposed AD affects 8 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD, and 1 work-hour per product for reporting. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,360, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 46 work-hours and require parts costing $2,000, for a cost of $5,910 per product. We have no way of determining the number of aircraft that might need these actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid

OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket No. FAA–2016–5035; Directorate Identifier 2015–NM–042–AD.

(a) Comments Due Date

We must receive comments by May 13, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F.28 Mark 0070 and F.28 Mark 0100 airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracking in the pressure bulkhead webplate and skin connection angle on the right-hand (RH) side at station 14911 (for Model F.28 Mark 0100 airplanes) or station 12447 (for Model F.28 Mark 0070 airplanes) at stringer 67 of fuselage section 2. We are issuing this AD to detect and correct cracking of the pressure bulkhead webplate and skin connection angle that could lead to sudden inflight decompression of the airplane resulting in injury to occupants.

(f) Compliance

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

(g) Inspection

At the time specified in paragraph (h) of this AD: Do a detailed inspection of the pressure bulkhead webplate and skin connection angle on the RH side at station 14911 (for Model F28 Mark 0100 airplanes) or station 12447 (for Model F28 Mark 0070 airplanes) at stringer 67 of fuselage section 2, as applicable, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–128, dated November 12, 2014. This AD does not require action for airplanes which, as of the effective date of this AD, have accumulated less than 30,000 flight cycles.

(1) If any crack is found in the skin connection angle, before further flight, repair the skin connection angle, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–129, dated February 16, 2015.

(2) If any crack is found in the pressure bulkhead webplate, before further flight, repair the pressure bulkhead webplate, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–129, dated February 16, 2015.

(h) Compliance Times

At the applicable time specified in (h)(1) or (h)(2) of this AD, do the actions required by paragraph (g) of this AD.

(1) For airplanes that have accumulated less than 40,000 total flight cycles as of the effective date of this AD, do the actions in paragraph (g) within 2,000 flight cycles after the effective date of this AD.

(2) For airplanes that have accumulated 40,000 or more total flight cycles as of the effective date of this AD, do the actions in paragraph (g) within 750 flight cycles after the effective date of this AD.

(i) Reporting

Submit a report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to Fokker Services B.V. Engineering, Quality Department P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com*; Internet *http://www.myfokkerfleet.com* in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–53–128, dated November 12, 2014, at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD. The report must include the inspection results; the airplane serial number; the total number of flight cycles and flight hours on the airplane; a sketch or photo to show the location of the crack(s) and damaged part(s), if applicable; and the length of each crack, if applicable.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind

Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2015–0024, dated February 19, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5035.

(2) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com*; Internet *http://www.myfokkerfleet.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on March 20, 2016.

Michael Kaszycki,

Acting Manager Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–07022 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–4234; Airspace Docket No. 16–ACE–3]

Proposed Amendment of Class E Airspace for the Following Kansas Towns; Belleville, KS; Johnson, KS; Marysville, KS; Pittsburg, KS; and Washington, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Belleville Municipal Airport, Belleville, KS; Stanton County Municipal, Johnson, KS; Marysville Municipal Airport, Marysville, KS; Atkinson Municipal Airport, Atkinson, KS; and Washington County Memorial Airport, Washington, KS. Decommissioning of non-directional radio beacon (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safe management of Instrument Flight Rules (IFR) operations at the above airports. This action also updates the geographic coordinates at Marysville Municipal Airport and Atkinson Municipal Airport to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before May 13, 2016.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2016–4234; Airspace Docket No. 16–ACE–3, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace at Belleville Municipal Airport, Belleville, KS; Stanton County Municipal, Johnson, KS; Marysville Municipal Airport, Marysville, KS; Atkinson Municipal Airport, Atkinson, KS; and Washington County Memorial Airport, Washington, KS.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in

triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–4234/Airspace Docket No. 16–ACE–3.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document would amend FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Belleville Municipal Airport, Belleville, KS; Stanton County Municipal, Johnson, KS; Marysville Municipal Airport, Marysville, KS; Atkinson Municipal Airport, Atkinson, KS; and Washington County Memorial Airport, Washington, KS. Airspace reconfiguration is necessary due to the decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures at the above airports. Controlled airspace is necessary for the safety and management of the standard instrument approach procedures for IFR operations at the airports. The geographic coordinates for Atkinson Municipal Airport would be updated to be in concert with the FAA aeronautical database.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005: Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE KS E5 Belleville, KS [Amended]

Belleville Municipal Airport, KS
(Lat. 39°49′04″ N., long. 97°39′35″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Belleville Municipal Airport.

ACE KS E5 Johnson, KS [Amended]

Stanton County Municipal Airport, KS
(Lat. 37°35′07″ N., long. 101°43′56″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Stanton County Municipal Airport.

ACE KS E5 Marysville, KS [Amended]

Marysville Municipal Airport, IA
(Lat. 39°51′23″ N., long. 96°37′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marysville Municipal Airport.

ACE KS E5 Pittsburg, KS [Amended]

Pittsburg, Atkinson Municipal Airport, KS
(Lat. 37°26′58″ N., long. 94°43′52″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Atkinson Municipal Airport.

ACE KS E5 Washington, KS [Amended]

Washington County Memorial Airport, KS
(Lat. 39°44′07″ N., long. 97°02′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Washington County Memorial Airport.

Issued in Fort Worth, Texas, on March 16, 2016.

Walter Tweedy,

Acting Manager, Operations Support Group, Central Service Center.

[FR Doc. 2016–06938 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0034; FRL–9943–67]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces EPA's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before April 28, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2016–0034, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

PP 5F8418. Southern Gardens Citrus, 1820 County Road 833, Clewiston, FL 33440, requests to establish an exemption from the requirement of a tolerance for residues of the microbial pesticides *Citrus tristeza virus* expressing spinach defensin proteins 2, 7, and 8 alone or in various combinations (GE CTV-SoD) in or on citrus fruit (*Citrus* spp., *Fortunella* spp., Crop Group 10–10). The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being sought.

Authority: 21 U.S.C. 346*a.*

Dated: March 22, 2016.

Mark A. Hartman,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2016–07084 Filed 3–28–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 100

National Vaccine Injury Compensation Program: Statement of Reasons for Not Conducting Rulemaking Proceedings

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Denial of petition for rulemaking.

SUMMARY: In accordance with section 2114(c)(2)(B) of the Public Health Service Act, 42 U.S.C. 300aa–14(c)(2)(B), notice is hereby given concerning the reasons for not conducting rulemaking proceedings to add food allergies as an injury associated with vaccines to the Vaccine Injury Table.

DATES: Written comments are not being solicited.

FOR FURTHER INFORMATION CONTACT: Dr. Narayan Nair, MD, Acting Director, Division of Injury Compensation Programs (DICP), Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 8N146B Rockville, Maryland 20857, or by telephone 301–443–6593.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986, Title III of Public Law 99–660 (42 U.S.C. 300aa–10 *et seq.*) established the National Vaccine Injury Compensation Program (VICP) for persons found to be injured by vaccines. Under this federal program, petitions for compensation are filed with the United States Court of Federal Claims (Court). The Court, acting through special masters, makes findings as to eligibility for, and amount of, compensation. In order to gain entitlement to compensation under the VICP for a covered vaccine, a petitioner must establish a vaccine-related injury or death, either by proving that the first symptom of an injury or condition, as defined by the Qualifications and Aids to Interpretation, occurred within the time period listed on the Vaccine Injury Table (Table), and therefore, is presumed to be caused by a vaccine (unless another cause is found), or by proof of vaccine causation, if the injury or condition is not on the Table or did not occur within the time period specified on the Table.

The statute authorizing the VICP provides for the inclusion of additional vaccines in the VICP when they are recommended by the Centers for Disease Control and Prevention (CDC) for routine administration to children. See section 2114(e)(2) of the PHS Act, 42 U.S.C. 300aa–14(e)(2). Consistent with section 13632(a)(3) of Public Law 103–66, the regulations governing the VICP provide that such vaccines will be included in the Table as of the effective date of an excise tax to provide funds for the payment of compensation with respect to such vaccines. 42 CFR 100.3(c)(8). The statute authorizing the VICP also authorizes the Secretary to create and modify a list of injuries, disabilities, illnesses, conditions, and deaths (and their associated time frames) associated with each category of vaccines included on the Table. See sections 2114(c) and 2114(e)(2) of the PHS Act, 42 U.S.C. 300aa–14(c) and 30aa–14(e)(2). Finally, section 2114(c)(2) of the PHS Act, 42 U.S.C. 300aa–14(c)(2) provides that:

> [a]ny person (including the Advisory Commission on Childhood Vaccines) [the Commission] may petition the Secretary to propose regulations to amend the Vaccine Injury Table. Unless clearly frivolous, or initiated by the Commission, any such petition shall be referred to the Commission for its recommendations. Following—
>
> (A) Receipt of any recommendation of the Commission, or
>
> (B) 180 days after the date of the referral to the Commission, whichever occurs first, the Secretary shall conduct a rule-making proceeding on the matters proposed in the petition or publish in the **Federal Register** a statement or reasons for not conducting such proceeding.

On September 19, 2015, a private citizen submitted an email to the Department of Health and Human Services (HHS) and the Commission, requesting that food allergies be added to the Table. The email was considered to be a petition to the Secretary of HHS to propose regulations to amend the Table to add food allergies as an injury associated with vaccines on the Table. In support of the request that food allergies be added to the Table, the petitioner asserts that food proteins present in vaccines cause the development of food allergies.

Pursuant to the VICP statute, the petition was referred to the Commission on December 3, 2015. The Commission voted unanimously to recommend that the Secretary not proceed with rulemaking to amend the Table as requested in the petition.

Food allergies are defined as an ''adverse health effect arising from a specific immune response that occurs reproducibly on exposure to a given food.[1]'' Food allergy reactions are generally classified as mediated through immunoglobulin E (IgE), not mediated through IgE, or involving both IgE and non-IgE mechanisms. Food allergies are thought to result from a failure of the regulatory mechanisms of the immune system. IgE mediated reactions cause the severe and rapid responses to food known as anaphylaxis. Non-IgE mediated reactions cause slower onset skin and gastrointestinal symptoms.

When a food allergy occurs, the body's immune system reacts to a food as if it was a threat. When people are first exposed to a potential food allergen, they do not experience symptoms but, in some people, their immune system produces IgE to that food allergen. The production of IgE in response to an allergen is called sensitization. It is thought that sensitization can occur from exposure to the food through the skin and respiratory route, as well as from eating food allergens. When sensitized people are exposed to the food allergen again, the IgE antibodies may bind to the allergen, resulting in a release of chemicals which can trigger a severe allergic response. The symptoms of this response can include hives, itching, nausea, vomiting, swelling of the mouth and throat, difficulty breathing, and low blood pressure.[2] Not all people who have IgE to a food will have an allergic response.

To support the claim that food allergies are caused by vaccines, the petitioner cites two sources as evidence including the 2012 Institute of Medicine (IOM) Report, ''Adverse Effects of Vaccines: Evidence and Causality.'' The 2012 IOM report reviewed 8 of the 12 vaccines covered by the VICP and provided 158 causality conclusions. However, the IOM report did not evaluate evidence regarding a causal association between vaccinations and food allergies. The report does describe case reports of individuals with a history of allergies to eggs, lamb, or milk that experienced anaphylaxis or an allergic reaction after receiving an immunization.[3] The IOM report does not address whether individuals who receive a vaccination may subsequently develop food allergies. This report does not comment on the strength of the

[1] Boyce et al, Guidelines for the diagnosis and management of food allergy in the United States: Summary of the NIAID-sponsored expert panel report. J Allergy Clin Immunol, Volume 16, Number 6, S1–58.

[2] *http://www.niaid.nih.gov/topics/foodAllergy/understanding/Pages/allergicRxn.aspx*

[3] IOM (Institute of Medicine). 2012. Adverse effects of vaccines: Evidence and causality. Washington, DC: The National Academies Press. pp 170–173.

epidemiologic or mechanistic evidence regarding food allergies and vaccination. Therefore, the 2012 IOM report does not support the petitioner's position for adding food allergies to the Table.

The petition also describes a 2002 paper that appeared in the journal, *Pediatrics.*[4] The authors of this paper included researchers from CDC, the Food and Drug Administration (FDA), and the Mayo Clinic. The objective of this study was not to evaluate whether vaccines could cause food allergies. Rather, the purpose of the study was to examine whether people with anaphylaxis after the receipt of the measles vaccines had an unusual profile of self-reported allergies and whether they had higher levels of antibodies to gelatin, a compound found in both foods and some vaccines. This was a case control study utilizing the Vaccine Adverse Event Reporting System (VAERS) database for cases of anaphylaxis and individuals from the Mayo Clinic and VAERS who did not have an adverse event to the measles vaccine as controls. The study had relatively small numbers as only 57 individuals who had anaphylaxis agreed to be interviewed and of these, only 22 underwent IgE testing. The researchers found that there was a higher proportion of food allergies found in the group with anaphylaxis as opposed to the control group. However, it was not clear if the food allergies preceded the vaccine. They also noted that a number of individuals who had anaphylaxis to the vaccine also had the IgE antibody to the gelatin. However, none of these individuals reported an allergy to gelatin.

This paper is not supportive of adding food allergies to the Table for several reasons. First, it was not designed to determine the causality of food allergy but rather whether severe allergic reactions to the measles vaccines could be due to gelatin. Gelatin is present in numerous foods including confectionary products, icings and fillings in baked goods, meat products, wine, beer, and juices.[5] Given that oral intake is not necessary for sensitization, a wide array of exposures could have led to the development of a food allergy. Second, the individuals in this study who had anaphylaxis to the measles vaccine and had antibodies to gelatin did not report a food allergy. This finding does not support a causal association between vaccines and food allergies, nor do the authors contend this in their study. Third, while there was a higher proportion of food allergies reported in the anaphylaxis group, the authors state the practical significance of this is not clear. They conclude that their data could support the hypothesis that anaphylaxis to the measles vaccine could be due to sensitivity to gelatin but they do not assert that vaccines cause or contribute to food allergies. Finally, there are limitations to VAERS, which is a passive reporting system, and the primary purpose of VAERS is to look for signals for evidence of unexpected adverse events that would require other investigations to try to determine causal relationships. Thus, most VAERS reports alone cannot be utilized to establish conclusions about causality.

In addition to reviewing evidence submitted by the petitioner, HHS gathered additional data from the existing medical literature. A literature search was conducted of the major medical databases for any articles linking the development of food allergies to vaccinations. This research was conducted in collaboration with the National Institutes of Health (NIH) Library, Office of Research Services. Despite an extensive search, no published research was found that addressed any linkages or potential causality between vaccinations covered by VICP and the development of food allergies in any population.

While none of the publications identified a link between food allergies and vaccines, several did address risk factors related to the development of food allergies. The NIH National Institute of Allergy and Infectious Disease sponsored an expert panel to develop guidelines for the diagnosis and management of food allergies. This panel consisted of 34 professional organizations, federal agencies and patient advocacy groups all with expertise related to food allergies. The guidelines, which were published in 2010, discuss prevention of food allergies but make no mention of the role of vaccines in developing food allergies. They also do not list vaccination as a risk factor for developing food-induced anaphylaxis. The Guidelines discuss gaps in the scientific knowledge related to food allergies. However, they did not identify the role of vaccination in developing food allergies as an area where future research is needed.[6] Several recent reviews of the epidemiology and natural history of food allergies have been published. None of the publications discuss any role of vaccinations in the development of food allergies.[7] [8] [9] [10] [11] [12]

In light of the above, I have determined that there is no reliable scientific evidence of an association between vaccines and food allergies. Therefore, I will not amend the Table to add food allergies as an injury associated with any vaccine on the Table at this time.

Dated: March 17, 2016.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2016–06666 Filed 3–28–16; 8:45 am]

BILLING CODE 4165–15–P

[4] V. Pool, et al. ''Prevalence of anti-gelatin IgE antibodies in people with anaphylaxis after measles-mumps-rubella vaccine in the United States,'' Pediatrics, 110, 6 (Dec. 2002): e71.

[5] *http://www.gelatin-gmia.com/images/GMIA_Gelatin_Manual_2012.pdf.*

[6] Boyce et al, Guidelines for the diagnosis and management of food allergy in the United States: Summary of the NIAID-sponsored expert panel report. J Allergy Clin Immunol, Volume 16, Number 6, S1–58.

[7] Lack, G. (2012). ''Update on risk factors for food allergy.'' *Journal of Allergy and Clinical Immunology* 129(5): 1187–1197.

[8] Savage, J. and C. B. Johns. (2015). ''Food allergy: Epidemiology and natural history.'' Immunol Allergy Clin North Am 35(1): 45–59.

[9] Sicherer, S. H. (2011). ''Epidemiology of food allergy.'' *Journal of Allergy and Clinical Immunology* 127(3): 594–602.

[10] Carrard, A., D. Rizzuti, et al. (2015). ''Update on food allergy.'' *Allergy.* 70: 1511–1520.

[11] Chin, S. and B. P. Vickery. (2012). ''Pathogenesis of food allergy in the pediatric patient.'' Curr Allergy Asthma Rep 12(6): 621–9.

[12] Allen, K. J. and J. J. Koplin. (2015). ''Why Does Australia Appear to Have the Highest Rates of Food Allergy?'' Pediatr Clin North Am 62(6): 1441–51.

Notices

Federal Register
Vol. 81, No. 60
Tuesday, March 29, 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

Animal and Plant Health Inspection Service

Submission for OMB Review; Comment Request

March 23, 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 28, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of Tomatoes from Certain Central American Countries.

OMB Control Number: 0579–0286.

Summary of Collection: Under the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–73). Under these regulations, pink or red tomatoes from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama are subject to certain condition before entering the United States to prevent the introduction of plant pests in the United States.

Need and Use of the Information: The Animal and Plant Health Inspection Service (APHIS) requires that each shipment of tomatoes must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization and bearing the declaration, ''These tomatoes were grown in an area recognized to be free of Medfly and the shipment has been inspected and found free of the pest listed in the requirements.'' In addition to the phytosanitary certificate, production site and packinghouse records, production site registration, monitoring/auditing trapping program, trapping records, export certification, labeling of boxes, and recertification of production sites, APHIS uses these activities to prevent the introduction and dissemination of plant pests into the United States.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 54.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,180.

Title: Location of Irradiation Treatment Facilities in the United States.

OMB Control Number: 0579–0383.

Summary of Collection: The United States Department of Agriculture (USDA) is responsible for preventing plant diseases or insect pests from entering into the United States, preventing the spread of pests and noxious weeds not widely distributed into the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (7 U.S.C. 7701—*et seq.*) authorizes USDA to carry out this mission. Under the Plant Protection Act, the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to regulate the importation of plants, plant products, and other articles to prevent the introduction of plant pests in the United States.

Need and Use of the Information: APHIS will use the following information collection activities to provide generic criteria for irradiation treatment facilities in an effort to prevent the spread of plant pests and plant diseases in the United States: (1) Request for Initial Certification and Inspection of Facility; (2) Certification and Recertification of Facility; (3) Denial and Withdrawal of Certification; (4) Compliance Agreement (PPQ 519); (5) Irradiation Facilities Treating Imported Articles; Irradiation Treatment Framework Equivalency Work plan; (6) Irradiation Facilities Notification; (7) Records; (8) Facility to Maintain and Provide Updated Map Identifying Places Horticultural/Crops are Grown; (9) Facility Contingency Plan; (10) Letter of Concurrence or Non-Agreement; (11) Treatment Arrangements; (12) Pest Management Plan; and (13) Facility Map—Detailed Layout of Facility. If the information is not collected, APHIS would have no practical way of determining that any given commodity had actually been irradiated.

Description of Respondents: Business or other for-profits; Federal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 28.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–07003 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0024]

Modernizing the Regulatory System for Biotechnology Products; Notice of Third Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Under the auspices of the National Science and Technology Council, USDA, along with the White House Office of Science and Technology Policy, the Environmental Protection Agency and the Food and Drug Administration (FDA) are holding the third public meeting related to the memorandum entitled, ''Modernizing the Regulatory System for Biotechnology Products,'' issued by the Executive Office of the President in July 2015. The purpose of the third public meeting is to illustrate current Federal roles and responsibilities regarding biotechnology products. The docket, FDA–2015–N–3403, established by FDA prior to the first public meeting, will continue to be used for this interagency effort.

DATES: The meeting will be held on March 30, 2016, from 9:30 a.m. to 1:30 p.m. PDT.

To request accommodation of a disability, please immediately contact the person listed under **FOR FURTHER INFORMATION CONTACT** to give USDA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the University of California, Davis Conference Center, Davis, CA 95616.

FOR FURTHER INFORMATION CONTACT: For general questions about the meeting, contact Mr. Sidney W. Abel, Assistant Deputy Administrator, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3896. For questions about the memorandum entitled, ''Modernizing the Regulatory System for Biotechnology Products,'' or related activities described in that memorandum, contact the National Science and Technology Council: Emerging Technologies Interagency Policy Coordination Committee, Office of Science and Technology Policy, Executive Office of the President, Eisenhower Executive Office Building, 1650 Pennsylvania Ave., Washington, DC 20504; (202) 456–4444; online: *https://www.whitehouse.gov/webform/contact-emerging-technologies-interagency-policy-coordinating-committee-national-science-and.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the auspices of the National Science and Technology Council, the Environmental Protection Agency, Food and Drug Administration (FDA), United States Department of Agriculture (USDA) and the White House Office of Science and Technology Policy (collectively referred to as ''we'' in this **Federal Register** document), held a public meeting on October 30, 2015, to discuss the Executive Office of the President (EOP) memorandum entitled, ''Modernizing the Regulatory System for Biotechnology Products,'' that was issued in July 2015. The purpose of the October 2015 meeting was to inform the public about the activities described in the July 2015 memorandum, invite oral comments from interested parties, and provide information about how to submit written comments, data, or other information to the docket. The October meeting was the first of three public engagement sessions on this topic.

A second public meeting was held on March 9, 2016, in Dallas, TX. Transcripts and materials from this meeting can be found in the docket [FDA–2015–N–3403] on *www.regulations.gov.*

On February 1, 2016, we announced the date and location for the third public engagement session: *https://www.aphis.usda.gov/biotechnology/modernizing-framework.*

The third public meeting will be held on March 30, 2016, at the University of California's Davis Conference Center in Davis, CA.

There are two draft documents available that will be the basis for discussion at the March 30 meeting: A document with eight case studies of hypothetical biotechnology products, and a table of oversight authorities related to biotechnology products. These documents can be found in the docket [FDA–2015–N–3403] on *www.regulations.gov* and on the USDA Web site at *https://www.aphis.usda.gov/biotechnology/modernizing-framework,* along with the final meeting agenda as soon as it is available.

II. How can I participate in the March 30th meeting?

There will be several opportunities for questions and answers to clarify the information presented during the case studies. The agenda for this meeting provides time for general public comments from those attending the meeting in person. Those planning to provide comment are asked to indicate their desire to comment when they register on USDA's Web site prior to the public meeting. Public comments made at this meeting will be submitted to the docket as part of the official meeting transcript.

To participate in person or view the webinar, please register in advance online at *https://www.regonline.com/builder/site/default.aspx?EventID=1824027.* Those registered will receive detailed instructions with their confirmations that explain how to access the meeting via webinar or in person.

III. Meeting Materials, Transcripts and Recorded Video

Any additional information and data submitted voluntarily to us will become part of the administrative record for this activity and will be accessible to the public in the docket [FDA–2015–N–3403] on *www.regulations.gov.* The transcript of the proceedings from the public meeting will become part of the administrative record for this activity and will also be included and accessible in the docket as soon they are available. Additionally, we will live webcast and record the public meeting. Once the recorded video is available, it will be accessible on USDA's YouTube channel.

Transcripts and meeting materials may also be viewed in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of March 2016.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–07015 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

March 23, 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 28, 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: 7 CFR part 225, Summer Food Service Program.

OMB Control Number: 0584–0280.

Summary of Collection: Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) authorizes the Summer Food Service Program (SFSP). The SFSP is directed toward children in low-income areas when school is not in session and is operated locally by approved sponsors. Local sponsors may include public or private non-profit school food authorities (SFAs), public or private non-profit residential summer camps, units of local, municipal, county or State governments, or other private non-profit organizations that develop a special summer program and provide meal service similar to that available to children during the school year under the National School Lunch Program and the School Breakfast Program. Under the program, a sponsor receives reimbursement for serving nutritious, well-balanced meals to eligible children at the food service sites. Information is gathered from State agencies and other organizations wishing to participate in the program to determine eligibility.

Need and Use of the Information: FNS uses the information collected to determine an organization's eligibility and to monitor program performance for compliance and reimbursement purposes.

Description of Respondents: Individuals or households; Farms; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 106,621.

Frequency of Responses: Recordkeeping; Reporting; Public Disclosure: On occasion; Quarterly; Annually.

Total Burden Hours: 197,602.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–07002 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shoshone Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shoshone Resource Advisory Committee (RAC) will meet in Thermopolis, Wyoming. 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. RAC information can be found at the following Web site: *http://cloudapps-usda-gov.force.com/FSSRS/RAC_Page?id=001t0000002JcvXAAS*.

DATES: The meeting will be held on Wednesday, April 27, 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 Bighorn Federal Savings Bank, 643 Broadway Street, Thermopolis, Wyoming.

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 Shoshone National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Olga Troxel, RAC Coordinator, by phone at 307–527–6241 or via email at *otroxel@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 to:

1. Review project proposals received in 2016,
2. Prioritize projects for recommendation, and
3. Vote on projects if the RAC has reached that point and a quorum is present.

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 18, 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 Olga Troxel, RAC Coordinator, Shoshone National Forest Supervisor's Office, 808 Meadow Lane, Cody, Wyoming 82414; by email to *otroxel@fs.fed.us,* or via facsimile to 307–578–5112.

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,

please contact 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 22, 2016.

Joseph G. Alexander,

Forest Supervisor.

[FR Doc. 2016–07014 Filed 3–28–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Opportunity for Designation in Fargo, ND; Urbana, IL; Sandusky, MI; Davenport, IA; Enid, OK; Keokuk, IA; Marshall, MI; and Omaha, NE Areas; Request for Comments on the Official Agencies Servicing These Areas

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

ACTION: Notice.

SUMMARY: North Dakota Grain Inspection Service, Inc. (North Dakota) purchased Frankfort Grain Inspection, Inc. (Frankfort) on October 1, 2015. GIPSA determined that North Dakota met the requirements specified in 7 CFR 800.196 (f)(2). The designation of North Dakota Grain Inspection Service, Inc. (North Dakota) is amended to include Frankfort and will end on December 31, 2015, which is the earliest termination date of the combined official agencies. The designations of Champaign Danville Grain Inspection Departments, Inc. (Champaign); Detroit Grain Inspection Service, Inc. (Detroit); Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa); Enid Grain Inspection Company, Inc. (Enid); Keokuk Grain Inspection Service (Keokuk); Michigan Grain Inspection Services, Inc. (Michigan); and Omaha Grain Inspection Service, Inc. (Omaha) will end on March 31, 2016. We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by these agencies.

DATES: Applications and comments must be received by April 28, 2016.

ADDRESSES: Submit applications and comments concerning this Notice using any of the following methods:

• *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.

• *Submit Comments Using the Internet:* Go to Regulations.gov (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.

• *Mail, Courier or Hand Delivery:* Eric J. Jabs, Deputy Director, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

• *Fax:* Eric J. Jabs, 816–872–1257.

• *Email: Eric.J.Jabs@usda.gov.*

Read Applications and Comments: All applications and comments are available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Fargo, ND

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, as amended, in the States of Illinois, Indiana, Minnesota and North Dakota, is assigned to this official agency.

In Illinois

Bounded on the East by the eastern Cumberland County line; the eastern Jasper County line south to State Route 33; State Route 33 east-southeast to the Indiana-Illinois State line; the Indiana-Illinois State line south to the southern Gallatin County line.

Bounded on the South by the southern Gallatin, Saline, and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River.

Bounded on the West by the Mississippi River north to the northern Calhoun County line;

Bounded on the North by the northern and eastern Calhoun County lines; the northern and eastern Jersey County lines; the northern Madison County line; the western Montgomery County line north to a point on this line that intersects with a straight line, from the junction of State Route 111 and the northern Macoupin County line to the junction of Interstate 55 and State Route 16 (in Montgomery County); from this point southeast along the straight line to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately 1 mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines.

In Minnesota

Koochiching, St. Louis, Lake, Cook, Itasca, Norman, Mahnomen, Hubbard, Cass, Clay, Becker, Wadena, Crow Wing, Aitkin, Carlton, Wilkin, and Otter Tail Counties, except those export port locations within the State, which are serviced by GIPSA.

In North Dakota

Bounded on the North by the northern Steele County line from State Route 32 east; the northern Steele and Trail County lines east to the North Dakota State line.

Bounded on the East by the eastern North Dakota State line.

Bounded on the South by the southern North Dakota State line west to State Route 1.

Bounded on the West by State Route 1 north to Interstate 94; Interstate 94 east to the Soo Railroad line; the Soo Railroad line northwest to State Route 1; State Route 1 north to State Route 200; State Route 200 east to State Route 45; State Route 45 north to State Route 32; State Route 32 north.

In Indiana

Bartholomew, Blackford, Boone, Brown, Carroll (south of State Route 25), Cass, Clinton, Delaware, Fayette, Fulton (bounded on east by eastern Fulton County line south to State Route 19; State Route 19 south to State Route 114; State Route 114 southeast to eastern Fulton County line), Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Randolph, Richmond, Rush (north of State Route 244), Shelby, Tipton, Union, and Wayne Counties.

In Ohio

Darke County.

The following grain elevators are not part of this geographic area assignment and are assigned to Titus Grain Inspection, Inc.: The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc., Linden, Montgomery County, Indiana.

Urbana, IL

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Illinois, Indiana, and Michigan, is assigned to this official agency.

In Illinois

Bounded on the North by the northern Schuyler, Cass, and Menard County lines; the western Logan County line north to State Route 10; State Route 10 east to the west side of Beason.

Bounded on the East by a straight line from the west side of Beason southwest to Elkhart on Interstate 55; a straight line from Elkhart southeast to Stonington on State Route 48; a straight line from Stonington southwest to Irving on State Route 16.

Bounded on the South by State Route 16 west to the eastern Macoupin County line; the eastern, southern, and western Macoupin County lines; the southern and western Greene County lines; the southern Pike County line.

Bounded on the West by the western Pike County line west to U.S. Route 54; U.S. Route 54 northeast to State Route 107; State Route 107 northeast to State Route 104; State Route 104 east to the western Morgan County line; the western Morgan, Cass, and Schuyler County lines.

In Illinois and Indiana

Bounded on the North by the northern Livingston County line from State Route 47; the eastern Livingston County line to the northern Ford County line; the northern Ford and Iroquois County lines east to Interstate 57; Interstate 57 north to the northern Will County line; Bounded on the North by the northern Will County line from Interstate 57 east to the Illinois-Indiana State line; the Illinois-Indiana State line north to the northern Lake County line; the northern Lake, Porter, Laporte, St. Joseph, and Elkhart County lines.

Bounded on the East by the eastern and southern Elkhart County lines; the eastern Marshall County line; Bounded on the South by the southern Marshall and Starke County lines; the eastern Jasper County line south-southwest to U.S. Route 24; U.S. Route 24 west to Indiana State Route 55; Indiana State Route 55 south to the Newton County line; the southern Newton County line west to U.S. Route 41; Bounded on the East by U.S. Route 41 south to the northern Parke County line; the northern Parke and Putnam County lines; the eastern Putnam, Owen, and Greene County lines.

Bounded on the South by the southern Greene County line; the southern Sullivan County line west to U.S. Route 41(150); U.S. Route 41(150) south to U.S. Route 50; U.S. Route 50 west across the Indiana-Illinois State line to Illinois State Route 33; Illinois State Route 33 north and west to the Western Crawford County line.

Bounded on the West by the western Crawford and Clark County lines; the Southern Coles County line; the western Coles and Douglas County lines; the western Champaign County line north to Interstate 72; Interstate 72 southwest to the Piatt County line; the western Piatt County line; the southern McLean County line west to a point 10 miles west of the western Champaign County line, from this point through Arrowsmith to Pontiac along a straight line running north and south which intersects with State Route 116; State Route 116 east to State Route 47; State Route 47 north to the northern Livingston County line.

In Michigan

Berrien, Cass, and St. Joseph Counties.

Champaign's assigned geographic area does not include the export port locations inside Champaign's area, which are serviced by GIPSA. The following grain elevators are part of this geographic area assignment: In Decatur Grain Inspection, Inc.'s area: Okaw Cooperative, Cadwell, Moultrie County; ADM (3 elevators), Farmer City, Dewitt County; and Topflight Grain Company, Monticello, Piatt County, Illinois. In Central Illinois Grain Inspection, Inc.'s area: East Lincoln Farmers Grain Co., Lincoln, Logan County, Illinois.

The following grain elevator is not part of this geographic area assignment and is assigned to Titus Grain Inspection, Inc., Boswell Chase Grain, Inc., Boswell, Benton County, Indiana.

Sandusky, MI

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Michigan, is assigned to this official agency.

In Michigan

Bounded on the North by the northern Clinton County line; the eastern Clinton County line south to State Route 21; State Route 21 east to State Route 52; State Route 52 north to the Shiawassee County line; the northern Shiawassee County line east to the Genesee County line; the western Genesee County line; the northern Genesee County line east to State Route 15; State Route 15 north to Barnes Road; Barnes Road east to Sheridan Road; Sheridan Road north to State Route 46; State Route 46 east to State Route 53; State Route 53 north to the Michigan State line.

Bounded on the East by the Michigan State line south to State Route 50.

Bounded on the South by State Route 50 west to U.S. Route 127.

Bounded on the West by U.S. Route 127 north to U.S. Route 27; U.S. Route 27 north to the northern Clinton County line.

Davenport, IA

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic areas, in the States of Illinois, Iowa, and Wisconsin, are assigned to this official agency.

In Illinois and Iowa

Northern Area:

Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Will DuPage, Kendall, DeKalb, Lee, and Ogle Counties in Illinois and Delaware and Dubuque Counties in Iowa.

Southern Area:

Bounded on the North, in Iowa, by Interstate 80 from the western Iowa County line east to State Route 38; State Route 38 north to State Route 130; State Route 130 east to the Mississippi River.

Bounded on the East, in Illinois, from the Mississippi River to the eastern Rock Island County line; the northern Henry and Bureau County lines; east to State Route 40; State Route 40 south to the southern Bureau County line; the eastern and southern Henry County lines; the eastern Knox County line.

Bounded on the South by the southern Knox County line; the eastern and southern Warren County lines; the southern Henderson County line across the Mississippi River; in Iowa, by the southern Des Moines, Henry, Jefferson, and Wapello County lines.

Bounded on the West by the western and northern Wapello County lines; the western and northern Keokuk County lines; the western Iowa County line north to Interstate 80.

In Wisconsin

The entire State of Wisconsin, for domestic services.

All export port locations within Eastern Iowa's assigned geographic areas in the State of Illinois are serviced by GIPSA and in the State of Wisconsin

are serviced by GIPSA (Milwaukee) and the Wisconsin Department of Agriculture (Superior).

Enid, OK

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic areas, in the States of Oklahoma and Texas, are assigned to this official agency.

In Oklahoma

Adair, Alfalfa, Atoka, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties.

In Texas

Clay, Wichita, and Wilbarger Counties.

Keokuk, IA

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic areas, in the States of Illinois and Iowa, are assigned to this official agency.

In Illinois

Adams, Brown, Fulton, Hancock, Mason, McDonough, and Pike (northwest of a line bounded by U.S. Route 54 northeast to State Route 107; State Route 107 northeast to State Route 104; State Route 104 east to the eastern Pike County line) Counties.

In Iowa

Davis, Lee, and Van Buren Counties.

Marshall, MI

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Michigan and Ohio, is assigned to this official agency.

In Michigan

Bounded on the North by the northern Michigan State line.

Bounded on the East by the eastern Michigan State line south and east to State Route 53; State Route 53 south to State Route 46; State Route 46 west to Sheridan Road; Sheridan Road south to Barnes Road; Barnes Road west to State Route 15; State Route 15 south to the Genesee County line; the northern Genesee County line west to the Shiawassee County line; the northern Shiawassee County line west to State Route 52; State Route 52 south to State Route 21; State Route 21 west to Clinton County; the eastern and northern Clinton County lines west to U.S. Route 27; U.S. Route 27 south to U.S. Route 127; U.S. Route 127 south to the Michigan-Ohio State line.

In Ohio

The northern State line east to the eastern Fulton County line; the eastern Fulton, Henry, and Putnam County lines; the eastern Allen County line south to the northern Hardin County line; the northern Hardin County line east to U.S. Route 68; U.S. Route 68 south to State Route 47.

Bounded on the South by State Route 47 west-southwest to Interstate 75 (excluding all of Sidney, Ohio); Interstate 75 south to the Shelby County line; the southern and western Shelby County lines; the southern Mercer County line.

Bounded on the West by the Ohio-Indiana State line from the southern Mercer County line to the northern Williams County line; in Michigan, by the southern Michigan State line west to the Branch County line; the western Branch County line north to the Kalamazoo County line; the southern Kalamazoo and Van Buren County lines west to the Michigan State line; the western Michigan State line north to the northern Michigan State line.

The following grain elevators are not part of this geographic area assignment and are assigned to Northeast Indiana Grain Inspection, Inc: Trupointe Elevator, Payne, Paulding County, Ohio.

Omaha, NE

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic areas, in the States of Iowa and Nebraska, are assigned to this official agency.

In Iowa and Nebraska

Bounded on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; Iowa State Route 175 east to Iowa State Route 37; Iowa State Route 37 southeast to the eastern Monona County line.

Bounded on the East by the eastern Monona County line; the southern Monona County line west to Iowa State Route 183; Iowa State Route 183 south to the Pottawattamie County line; the northern and eastern Pottawattamie County lines; the southern Pottawattamie County line west to M47; M47 south to Iowa State Route 48; Iowa State Route 48 south to the Montgomery County line.

Bounded on the South by the southern Montgomery County line; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route 34 west to the Missouri River; the Missouri River north to the Sarpy County line (in Nebraska); the southern Sarpy County line; the southern Saunders County line west to U.S. Route 77.

Bounded on the West by U.S. Route 77 north to the Platte River; the Platte River southeast to the Douglas County line; the northern Douglas County line east; the western Washington County line northwest to Nebraska State Route 91.

The following grain elevators are part of this geographic area assignment: In Central Iowa Grain Inspection Service, Inc.'s area: Scoular Elevator, Elliot, Montgomery County and two Scoular elevators, Griswold, Cass County, Iowa. In Fremont Grain Inspection Department, Inc.'s area: United Farmers Coop, Rising City, Butler County and United Farmers Coop, Shelby, Polk County, Nebraska. In Lincoln Inspection Service, Inc.'s area: Goode Seed & Grain, McPaul, Fremont County, Iowa; and Haveman Grain, Murray, Cass County, Nebraska.

The following grain elevators are not part of this geographic area assignment and are assigned to Fremont Grain Inspection Department, Inc.: Farmers Union Cooperative Association and Krumel Grain and Storage, Wahoo, Saunders County, Nebraska.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation for North Dakota is for the period beginning January 1, 2016, to December 31, 2020. Designation for Champaign, Detroit, Eastern Iowa, Enid, Keokuk, Michigan, and Omaha is for April 1, 2016, to March 31, 2021. To apply for designation or to request more information, contact Eric J. Jabs at the address listed above.

Request for Comments

We are publishing this Notice to provide interested persons the opportunity to comment on the quality

of services provided by the North Dakota, Champaign, Detroit, Eastern Iowa, Enid, Keokuk, Michigan, and Omaha official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Eric J. Jabs at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–07000 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration (GIPSA)

Opportunity for Designation in Cedar Rapids, IA; Fremont, NE; State of Maryland; and West Lafayette, IN Areas; Request for Comments on the Official Agencies Servicing These Areas

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

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end on June 30, 2016. We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: Mid-Iowa Grain Inspection, Inc. (Mid-Iowa); Fremont Grain Inspection Department, Inc. (Fremont); Maryland Department of Agriculture (Maryland); and Titus Grain Inspection, Inc. (Titus).

DATES: Applications and comments must be received by April 28, 2016.

ADDRESSES: Submit applications and comments concerning this Notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to Regulations.gov (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Mail, Courier or Hand Delivery:* Eric J. Jabs, Deputy Director, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- *Fax:* Eric J. Jabs, 816–872–1257.
- *Email: FGIS.QACD@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *FGIS.QACD@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)). Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than five years, unless terminated by the Secretary, and may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation

Cedar Rapids, IA

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Minnesota and Iowa, is assigned to this official agency.

In Minnesota

Wabasha, Olmstead, Winona, Houston, and Fillmore Counties.

In Iowa

Bounded on the North by the northern Winneshiek and Allamakee County lines;

Bounded on the East by the eastern Allamakee County line; the eastern and southern Clayton County lines; the eastern Buchanan County line; the northern and eastern Jones County lines; the eastern Cedar County line south to State Route 130;

Bounded on the South by State Route 130 west to State Route 38; State Route 38 south to Interstate 80; Interstate 80 west to U.S. Route 63;

Bounded on the West by U.S. Route 63 north to State Route 8; State Route 8 east to State Route 21; State Route 21 north to D38; D38 east to State Route 297; State Route 297 north to V49; V49 north to Bremer County; the southern Bremer County line; the western Fayette and Winneshiek County lines.

Fremont, NE

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Iowa and Nebraska, is assigned to this official agency.

In Iowa

Carroll (west of U.S. Route 71), Clay (west of U.S. Route 71), Crawford, Dickinson (west of U.S. Route 71), Harrison (east of State Route 183), O'Brien (north of County Road B24 and east of U.S. Route 59), Osceola (east of U.S. Route 59), and Shelby Counties.

In Nebraska

Burt, Butler, Colfax, Cuming, Dodge, Madison (east of U.S. Route 81), Pierce (east of U.S. Route 81 and South of U.S. Route 20), Platte, Polk, Saunders (west of U.S. Route 77), Stanton, Washington (north of State Route 91), and Wayne Counties.

The following grain elevators are part of this geographic area assignment: In Omaha Grain Inspection Service, Inc.'s area-Farmers Union Cooperative Association and Krumel Grain and Storage, Wahoo, Saunders County, Nebraska. The following grain elevators are not part of this geographic area assignment and are assigned to: Hastings Grain Inspection, Inc.-Huskers Cooperative Grain Company, Columbus, Platte County, Nebraska; Omaha Grain Inspection Service, Inc.-United Farmers Coop, Rising City, Butler County, and United Farmers Coop, Shelby, Polk County, Nebraska.

State of Maryland

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Maryland, is assigned to this official agency.

In Maryland

The entire State of Maryland, for all domestic services and export services not located at export port locations.

All export port locations within the State of Maryland are serviced by GIPSA.

Lafayette, IN

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Indiana, is assigned to this official agency.

In Indiana

Benton, Carroll (north of State Route 25), Fountain (east of U.S. Route 41),

Jasper (south of U.S. Route 24), Newton (east of State Route 55 and south of U.S. Route 24), Pulaski, Tippecanoe, Warren (east of U.S. Route 41), and White Counties.

The following grain elevators are part of this geographic area assignment: In Champaign-Danville Grain Inspection Department, Inc.'s area-Boswell Chase Grain, Inc., Boswell, Benton County, Indiana. In North Dakota Grain Inspection Service, Inc.'s area-The Andersons, Delphi, Carroll County; Frick Services, Inc., Leiters Ford, Fulton County; and Cargill, Inc./Valero Renewable Fuels, LLC., Linden, Montgomery County, Indiana.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas in Cedar Rapids, IA is for the period beginning July 1, 2016, to June 30, 2020. Designation in the specified geographic areas in Fremont, NE; State of Maryland; and Lafayette, IN, is for the period beginning July 1, 2016, to June 30, 2021. To apply for designation or to request more information, contact Eric J. Jabs at the address listed above.

Request for Comments

We are publishing this Notice to provide interested persons the opportunity to comment on the quality of services provided by the Mid-Iowa, Fremont, Maryland, and Titus official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Eric J. Jabs at the above address or at *http://www.regulations.gov*.

We consider applications, comments, and other available information when determining which applicants will be designated.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–06997 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Advisory Committee Meeting

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

ACTION: Notice of advisory committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection, Packers and Stockyards Administration (GIPSA) Grain Inspection Advisory Committee (Advisory Committee). The Advisory Committee meets annually to advise the GIPSA Administrator on the programs and services that GIPSA delivers under the U.S. Grain Standards Act. Recommendations by the Advisory Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace.

DATES: May 17, 2016, 8:00 a.m. to 4:30 p.m.; and May 18, 2016, 8:00 a.m. to noon.

ADDRESSES: The Advisory Committee meeting will take place at GIPSA's National Grain Center, 10383 N. Ambassador Drive, Kansas City, Missouri 64153.

Requests to orally address the Advisory Committee during the meeting or written comments may be sent to: Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 3601, Washington, DC 20250–3601. Requests and comments may also be faxed to (202) 690–2173.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry by phone at (202) 205–8281 or by email at *Terri.L.Henry@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Advisory Committee is to provide advice to the GIPSA Administrator with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Advisory Committee is available on the GIPSA Web site at *http://www.gipsa.usda.gov/fgis/adcommit.html.*

The agenda will include service delivery overview and the grain standards act, quality assurance and compliance updates, field management overview, international program updates as they relate to outreach, and technology and science initiatives.

For a copy of the agenda please contact Terri L. Henry by phone at (202) 205–8281 or by email at *Terri.L.Henry@usda.gov.*

Public participation will be limited to written statements unless permission is received from the Committee Chairperson to orally address the Advisory Committee. The meeting will be open to the public.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Terri L. Henry at the telephone number listed above.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–07004 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Pocatello, ID; Evansville, IN; Salt Lake City, UT; and Columbia, SC Areas

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

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of Idaho Grain Inspection Service (Idaho); Ohio Valley Grain Inspection, Inc. (Ohio Valley); Utah Department of Agriculture and Food (Utah); and South Carolina Department of Agriculture (South Carolina) to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: Effective October 1, 2015.

ADDRESSES: Eric J. Jabs, Deputy Director, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments are available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the July 1, 2015, **Federal Register** (80 FR 37581), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by Idaho, Ohio Valley, Utah, and South Carolina. Applications were due by July 31, 2015.

The current official agencies, Idaho, Ohio Valley, Utah, and South Carolina, were the only applicants for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that Idaho, Ohio Valley, Utah, and South Carolina are qualified to provide official services in the geographic area specified in the **Federal Register** on July 1, 2015. This designation to provide official services in the specified areas of Idaho, Ohio Valley, and Utah is effective October 1, 2015, to September 30, 2018. This designation to provide official services in the specified area of South Carolina is effective October 1, 2015, to September 30, 2017.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
Idaho	Pocatello, ID, 208–233–8303	10/1/2015	9/30/2018
Ohio Valley	Evansville, IN, 812–423–9010	10/1/2015	9/30/2018
Utah	Salt Lake City, UT, 801–538–7100	10/1/2015	9/30/2018
South Carolina	Columbia, SC, 803–737–4597	10/1/2015	9/30/2017

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–06987 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent to Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Fruits, Nuts, and Specialty Crops Surveys. Revision to burden hours will be needed due to changes in the size of the target population, sample design, minor changes in questionnaire design, the addition of several reimbursable surveys and an anticipated increase in response rates.

DATES: Comments on this notice must be received by May 31, 2016 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0039, by any of the following methods:

- Email: *ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- E-fax: (855) 838–6382.
- Mail: Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- Hand Delivery/Courier: Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Fruits, Nuts, and Specialty Crops Surveys.

OMB Control Number: 0535–0039.

Expiration Date of Approval: August 31, 2016.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture.

The Fruits, Nuts, and Specialty Crops survey program collects information on acreage, yield, production, price, and value of citrus and non-citrus fruits and nuts and other specialty crops in States with significant commercial production. The program provides data needed by the U.S. Department of Agriculture and other government agencies to administer programs and to set trade quotas and tariffs. Producers, processors, other industry representatives, State Departments of Agriculture, and universities also use forecasts and estimates provided by these surveys. All questionnaires included in this information collection will be voluntary.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113) and Office of Management and Budget regulations at 5 CFR part 1320. NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register,** Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this information collection is based on approximately 75 individual surveys with expected response times of 5–65 minutes. The frequency of data collection for the different surveys will include annual, seasonal, quarterly, monthly, and one weekly survey. Estimated number of responses per respondent is 1.1. Publicity materials and instruction sheets will account for approximately 5 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data. Several new surveys have been added to this information collection to account for some specialty commodities in California.

Respondents: Producers, processors, and handlers.

Estimated Number of Respondents: 105,000.

Estimated Total Annual Burden on Respondents: 27,000 hours.

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 will have practical utility; (b) 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; (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 those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, March 15, 2016.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2016–07037 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Vegetable Surveys Program. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and/or questionnaire length. Some of the vegetable production surveys will incorporate sampling of the total population of producers, while the processing surveys will involve a total enumeration of the entire population. Changes are being made to some of the questionnaires to accommodate changes in the industry and to make the questionnaires easier for the respondent to complete. This should help to reduce respondent burden and improve the overall response rates.

DATES: Comments on this notice must be received by May 31, 2016 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0037, by any of the following methods:

- Email: *ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- E-fax: (855) 838–6382.
- Mail: Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- Hand Delivery/Courier: Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS–OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Vegetable Surveys Program.

OMB Number: 0535–0037.

Expiration Date of Approval: July 31, 2016.

Type of Request: Intent to Seek Approval to Revise and Extend an Information Collection for 3 years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare, and issue State and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture. The Vegetable Surveys Program obtains basic agricultural statistics for fresh market and processing vegetables in major producing States. Vegetable statistics are used by the U.S. Department of Agriculture to help administer programs and by growers, processors, and marketers in making production and marketing decisions. The vegetable estimation program now consists of 25 selected crops. All questionnaires included in this information collection will be voluntary.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113) and Office of Management and Budget regulations at 5 CFR part 1320. NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to be between 5 and 20 minutes per respondent per survey.

Respondents: Farms and businesses.

Estimated Number of Respondents: 20,000.

Estimated Total Annual Burden on Respondents: 6,000 hours.

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 will have practical utility; (b) 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; (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 those who are to respond, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, March 15, 2016.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2016–07034 Filed 3–28–16; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: Bureau of Industry and Security.

Title: National Security and Critical Technology Assessments of the U.S. Industrial Base.

Form Number(s): N/A.

OMB Control Number: 0694–0119.

Type of Request: Regular.

Burden Hours: 308,000 hours.

Number of Respondents: 28,000 respondents.

Average Hours per Response: 8 to 14 hours per response.

Needs and Uses: The Department of Commerce, in coordination with the Department of Defense and other Federal agencies, conducts survey assessments of U.S. industrial base sectors deemed critical to U.S. national security. The information gathered is necessary to determine the health and competitiveness as well as the needs of these critical market segments in order to maintain a strong U.S. industrial base.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the 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 23, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–06985 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: The Department of Commerce (''the Department'') published the *Preliminary Results* of the 11th administrative review of the antidumping duty order on certain frozen fish fillets (''fish fillets'') from the Socialist Republic of Vietnam (''Vietnam'') on September 14, 2015.[1] We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments and information received, we made changes to the margin calculations for these final results. The final dumping margins are listed below in the ''Final Results of the Administrative Review'' section of this notice. The period of review (''POR'') is August 1, 2013, through July 31, 2014.

DATES: Effective March 29, 2016.

FOR FURTHER INFORMATION CONTACT: Paul Walker or Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202–482–0413 or 202–482–2243, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* on September 14, 2015.[2] The Department conducted a verification of Thuan An Production Trading and Service Co., Ltd. (''Tafishco'') and its tollers between September 21, 2015, through October 6, 2015.[3] The Department also conducted a verification of the Hung Vuong Group[4] (''HVG'') between November 10, 2015, through November 24, 2015.[5] On January 11, 2016, the Department extended the deadline for the final results to March 14, 2016.[6] As explained in the memorandum from the Acting Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll all administrative deadlines due to the recent closure of the Federal Government.[7] All deadlines in this segment of the proceeding have been extended by four business days. The revised deadline for the final results of this administrative review is now March 18, 2016. Between February 11 and February 22, 2016, interested parties submitted case and rebuttal briefs. On March 3, 2016, the Department held a closed hearing and a public hearing limited to issues raised in the case and rebuttal briefs.

Scope of the Order

The product covered by the order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti, Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*) and *Pangasius Micronemus.* These products are classifiable under tariff article code 0304.62.0020 (Frozen Fish Fillets of the species *Pangasius,* including basa and tra), and may enter under tariff article codes 0305.59.0000, 1604.19.2100, 1604.19.3100, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100 of the Harmonized Tariff Schedule of the United States (''HTSUS'').[8] Although

[1] *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2013–2014,* 80 FR 55092 (September 14, 2015) (''*Preliminary Results*'') and accompanying Preliminary Decision Memorandum (''Preliminary Decision Memo'').

[2] *See Preliminary Results.*

[3] *See* Memorandum to the File, from Jerry Huang, International Trade Analyst, Office V, and Javier Barrientos, International Trade Analyst, Office V, ''Verification of the Sales and Factors of Production Responses of Thuan An Production Trading and Service Co., Ltd. in the 2013–2014 Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,'' dated February 2, 2016.

[4] The Hung Vuong Group includes: An Giang Fisheries Import & Export Joint Stock Company, Asia Pangasius Company Limited (''Asia Pangasius''), Europe Joint Stock Company, Hung Vuong Joint Stock Company, Hung Vuong Mascato Company Limited, Hung Vuong—Vinh Long Co., Ltd., and Hung Vuong—Sa Dec Co., Ltd. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the Antidumping Duty Administrative Review and New Shipper Review;* 2011–2012, 79 FR 19053 (April 7, 2014) and accompanying Issues and Decision Memorandum at 3.

[5] *See* Memorandum to the File, from Javier Barrientos, International Trade Analyst, Office V, and Kenneth Hawkins, International Trade Analyst, Office V, ''Verification of the Sales and Factors of Production Responses of Agifish and HVG in the 2013–2014 Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,'' dated February 5, 2016.

[6] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, through James C. Doyle, Director, Office V, Antidumping and Countervailing Duty Operations from Jerry Huang, International Trade Analyst, Office V, Antidumping and Countervailing Duty Operations, ''Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated January 11, 2016.

[7] *See* Memorandum to the Record from Ron Lorentzen, Acting A/S for Enforcement & Compliance, ''Tolling of Administrative Deadlines As a Result of the Government Closure During Snowstorm Jonas,'' dated January 27, 2016.

[8] Until June 30, 2004 these products were classifiable under HTSUS 0304.20.6030, 0304.20.6096, 0304.20.6043 and 0304.20.6057. From July 1, 2004 until December 31, 2006 these products were classifiable under HTSUS 0304.20.6033. From January 1, 2007 until December 31, 2011 these products were classifiable under HTSUS 0304.29.6033. On March 2, 2011 the Department added two HTSUS numbers at the request of U.S. Customs and Border Protection (''CBP'') that the subject merchandise may enter under: 1604.19.2000 and 1604 19.3000, which were changed to 1604.19.2100 and 1604.19.3100 on January 1, 2012. On January 1, 2012 the Department added the following HTSUS numbers at the request

Continued

the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[9]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (''CRU''), Room B8024 of the main Department of Commerce building, as well as electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the *Preliminary Results*

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we revised the margin calculations for HVG and Tafishco. The Surrogate Values Memo contains further explanation of our changes to the surrogate values selected for HVG's and Tafishco's factors of production.[10]

Final Determination of No Shipments

In the *Preliminary Results,* the Department preliminarily determined that An Giang Agriculture and Food Import-Export Joint Stock Company, Asia Commerce Fisheries Joint Stock Company, Binh An Seafood Joint Stock Company, Dai Thanh Seafoods Company Limited, Fatifish Company Limited, Golden Quality Seafood Corporation, Hiep Thanh Seafood Joint Stock Company, Hoa Phat Seafood Import-Export and Processing JSC, Ngoc Ha Co., Ltd. Food Processing and Trading, Quang Minh Seafood Company, Limited, QVD Food Company (''QVD''),[11] Ltd., Saigon-Mekong Fishery Co., Ltd., Southern Fisheries Industries Company, Ltd., TG Fishery Holdings Corporation, and To Chau Joint Stock Company (collectively ''No Shipment Companies'') did not have any reviewable transactions during the POR.[12] Consistent with the Department's refinement to its assessment practice in non-market economy (''NME'') cases, we completed the review with respect to the above-named companies.[13] Based on the certifications submitted by No Shipment Companies, we continue to determine that these companies did not have any reviewable transactions during the POR. As noted in the ''Assessment Rates'' section below, the Department intends to issue appropriate instructions to CBP for the above-named companies based on the final results of the review.

Vietnam-Wide Entity

We noted in the *Preliminary Results* that a review was requested, but not rescinded, for Asia Pangasius, Nam Phuong Seafood Co., Ltd. (''Nam Phuong''), NTACO Corporation (''NTACO''), Thien Ma Seafood Co., Ltd. (''Thien Ma''), and Thufico.[14] As noted below, and consistent with Comment VII of the Issues and Decision Memorandum, the Department is rescinding this review with respect to NTACO and Nam Phuong. Consistent with Comment IV of the Issues and Decision Memorandum, the Department finds that Asia Pangasius is a part of HVG, and is eligible for a separate rate. Consistent with Comment V of the Issues and Decision Memorandum, and as noted above, the Department finds that Thufico is a part of QVD, and made no shipments during the POR. As a result of these decisions, we no longer find that Asia Pangasius, Nam Phuong, NTACO and Thufico are a part of the Vietnam-wide entity.

Consistent with Comment III of the Issues and Decision Memorandum, we find that two of Tafishco's uncooperative tollers are a part of the Vietnam-wide entity. Consistent with Comment VI of the Issues and Decision Memorandum, we find that Caseamex is not entitled to a separate rate. Moreover, Thien Ma did not submit completed a separate rate application or certification. Accordingly, for the final results, the Department finds that Tafishco's uncooperative tollers, Caseamex, and Thien Ma are a part of the Vietnam-wide entity.

Partial Rescission of Administrative Review

In accordance with 19 CFR 351.214(j), and in accordance with our decision in Comment VII of the Issues and Decision Memorandum, the Department is rescinding this review with respect to NTACO and Nam Phuong.

Final Results of the Review

The dumping margins for the final results of this administrative review are as follows:

Exporter	Weighted-average margin (dollars/kilogram)[15]
Hung Vuong Group	0.41
Thuan An Production Trading and Services Co., Ltd	0.97
Basa Joint Stock Company	0.69

of CBP: 0304.62.0020, 0305.59.0000, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100.

[9] For a complete description of the scope of the order, *see* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results of the 11th Antidumping Duty Administrative Review; 2013–2014,'' at 2–3 (''Issues and Decision Memorandum''), dated concurrently with and hereby adopted by this notice.

[10] *See* Memorandum to the File, through Paul Walker, Program Manager, from Javier Barrientos, Case Analyst, ''Eleventh Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Surrogate Values for the Final Results,'' dated concurrently with this notice.

[11] This rate is also applicable to QVD Dong Thap Food Co., Ltd. (''QVD Dong Thap'') and Thuan Hung Co., Ltd. (''Thufico''). In the second review of this order, the Department found QVD, QVD Dong Thap and Thufico to be a single entity and, because there have been no changes to this determination since that administrative review, we continue to find these companies to be part of a single entity. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review,* 71 FR 53387 (September 11, 2006).

[12] *See Preliminary Results,* 80 FR at 55093.

[13] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–65695 (October 24, 2011).

[14] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 58729 (September 30, 2014); *Preliminary Results,* 80 FR at 55093.

[15] In the third administrative review of this order, the Department determined that it would calculate per-unit assessment and cash deposit rates for all future reviews. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Partial Rescission,* 73 FR 15479 (March 24, 2008).

Exporter	Weighted-average margin (dollars/kilogram) [15]
Cadovimex II Seafood Import-Export and Processing Joint Stock Company	0.69
Cafatex Corporation	0.69
C.P. Vietnam Corporation	0.69
Cuu Long Fish Joint Stock Company	0.69
East Sea Seafoods LLC	0.69
GODACO Seafood Joint Stock Company	0.69
Green Farms Seafood Joint Stock Company	0.69
Hoang Long Seafood Processing Company Limited	0.69
Nam Viet Corporation	0.69
NTSF Seafoods Joint Stock Company	0.69
Seafood Joint Stock Company No. 4—Branch Dong Tam Fisheries Processing Company	0.69
Viet Phu Foods and Fish Corporation	0.69
Vinh Quang Fisheries Joint-Stock Company	0.69

Disclosure

The Department will disclose calculations performed for these final results to the parties within five days of the date of publication of this notice, in accordance with section 351.224(b) of the Department's regulations.

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. We will continue to direct CBP to assess importer specific assessment rates based on the resulting per-unit (*i.e.,* per kg) rates by the weight in kgs of each entry of the subject merchandise during the POR. Specifically, we calculated importer specific duty assessment rates on a per-unit rate basis by dividing the total dumping margins (calculated as the difference between normal value and export price, or constructed export price) for each importer by the total sales quantity of subject merchandise sold to that importer during the POR. If an importer (or customer)-specific assessment rate is de minimis (*i.e.,* less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

The Department determines that No Shipment Companies did not have any reviewable transactions during the POR. As a result, any suspended entries that entered under these exporter's case numbers (*i.e.,* at that exporter's rate) will be liquidated at the Vietnam-wide rate.[16]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the Vietnam-wide rate of $2.39 per kg; and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporters that supplied that non-Vietnamese exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a 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, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these administrative reviews and notice in accordance with sections 751(a)(l) and 777(i) of the Act.

Dated: March 18, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final Decision Memorandum

Comment I Application of Facts Available to HVG and Tafishco
Comment II Application of Facts Available to HVG's Farming Factors
Comment III Application of Adverse Facts Available to Certain Tafishco's Tollers
Comment IV Assignment of Vietnam-wide Rate to Asia Pangasius and HVG
Comment V Assignment of Vietnam-wide Rate to QVD Food Company Ltd.
Comment VI Assignment of Vietnam-wide Rate to Can Tho Import-Export Joint Stock Company

[16] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011); *see also* Preliminary Decision Memo at 4–5.

Comment VII Rescission of Review with Respect to NTACO Corporation and Nam Phuong Seafood Company Ltd.
Comment VIII Combination Rates
Comment IX Surrogate Value for Fish Feed
Comment X Surrogate Value for Fingerlings
Comment XI Surrogate Value for Water
Comment XII Application of Marine Insurance
Comment XIII Packing
A. Packing Type Should Not be a Physical Characteristic
B. Tafishco's Packing Materials Factors of Production Usage Rates
C. Surrogate Value for Strap
D. Surrogate Value for Tape
Comment XIV By-Products
A. Whether to Value Certain By-products
B. Surrogate Value for Fish Waste
Comment XV Customs Instructions
[FR Doc. 2016–07072 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE201

Notice of Availability of the Deepwater Horizon Oil Spill Record of Decision (ROD) for the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS)

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

ACTION: Notice of availability of a Record of Decision.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the *Deepwater Horizon* Federal and State natural resource trustee agencies (Trustees) have issued a Record of Decision (ROD) for the Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS). Based on the Trustees' injury determination established in the Final PDARP/PEIS, the ROD sets forth the basis for the Trustees' decision to select Alternative A: Comprehensive Integrated Ecosystem Alternative. The Trustees' selection of this alternative includes the funding allocations established in the Final PDARP/PEIS.

ADDRESSES: *Obtaining Documents:* You may download the ROD at *http://www.gulfspillrestoration.noaa.gov* or *http://www.doi.gov/deepwaterhorizon.* You may also view the ROD at any of the public repositories listed at *http://www.gulfspillrestoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Courtney Groeneveld at *gulfspill.restoration@noaa.gov*, mail to: *fw4coastalDERPcomments@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 17, 2011, the Trustees initiated a 90-day formal scoping and public comment period for the Draft PDARP/PEIS (76 FR 9327) through a Notice of Intent (NOI) to Begin Restoration Scoping and Prepare a Gulf Spill Restoration Planning PEIS. The Trustees conducted the scoping in accordance with OPA (15 CFR 990.14(d)), NEPA (40 CFR 1501.7), and State authorities. That NOI requested public input to identify and evaluate a range of restoration types that could be used to fully compensate the public for the environmental and recreational use damages caused by the spill, as well as develop procedures to select and implement restoration projects that will compensate the public for the natural resource damages caused by the spill. As part of the scoping process, the Trustees hosted public meetings across all the Gulf States during Spring 2011.

A Notice of Availability of the Draft PDARP/PEIS was published in the **Federal Register** on October 5, 2015 (80 FR 60126). The Draft PDARP/PEIS presented the assessment of impacts of the *Deepwater Horizon* incident on natural resources in the Gulf of Mexico and on the services those resources provide, and determined the restoration needed to compensate the public for these impacts. The Draft PDARP/PEIS presented four programmatic alternatives evaluated in accordance with OPA and NEPA:

- Alternative A (Preferred Alternative): Comprehensive Integrated Ecosystem Restoration Plan based on programmatic Trustee goals;
- Alternative B: Resource-Specific Restoration Plan based on programmatic Trustee goals;
- Alternative C: Continued Injury Assessment and Defer Comprehensive Restoration Plan; and
- Alternative D: No Action/Natural Recovery.

The Trustees provided the public with 60 days to review and comment on the Draft PDARP/PEIS. The Trustees held public meetings in Houma, LA; Long Beach, MS; New Orleans, LA; Mobile, AL; Pensacola, FL; St. Petersburg, FL; Galveston, TX; and Washington, DC, to facilitate public understanding of the document and provide opportunity for public comment. Additionally, the Trustees solicited public input through a variety of mechanisms, including electronic communications, Trustee Council and individual Trustee public Web sites, and a public comment portal for public comment collection. The Trustees prepared the Final PDARP/PEIS in consideration of the public comments received and included a summary of the comments and responses in the Final PDARP/PEIS.

A Notice of Availability of the Final PDARP/PEIS was published in the **Federal Register** on February 19, 2016 (81 FR 8483). In the Final PDARP/PEIS, the *Deepwater Horizon* Trustees presented their findings on the extensive injuries to multiple habitats, biological species, ecological functions, and geographic regions across the northern Gulf of Mexico that occurred as a result of the *Deepwater Horizon* incident, as well as their programmatic plan, including funding allocations, for restoring those resources and the services they provide. The Final PDARP/PEIS describes the framework by which subsequent project specific restoration plans will be developed.

As documented in the Record of Decision (ROD) signed on March 22, 2016, the Trustees have: Determined the extent of injury to natural resources and services caused by the *Deepwater Horizon* oil spill incident; analyzed alternatives to restore those injuries; considered environmental impacts associated with the restoration alternatives, including the extent to which any adverse impacts could be mitigated; considered public and agency comments; considered the funding allocations required for restoration; and developed a governance approach for implementing restoration. Based on these considerations and the determination of injury, the ROD presents the Trustees' decision to select their Preferred Alternative, Alternative A: Comprehensive Integrated Ecosystem Restoration and the associated funding allocation, for implementation. The Trustees also conclude that all practicable means to avoid, minimize, or compensate for environmental harm from the action have been considered programmatically in the PDARP/PEIS, and that project-specific measures will be adopted at a later date during subsequent restoration planning.

The Trustees considered this programmatic restoration planning decision in light of the proposed settlement among BP, the United States, and the States of Louisiana, Mississippi, Alabama, Florida, and Texas to resolve BP's liability for natural resource damages associated with the *Deepwater*

Horizon incident. Under this proposed settlement, BP would pay a total of $8.1 billion for restoration to address natural resource injuries (this includes $1 billion already committed for early restoration), plus up to an additional $700 million to respond to natural resource damages unknown at the time of the settlement and/or to provide for adaptive management. The proposed Consent Decree for the proposed settlement was the subject of a separate public notice and comment process; the Notice of Lodging of the proposed Consent Decree under the Clean Water Act and Oil Pollution Act was published in the **Federal Register** on October 5, 2015 (80 FR 60180).

Administrative Record

The documents included in the Administrative Record for the final PDARP/PEIS decision can be viewed electronically at the following location: *http://www.doi.gov/deepwaterhorizon/adminrecord.*

The Trustees opened a publicly available Administrative Record for the Natural Resource Damage Assessment for the *Deepwater Horizon* oil spill, including restoration planning activities, concurrently with publication of a 2010 Notice of Intent to Conduct Restoration Planning (75 FR 60802) (pursuant to 15 CFR 990.45).

Authorities

The authorities for this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and the implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Dated: March 23, 2016.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–06979 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE234

Taking of Marine Mammals Incidental to Specified Activities; Coupeville Timber Towers Preservation Project

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Washington State Department of Transportation (WSDOT) to take, by harassment, small numbers of 10 species of marine mammals incidental to construction activities for the Coupeville Timber Tower Preservation Project in Washington State, between July 15, 2016, and July 14, 2017.

DATES: This authorization is effective from July 15, 2016, through July 14, 2017.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for a one-year authorization to incidentally take small numbers of marine mammals by harassment, provided that there is no potential for serious injury or mortality to result from the activity. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On June 9, 2015 WSDOT submitted a request to NOAA requesting an IHA for the possible harassment of small numbers of marine mammal species incidental to construction associated with the Coupeville Timber Towers Preservation Project at the Coupeville Ferry Terminal in Washington State, between July 15, 2016, and July 14, 2017. On September 22, WSDOT submitted a revised IHA application which incorporated rigorous monitoring and mitigation measures that would prevent the take of humpback whales and the Southern Resident killer whales, which are listed under the Endangered Species Act (ESA). The revised IHA application requests the take of small numbers of 10 marine mammal species incidental to the Coupeville Timber Towers Preservation Project. NMFS determined that the IHA application was complete on October 1, 2015. NMFS proposed to authorize the Level B harassment of the following marine mammal species/stocks: harbor seal, California sea lion, Steller sea lion (eastern Distinct Population Segment, or DPS), northern elephant seal, killer whale (West Coast transient stock), gray whale, minke whale, harbor porpoise, Dall's porpoise, and Pacific white-sided dolphin.

Description of the Specified Activity

A detailed description of the WSDOT's Coupeville Timber Towers Preservation Project is provided in the **Federal Register** notice for the proposed IHA (81 FR 3378; January 21, 2016).

WSDOT proposes to conduct Coupeville Timber Towers Preservation Project at the Washington Coupeville Ferry Terminal on Whidbey Island, Washington (Figure 1–2 of the IHA application), to upgrade the existing transfer span towers at the Coupeville Ferry Terminal. These activities include impact pile driving and vibratory pile removal.

Eight 24-inch diameter hollow steel piles would be installed to support the towers, and concrete caps will be installed on top of the towers in order to support the headframe that houses the pulleys for the transfer span cables. Five to seven 12-inch timber piles would be removed to allow room for the new steel piles to be installed. The remaining tower timber piles would remain in place to help support the structure. Up to 6 temporary 24-inch

diameter hollow steel piles would be installed to support the transfer span and towers cable systems during construction. All pile installation would be using impact pile driving.

Temporary steel piles would be removed with a vibratory hammer. Timber piles would be removed with a vibratory hammer or by direct pull using a chain wrapped around the pile. Although timber piles may be removed by means unlikely to result in harassment of marine mammals, we assume for purposes of this analysis that all timber piles would be removed with a vibratory hammer. The crane operator would take measures to reduce turbidity, such as vibrating the pile slightly to break the bond between the pile and surrounding soil, and removing the pile slowly; or if using direct pull, keep the rate at which piles are removed low enough to meet regulatory turbidity limit requirements. If piles are so deteriorated they cannot be removed using either the vibratory or direct pull method, the operator would use a clamshell to pull the piles from below the mudline. All work would occur in water depths between −10 and −20 feet mean lower-low water. It is expected to take 8 working days to complete the pile driving and removal activities.

Since that time, no changes have been made to the proposed construction activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to WSDOT was published in the **Federal Register** on January 21, 2016. That notice described, in detail, WSDOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments only from the Marine Mammal Commission (Commission). Specific comments and responses are provided below.

Comment 1: The Commission recommends that NMFS issue the requested incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Response: NMFS concurs with the Commission's recommendation and has included the mitigation, monitoring, and reporting measures contained in the proposed authorization in the issued IHA.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction in the proposed construction area include Pacific harbor seal (*Phoca vitulina richardsi*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), killer whale (*Orcinus orca*) (transient and Southern Resident stocks), Eastern North Pacific gray whale (*Eschrichtius robustus*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*P. dalli*), and Pacific white-sided dolphin (*Lagenorhynchus obliquidens*). The Western North Pacific gray whale has been observed off the Northwest Pacific; however, the occurrence of this gray whale population in the vicinity of the project area is very unlikely.

TABLE 1—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY

Species	ESA status	MMPA status	Occurrence.
Harbor Seal	Not listed	Non-depleted	Frequent.
California Sea Lion	Not listed	Non-depleted	Frequent.
Northern Elephant Seal	Not listed	Non-depleted	Occasional.
Steller Sea Lion (eastern DPS)	Not listed	Under review	Rare.
Harbor Porpoise	Not listed	Non-depleted	Frequent.
Dall's Porpoise	Not listed	Non-depleted	Occasional.
Pacific White-sided dolphin	Not listed	Non-depleted	Occasional.
Killer Whale	Endangered (Southern Resident)	Depleted	Occasional.
Killer whale	Not listed (transient)	Non-depleted	Occasional.
Gray Whale	Delisted (Eastern North Pacific)	Unclassified	Occasional.
Humpback Whale	Endangered	Depleted	Rare.
Minke Whale	Not listed	Non-depleted	Rare.

General information on the marine mammal species found in Washington coastal waters can be found in Caretta *et al.* (2015), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/sars/pdf/pacific_sars_2014_final_noaa_swfsc_tm_549.pdf.* Refer to that document for information on these species. A list of marine mammals in the vicinity of the action and their status are provided in Table 1. Specific information concerning these species in the vicinity of the proposed action area is provided in detail in the WSDOT's IHA application. Currently, NMFS is conducting a review of the discrete population segments (DPS) of humpback whales for potential delisting, and the Northeast Pacific humpback whale could be delisted from the ESA list if the review determines that this population has recovered significantly.

Potential Effects of the Specified Activity on Marine Mammals

The effects of underwater noise from in-water pile removal and pile driving associated with the Coupeville Timber Towers Preservation Project has the potential to result in behavioral harassment of marine mammal species and stocks in the vicinity of the action area. The Notice of Proposed IHA (81 FR 3378; January 21, 2016) included a discussion of the effects of anthropogenic noise on marine mammals, which is not repeated here. No instances of hearing threshold shifts (TS), injury, serious injury, or mortality are expected as a result of WSDOT's activities because the relatively low received levels from the sources. In addition, marine mammals are likely to avoid the immediate vicinity of the pile driving area to avoid TS.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels, but the project may also result in additional effects to marine mammal prey species and short-term local water turbidity caused by in-water construction due to pile removal and

pile driving. These potential effects and the significance of any important marine mammal habitat are discussed in detail in the **Federal Register** notice for the proposed IHA and are not repeated here. The discussion provided previously indicates that any impacts to marine mammal habitat are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Mitigation Measures

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For WSDOT's proposed Coupeville Timber Towers Preservation Project, NMFS is requiring WSDOT to implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the in-water construction activities.

Time Restriction

Work would occur only during daylight hours, when visual monitoring of marine mammals can be conducted. In addition, all in-water construction will be limited to the period between July 15, 2016, and February 15, 2017, to avoid impacts to spawning salmonids.

Underwater Noise Attenuation Device

An air bubble curtain system or other noise attenuation device would be employed during impact installation or proofing of steel piles unless the piles are driven on dry areas.

Establishment of Exclusion Zone and Level B Harassment Zones of Influence

Before the commencement of in-water pile driving activities, WSDOT would establish Level A exclusion zones and Level B zones of influence (ZOIs). The received underwater sound pressure levels (SPLs) within the exclusion zone would be 190 dB (rms) re 1 µPa and above for pinnipeds and 180 dB (rms) re 1 µPa and above for cetaceans. The Level B ZOIs would encompass areas where received underwater SPLs are higher than 160 dB (rms) and 120 dB (rms) re 1 µPa for impulse noise sources (impact pile driving) and non-impulse noise sources (vibratory pile removal), respectively.

Based on in-water measurements at the WSDOT Port Townsend Ferry Terminal (WSDOT 2011a), removal of 12-in timber piles generated 149 to 152 dB (rms) re 1 µPa with an overall average value of 150 dB (rms) re 1 µPa measured at 16 m. A worst-case noise level for vibratory removal of 12-in timber piles would be 152 dB (rms) re 1 µPa at 16 m.

Based on in-water measurements at the WSDOT Port Townsend Ferry terminal, impact pile driving of 24-in steel piles ranged from 175 to187 dB (rms) re 1 µPa measured at 10 m during the use of an air bubble curtain (WSDOT 2014a). An air bubble curtain would be used to attenuate steel pile impact driving noise during this project. A worst-case noise level for impact driving of 24-in steel piles would be 187 dB (rms) re 1 µPa at 10 m.

Data for vibratory removal of 24-inch temporary steel piles is not available, so it is conservatively assumed to be the same as vibratory driving. Based on in-water measurements at the same location as the activity considered here (previously known as the WSDOT Keystone Ferry Terminal), vibratory driving of 24-in steel piles ranged from 164 to 176 dB (rms) re 1 µPa with an overall average value of 171 dB (rms) re 1 µPa. Distances from hydrophone to pile ranged between 6 and 11 m (WSDOT 2010a). A worst-case noise level for vibratory removal of 24-in steel piles will be 176 dB (rms) re 1 µPa at 6 m.

Using a simple practical spreading model (sound transmission loss of 4.5dB per doubling distance) to determine the distance where underwater sound will attenuate to the 120 dB (rms) re 1 µPa threshold, the ZOIs are calculated below:

- 152 dB (rms) re 1 µPa at 16 m (12-in timber vibratory pile removal): ~2.3 km/1.4 mi
- 176 dB (rms) re 1 µPa at 6 m (24-in steel vibratory pile removal): ~32 km/20 mi (land is reached at ~31 km/19 mi)

The vibratory pile removal source levels do not exceed the Level A harassment criteria.

Using 187 dB (rms) re 1 µPa at 10 m for 24-in impact pile driving and the practical spreading loss model, the distances to the thresholds are calculated:

- The 190 dB (rms) re 1 µPa pinniped Level A harassment exclusion zone is reached within 6.3 m/21 ft.
- The 180 dB (rms) re 1 µPa cetacean Level A harassment exclusion zone is reached within 29 m/95 ft.
- The 160 dB (rms) re 1 µPa Level B ZOI is reached within 631 m/2,070 ft.

The more conservative cetacean injury zone (29 m/95 ft.) will be used to set the 24-inch steel exclusion zone. Although there is no acoustic injury zone for vibratory pile removal and the use of other heavy machinery other than impact pile driving, WSDOT should establish an exclusion zone of 10 m (30 ft.) around the equipment.

A summary of distances and areas of the exclusion zones for Level A harassment and of ZOI for Level B harassment is provided in Table 2 below.

TABLE 2—DISTANCES AND AREAS OF LEVEL A AND LEVEL B HARASSMENT ZONES FOR VIBRATORY AND IMPACT PILE DRIVING ACTIVITIES

Pile driving method	Distance to 190 dB (m)	Distance to 180 dB (m)	Distance to 160 dB (m)	Distance to 120 dB (km)	ZOI size (km^2)
Vibratory pile removal (12-in timber)	NA	NA	NA	2.3	6.4
Vibratory pile removal (24-in steel)	NA	NA	NA	32	140
Impact driving (24-in steel pile)	6.3	29	631	NA	0.16

Soft Start

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the pile driver reaches full power. Whenever there has been downtime of 30 minutes or more without pile driving, the contractor will initiate the driving with ramp-up procedures.

For vibratory hammers, the contractor shall initiate the driving for 15 seconds at reduced energy, followed by a 1 minute waiting period. This procedure shall be repeated two additional times before continuous driving is started. This procedure shall also apply to vibratory pile removal.

For impact driving, an initial set of three strikes would be made by the hammer at 40-percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets at 40-percent energy, with 1-minute waiting periods, before initiating continuous driving.

Shutdown and Power-Down Measures

WSDOT shall implement shutdown if a marine mammal is sighted within or approaching the Level A exclusion zone. In-water construction activities shall be suspended until the marine mammal is sighted moving away from the exclusion zone, or if a large cetacean is not sighted for 30 minutes or if a small cetacean or pinniped is not sighted for 15 minutes after the shutdown.

In addition, WSDOT would implement shutdown measure when Southern Resident killer whales (as identified by Orca Network, NMFS, or other qualified source) or when humpback whales are detected or are notified by local marine mammal researchers to approach the ZOIs during pile removal and pile driving, therefore preventing Level B takes of Southern Resident killer whales and humpback whales.

If a killer whale approaches the ZOI during pile driving or removal, and it is unknown whether it is a Southern Resident killer whale or a transient killer whale, it shall be assumed to be a Southern Resident killer whale and WSDOT shall implement the shutdown measure.

Finally, WSDOT would implement shutdown or measure to prevent Level B takes when the take of any other species or stock of marine mammal is approaching the limited take authorized under the IHA.

Coordination With Local Marine Mammal Research Network

Prior to the start of daily pile driving, the Orca Network and/or Center for Whale Research would be contacted to find out the location of the nearest marine mammal sightings. Daily sightings information can be found on the Orca Network Twitter site (*https://twitter.com/orcanetwork*), which would be checked several times a day.

The Orca Sightings Network consists of a list of over 600 (and growing) residents, scientists, and government agency personnel in the U.S. and Canada. Sightings are called or emailed into the Orca Network and immediately distributed to other sighting networks including: the Northwest Fisheries Science Center of NMFS, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline and the British Columbia Sightings Network.

''Sightings'' information collected by the Orca Network includes detection by hydrophone. The SeaSound Remote Sensing Network is a system of interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study orca communication, in-water noise, bottom-fish ecology and local climatic conditions. A hydrophone at the Port Townsend Marine Science Center measures average in-water sound levels and automatically detects unusual sounds. These passive acoustic devices allow researchers to hear when different marine mammals come into the region. This acoustic network, combined with the volunteer (incidental) visual sighting network allows researchers to document presence and location of various marine mammal species.

With this level of coordination in the region of activity, WSDOT will be able to get real-time information on the presence or absence of whales before starting any pile driving.

Mitigation Conclusions

NMFS has carefully evaluated the mitigation measures proposed by WSDOT in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. NMFS does not believe any further mitigation measures are necessary to achieve this purpose. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals.
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned.
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of pile driving and pile removal or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3) A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of pile driving, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an incidental take authorization (ITA) for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. WSDOT submitted a marine mammal monitoring plan as part of the IHA application. It can be found at

http://www.nmfs.noaa.gov/pr/permits/incidental.htm.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

(2) An increase in our understanding of how many marine mammals are likely to be exposed to levels of pile driving that we associate with specific adverse effects, such as behavioral harassment, Temporary Threshold Shift (TTS), or Permanent Threshold Shift (PTS);

(3) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

(4) An increased knowledge of the affected species; and

(5) An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring Measures

WSDOT shall employ NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Coupeville timber towers preservation project. During pile removal and installation, land-based and vessel-based PSOs would monitor the area from the best observation points available. The number of PSOs will be based on the sizes of ensonified zones and on the number necessary to ensure that the entire zones are monitored.

- During 24-inch steel impact pile driving, two land-based PSOs monitors will monitor the exclusion zone and ZOI. Pile driving will be paused if any marine mammal approaches the exclusion zone, which equate to the 29-m Level A harassment zone for those species for which take is authorized and to the larger Level B harassment zone for all other species.
- During in-water construction using other heavy machinery (including vibratory pile removal), construction activities should be paused if any marine mammal approaches the 10-m exclusion zone surrounding the heavy equipment.
- During vibratory timber pile removal, two land-based PSOs will monitor the ZOI, as shown in Figure 2 of WSDOT's Marine Mammal Monitoring Plan.
- During 24-inch vibratory pile removal, 7 land-based PSOs and one monitoring boat with a PSO and boat operator will monitor the ZOI, as shown in Figure 3 of WSDOT's Marine Mammal Monitoring Plan.
- If weather prevents safe use of the boat in the main channel of the ZOI, the boat will be used in other areas of the ZOI that are safe, such as the southwest corner of the ZOI, and where lack of public access prevents stationing a land-based PSO.

The PSOs would observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. If a PSO observes a marine mammal within or approaching the exclusion zone, the PSO would notify the work crew to initiate shutdown measures. Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 × 42 power). To verify the required monitoring distance, the exclusion zones and ZOIs will be determined by using a range finder or hand-held global positioning system device.

During the project, in-water measurements of vibratory pile removal and impact pile driving noises may be taken to determine if the ZOIs need to be modified.

Reporting Measures

WSDOT shall submit a final monitoring report within 90 days after completion of the construction work or the expiration of the IHA, whichever comes earlier. This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the report, and if NMFS has comments, WSDOT would address the comments and submit a final report to NMFS within 30 days.

In addition, NMFS requires WSDOT to notify NMFS' Office of Protected Resources and NMFS' Stranding Network within 48 hours of sighting an injured or dead marine mammal in the vicinity of the construction site. WSDOT shall provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition, if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that WSDOT finds an injured or dead marine mammal that is not in the vicinity of the construction area, WSDOT would report the same information as listed above to NMFS as soon as operationally feasible.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

In-water pile removal and pile driving (vibratory and impact) generate loud noises that could potentially harass marine mammals in the vicinity of WSDOT's proposed Coupeville timber tower preservation project.

Currently NMFS uses 120 dB re 1 μPa and 160 dB re 1 μPa at the received levels for the onset of Level B harassment from non-impulse (vibratory pile driving and removal) and impulse sources (impact pile driving) underwater, respectively. Table 3 summarizes the current NMFS marine mammal take criteria.

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Criterion Criterion	definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 µPa (cetaceans). 190 dB re 1 µPa (pinnipeds). root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 µPa (rms).
Level B Harassment	Behavioral Disruption (for non-impulse noise)	120 dB re 1 µPa (rms).

As explained above, exclusion zones and ZOIs will be established that encompass the areas where received underwater sound pressure levels (SPLs) exceed the applicable thresholds for Level A and Level B harassments, respectively.

With the exception of harbor seals, Steller sea lion, and harbor porpoise, it is anticipated that all of the marine mammals that enter the Level B acoustical harassment ZOIs will be exposed to pile driving and removal noise only as they are transiting the area. Only harbor seals, Steller sea lion, and harbor porpoise are expected to forage and haulout in the Coupeville ZOIs with any frequency and could be exposed multiple times during a project.

As mentioned earlier, the distances to NMFS threshold for Level B (harassment) take for impact pile driving and vibratory pile removal were estimated as follows:

- *ZOI–1:* the 160 dB (rms) impact pile driving harassment threshold for 24'' steel = 631 m/1,523 ft.
- *ZOI–2:* the 120 dB (rms) vibratory harassment threshold for 12-inch timber vibratory pile removal: = ~2.3 km/1.4 mi.
- *ZOI–3:* the 120 dB (rms) vibratory harassment threshold for 24-inch steel vibratory pile removal: = ~32 km/20 mi (land is reached at ~31 km/19 mi).

Airborne noises can affect pinnipeds, especially resting seals hauled out on rocks or sand spits. The 90 dB (rms) re 20 µPa harbor seal threshold was estimated at 126 ft/38 m, and the 100 dB (rms) re 20 µPa sea lion threshold at 40 ft/12 m.

The closest documented harbor seal haulout is the Rat Island/Kilisut Harbor Spit haulout in Port Townsend Bay, 5.5 miles southwest. The closest documented California sea lion haulout is a channel marker buoy located off Whidbey Island's Bush Point, 9 miles south. The closest documented Steller sea lion haulout is Craven Rock haulout, east of Marrowstone Island 5.5 miles south of the ferry terminal. Therefore, in-air disturbance could occur only to those pinnipeds moving on the surface through the immediate pier area, within approximately 126 ft/38 m and 40 ft/12 m of pile removal and driving. However, these individuals would also likely be exposed to underwater sound produced by the project. We do not consider potential effects from airborne noise further in this analysis.

No Level A take is expected due to implementing monitoring and mitigation measures such as installing air bubble curtain device for all impact pile driving and implementing shut-down measures for marine mammals about to enter the exclusion zones.

Incidental take for each species is estimated by determining the likelihood of a marine mammal being present within a ZOI during active pile driving or removal. Expected marine mammal presence is determined by past observations and general abundance near the project site during the construction window. Typically, potential take is estimated by multiplying the area of the ZOI by the local animal density. This provides an estimate of the number of animals that might occupy the ZOI at any given moment. However, there are no density estimates for any Puget Sound population of marine mammal. As a result, the take requests were estimated using local marine mammal data sets (*e.g.,* The Whale Museum, Orca Network, state and federal agencies), opinions from state and federal agencies, and observations from WSDOT biologists.

The calculation for marine mammal exposures is estimated by:

Exposure estimate = N × days of pile driving/removal, where:

N = # of animals based on long-term observations by local researchers.

Specifically, daily marine mammal occurrence (N) for harbor seal, Steller sea lion, and harbor porpoise are based on the observation data from the Orca Network (WSDOT 2015). Daily marine mammal occurrence for Dall's porpoise, transient killer whale, gray whale, and minke whale are based on the observation data from the Whale Museum (WSDOT 2015). The occurrence of the rest of the marine mammal species which do not frequently occur in the proposed project area are based on limited sighting occurrences over the years (WSDOT 2015).

Using this approach, a summary of estimated takes of marine mammals incidental to WSDOT's Coupeville Timber Towers Preservation Project are provided in Table 4.

TABLE 4—ESTIMATED NUMBERS OF MARINE MAMMALS THAT MAY BE EXPOSED TO RECEIVED NOISE LEVELS THAT COULD CAUSE LEVEL B BEHAVIORAL HARASSMENT

Species	Estimated marine mammal takes	Abundance	Percentage
Pacific harbor seal	256	11,036	2.3
California sea lion	16	296,750	0.01
Steller sea lion	328	63,160	0.6
Northern elephant seal	16	74,913	0.02
Harbor porpoise	440	10,682	4.1
Dall's porpoise	24	42,000	0.06
Killer whale, transient	48	243	19.7
Pacific white-sided dolphin	16	29,930	0.05
Gray whale	8	19,126	0.04
Minke whale	16	202	7.9

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

WSDOT's proposed Coupeville timber tower preservation project would involve vibratory pile removal and impact pile driving activities. Elevated underwater noises are expected to be generated as a result of these activities; however, these noises are expected to result in no mortality or Level A harassment and limited Level B harassment of marine mammals. WSDOT would employ an attenuation device (*e.g.,* air bubble curtain) during impact pile driving, thus eliminating the potential for injury (including PTS) and TTS from noise impact. For vibratory pile removal, noise levels are not expected to reach the level that may cause TTS, injury (including PTS), or mortality to marine mammals. Therefore, NMFS does not expect that any animals would experience Level A harassment (including injury or PTS) or Level B harassment in the form of TTS from being exposed to in-water pile removal and pile driving associated with WSDOT's construction project.

Additionally, the sum of noise from WSDOT's proposed Coupeville timber tower preservation construction activities is confined to a limited area by surrounding landmasses; therefore, the noise generated is not expected to contribute to increased ocean ambient noise. In addition, due to shallow water depths in the project area, underwater sound propagation of low-frequency sound (which is the major noise source from pile driving) is expected to be poor and the area affected by underwater sound may be smaller than is assumed here.

In addition, WSDOT's proposed activities are localized and of short duration. The entire project area is limited to WSDOT's Coupeville timber towers preservation construction work. The entire project duration for the construction would involve 12 hours in 8 days. These low-intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Moreover, the required mitigation and monitoring measures are expected to reduce potential exposures and behavioral modifications even further. WSDOT would implement rigorous monitoring and mitigation measures to prevent takes of ESA-listed species (Southern Resident killer whales and humpback whales). Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the proposed action area (Calambokidis *et al.* 2015). Therefore, the take resulting from the proposed Coupeville timber tower preservation work is not reasonably expected to, and is not reasonably likely to, adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival.

The proposed project area is not a prime habitat for marine mammals, nor is it considered an area frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with WSDOT's construction activities are expected to affect marine mammals on an infrequent and limited basis.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' section. The project activities would not modify existing marine mammal habitat. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from WSDOT's Coupeville timber tower preservation project will have a negligible impact on the affected marine mammal species or stocks.

Small Number

Based on analyses provided above, it is estimated that approximately 256 harbor seals, 16 California sea lions, 328 Steller sea lions, 16 northern elephant seals, 440 harbor porpoises, 24 Dall's porpoises, 48 transient killer whales, 16 Pacific white-sided dolphins, 8 gray whales, and 16 minke whales could be exposed to received noise levels that could cause Level B behavioral harassment from the proposed construction work at the Coupeville Ferry Terminal in Washington State. These numbers represent approximately 0.02% to 19.7% of the populations of these species that could be affected by Level B behavioral harassment, respectively (see Table 4 above), which are small percentages relative to the total populations of the affected species or stocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, which are expected to reduce the number of marine mammals potentially affected by the proposed action, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no subsistence uses of marine mammals in the proposed project area; and, thus, no subsistence uses impacted by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

The humpback whale and the Southern Resident stock of killer whale are the only marine mammal species currently listed under the ESA that could occur in the vicinity of WSDOT's proposed construction projects. WSDOT would implement rigorous monitoring and mitigation measures to prevent takes of these ESA-listed species. NMFS' Permits and Conservation Division coordinated with NMFS West Coast Regional Office (WCRO) and

reviewed the WSDOT's proposed monitoring and mitigation measures and determined that with the implementation of these measures, ESA-listed species would not be affected. Therefore, WCRO concurs that section 7 consultation under the ESA is not warranted for the issuance of the IHA.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from WSDOT's Coupeville Timber Tower preservation project. A Finding of No Significant Impact (FONSI) was signed in March 2016. A copy of the EA and FONSI is available on the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/* (see **ADDRESSES**).

Authorization

As a result of these determinations, NMFS has issued an IHA to WSDOT for the harassment of small numbers of 10 marine mammal species incidental to the construction work associated to the Coupeville Timber Tower preservation project in Washington State, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: March 24, 2016.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–07078 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee; Call for Applications

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice; Call for applications to serve on advisory committee.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is seeking applications from persons interested in serving on the Department of Commerce Spectrum Management Advisory Committee (CSMAC or committee) for two-year terms. The CSMAC provides advice to the Assistant Secretary for Communications and Information and NTIA Administrator on spectrum policy matters.

DATES: Applications must be postmarked or electronically transmitted on or before May 13, 2016.

ADDRESSES: Persons may submit applications, with the information specified below, to David J. Reed, Designated Federal Officer, by email to *dreed@ntia.doc.gov* or by U.S. mail or commercial delivery service to Office of Spectrum Management, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4600, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: David J. Reed at (202) 482–5955 or *dreed@ntia.doc.gov*.

SUPPLEMENTARY INFORMATION: The Commerce Spectrum Management Advisory Committee has been established and chartered by the Department of Commerce under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and pursuant to section 105(b) of the National Telecommunications and Information Administration Organization Act, as amended, 47 U.S.C. 904(b). The Department of Commerce re-chartered the CSMAC on March 3, 2015, for a two-year period. The CSMAC advises the Assistant Secretary of Commerce for Communications and Information on a broad range of issues regarding spectrum policy. In particular, the current charter provides that the committee will provide advice and recommendations on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes their public benefit; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. The CSMAC functions solely as an advisory body in compliance with the FACA. Additional information about the CSMAC and its activities may be found at *http://www.ntia.doc.gov/category/csmac*.

Under the terms of the committee's charter, it will have no fewer than five (5) members and no more than thirty (30) members. The members serve on the CSMAC in the capacity of Special Government Employee (SGE). As SGEs, members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. Members will not receive compensation or reimbursement for travel or for per diem expenses. No member may be a registered federal lobbyist pursuant to the Lobbying Disclosure Act of 1995 (*codified at* 2 U.S.C. 1601 *et seq.*). *See* Office of Management and Budget, *Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions,* 79 FR 47482 (Aug. 13, 2014). No member may be an agent of a foreign principal required to register pursuant to the Foreign Agents Registration Act of 1938, as amended (*codified at* 22 U.S.C. 611 *et seq.*).

The Secretary of Commerce appoints members of the committee who serve at the Secretary's pleasure and discretion for up to a two-year term and may be reappointed for additional terms. NTIA currently seeks applicants for new two-year terms that will commence in August 2016 and continue through August 2018, subject to the anticipated timely renewal of the committee's charter or its termination by proper authority.

The committee's membership will be fairly balanced in terms of the points of view represented by members and the functions to be performed. Accordingly, its membership will reflect a balanced cross-section of interests in spectrum management and policy, including non-federal spectrum users; state, regional, and local sectors; technology developers and manufacturers; academia; civil society; and service providers with customers in both domestic and international markets. A description of factors that will be considered to determine each applicant's expertise is contained in the committee's Membership Balance Plan (*available at http://www.ntia.doc.gov/other-publication/2013/csmac-membership-balance-plan*).

In particular, NTIA seeks applicants with strong technical and engineering knowledge and experience, familiarity with commercial or private wireless technologies and associated businesses, or expertise with specific applications of wireless technologies. The Secretary may consider factors including, but not limited to, educational background, past work or academic accomplishments, and the industry sector in which a member is currently or previously employed. All appointments are made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, cultural, religious, or socioeconomic status.

Each application must include the applicant's full name, address, telephone number and email address, along with a summary of the applicant's qualifications that identifies, with specificity, how his or her education, training, experience, expertise, or other factors would support the CSMAC's work and how his or her participation would help achieve the balance factors described above. Each application must

also include a detailed resume or *curriculum vitae*.

Dated: March 23, 2016.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2016–06975 Filed 3–28–16; 8:45 am]

BILLING CODE 3510–10–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0012, Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on futures volume, open interest, price, deliveries, and purchases/sales of futures for commodities or for derivatives positions.

DATES: Comments must be submitted on or before May 31, 2016.

ADDRESSES: You may submit comments, identified by ''Futures Volume & Open Interest Collection,'' 3038–0012, by any of the following methods:

- The Agency's Web site, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Gary J. Martinaitis, Associate Deputy Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5209; email: *gmartinaitis@cftc.gov,* and refer to OMB Control No. 3038–0012.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions (OMB Control No. 3038–0012). This is a request for extension of a currently approved information collection.

Abstract: Commission Regulation 16.01 requires the U.S. futures exchanges to publish daily information on the items listed in the title of the collection. The information required by this rule is in the public interest and is necessary for market surveillance. This rule is promulgated pursuant to the Commission's rulemaking authority contained in section 5 of the Commodity Exchange Act, 7 U.S.C. 7 (2010).

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission'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, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

ESTIMATED ANNUAL REPORTING BURDEN

17 CFR section	Annual number of respondents	Frequency of response	Total annual responses	Hours per response	Total hours
16.01	15	Daily	3,750	0.5	1,875

[1] 17 CFR 145.9.

Respondents/Affected Entities: Designated Contract Markets.

Estimated number of respondents: 15.

Estimated total annual burden on respondents: 1,875 hours.

Frequency of collection: Daily.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: March 23, 2016.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2016–07006 Filed 3–28–16; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Command and General Staff College (CGSC) Board of Visitors, a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The CGSC Board of Visitors Subcommittee will meet from 9 a.m. to 4:30 p.m. on May 9, and from 8:30 a.m. to 12 p.m. on May 10, 2016.

ADDRESSES: United States Army Command and General Staff College, Lewis and Clark Center, 100 Stimson Ave., Bell Conference Room, Ft. Leavenworth, KS 66027.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Baumann, the Alternate Designated Federal Officer for the subcommittee, in writing at Command and General Staff College, 100 Stimson Ave., Ft. Leavenworth, KS 66027, by email at *robert.f.baumann.civ@mail.mil,* or by telephone at (913) 684–2742.

SUPPLEMENTARY INFORMATION: The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The Army Education Advisory Committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. The CGSC Board of Visitors subcommittee focuses primarily on CGSC. The purpose of the meeting is to provide the subcommittee with an overview of CGSC academic programs, with focus on the College's two degree-granting schools: The Command and General Staff School (CGSS) and the School of Advanced Military Studies (SAMS), in the aftermath of recent regional academic accreditation review in March 2016, and to address other administrative matters. Current CGSC administrators, faculty, and students will be available to offer their perspectives.

Proposed Agenda: May 9 and 10—The subcommittee will review the findings of the accreditation review by the Higher Learning Commission in March 2016, and discuss any other matters relevant to the health and effectiveness of CGSC programs; the committee will also complete as needed training or certain administrative requirements associated with the appointment and service of individual subcommittee members. Provisional findings and recommendations from these general subcommittee deliberations will be referred to the Army Education Advisory Committee for deliberation by the Committee under the open-meeting rules.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Dr. Baumann, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public attending the subcommittee meetings will not be permitted to present questions from the floor or speak to any issue under consideration by the subcommittee. Because the meeting of the subcommittee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeing to enter and exit the installation. Lewis and Clark Center is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Dr. Baumann, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the subcommittee, in response to the stated agenda of the open meeting or in regard to the subcommittee's mission in general. Written comments or statements should be submitted to Dr. Baumann, the subcommittee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Alternate Designated Federal Officer will review all submitted written comments or statements and provide them to members of the subcommittee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the subcommittee. Written comments or statements received after this date may not be provided to the subcommittee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the subcommittee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the Subcommittee Chair, determine whether the subject matter of each comment is relevant to the Subcommittee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no

more than three minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–07076 Filed 3–28–16; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0026]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 28, 2016.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Security Assistance Network (SAN); SC–TMS TRAINING FORM; OMB Control Number 0704–XXXX.

Type of Request: Existing Collection in Use Without an OMB Control Number.

Number of Respondents: 43,980.

Responses per Respondent: 1.

Annual Responses: 43,980.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 10,995.

Needs and Uses: The information collection requirement is necessary to exchange Security Cooperation training information between overseas Security Cooperation Offices, Geographical Combatant Commands, Military Departments, Defense Security Cooperation Agency, DoD Schoolhouses, Regional Centers, and International Host Nation Organizations. The Security Cooperation Management System (SC–TMS) is a tool used by the Security Cooperation community to manage International Military Student training data. If the information on the student form is not collected, DoD schoolhouses will not be able to process students for attendance in resident or at mobile training locations in compliance with DepSecDef directive and federal law requiring the reporting of training of foreign nationals.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: March 24, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–07031 Filed 3–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2016–OS–0030]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness 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 31, 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 Office of the Under Secretary of Defense (Personnel and Readiness) (Defense Human Resource Activity), ATTN: Bette Inch, SAPRO, 4800 Mark Center Drive, Alexandria, VA 22350–8000 or submit an email to *whs.mc-alex.wso.mbx.SAPRO@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Sexual Assault Prevention and Response Office Victim-Related Inquiries; DD Form 2985 ''Department of Defense Sexual Assault Prevention

and Response Office Request for SAPRO's Assistance'' and DD Form 2985–1 ''Military Feedback Form''; OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to facilitate a timely response and appropriate resolution to inquiries from DoD sexual assault victims/survivors, support personnel and others. Collection of this information promotes victim recovery.

Affected Public: Individuals or Households.

Annual Burden Hours: 15.

Number of Respondents: 30.

Responses per Respondent: 1.

Annual Responses: 30.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

This information collection is used to support victims and survivors of sexual assault in their recovery and to maintain a database of inquiries that documents the nature and status of inquiries in order to provide adequate follow-up services and inform sexual assault prevention and response program and policy improvements.

Dated: March 24, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–07029 Filed 3–28–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Houston Ship Channel 45-Foot Expansion Channel Improvement Project (HSC ECIP), Harris and Chambers Counties, Texas

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare an environmental impact statement (EIS) for the Houston Ship Channel 45-Foot Expansion Channel Improvement Project (HSC ECIP), Harris and Chambers Counties, Texas.

This study will identify and evaluate a combination of modifications to the HSC to improve the efficiency and safety of the HSC system. A 905(b) report recommending a cost shared feasibility-level study was approved on September 22, 2015.

DATES: See **SUPPLEMENTARY INFORMATION** section for scoping meeting dates.

FOR FURTHER INFORMATION CONTACT: Questions concerning the draft EIS should be addressed to Ms. Tammy Gilmore, CEMVN–PDN–CEP, P.O. Box 60267, New Orleans, LA 70160–0267; telephone: (504) 862–1002; fax: (504) 862–1583; or by email: *tammy.h.gilmore@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Authority.* Public Law 91–611; Title II—Flood Control Act of 1970, Section 216 dated December 31, 1970. The study is being performed in response to the standing authority of Section 216 of the Flood Control Act of 1970, as amended.

2. *Proposed Action.* In general, the entire HSC will be evaluated for up to date current and projected vessel size and traffic. The study focus will include deepening and widening opportunities of the upper reach of the HSC referred to as Boggy Bayou to the Main Turning Basin; improvements to side channels, Bayport Ship Channel and Barbour's Cut Channel; and Galveston Bay Reach safety and efficiency enhancements. Details of the study include the following 5 separable elements:

HSC—Boggy Bayou to I–610 Bridge: This analysis would evaluate deepening and widening the 8-mile portion of the HSC from Boggy Bayou to the Interstate 610 Bridge (mile 40 to mile 48) to a depth beyond the existing 40 feet (Boggy Bayou to Sims Bayou) and a width greater than the existing 300 feet (in 50-foot increments) and possibly improvements to turning basin and mooring areas.

HSC—I–610 Bridge to Main Turning Basin: This analysis would evaluate the deepening and widening of the 4-mile portion of the HSC from the Interstate I–610 Bridge to the Main Turning Basin (mile 48 to mile 52) to a depth beyond the existing 36 feet (in 2-foot increments), a new turning basin near Brays Bayou, and revisit dimensions of existing turning basins and mooring areas.

Bayport Ship Channel: The 4.1 mile long Bayport Ship Channel is currently authorized to a depth of 40 feet. The Port of Houston Authority (PHA) has the authority under 33 U.S.C. Section 408 to deepen the channel to 45 feet and widen the bay portions of the channel 100 feet and widen the constricted portion of the channel within the land cut 50 feet. This analysis would evaluate whether to include the PHA's channel deepening for Federal authorization. The analysis would also evaluate widening to a width greater than 350 feet (25-foot increments). Other opportunities in this area are to evaluate the need for open water turning basin, and adding jetty/structures for minimizing shoaling and flare improvements.

Barbours Cut Channel: The 1.1 mile long Barbour's Cut Channel is currently authorized to a depth of 40 feet. The PHA has the authority, under 33 U.S.C. Section 408, to deepen the channel to 45 feet. This analysis would evaluate whether to include the PHA's channel deepening for Federal authorization. The analysis would also evaluate widening to a width greater than 300 feet (25-foot increments). Other opportunities in this area are to evaluate the need for open water turning basin and flare improvements.

Bay-reach safety and efficiency enhancements: This analysis would evaluate whether to construct an anchorage basin in or near Galveston Bay, the need of selectively widening the existing 530 feet wide HSC to develop passing lanes or improved vessel meeting opportunities; evaluate improvements to channel turns and bends; and evaluate the depth of the existing barge lanes.

3. *Public Involvement.* Public involvement, an essential part of the NEPA process, is integral to assessing the environmental consequences of the proposed action and improving the quality of the environmental decision making. The public includes affected and interested Federal, state, and local agencies, Indian tribes, concerned citizens, stakeholders, and other interested parties. Public participation in the EIS process will be strongly encouraged, both formally and informally, to enhance the probability of a more technically accurate, economically feasible, and socially acceptable EIS. Public involvement will include, but is not limited to: Information dissemination; identification of problems, needs and opportunities; idea generation; public education; problem solving; providing feedback on proposals; evaluation of alternatives; conflict resolution; public and scoping notices and meetings; public, stakeholder and advisory groups consultation and meetings; and making the EIS and supporting information readily available in conveniently located places, such as libraries and on the world wide web.

4. *Scoping.* Scoping, an early and open process for identifying the scope of significant issues related to the proposed action to be addressed in the EIS, will be used to: (a) Identify the affected public and agency concerns; (b) facilitate an efficient EIS preparation process; (c) define the issues and alternatives that will be examined in detail in the EIS; and (d) save time in the overall process by helping to ensure

that the draft EIS adequately addresses relevant issues. A Scoping Meeting Notice announcing the locations, dates and times for scoping meetings is anticipated to be posted on the PHA and U.S. Army Corps of Engineers Web sites and published in the local newspaper in April 2016.

5. *Coordination.* The USACE and the U.S. Fish and Wildlife Service (USFWS) have formally committed to work together to conserve, protect, and restore fish and wildlife resources while ensuring environmental sustainability of our Nation's water resources under the January 22, 2003, Partnership Agreement for Water Resources and Fish and Wildlife. The USFWS will provide a Fish and Wildlife Coordination Act Report. Coordination will be maintained with the USFWS, the National Marine Fisheries Service (NMFS) and the Texas Park and Wildlife Department (TPWD) regarding threatened and endangered species under their respective jurisdictional responsibilities. Coordination will be maintained with the NMFS regarding essential fish habitat. Coordination will be maintained with the U.S. Environmental Protection Agency concerning compliance with Executive Order 12898, ''Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations.'' Coordination will be maintained with the Advisory Counsel on Historic Preservation and the State Historic Preservation Office. Coordination will be maintained with the U.S. Coast Guard (USCG) to assure no interruption with navigation. Coordination will be maintained with the Texas Department of Transportation (TXDOT) to assure limited interruption to highway traffic. The Texas Commission on Environmental Quality (TCEQ) will be coordinated with to obtain Water Quality Certification. The Texas General Land Office (GLO) will be coordinated with on coastal management.

5. *Availability of Draft EIS.* The earliest that the draft EIS will be available for public review would be in 2017. The draft EIS or a notice of availability will be distributed to affected Federal, state, and local agencies, Indian tribes, and other interested parties.

Dated: March 21, 2016.

Richard P. Pannell,

Colonel, U.S. Army, Commanding.

[FR Doc. 2016–07061 Filed 3–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Meeting of the Chief of Engineers Environmental Advisory Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Chief of Engineers, Environmental Advisory Board (EAB). This meeting is open to the public. For additional information about the EAB, please visit the committee's Web site at *http://www.usace.army.mil/Missions/Environmental/EnvironmentalAdvisoryBoard.aspx.*

DATES: The meeting will be held from 9 a.m. to 12 p.m. on April 27, 2016. Public registration will begin at 8:30 a.m.

ADDRESSES: The EAB meeting will be conducted at The Residence Inn Washington, DC Downtown, located at 1199 Vermont Avenue NW., Washington, DC 20005, (202) 898–1100.

FOR FURTHER INFORMATION CONTACT: Ms. Mindy M. Simmons, the Designated Federal Officer (DFO) for the committee, in writing at U.S. Army Corps of Engineers, ATTN: CECW–P, 441 G St. NW.; Washington, DC 20314; by telephone at 202–761–4127; and by email at *Mindy.M.Simmons@usace.army.mil.* Alternatively, contact Ms. Anne Cann, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–7166; and by email at *Anne.R.Cann@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The EAB will advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems, and opportunities in an environmentally responsible manner. The EAB is interested in written and verbal comments from the public relevant to these purposes.

Proposed Agenda: At this meeting the agenda will include discussions and presentations on ongoing work plan efforts including: ecosystem restoration project prioritization criteria, ecosystem goods and services, and aging infrastructure and aquatic ecosystem integrity. The EAB will also discuss modifications to their work plan. The EAB will also hear presentations from the U.S. Army Corps of Engineers on its sustainability and resilience programs.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the April 27, 2016 meeting will be available at the meeting. The final version will be provided at the meeting. All materials will be posted to the Web site after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 8:30 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Ms. Simmons, the committee DFO, or Ms. Cann, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the EAB about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Ms. Simmons, the committee DFO, or Ms. Cann, the committee ADFO, via electronic mail, the preferred mode of

submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the EAB for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the EAB until its next meeting. Please note that because the EAB operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the EAB's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–07062 Filed 3–28–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0037]

Agency Information Collection Activities; Comment Request; Health Education Assistance Loan (HEAL) Program Regs.

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq*.), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 31, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0037. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Health Education Assistance Loan (HEAL) Program Regs.

OMB Control Number: 1845–0125.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households.

Total Estimated Number of Annual Responses: 144,930.

Total Estimated Number of Annual Burden Hours: 26,409.

Abstract: The Health Education Assistance Loan (HEAL) Program regulatory requirements for reporting, record-keeping and notification are approved under OMB 1845–0125 after the transfer from the U.S. Department of Health and Human Services to the U.S. Department of Education in 2014. The HEAL program provided federally insured loans to students for certain health programs. No new loans have been made since 1998. However, loans are still outstanding and being collected, therefore the regulatory requirements for reporting, record-keeping and notification continue to be needed to administer the program. These regulations work to ensure that participants in the program follow sound management procedures in the administration of the federal loan program.

Dated: March 24, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–07036 Filed 3–28–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0036]

Agency Information Collection Activities; Comment Request; 2017–2018 Free Application for Federal Student Aid (FAFSA)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 31, 2016.

ADDRESSES: To access and review all of the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0036. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact the Applicant Products Team at *StudentExperienceGroup@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps ED assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand ED's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. ED is especially interested in public comments addressing the following issues: (1) Is this collection necessary to the proper functions of ED; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might ED enhance the quality, utility, and clarity of the information to be collected; and (5) how might ED minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2017–2018 Free Application for Federal Student Aid (FAFSA).

OMB Control Number: 1845–0001.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Responses: 38,669,924.

Total Estimated Number of Annual Burden Hours: 20,036,012.

Abstract: Section 483 of the Higher Education Act of 1965, as amended (HEA), mandates that the Secretary of Education ''. . . shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance . . .''.

The determination of need and eligibility are for the following title IV, HEA, federal student financial assistance programs: The Federal Pell Grant Program; the Campus-Based programs (Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Work-Study (FWS), and the Federal Perkins Loan Program); the William D. Ford Federal Direct Loan Program; the Teacher Education Assistance for College and Higher Education (TEACH) Grant; and the Iraq and Afghanistan Service Grant.

Federal Student Aid, an office of the U.S. Department of Education (hereafter ''the Department''), subsequently developed an application process to collect and process the data necessary to determine a student's eligibility to receive title IV, HEA program assistance. The application process involves an applicant's submission of the Free Application for Federal Student Aid (FAFSA®). After submission of the FAFSA, an applicant receives a Student Aid Report (SAR), which is a summary of the data they submitted on the FAFSA. The applicant reviews the SAR, and, if necessary, will make corrections or updates to their submitted FAFSA data. Institutions of higher education listed by the applicant on the FAFSA also receive a summary of processed data submitted on the FAFSA which is called the Institutional Student Information Record (ISIR).

The Department seeks OMB approval of all application components as a single ''collection of information''. The aggregate burden will be accounted for under OMB Control Number 1845–0001. The specific application components, descriptions and submission methods for each are listed in Table 1.

TABLE 1—FEDERAL STUDENT AID APPLICATION COMPONENTS

Component Description		Submission method
Initial Submission of FAFSA		
FAFSA on the Web (FOTW)	Online FAFSA that offers applicants a customized experience	Submitted by the applicant via fafsa.gov.
FOTW—Renewal	Online FAFSA for applicants who have previously completed the FAFSA.	
FOTW—EZ	Online FAFSA for applicants who qualify for the Simplified Needs Test (SNT) or Automatic Zero (Auto Zero) needs analysis formulas.	
FOTW—EZ Renewal	Online FAFSA for applicants who have previously completed the FAFSA and who qualify for the SNT or Auto Zero needs analysis formulas.	
FAFSA on the Phone (FOTP)	The Federal Student Aid Information Center (FSAIC) representatives assist applicants by filing the FAFSA on their behalf through FOTW.	Submitted through fafsa.gov for applicants who call 1–800–4–FED–AID.
FOTP—EZ	FSAIC representatives assist applicants who qualify for the SNT or Auto Zero needs analysis formulas by filing the FAFSA on their behalf through FOTW.	

TABLE 1—FEDERAL STUDENT AID APPLICATION COMPONENTS—Continued

Component Description		Submission method
FAA Access	Online tool that a financial aid administrator (FAA) utilizes to submit a FAFSA.	Submitted through faaacess.ed.gov by an FAA on behalf of an applicant.
FAA Access—Renewal	Online tool that an FAA can utilize to submit a Renewal FAFSA.	
FAA Access—EZ	Online tool that an FAA can utilize to submit a FAFSA for applicants who qualify for the SNT or Auto Zero needs analysis formulas.	
FAA Access—EZ Renewal	Online tool that an FAA can utilize to submit a FAFSA for applicants who have previously completed the FAFSA and who qualify for the SNT or Auto Zero needs analysis formulas.	
Electronic Other	This is a submission done by an FAA, on behalf of the applicant, using the Electronic Data Exchange (EDE).	The FAA may be using their mainframe computer or software to facilitate the EDE process.
Printed FAFSA	The printed version of the PDF FAFSA for applicants who are unable to access the Internet or complete the form using FOTW.	Mailed by the applicant.
Correcting Submitted FAFSA Information and Reviewing FAFSA Information		
FOTW—Corrections	Any applicant who has a Federal Student Aid ID (FSA ID)—regardless of how they originally applied—may make corrections using FOTW Corrections.	Submitted by the applicant via fafsa.gov.
Electronic Other—Corrections	With the applicant's permission, corrections can be made by an FAA using the EDE.	The FAA may be using their mainframe computer or software to facilitate the EDE process.
Paper SAR—This is a SAR and an option for corrections.	The full paper summary that is mailed to paper applicants who did not provide an e-mail address and to applicants whose records were rejected due to critical errors during processing. Applicants can write corrections directly on the paper SAR and mail for processing.	Mailed by the applicant.
FAA Access—Corrections	An institution can use FAA Access to correct the FAFSA	Submitted through faaacess.ed.gov by an FAA on behalf of an applicant.
Internal Department Corrections	The Department will submit an applicant's record for system-generated corrections.	There is no burden to the applicants under this correction type as these are system-based corrections.
FSAIC Corrections	Any applicant, with their Data Release Number (DRN), can change the postsecondary institutions listed on their FAFSA or change their address by calling FSAIC.	These changes are made directly in the CPS system by a FSAIC representative.
SAR Electronic (eSAR)	The eSAR is an online version of the SAR that is available on FOTW to all applicants with an FSA ID. Notifications for the eSAR are sent to students who applied electronically or by paper and provided an e-mail address. These notifications are sent by e-mail and include a secure hyperlink that takes the user to the FOTW site.	Cannot be submitted for processing.

This information collection also documents an estimate of the annual public burden as it relates to the application process for federal student aid. The Applicant Burden Model (ABM) measures applicant burden through an assessment of the activities each applicant conducts in conjunction with other applicant characteristics and in terms of burden, the average applicant's experience. Key determinants of the ABM include:

□ The total number of applicants that will potentially apply for federal student aid;

□ How the applicant chooses to complete and submit the FAFSA (*e.g.,* by paper or electronically via FOTW®);

□ How the applicant chooses to submit any corrections and/or updates (*e.g.,* the paper SAR or electronically via FOTW Corrections);

□ The type of SAR document the applicant receives (eSAR, SAR acknowledgment, or paper SAR);

□ The formula applied to determine the applicant's expected family contribution (EFC) (full need analysis formula, Simplified Needs Test or Automatic Zero); and

□ The average amount of time involved in preparing to complete the application.

The ABM is largely driven by the number of potential applicants for the application cycle. The total application projection for 2017–2018 is based upon two factors—estimating the growth rate of the total enrollment into postsecondary education and applying the growth rate to the FAFSA submissions. The ABM is also based on the application options available to students and parents. The Department accounts for each application component based on web trending tools, survey information, and other Department data sources.

For this 2017–2018 Free Application for Federal Student Aid (FAFSA) collection, the Department is reporting a net burden decrease of −524,469 hours.

The reporting hour burden calculations in this notice reflect the Department's best estimates using data from the 2015–16 FAFSA application cycle in which Federal Student Aid traditionally has estimated reporting burden. However, in order to reflect a change in which prior tax year's information will be utilized in the application, a conservative estimate has been reflected as part of the reporting hour burden calculation. As such, we will continuously monitor and capture statistical information in order to reflect more accurate calculations in future cycles.

Dated: March 24, 2016.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–07013 Filed 3–28–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Hispanic Serving Institutions Science, Technology, Engineering & Mathematics (HSI STEM) and Articulation Program; Correction

Catalog of Federal Domestic Assistance (CFDA) Number: 84.031C

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: This notice corrects ''Section II. Award Information'' and ''Section IV. Application and Submission Information'' in the notice inviting applications for new awards for fiscal year (FY) 2016 for the HSI STEM and Articulation Program, published on March 4, 2016. This notice also extends the deadline dates for application submission and intergovernmental review.

DATES: Effective March 29, 2016.

Deadline for Transmittal of Applications: May 31, 2016.

Deadline for Intergovernmental Review: July 27, 2016.

FOR FURTHER INFORMATION CONTACT: Jeffrey Hartman or Everardo Gil, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 7E311, Washington, DC 20202. Telephone: (202) 502–7607 or (202) 219–7000 or by email: *Jeffrey.Hartman@ed.gov* or *Everardo.Gil@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Correction 1

In the **Federal Register** of March 4, 2016 (81 FR 11532), on page 11534, in the first column, section II, Award Information, after ''*Estimated Range of Awards,''* and before ''*Estimated Average Size of Awards''* we add the ''Maximum Award,'' to read:

''Maximum Award: $1,200,000.

We will reject any application that proposes a budget exceeding the maximum amount listed above for a single budget period of 12 months.''

Correction 2

In the **Federal Register** of March 4, 2016 (81 FR 11532), in section IV, Application and Submission Information, in the first column on page 11535, after the last sentence of section 2, Content and Form of Application Submission, add a new sentence regarding page limits to read:

''We will reject your application if you exceed the page limit.''

Correction 3

In the **Federal Register** of March 4, 2016 (81 FR 11532), on pages 11532 and 11535, the application deadline date and the deadline for intergovernmental review are provided. This notice extends those dates. The new dates are:

Deadline for Transmittal of Applications: May 31, 2016.

Deadline for Intergovernmental Review: July 27, 2016.

All other information in the March 4, 2016, notice remains unchanged.

Program Authority: 20 U.S.C. 1067q(b)(2)(B).

Accessible Format: Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program 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 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 24, 2016.

Lynn B. Mahaffie,

Deputy Assistant Secretary for Policy, Planning and Innovation Delegated the Duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2016–07071 Filed 3–28–16; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0035; FRL–9944–06]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application from Southern Gardens Citrus requesting an experimental use permit (EUP) for the *Citrus tristeza virus* (88232–EUP–E). The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before April 28, 2016.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2016–0035, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@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 those persons who conduct or sponsor research on

pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Submitter: Southern Gardens Citrus, 1820 County Rd. 833, Clewiston, FL 33440, (88232–EUP–E).

Pesticide Chemical: Citrus tristeza virus that has been modified to contain combinations of the defensin genes (SoD2, SoD7, and SoD8) derived from spinach.

Summary of Request: Southern Gardens Citrus is requesting an experimental use permit (EUP) for *Citrus tristeza virus* that has been modified to contain combinations of the defensin genes (SoD2, SoD7, and SoD8) derived from spinach (*Spinacia oleracea* L.). Modified *Citrus tristeza virus* will be applied to citrus trees in order to confer resistance to citrus greening disease. The proposed program is for 400 acres in Florida to generate agronomic, efficacy, and regulatory data and information.

Contact: BPPD.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 22, 2016.

Mark A. Hartman,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2016–07074 Filed 3–28–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Thursday, March 31, 2016 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for February 11, 2016
Correction and Approval of Minutes for February 25, 2016
Draft Advisory Opinion 2016–01: Ethiq, Inc.
Draft Final Rule and Explanation and Justification for Technical Amendments to 2015 CFR
Proposed Modifications to Program for Requesting Consideration of Legal Questions by the Commission
Proposed Statement of Policy Regarding the Public Disclosure of Closed Enforcement Documents
Motion to Open a Rulemaking to Assist Those Accepting Corporate Contributions or Making Corporate Expenditures in Complying with Existing Campaign Finance Law
Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2016–07120 Filed 3–25–16; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[BAC 6735–01]

Sunshine Act Notice

March 25, 2016.

TIME AND DATE: 10:00 a.m., Tuesday, April 5, 2016.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *The American Coal Company,* Docket Nos. LAKE 2008–666, et al. (Issues include whether the Judge erred in vacating the unwarrantable failure designations for three violations.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2016–07171 Filed 3–25–16; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[BAC 6735–01]

Sunshine Act Notice

March 25, 2016.

TIME AND DATE: 11:00 a.m., Tuesday, April 5, 2016.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Kentucky Fuel Corporation,* Docket Nos. KENT 2011–1557, et al. (Issues include whether the Judge erred in ruling that the Secretary's issuance of two separate citations with regard to the condition of a dozer was not impermissibly duplicative.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2016–07172 Filed 3–25–16; 4:15 pm]

BILLING CODE 6735–01–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 13, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *James and Dorothy Watson, Pewaukee, Wisconsin, as trustee of the James M. Watson & Dorothy Jean Watson Revocable Trust; the James M. Watson & Dorothy Jean Watson Revocable Trust; together with Al Lustig and Janice Watson, Thiensville, Wisconsin, as trustee of the Al Lustig & Janice Watson Trust; the Al Lustig & Janice Watson Trust; Richard and Christine Watson, Richmond, Virginia, as trustee of the Richard J. Watson and Christine E. Watson Revocable Living Trust; the Richard J. Watson and Christine E. Watson Revocable Living Trust; Andrew Lustic, Theinsville, Wisconsin; Daniel J. Watson, Mesa, Arizona; Sarah E. Watson, LaCrosse, Wisconsin; and Catharine De Renzis,* Richmond, Virginia, as a group acting in concert; to retain voting shares of Citizens Bank Holding, Inc., Mukwonago, Wisconsin, and thereby indirectly retain voting shares of Citizens Bank, Mukwonago, Wisconsin.

Board of Governors of the Federal Reserve System, March 24, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–07057 Filed 3–28–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the notices must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 2016.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Texas Security Bancshares, Inc.,* Dallas, Texas; to engage *de novo* in extending credit and servicing loans, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, March 24, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–07056 Filed 3–28–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 22, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Hometown Community Bancorp, Inc. and Hometown Community*

Bancorp, Inc., Employee Stock Ownership Plan and Trust, both in Morton, Illinois; to acquire 100 percent of the voting shares of Trivoli Bancorp, Inc., and thereby indirectly acquire voting shares of Heritage Bank of Central Illinois, both in Trivoli, Illinois.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *County Bancshares, Inc.,* Orange, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First Live Oak Bancshares, Inc., and First State Bank, both in Three Rivers, Texas.

Board of Governors of the Federal Reserve System, March 24, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–07058 Filed 3–28–16; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-ID–2016–01; Docket No. 2016–0002; Sequence No. 6]

Government-Wide Earth Day Hackathon, April 22, 2016

AGENCY: Innovative Technologies and 18F (OCSIT/18F), Office of Citizen Services, General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce a software programming and data innovation competition hosted by GSA's, Office of Citizen Services, Innovative Technologies and 18F (OCSIT/18F). GSA's OCSIT/18F Organization will be partnering with the White House Council on Environmental Quality (CEQ), the United States Environmental Protection Agency (EPA), the General Services Administration (GSA), the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), the United States Department of Agriculture (USDA), and the United States Forest Service (USFS) to present a Government-wide Earth Day Hackathon, on Friday, April 22, 2016. OCSIT/18F is inviting coders, developers, designers, engineers, data scientists, and Subject Matter Experts (SMEs) from industry, academia, and the federal government to participate. GSA, along with the agencies listed above, will present green and sustainable projects for participants to work on. The competition details can be viewed at *http://open.gsa.gov/EarthDay Hackathon/.*

Participants will be competing on teams to develop smart technology solutions in the form of an application, application programming interface (API), web/mobile application, data mashup, *etc.,* that have the capability to provide the federal government with key insights pertaining to data.

DATES: Online registration for this event will open on March 29, 2016, and will close Tuesday, April 19, 2016, at 11:59 p.m. Eastern Standard Time (EST). The competition will be open on Friday, April 22, 2016, from 9:00 a.m. until 4:30 p.m. Eastern Standard Time (EST); on-site registration at GSA will begin at 8:00 a.m. (EST).

ADDRESSES: *Registration:* Registration for this event will be accomplished online at the following link: *http://open.gsa.gov/EarthDayHackathon/.*

The event space is limited to the first 200 people; once registration is complete, participants will receive a confirmation email.

Event Location: GSA Headquarters, 1800 F Street NW., Washington, DC 20405. A government-issued ID shall be required to gain access into the building. All participants must enter through the main entrance located on 1800 F Street NW.

FOR INFORMATION CONTACT: Ms. Cindy A. Smith at *cindya.smith@gsa.gov* or 816–823–5291.

SUPPLEMENTARY INFORMATION:

Purpose: In this competition, participants are asked to develop a technology-driven solution using publicly available data that allows an agency to identify opportunities for improvements and transparency. As such, the Federal Government challenges the participants to create a solution using the data provided. Electronic links to publicly available datasets will be provided through the competition details Web page.

Details of Challenge: Participants will be asked to design and create a digital interactive solution that utilizes federal data collected. The solutions should not simply be analysis tools that tell what is already known; rather, they should be forward-thinking solutions that enhance transparency.

The solution should be a data-driven solution to provide meaningful insights that can help drive smarter decisions by federal employees. The ultimate goal is to help federal agencies use data to identify opportunities for improvements, share data with other federal agencies, and become more transparent to the American public.

The solution should—

1. Visually display or transmit data in a way that will enhance the way federal government works; and

2. Identify relationships through the analysis of the data, if they exist, while providing valuable insights that could be gained through improved data collection efforts.

Predetermined teams (consisting of 5 individuals) are welcome to include a stand-alone or mix of private industry, academia, and eligible individuals. Cash prizes will be awarded to the best projects.

Data: Participants will be provided all final project ideas, existing code, and publicly available datasets in advance of the event. Event information will be posted on the event page at, *http://open.gsa.gov/EarthDayHackathon/,* and will be updated as necessary.

Projects: Hackathon Projects may include the following:

- CEQ Challenges:

1. Create a visual dashboard on sustainable purchasing, by agency, using data captured in the government-wide procurement system.

2. Create a Web site and/or app that allows federal agencies and/or the public user, if appropriate, to assess whether or not their property is located in an area of wildfire risk.

- EPA's Challenges:

1. Develop a method to identify fraudulent reporting to the EPA using Benford's law of statistical probability.

2. Develop a mobile app that improves environmental awareness through the use of geo-fences.

3. Develop code that can be deployed on Android and iOS mobile apps that displays UV Index Forecast information specific to a defined beach.

4. Develop improved data visualizations or a consolidated dashboard associated with the climate change indicator data.

- GSA's Challenges:

1. Create a browser extension or add-on (for IE or Chrome) that allows users to determine whether the product they are viewing meets federal and agency sustainability requirements.

2. Develop a streamlined management tool to help teams collaborate and incorporate sustainability into any building project.

3. Build an app that allows a user to take a photo of products, building materials, and systems and receive green tips and sustainable purchasing information.

4. Create a phone application (Android or iOS) that allows a user to scan a barcode, or lookup a product, and then notifies the user if the product meets the latest sustainability requirements.

• NIST Challenge: Create an environmentally-friendly product selection Web Interface API.

• NOAA Challenges:

1. Create an API, browser extension or addon (for IE or Chrome) that allows users to compute their custom normals from NOAA's records of surface temperature and precipitation.

2. Create an API or tool that allows users to easily find Next-Generation Radar (NEXRAD) data on Amazon AWS 33.

3. Create an app, browser extension or add-on (for IE or Chrome) that allows users to visualize and/or compute on NOAA's current Multi-Radar Multi-Sensor (MRMS).

• USDA Challenge: Develop methods to present and compare performance on energy and water use in Forest Service facilities.

• USFS Challenge: Develop a prototype of a tool available on the web or as a phone app, that allows users to quickly and easily access shade scores for any neighborhood in the United States.

Eligibility for Challenge: Eligibility to participate in the Government-wide Earth Day Hackathon and win a prize is limited to entities/individuals—

1. That have registered to participate in the competition and complied with the rules of the competition as explained in this posting; and

2. That have been incorporated in and maintain a primary place of business in the United States. In the case of an individual, whether participating singly or in a group, the participant must be a citizen or permanent resident of the United States.

Participants may not be a federal entity or federal employee acting within the scope of employment. However, an individual or entity shall not be deemed ineligible to win prize money because the individual or entity used federal facilities or consulted with federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Participants agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this competition, whether the injury, death, damage, or loss arose through negligence or otherwise. Entrants are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Hackathon.

As the Federal Government is under a strict duty not to give preferential treatment to any private organization or individual, participants must agree to take diligent care to avoid the appearance of Federal Government endorsement of competition participation and submission. Participants must agree not to refer to the Federal Government's use of their submission (be it product or service) in any commercial advertising or similar promotions in a manner that could reasonably imply (in the judgment of a reasonable person) that the GSA or the Federal Government endorses, prefers, sponsors, or has an affiliation with participants' products or services. Participants agree that GSA's trademarks, logos, service marks, trade names, or the fact that GSA awarded a prize to a participant, shall not be used by the participant to imply direct GSA endorsement of participant or participant's submission. Both participants and GSA may list the other party's name in a publicly available customer or other list so long as the name is not displayed in a more prominent fashion than any other third-party name.

Prizes: GSA may award prizes of no more than $1,000 to each member of a winning team (3 teams total). GSA is not required to award all prizes if the judges determine that a smaller number of entries meet the scope and requirements laid out for this competition, or if the agency only plans to use code from a smaller number of entries.

Funding for the Government-wide Earth Day Hackathon award will come from GSA. Prizes will be awarded to each member of a winning team via Electronic Funds Transfer (EFT), within 60 days of announcing the winner(s).

Requirements: The final solution should be open source code and placed on a GSA site to be specified to participants the day of the event. ''Open source'' refers to a program in which the source code is available to the general public for use and/or modification from its original design free of charge. In order to be Open Source Initiative Certified, the solution must meet the following ten criteria:

1. The author or holder of the license of the source code cannot collect royalties on the distribution of the program.

2. The distributed program must make the source code accessible to the user.

3. The author must allow modifications and derivations of the work under the program's original name.

4. No person, group, or field of endeavor can be denied access to the program.

5. The rights attached to the program must not depend on the program being part of a particular software distribution.

6. The licensed software cannot place restrictions on other software that is distributed with it.

7. The solution must be an online, interactive solution that meets the goals and objectives provided in this document.

8. The solution must include documentation of all data sources used.

9. The solution must include a description of how the solution can be updated with additional data from other agencies.

10. The solver must provide recommendations to enhance government insights through improvements in data collection.

The winner(s) of the competition will, in consideration of the prize(s) to be awarded, grant to GSA a perpetual, non-exclusive, royalty-free license to use any and all intellectual property to the winning entry for any governmental purpose, including the right to permit such use by any other agency or agencies of the Federal Government. All other rights of the winning entrant will be retained by the winner of the competition.

Scope: Any federal data and information that is publicly available is included in the scope of this challenge. Final project ideas, existing code, and public datasets will be provided in advance of the event.

Judges: There will be a panel of judges, each with expertise in government-wide policy, information technology, and/or acquisition. Judges will award a score to each submission. The winner(s) of the competition will be decided based on the highest average overall score. Judges will only participate in judging submissions for which they do not have any conflicts of interest.

Judging Criteria: Each solution will be assessed based on technical competence and capabilities, use of data to provide effective outcomes, creativity/innovation, and valuable information and insights.

Submissions will be judged based on the following metrics—

Technical Competence and Capabilities/Weight 50%

The solution addresses the primary goals of the Hackathon. It is a finished product that can provide insightful analysis and show the Federal Governmentgovernment how to

enhance/improve existing functions, share data across federal agencies and more efficiently utilize existing applications.

Use of Data To Provide Effective Outcomes/Weight 20%

The solution displays in a way that is easy to understand, visually appealing, and will help drive understanding of current trends as well as recommendations.

Creativity/Innovation/Weight 10%

The solution exceeds any internal capability that GSA has for analysis of data through its incorporation of creative design elements and innovative capabilities.

Valuable Information & Insights Regarding Data/Weight 20%

The solver provides recommendations for additional data elements to be collected by the Federal Government. The solver identifies gaps in the data and utilizes external data sources and research to aid the government in setting future data collection policies.

Challenge Objectives:

- Utilize data to create an application, API, and/or data mashup.
- Provide a better understanding of use and needs of current and future data assets.
- Post all open source solutions on the GSA open source code site for future use by the Federal Government developer community and GSA.

All participants are required to check in with Security upon arriving at the GSA Central Office Building. Follow the posted signs to the Conference Center, Rooms 1459, 1460, and 1461.

All participants must sign the document titled: Gratuitous Service Agreement.

Dated: March 23, 2016.

Kris Rowley,

Director, Enterprise Information & Data Mgmt. Ofc.

[FR Doc. 2016–07032 Filed 3–28–16; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10615]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on an information collection concerning CMS' Healthy Indiana Program (HIP) 2.0 Beneficiaries Survey. We are also announcing that the proposed information collection had been submitted to OMB and was approved under control number 0938–1300 through September 30, 2016. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA) at 5 CFR 1320.13, our information collection request (ICR) was submitted to OMB for emergency processing. We requested emergency review under 5 CFR 1320.13(a)(2)(i) because public harm is reasonably likely to result if the normal clearance procedures were followed.

Following the regular PRA clearance process would jeopardize the timely completion of CMS' evaluation of the State's upcoming non-emergency medical transportation (NEMT) waiver and other important waivers. Most importantly, it would potentially cause significant harm by depriving Medicaid beneficiaries—especially those affected by the NEMT waiver—of appropriate medical services and needed care.

Although we have already received OMB approval to test and develop the survey instruments, we are soliciting public comment during the testing and development phase to meet the conditions of OMB's Terms of Clearance. Importantly, CMS will provide the public with another opportunity to comment, via a 30-day public comment period, prior to the implementation phase of this effort.

Under the PRA, federal agencies are required to publish notice in the **Federal Register** concerning each proposed ICR. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this ICR, including any of the following subjects: (1) The necessity and utility of the proposed ICR for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 8, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: CMS–10615/OMB Control Number 0938–1300, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following ICR. More detailed information can be found in the collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10615 Healthy Indiana Program (HIP) 2.0 Beneficiaries Survey

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. In compliance with the requirement of section 3506(c)(2)(A) of the PRA, we submitted to OMB the following requirements for emergency approval. OMB approved the emergency ICR on March 21, 2016, with an expiration date of September 30, 2016.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Healthy Indiana Program (HIP) 2.0 Beneficiaries Survey; *Use:* Approval for testing and developing the survey is vital to adequately inform CMS decision making regarding Section 1115 Waivers, in particular the State's upcoming NEMT waiver due for renewal by December 1, 2016. The NEMT benefit provides transportation for Medicaid beneficiaries who otherwise have no means of transportation to get to and from medical services. The Healthy Indiana Program (HIP) 2.0 demonstration provides authority for the State to not offer NEMT for the new adult group during the first year of the demonstration (except for pregnant women and individuals determined to be medically frail). CMS may extend the State's authority, subject to evaluation of the impact of this policy on access to care. *Form Number:* CMS–10615 (OMB control number: 0938–1300); *Frequency:* Once; *Affected Public:* Individuals and households; *Number of Respondents:* 36; *Total Annual Responses:* 36; *Total Annual Hours:* 36. (For policy questions regarding this collection contact Teresa DeCaro at 202–384–6309).

Written comments and recommendations will be considered from the public if received by the date and address noted above.

Dated: March 22, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–06828 Filed 3–28–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Community Living

Proposed Information Collection Activity; Comment Request; State Developmental Disabilities Council 5-Year State Plan

AGENCY: Administration on Intellectual and Developmental Disabilities, Administration on Community Living, HHS.

ACTION: Notice.

SUMMARY: A plan developed by the State Council on Developmental Disabilities is required by federal statute. Each State Council on Developmental Disabilities must develop the plan, provide for public comments in the State, provide for approval by the State's Governor, and finally submit the plan on a five-year basis. On an annual basis, the Council must review the plan and make any amendments. The State Plan will be used (1) by any amendments. The State Plan will be used (2) by the Council as a planning document; (3) by the citizenry of the State as a mechanism for commenting on the plans of the Council; (4) by the Department as a stewardship tool, for ensuring compliance with the Developmental Disabilities Assistance and Bill of Rights Act, as one basis for providing technical assistance (*e.g.,* during site visits), and as a support for management decision making.

DATES: Submit written comments on the collection of information by May 31, 2016.

ADDRESSES: Submit written comments on the collection of information by email to: *Valerie.Bond@acl.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Valerie Bond, Administration on Community Living, Administration on Intellectual and Developmental Disabilities, Office of Program Support, 330 C Street SW., Room 1139–C, Washington, DC 20201, (202) 795–7311.

SUPPLEMENTARY INFORMATION: In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration on Community Living is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to: Valerie Bond, Administration on Community Living, Administration on Intellectual and Developmental Disabilities, Office of Program Support, 330 C Street NW., Room 1139–C, Washington, DC 20201.

The Department specifically requests comments on: (a) Whether the proposed Collection of information is necessary for the proper performance of the function of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden information to be collected; and (e) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection technique comments and or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Respondents: 56 State Developmental Disabilities Councils.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Developmental Disabilities Council 5-Year State Plan	56	1	367	20,552

Estimated Total Annual Burden Hours: 20,552.

Dated: March 22, 2016.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2016–07065 Filed 3–28–16; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3037]

Pediatric Studies of Lorazepam; Establishment of Public Docket

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of docket.

SUMMARY: The Food and Drug Administration (FDA) is establishing a public docket to make available to the public a report of the pediatric studies of Lorazepam that were conducted in accordance with the Public Health Service Act (PHS Act) and submitted to the Director of the National Institutes of Health (NIH) and the Commissioner of Food and Drugs.

DATES: Submit either electronic or written comments by April 28, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/*Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–N–3037 for ''Pediatric Studies of Lorazepam; Establishment of Public Docket.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lori Gorski, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6466, Silver Spring, MD 20993–0002, *Lori.Gorski@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under section 409I of the PHS Act (42 U.S.C. 284m), the Secretary of the Department of Health and Human Services (the Secretary) acting through the Director of the NIH, in consultation with FDA and experts in pediatric research, must develop, prioritize, and publish a list of priority needs in pediatric therapeutics, including drugs and indications that require study.[1] For drugs and indications on this list, FDA, acting in consultation with NIH, is authorized to issue a written request to holders of a new drug application or abbreviated new drug application for a drug for which pediatric studies are needed to provide safety and efficacy information for pediatric labeling. If the sponsors receiving the written request decline to conduct the studies or if FDA does not receive a response to the written request within 30 days of the date the written request was issued, the Secretary, acting through the Director of NIH, and in consultation with FDA, must publish a request for proposals to conduct the pediatric studies described in the written request and award funds to an entity with appropriate expertise for the conduct of the pediatric studies described in the written request. Upon completion of the pediatric studies, a study report that includes all data generated in connection with the studies must be submitted to FDA and NIH and placed in a public docket assigned by FDA.

Lorazepam is commonly used in pediatric practice as a first-line agent for the initial treatment of status epilepticus. However, there is limited information available about dosing, pharmacokinetics, effectiveness, and safety in pediatric patients treated with Lorazepam.

A written request for pediatric studies of Lorazepam was issued on July 5, 2002, to Wyeth-Ayerst Research, the holder of the new drug applications for Lorazepam. FDA did not receive a response to the written request. On January 21, 2003, NIH published a **Federal Register** notice (68 FR 2789) announcing the addition of several drugs, including Lorazepam, to the priority list of drugs most in need of study for use by children to ensure their safety and efficacy. Accordingly, NIH issued a request for proposals to conduct the pediatric studies described in the written request and awarded funds to the Children's National Medical Center in September 2004, to complete the studies described in the written request. Upon completion of the pediatric studies, a report of the pediatric studies of Lorazepam was submitted to NIH and FDA. As required under section 409I of the PHS act, FDA opened a public docket and NIH placed in the docket the report of pediatric studies of Lorazepam that was submitted to NIH and FDA. The report includes all data generated in connection with the study, including the written request.

We invite interested parties to review the report and submit comments to the docket. The public docket is available for public review in the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

[1] Prior to the 2007 reauthorization of the Best Pharmaceuticals for Children Act (Pub. L. 107–109), the priority list included specific drugs instead of therapeutic areas.

Dated: March 23, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–07012 Filed 3–28–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; System of Records Notice

AGENCY: Assistant Secretary for Public Affairs (ASPA), Office of the Secretary (OS), Department of Health and Human Services (HHS).

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended (5 U.S.C. 552a), HHS is updating a department-wide system of records, System No. 09–90–0058, currently titled ''Freedom of Information Case Files and Correspondence Control Log, HHS/OS/ASPA/FOIA.'' This system of records was established prior to 1979 (see 44 FR 58144) and was previously revised in 1989 and 1994 (see 54 FR 41684 and 59 FR 55845). Due to the length of time since the last revision, the updates published in this Notice affect most sections of the System of Records Notice (SORN). The updates include changing the system name to ''Tracking Records and Case Files for FOIA and Privacy Act Requests and Appeals;'' expanding the scope of the system to include tracking records and case files pertaining to not only FOIA and Privacy Act requests processed in agency FOIA offices, but Privacy Act requests and appeals handled by System Managers for Privacy Act systems and related privacy personnel, when those records are retrieved by personal identifier; adding several new routine uses; and clarifying that some of the records in this system of records may be exempt from certain Privacy Act requirements. The updates are more fully explained in the **SUPPLEMENTARY INFORMATION** section of this Notice.

DATES: This Notice is effective on publication, with the exception of the new and revised routine uses. The new and revised routine uses will be effective 30 days after publication of this Notice, unless comments are received that warrant a revision to this Notice. Written comments on the routine uses should be submitted within 30 days. Until the new and revised routine uses are effective, the routine uses previously published for the system will remain in effect.

ADDRESSES: You may submit comments to Beth Kramer, HHS Privacy Act Officer, FOIA/PA Division, by email to: *HHS.ACFO@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Beth Kramer, HHS Privacy Act Officer, FOIA/PA Division, Hubert H. Humphrey Building—Suite 729H, 200 Independence Avenue SW., Washington, DC 20201. Ms. Kramer can also be reached by telephone at 202–690–7453.

SUPPLEMENTARY INFORMATION:

I. Explanation of Revisions to System No. 09–90–0058

The revised System of Records Notice (SORN) published in this Notice for System No. 09–90–0058 includes the following significant changes, in addition to minor wording changes throughout:

- The system name and scope have been revised to cover not only tracking records and case files used by HHS Freedom of Information Act (FOIA) offices to process FOIA and Privacy Act requests and appeals (which typically involve only ''access'' to agency records), but tracking records and case files used by System Managers of Privacy Act systems and related privacy personnel to process any type of Privacy Act request or appeal (*e.g.,* seeking access, notification, correction and amendment, or an accounting of disclosures), when those tracking records and case files are retrieved by personal identifier.
- The Categories of Individuals section has been revised to omit organizations (because the Privacy Act applies only to individuals, not entities), but not to add any additional categories of individuals besides individual FOIA and Privacy Act requesters and appellants. The result is that only an individual FOIA or Privacy Act requester or appellant may make a Privacy Act request under this SORN for access to, correction of, notification as to, or an accounting of disclosures with respect to tracking records and/or case files used by HHS to process a FOIA and/or Privacy Act request in which that individual was the requester or appellant. Further, because agency records processed in response to a third-party FOIA request are not about the requester or appellant, a provision has been added to make clear that Privacy Act rights are afforded to an individual requester or appellant only to the extent that the information in the tracking record and case file retrieved by that individual's identifier is, in fact, about that individual requester or appellant. The intent is to include in the Categories of Individuals section only individual requesters and appellants (not, for example, individual representatives who requested records under FOIA on behalf of an entity).
  - **Note:** Privacy Act case files and tracking records are about individual requesters and appellants only, because Privacy Act requests can only be made by an individual record subject personally, not by a third party or through a representative (unless the representative is the parent of or court-appointed guardian for a minor or legally-declared incompetent who is the record subject). The agency's position is that FOIA case files and tracking records, likewise, are about requesters and appellants only, not other individuals who may be identified in the agency records sought by FOIA requesters and appellants. This is because HHS' FOIA case files and tracking records are not keyed or indexed to individuals mentioned in records requested under FOIA, but are keyed to requesters and appellants, and because the purpose for which records are processed under FOIA is to release information about the *agency* (not to release information about individuals mentioned in the records to third party FOIA requesters, except as required to shed light on conduct of the *agency*).
- The Categories of Records section has been rewritten, to reflect two distinct categories (tracking records and case files); to describe the contents in more detail; to clarify that any classified records responsive to a FOIA request or appeal are considered part of the case file for that request or appeal, even if the classified records must be maintained in a security office instead of in the FOIA office; and to specifically exclude related categories of records covered by other SORNs, to avoid duplicating other systems of records.
- The Purposes section has been rewritten to provide a broader description of uses and users of the records within HHS. (The prior description mentioned only ''FOIA correspondence and processing,'' ''Freedom of Information staff,'' and ''appeals officials and members of the Office of General Counsel.'')
- An existing routine use authorizing disclosures to contractors (routine use 2) has been revised to be more accurate in reflecting the broad purposes for which contractors may be engaged to assist HHS and require access to records in the system. (The former description was limited to ''collating, aggregating, analyzing, or otherwise refining records in this system.'')

• Four new routine uses have been added (see routine uses 6 through 9).

• The System Locations and System Manager sections have been updated with current information and expanded to be consistent with the scope of the system.

• The Policies and Practices section has been revised. Specifically, the Storage and Safeguards descriptions have been revised to reflect that any of the records (not just tracking records) may be maintained electronically, and to include safeguards applicable to classified records. The Retention description has been updated to refer to new General Records Schedule (GRS) 4.2, issued August 2015 (superseding GRS 14).

• The Exemptions section has been changed from stating ''none'' to including an explanation that certain records in this system may be exempt if they are from other Privacy Act systems that have promulgated exemptions.

Because the revised SORN includes significant changes, a report on the altered system has been sent to Congress and OMB in accordance with 5 U.S.C. 552a(r).

II. Background on the Privacy Act Requirement To Publish a System of Records Notice

The Privacy Act governs the means by which the U.S. Government collects, maintains, and uses information about individuals in a system of records. A ''system of records'' is a group of any records under the control of a federal agency from which records about individuals are retrieved by the individuals' names or other personal identifiers. While FOIA entitles any person to seek access to agency records, an individual has a right of access under the Privacy Act, in addition to FOIA, with respect to agency records about him that are maintained in a Privacy Act system of records. The Privacy Act requires each agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses information about individuals in the system, the routine uses for which the agency discloses such information to parties outside the agency, and how an individual record subject can exercise his rights under the Privacy Act (*e.g.,* to request notification of whether the system contains records about him, or to request access to or correction or amendment of his records).

SYSTEM NUMBER:
09–90–0058

SYSTEM NAME:

Tracking Records and Case Files for FOIA and Privacy Act Requests and Appeals.

SECURITY CLASSIFICATION:

Classified and Unclassified.

SYSTEM LOCATIONS:

Physical locations for the case files and tracking records covered by this SORN include:

• The HHS Freedom of Information/Privacy Acts Division within the Office of the Assistant Secretary for Public Affairs (ASPA) in Washington, DC;

• HHS FOIA Requester Service Centers in Washington, DC; Baltimore, MD; Bethesda, MD; Research Triangle, NC; Rockville, MD; and Atlanta, GA;

• Any contractor locations that support FOIA and/or Privacy Act request processing (for example, the Centers for Medicare & Medicaid Services (CMS) uses contractors located near its Regional Offices in Boston, MA; New York, NY; Philadelphia, PA; Atlanta, GA; Chicago, IL; Dallas, TX; Kansas City, MO; Denver, CO; San Francisco, CA; and Seattle, WA);

• Server locations for electronic systems used by HHS FOIA offices, System Managers, and/or related privacy personnel (for example, server locations for agency-developed FOIA systems include Bethesda, MD for the system used by National Institutes of Health; White Oak, MD and Ashburn, VA for the system used by the Food and Drug Administration; and Baltimore, MD for the system used by CMS and PSC; locations for commercial off-the-shelf FOIA systems include Gaithersburg, MD for FOIAXpress and Washington, DC for the Request Management System);

• Security office locations where classified records responsive to FOIA and Privacy Act requests may be stored, including the Office of Security and Strategic Information (OSSI) in Washington, DC; and

• System Manager locations identified in each SORN posted at *http://www.hhs.gov/foia/privacy/sorns.html*, where any tracking records and case files used by System Managers and related privacy personnel to process Privacy Act requests and appeals would be maintained.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records in this system of records pertain to individual FOIA and Privacy Act requesters and appellants only. Individual FOIA and Privacy Act requesters and appellants include:

• Any individual who the agency treated as the requester or appellant for an access request or appeal that was received in or referred to a HHS FOIA office for processing under FOIA (and under the Privacy Act, if applicable), excluding individual representatives who requested records under FOIA on behalf of an entity; and

• Any individual who made any type of Privacy Act request or appeal that was received by or referred to the System Manager (or related privacy personnel) for the relevant HHS Privacy Act system of records for handling—but only if the System Manager's (or related privacy personnel's) Privacy Act tracking records and case files are retrieved by requester or appellant identifier.

For a FOIA request or appeal involving non-Privacy Act records, the individual treated as the requester or appellant may have made the FOIA request or appeal personally, through a representative, or as a representative for another individual. For a Privacy Act request or appeal, the individual requester or appellant may have made the request or appeal personally, or as the parent of or court-appointed guardian for a minor or legally-declared incompetent who is the subject of the records, or with the prior, written consent of the record subject. When any of the aforementioned individual requesters or appellants seeks to exercise Privacy Act rights under this SORN with respect to the tracking record and case file pertaining to his or her FOIA or Privacy Act request or appeal, the information in the tracking record and case file must be about him, as required by 5 U.S.C. 552a(a)(4) (*i.e.,* not merely be retrieved by his identifier), for the individual to be afforded Privacy Act rights with respect to those records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of tracking records and case files for FOIA and Privacy Act requests and appeals made by individuals. This system of records excludes tracking records and case files for FOIA requests and appeals made by or on behalf of entities.

Tracking records typically include the requester/appellant's name and contact information, case tracking number, date of request or appeal, a brief description of the request or appeal, processing status, and response date or appeal decision date. A tracking record for a FOIA request may include additional information, such as the requester's fee category and whether expedited processing or a fee waiver or reduction was sought and was granted or denied.

A case file typically includes a copy of the request and any appeal, which would include the requester/appellant's name; contact information; a description of the records that were the subject of the access, correction, or other request; issues raised on appeal; copies of any documents included with the request or appeal; the case tracking number; the agency's response letter and any appeal decision letter; copies of records responsive to the request; correspondence about the request or appeal with the requester and with other involved parties and agencies; and any fee-related information. A case file also may include identity verification documents and information (such as photocopies of the requester's driver's license, passport, alien or voter registration card, or union card; identifying particulars about the records sought, such as an account number; or a statement certifying that the requester is the individual who he or she claims to be) if the case file pertains to a first-party request; a consent form signed by an individual record subject, authorizing HHS to provide records about that individual to a third party; and photocopies of documents establishing a parent, guardian, or other legal relationship (such as a court order or birth certificate) if the request or appeal was made by a legal representative. Any classified records responsive to a FOIA request or appeal are considered to be part of the FOIA case file, even if maintained in a security office instead of in the FOIA case file.

Note that the scope of this system of records excludes the following related records:

- Litigation files maintained in the HHS Office of General Counsel related to requests covered in this system of records (see instead the SORN for System No. 09–90–0064 ''Litigation Files, Administrative Complaints and Adverse Personnel Actions'');
- Records pertaining to Privacy Act violation claims (see instead the SORNs for System Nos. 09–90–0062 ''Administrative Claims'' and 09–90–0064 ''Litigation Files, Administrative Complaints and Adverse Personnel Actions''); and
- Records about agency personnel who process FOIA and Privacy Act requests (see instead SORNs covering personnel records; *e.g.,* 09–90–0018 ''Personnel Records in Operating Offices,'' 09–40–0001 ''Public Health Service (PHS) Commissioned Corps General Personnel Records,'' and OPM/GOVT–2 ''Employee Performance File System Records'').

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 552a; 44 U.S.C. 3301.

PURPOSE(S) OF THE SYSTEM:

FOIA and Privacy Act tracking records and case files are used on a need-to-know basis within the agency, primarily by FOIA office personnel, FOIA Coordinators and subject matter experts in program offices who locate and provide records responsive to requests, attorneys in the Office of General Counsel, Privacy Officers, and System Managers for Privacy Act systems of records. HHS uses the tracking records and case files to:

- Track, process, and respond to the requests and any related administrative appeals, litigation, and mediation actions and communicate with the requesters and appellants;
- locate records responsive to requests and appeals and verify the identity of first-party requesters and appellants;
- identify related requests and records frequently requested under FOIA and generate publicly-releasable versions of FOIA request logs;
- provide aggregate and statistical data for reports and facilitate management and oversight reviews of FOIA and Privacy Act operations; and
- share relevant information with other HHS offices that manage related matters arising from processing FOIA and Privacy Act requests and appeals, such as investigating erroneous release incidents and responding to lawsuits alleging Privacy Act violation claims or other claims. (Records used for such purposes, if retrieved by personal identifier, would be covered under other SORNs.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Privacy Act allows us to disclose information without an individual's consent to parties outside the agency if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a ''routine use.'' The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. To the extent this system contains Protected Health Information (PHI) as defined by HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, 65 FR 82462 (December 28, 2000), Subparts A and E), disclosures of such PHI that are otherwise authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.'' This system may make the following routine use disclosures:

1. Records may be disclosed to the Department of Justice (DOJ) for the purpose of obtaining DOJ's advice as to whether or not records are required to be disclosed under FOIA and/or the Privacy Act in response to an access request.

2. Records may be disclosed to federal agencies and Department contractors that have been engaged by HHS to assist in accomplishing an HHS function related to the purposes of the system and that need to have access to the records in order to assist HHS. Any contractor will be required to comply with the requirements of the Privacy Act of 1974 and appropriately safeguard the records. These safeguards are explained in the ''Safeguards'' section.

3. Records may be disclosed to student volunteers and other individuals performing functions for the Department but technically not having the status of agency employees, if they need access to the records in order to perform their assigned agency functions.

4. Records may be disclosed to a Member of Congress or to a congressional staff member in response to a written inquiry of the congressional office made at the written request of the constituent about whom the record is maintained. The Member of Congress does not have any greater authority to obtain records than the individual would have if requesting the records directly.

5. Records may be disclosed to the Department of Justice (DOJ) or to a court or other tribunal when:

a. The agency or any component thereof, or

b. any employee of the agency in his or her official capacity, or

c. any employee of the agency in his or her individual capacity where DOJ has agreed to represent the employee, or

d. the United States Government, is a party to litigation or has an interest in such litigation and, by careful review, HHS determines that the records are both relevant and necessary to the litigation and that, therefore, the use of such records by the DOJ, court, or other tribunal is deemed by HHS to be compatible with the purpose for which the agency collected the records.

6. Records may be disclosed to another federal, foreign, state, local, tribal, or other public agency with an interest in or control over information in records responsive to or otherwise related to an access or amendment request, for the following purposes:

a. Consulting the other agency for its views about providing access to the information or assistance in verifying the identity of an individual or the accuracy of information sought to be amended or corrected;

b. informing the other agency of HHS' response or intended response to the request; or

c. referring the request to the most appropriate federal agency for response.

7. The identity of the requester or appellant may be disclosed to a submitter of business records that are sought by that requester or appellant, when obtaining the submitter's views concerning release of the submitter's business information under FOIA.

8. Records may be disclosed to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities under 5 U.S.C. 552(h) to review administrative agency policies, procedures, and compliance with FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

9. Records may be disclosed to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, when the information disclosed is relevant and necessary for that assistance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM—

STORAGE:

Electronic records are stored in secure electronic tracking and/or storage applications, and on compact disks, DVDs, and network drives. Hard-copy files are stored at office locations, in file rooms, shelves, safes, cabinets, bookcases or desks.

RETRIEVAL:

Records are retrieved by personal identifier (*i.e.,* requester or appellant name).

SAFEGUARDS:

Safeguards conform to the HHS Information Security and Privacy Program, *http://www.hhs.gov/ocio/securityprivacy/index.html* and HHS Office of Security and Strategic Information (OSSI) policies regarding classified information, and include the following:

Administrative Safeguards: Authorized users are limited to HHS employees and officials who are responsible for processing FOIA and Privacy Act requests and appeals, authorized personnel of any contractors or federal agencies assisting HHS with those functions, and any other authorized individuals who work for HHS and assist HHS with those functions but technically do not have the status of agency employees. Only personnel with a ''need to know'' and appropriate security clearances issued by OSSI or the Office of Inspector General (OIG) regarding OIG personnel are allowed to access classified records. Each user's access is limited, based on the user's role, to the records that are essential to the user's duties. Security safeguards are imposed on contractors through inclusion of Privacy Act-required clauses in contracts and through monitoring by contract and project officers.

Technical Safeguards: Access to electronic systems and records is controlled and protected by a secure log-in method (using passwords that are unique, complex, and frequently changed), time-out features, NSA and/or NIST-approved encryption methods, firewalls, intrusion detection systems, and cybersecurity monitoring systems.

Physical Safeguards: Hard-copy records and records displayed on computer screens are protected from the view of unauthorized individuals while the records are in use by an authorized employee. Hard-copy records and electronic storage media are secured during nonbusiness hours in locked file cabinets, locked desk drawers, locked offices, or locked storage areas. Office buildings are protected by cameras and uniformed guards. When records are photocopied, printed, scanned, or faxed for authorized purposes, care is taken to ensure that no copies are left where they can be read by unauthorized individuals. When eligible for destruction, records are securely disposed of using destruction methods prescribed by NSA and/or NIST SP 800–88.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with General Records Schedule (GRS) 4.2 ''Information Access and Protection Records'' (superseding GRS 14 ''Information Services Records''), which prescribes retention periods ranging from approximately two years to six years after final agency action or adjudication by a court, date of closure, or last entry. For specific periods, see GRS 4.2 Items 020 access and disclosure request files; 030 general administrative (tracking) records; 050 Privacy Act accounting of disclosure files; and 090 Privacy Act amendment request files.

SYSTEM MANAGER(S) AND ADDRESS(ES):

HHS Privacy Act Officer, Freedom of Information/Privacy Acts Division, OS/ASPA, Hubert H. Humphrey Building—Suite 729H, 200 Independence Avenue SW., Washington, DC 20201.

NOTIFICATION PROCEDURE:

An individual who wishes to know if this system contains tracking records and case files for FOIA and Privacy Act requests or appeals in which he was the requester or appellant must submit a written request to the System Manager identified above. The request should include the full name of the individual, information to verify the individual's identity, and the individual's current address.

RECORD ACCESS PROCEDURE:

An individual requester or appellant may request access to tracking records and case files about his FOIA or Privacy Act request or appeal by making a written request to the System Manager identified above, and by identifying or describing the records sought, providing information to verify his identity, and including his current address.

CONTESTING RECORD PROCEDURES:

An individual may contest information in tracking records and case files about his FOIA or Privacy Act request or appeal by contacting the System Manager identified above, and by identifying the information contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from individual requesters and appellants, responsive records, program offices that provide responsive records, and personnel at HHS, other agencies, and outside organizations (*e.g.,* consultants and business submitters) who provide information relevant to processing the requests.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

This system of records is not a type of system eligible to promulgate exemptions under subsections (j) and (k) of the Privacy Act (5 U.S.C. 552a(j), (k)); however, any record in this system that is from another Privacy Act system of records that has promulgated exemptions will be exempt from access and other requirements of the Privacy Act if and to the same extent that the

record is exempt from such requirements in the source system. Records in this system that are from a system described in 5 U.S.C. 552a(j)(2) may be exempt from the requirements in these subsections of the Privacy Act: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), (g), and (h). Records in this system that are from a system described in 5 U.S.C. 552a(k) may be exempt from the requirements in these subsections of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)G), (e)(4)(H), (e)(4)(I), and (f). Any records compiled in reasonable anticipation of a civil action or proceeding are excluded from the Privacy Act access requirement in all systems of records, as provided in 5 U.S.C. 552a(d)(5).

Dated: March 9, 2016.

Catherine Teti,

Executive Officer, Deputy Agency Chief FOIA Officer, Assistant Secretary for Public Affairs.

[FR Doc. 2016–07060 Filed 3–28–16; 8:45 am]

BILLING CODE 4150–25–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; Fellowship and Career Award Grants.

Date: April 13, 2016.

Time: 4:00 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: 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; NIDDK Central Repositories Sample Access (X01)-Diabetes, obesity and Kidney Diseases-PAR14–301.

Date: May 26, 2016.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology 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 23, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06983 Filed 3–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Translational Programs in Lung Diseases.

Date: April 20–21, 2016.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway Arlington, VA 22202.

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892, 301–435–0725, *johnsonwj@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 23, 2016.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06981 Filed 3–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering.

Date: May 19, 2016.

Open: 9:00 a.m. to 12:30 p.m.

Agenda: Report from the Institute Director, other Institute Staff, presentation of Task Force reports, and Scientific Presentation.

Place: The William F. Bolger Center, Franklin Building, Classroom 15/16, 9600 Newbridge Drive, Potomac, MD 20854.

Closed: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The William F. Bolger Center, Franklin Building, Classroom 15/16, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: David George, Ph.D., Acting Associate Director, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 920, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nibib1.nih.gov/about/NACBIB/NACBIB.htm,* where an agenda and any additional information for the meeting will be posted when available.

Dated: March 23, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06982 Filed 3–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Disorders in Brain Development and in Aging.

Date: March 29, 2016.

Time: 12:00 p.m. to 2:00 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: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular and Microbial Genetics.

Date: April 8, 2016.

Time: 1:00 p.m. to 3:00 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: Cheryl M. Corsaro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Mechanisms of Neurodegeneration and Cell Death.

Date: April 22, 2016.

Time: 1:00 p.m. to 3:00 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: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@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 22, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06980 Filed 3–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will also be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*http://videocast.nih.gov/*).

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 Advisory General Medical Sciences Council.

Date: May 19–20, 2016.

Closed: May 19, 2016, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Open: May 20, 2016, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Ann A. Hagan, Ph.D., Associate Director for Extramural Activities, NIGMS, NIH, DHHS, 45 Center Drive, Room 2AN24H, MSC6200, Bethesda, MD 20892–6200, (301) 594–4499, *hagana@nigms.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also found on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: March 23, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–06984 Filed 3–28–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0756]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0009

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, with change, of the following collection of information: 1625–0009, Oil Record Book for Ships. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 28, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0756] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2015–0756], and must be received by April 28, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0009.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 72451, November 19, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Oil Record Book for Ships.

Omb Control Number: 1625–0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (CG–4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings of actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG–4602A, Oil Record Book for Ships.

Respondents: Operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 20,221 hours to 28,536 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 23, 2016.

Thomas P. Michelli,

Deputy Chief Information Officer, U.S. Coast Guard.

[FR Doc. 2016–07039 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0908]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0042

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, with change, of the following collection of information: 1625–0042, Requirements for Lightering of Oil and Hazardous Material Cargoes. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 28, 2016.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0908] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2015–0908], and must be received by April 28, 2016.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0042.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 72442, November 19, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Requirements for Lightering of Oil and Hazardous Material Cargoes.

OMB Control Number: 1625–0042.

Summary: The information for this report allows the U.S. Coast Guard to provide timely response to an emergency and minimize the environmental damage from an oil or hazardous material spill. The information also allows the Coast Guard to control the location and procedures for lightering activities.

Need: Section 3715 of Title 46 U.S.C. authorizes the Coast Guard to establish lightering regulations. Title 33 CFR 156.200 to 156.330 prescribes the Coast Guard regulations for lightering, including pre-arrival notice, reporting of incidents and operating conditions.

Forms: None.

Respondents: Owners, masters and agents of lightering vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 217 hours to 372 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 23, 2016.

Thomas P. Michelli,

Deputy Chief Information Officer, U.S. Coast Guard.

[FR Doc. 2016–07040 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4250–DR; Docket ID FEMA–2016–0001]

Missouri; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4250–DR), dated January 21, 2016, and related determinations.

DATES: Effective March 17, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 21, 2016.

Mississippi, New Madrid, Pemiscot, and Shannon Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–07083 Filed 3–28–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4264–DR; Docket ID FEMA–2016–0001]

New Jersey; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Jersey (FEMA–4264–DR), dated March 14, 2016, and related determinations.

DATES: *Effective Date:* March 14, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 14, 2016, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New Jersey resulting from a severe winter storm and snowstorm during the period of January 22–24, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Seamus K. Leary, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New Jersey have been designated as adversely affected by this major disaster:

Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Union, and Warren Counties for Public Assistance.

Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Union, and Warren Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period.

All areas within the State of New Jersey are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–06978 Filed 3–28–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1605]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency M2666anagement Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of

Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with title 44, part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 4, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arkansas:						
Crawford	City of Alma (14–06–2666P).	The Honorable Keith Greene, Mayor, City of Alma, 804 Fayetteville Avenue, Alma, AR 72921.	Water Department, 804 Fayetteville Avenue, Alma, AR 72921.	*http://www.msc.fema.gov/lomc.*	May 13, 2016	050236
Crawford	Unincorporated areas of Crawford County (14–06–2666P).	The Honorable John Hall, Crawford County Judge, 300 Main Street, Room 4, Van Buren, AR 72956.	Crawford County, Department of Emergency Management, 1820 Chestnut Street, Van Buren, AR 72956.	*http://www.msc.fema.gov/lomc.*	May 13, 2016	050428
Colorado:						
Boulder	City of Boulder (16–08–0051P).	The Honorable Suzanne Jones, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Planning and Development Services Department, 1739 Broadway Street, Boulder, CO 80302.	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	080024
Weld	Town of Milliken (15–08–0943P).	The Honorable Milt Tokunaga, 1101 Broad Street, Milliken, CO 80543.	Town Hall, 1101 Broad Street, Milliken, CO 80543.	*http://www.msc.fema.gov/lomc.*	May 4, 2016	080187

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Weld	Unincorporated areas of Weld County (15–08–0943P).	The Honorable Barbara Kirkmeyer, Chair, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Planning and Zoning Department 1555 North 17th Avenue Greeley, CO 80631.	*http://www.msc.fema.gov/lomc.*	May 4, 2016	080266
Weld	Unincorporated areas of Weld County (15–08–1446P).	The Honorable Barbara Kirkmeyer, Chair, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Planning and Zoning Department, 1555 North 17th Avenue, Greeley, CO 80631.	*http://www.msc.fema.gov/lomc.*	May 13, 2016	080266
Delaware: New Castle.	Unincorporated areas of New Castle County (15–03–2443P).	The Honorable Thomas P. Gordon, New Castle County Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County Land Use Department, 87 Reads Way, New Castle, DE 19720.	*http://www.msc.fema.gov/lomc.*	May 11, 2016	105085
Florida:						
Brevard	City of Indian Harbor Beach (15–04–1302P).	The Honorable David Panicola, Mayor, City of Indian Harbor Beach, 2055 South Patrick Drive, Indian Harbour Beach, FL 32937.	City Hall, 2055 South Patrick Drive, Indian Harbour Beach, FL 32937.	*http://www.msc.fema.gov/lomc.*	Apr. 28, 2016	125116
Broward	City of Pompano Beach (15–04–7209P).	The Honorable Lamar Fisher, Mayor, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	Building Inspections Department, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	*http://www.msc.fema.gov/lomc.*	May 5, 2016	120055
Lee	Unincorporated areas of Lee County (15–04–7181P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, District 5, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	*http://www.msc.fema.gov/lomc.*	May 4, 2016	125124
Lee	Unincorporated areas of Lee County (16–04–0292P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, District 5, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901..	*http://www.msc.fema.gov/lomc.*	May 11, 2016	125124
Miami-Dade	City of Miami (15–04–A406P).	The Honorable Toma ´s P. Regalado, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, Miami, FL 33130.	*http://www.msc.fema.gov/lomc.*	Apr. 4, 2016	120650
Miami-Dade	City of Sunny Isles Beach (15-04-8034P).	The Honorable George ''Bud'' Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Building Department, 18070 Collins Avenue, Sunny Isles Beach, FL 33160..	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	120688
Seminole	City of Longwood (15–04–9353P).	The Honorable Joe Durso, Mayor, City of Longwood, 175 West Warren Avenue, Longwood, FL 32750.	Community Development Division, 174 West Church Avenue, Longwood, FL 32750.	*http://www.msc.fema.gov/lomc.*	May 6, 2016	120292
Georgia:						
Columbia	Unincorporated areas of Columbia County (15–04–7397P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498 Evans, GA 30809.	Columbia County, Engineering Services Department, 630 Ronald Reagan Drive, Building A, East Wing, Evans, GA 30809.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	130059
Columbia	Unincorporated areas of Columbia County (15–04–A572P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County, Engineering Services Department, 630 Ronald Reagan Drive, Building A, East Wing, Evans, GA 30809.	*http://www.msc.fema.gov/lomc.*	May 6, 2016	130059
Lee	City of Leesburg (15–04–3743P).	The Honorable Jim Quinn, Mayor, City of Leesburg, P.O. Box 890, Leesburg, GA 31763.	City Hall, 107 Walnut Avenue, South Leesburg, GA 31763.	http://www.msc.fema.gov/lomc.	Apr. 21, 2016	130348
Lee	Unincorporated areas of Lee County (15–04–3743P).	The Honorable Rick Muggridge, Chairman, Lee County Board of Commissioners, 110 Starksville Avenue, North Leesburg, GA 31763.	Lee County, Administration Building, 110 Starksville Avenue, North Leesburg, GA 31763.	*http://www.msc.fema.gov/lomc.*	Apr. 21, 2016	130122
Massachusetts:						
Plymouth	Town of Lakeville (15–01–2489P).	The Honorable Aaron Burke, Chairman, Town of Lakeville Board of Selectmen, 346 Bedford Street, Lakeville, MA 02347.	Town Hall, 346 Bedford Street, Lakeville, MA 02347.	*http://www.msc.fema.gov/lomc.*	Mar. 25, 2016	250271

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Plymouth	Town of Middleborough (15–01–2489P).	The Honorable Allin Frawley, Chairman, Town of Middleborough Board of Selectmen, 10 Nickerson Avenue, Middleborough, MA 02346.	Planning Department, Town Hall Annex, 20 Centre Street, Middleborough, MA 02346.	*http://www.msc.fema.gov/lomc.*	Mar. 25, 2016	250275
Plymouth	Town of Rochester (15–01–2489P).	The Honorable Richard D. Nunes, Chairman, Town of Rochester Board of Selectmen, 1 Constitution Way, Rochester, MA 02770.	Town Hall Annex, 37 Marion Road, Rochester, MA 02770.	*http://www.msc.fema.gov/lomc.*	Mar. 25, 2016	250280
Nevada: Clark	City of Henderson (15–09–3020P).	The Honorable Andy Hafen, Mayor, City of Henderson, P.O. Box 95050, MSC 142, Henderson, NV 89009.	Department of Public Works, Parks and Recreation, P.O. Box 95050, MSC 131, Henderson, NV 89009.	*http://www.msc.fema.gov/lomc.*	Apr. 8, 2016	320005
Ohio:						
Franklin	City of Columbus (15–05–3155P).	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, 2nd Floor, Columbus, OH 43215.	City Hall, 1250 Fairwood Avenue, Columbus, OH 43206.	*http://www.msc.fema.gov/lomc.*	Apr. 20, 2016	390170
Franklin	City of Grandview Heights (15–05–3155P).	The Honorable Ray DeGraw, Mayor, City of Grandview Heights, 1016 Grandview Avenue, Grandview Heights, OH 43212.	City Hall, 1016 Grandview Avenue, Grandview Heights, OH 43212.	*http://www.msc.fema.gov/lomc.*	Apr. 20, 2016	390172
Oklahoma:						
Oklahoma	City of Oklahoma City (15–06–0551P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, OK 73102.	Planning Department, 420 West Main, 9th Floor, Oklahoma City, OK 73102.	*http://www.msc.fema.gov/lomc.*	May 4, 2016	405378
Oklahoma	City of Oklahoma City (15–06–3108P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker, 3rd Floor, Oklahoma City, OK 73102.	Planning Department, 420 West Main, 9th Floor, Oklahoma City, OK 73102.	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	405378
Oklahoma	Unincorporated areas of Oklahoma County (15–06–3108P).	The Honorable Ray Vaughn, Oklahoma County Commissioner, District 3, 320 Robert S. Kerr Avenue, Suite 621, Oklahoma City, OK 73102.	Oklahoma County Planning Department, 320 Robert S. Kerr Avenue, Suite 101, Oklahoma City, OK 73102.	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	400466
Tulsa	City of Tulsa (15–06–0947P).	The Honorable Dewey Bartlett, Jr., Mayor, City of Tulsa, 175 East 2nd Street, Tulsa, OK 74103.	Development Services Department, Tulsa, OK 74103.	*http://www.msc.fema.gov/lomc.*	Apr. 15, 2016	405381
Pennsylvania:						
Chester	Township of Caln (15–03–1479P).	The Honorable John Contento, President, Township of Caln Board of Commissioners, 253 Municipal Drive, Thorndale, PA 19372.	Township Municipality Building, 253 Municipal Drive, Thorndale, PA 19372.	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	422247
Chester	Borough of Downingtown (15–03–1479P).	The Honorable Joshua Maxwell, Mayor, Borough of Downingtown, 4 West Lancaster Avenue, Downingtown, PA 19335.	Borough Hall, 4 West Lancaster Avenue, Downingtown, PA 19335.	*http://www.msc.fema.gov/lomc.*	Apr. 26, 2016	420275
Delaware	Township of Haverford (15–03–2347P).	The Honorable Lawrence J. Gentile, Manager, Township of Haverford, 2325 Darby Road, Havertown, PA 19083.	Department of Community Development, 2325 Darby Road, Havertown, PA 19083.	*http://www.msc.fema.gov/lomc.*	Mar. 14, 2016	420417
Lebanon	Township of Heidelberg (15–03–0736P).	The Honorable Paul Fetter, Chairman, Township of Heidelberg Board of Supervisors, 111 Mill Road, Schaefferstown, PA 17088.	Township Hall, 111 Mill Road, Schaefferstown, PA 17088.	*http://www.msc.fema.gov/lomc.*	Jun. 16, 2016	420969
Lebanon	Township of Millcreek (15–03–0736P).	The Honorable Donald R. Leibig, Chairman, Township of Millcreek Board of Supervisors, 81 East Alumni Avenue, Newmanstown, PA 17073.	Planning and Zoning Department, 400 South 8th Street, Newmanstown, PA 17042.	*http://www.msc.fema.gov/lomc.*	Jun. 16, 2016	420574
South Carolina:						
Charleston	Town of Mount Pleasant (15–04–A378P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning and Development Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	*http://www.msc.fema.gov/lomc.*	May 11, 2016	455417

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Charleston	Unincorporated areas of Charleston County (15–04–A378P).	The Honorable J. Elliott Summey, Chairman, Charleston County Board of Commissioners, 4045 Bridgeview Drive, Suite B254, North Charleston, SC 29405.	Charleston County Building, Inspection Services Department, 4045 Bridgeview Drive, Suite A311, North Charleston, SC 29405.	*http://www.msc.fema.gov/lomc.*	May 11, 2016	455413
Greenville	Unincorporated areas of Greenville County (15–04–5639P).	The Honorable Bob Taylor, Chairman, Greenville County Council, 301 University Ridge, Suite 2400, Greenville, SC 29601.	Greenville County, Planning and Code Compliance Department, 301 University Ridge, Suite 4100, Greenville, SC 29601.	*http://www.msc.fema.gov/lomc.*	Mar. 18, 2016	450089
Lexington	Unincorporated areas of Lexington County (15–04–7104P).	The Honorable Johnny W. Jeffcoat, Chairman, Lexington County Board of Commissioners, 212 South Lake Drive, Suite 601, Lexington, SC 29072.	Lexington County, Planning Department, 212 South Lake Drive, Suite 302, Lexington, SC 29072.	*http://www.msc.fema.gov/lomc.*	Apr. 29, 2016	450129
York	City of Rock Hill (15–04–2163P).	The Honorable Doug Echols, Mayor, City of Rock Hill, 155 Johnston Street, Suite 210, Rock Hill, SC 29730.	City Hall, 155 Johnston Street, Suite 300, Rock Hill, SC 29730.	*http://www.msc.fema.gov/lomc.*	Mar. 29, 2016	450196
York	Unincorporated areas of York County (15–04–2163P).	The Honorable J. Britt Blackwell, Chairman, York County Council, 6 South Congress Street, York, SC 29745.	York County, Heckle Complex, 1070 Heckle Boulevard, Suite 107, York, SC 29732.	*http://www.msc.fema.gov/lomc.*	Mar. 29, 2016	450193
Tennessee:						
Fayette	Town of Oakland (15–04–9364P).	The Honorable Chris Goodman, Mayor, Town of Oakland, P.O. Box 56, Oakland, TN 38060.	Building Department, 75 Clay Street, Oakland, TN 38060.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	470418
Fayette	Unincorporated areas of Fayette County (15–04–9364P).	The Honorable Rhea, Taylor Mayor, Fayette County, P.O. Box 218, Somerville, TN 38068.	Fayette County, Planning and Development Department, 16265 U.S. Highway 64, Somerville, TN 38068.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	470352
Texas:						
Bell	City of Belton (15–06–2989P).	The Honorable Marion Grayson, Mayor, City of Belton, P.O. Box 120, Belton, TX 76513.	City Hall, 333 Water Street, Belton, TX 76513.	*http://www.msc.fema.gov/lomc.*	Apr. 29, 2016	480028
Bexar	Unincorporated areas of Bexar County (15–06–1291P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County, Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*http://www.msc.fema.gov/lomc.*	Mar. 30, 2016	480035
Cooke	City of Gainesville (14–06–4582P).	The Honorable Jim Goldsworthy, Mayor, City of Gainesville, 200 South Rusk Street, Gainesville, TX 76240.	Community Services Department, 104 West Hird Street, Gainesville, TX 76240.	*http://www.msc.fema.gov/lomc.*	Apr. 27, 2016	480154
Dallas	City of Carrollton (15–06–4000P).	The Honorable Matthew, Marchant Mayor, City of Carrollton, 1945 East Jackson Road, Carrollton, TX 75006.	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.	*http://www.msc.fema.gov/lomc.*	Apr. 18, 2016	480167
Dallas	City of Irving (15–06–1807P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060..	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060..	*http://www.msc.fema.gov/lomc.*	May 16, 2016	480180
Kaufman	City of Terrell (15–06–2277P).	The Honorable Hal Richards, Mayor, City of Terrell, 201 East Nash Street, Terrell, TX 75160.	Engineering Department, 201 East Nash Street, Terrell, TX 75160.	*http://www.msc.fema.gov/lomc.*	Apr. 1, 2016	480416
Kaufman	Unincorporated areas of Kaufman County (15–06–2277P).	The Honorable Bruce Wood, Kaufman, County Judge, 100 West Mulberry, Kaufman, TX 75142.	Kaufman County, Public Works Department, 3003 South Washington, Kaufman, TX 75142..	*http://www.msc.fema.gov/lomc.*	Apr. 1, 2016	480411
Montgomery	Unincorporated areas of Montgomery County (15–06–2891P).	The Honorable Craig B. Doyal, Montgomery County Judge, 501 North Thompson, Suite 401, Conroe, TX 77301.	Montgomery County, Permitting Department, 501 North Thompson, Suite 100, Conroe, TX 77301.	*http://www.msc.fema.gov/lomc.*	May 13, 2016	480483

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Waller and Harris.	City of Katy (15–06–1824P).	The Honorable Fabol R. Hughes, Mayor, City of Katy, P.O. Box 617, Katy, TX 77493.	City Hall, 910 Avenue C, Katy, TX 77493.	*http://www.msc.fema.gov/lomc.*	Apr. 22, 2016	480301
Williamson	City of Cedar Park (15–06–3037P).	The Honorable Matthew Powell, Mayor, City of Cedar Park, 450 Cypress Creek Road, Cedar Park, TX 78613.	Public Works Department, 2401 Brushy Creek Loop, Cedar Park, TX 78613.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	481282
Williamson	Unincorporated areas of Williamson County (15–06–3037P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County, Engineer's Office, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	481079
Virginia:						
Fauquier	Unincorporated areas of Fauquier County (15–03–1168P).	The Honorable Chester W. Stribling, Chairman, Fauquier County, Board of Supervisors, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	Fauquier County, Department of Community Development, 29 Ashby Street, Suite 310, Warrenton, VA 20186.	*http://www.msc.fema.gov/lomc.*	Apr. 28, 2016	510055
Montgomery	Unincorporated areas of Montgomery County (14–03–0497P).	The Honorable Bill Brown, Chairman, Montgomery County Board of Supervisors, 755 Roanoke Street, Suite 2E, Christiansburg, VA 24073.	Montgomery County, Planning Department, 755 Roanoke Street, Suite 2A, Christiansburg, VA 24073.	*http://www.msc.fema.gov/lomc.*	May 5, 2016	510099

[FR Doc. 2016–07080 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4256–DR; Docket ID FEMA–2016–0001]

Oklahoma; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–4256–DR), dated February 10, 2016, and related determinations.

DATES: *Effective:* March 17, 2016.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 10, 2016.

Ottawa County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2016–07082 Filed 3–28–16; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet via conference call on April 14 and 15, 2016. The meeting will be open to the public.

DATES: The TMAC will meet via conference call on Thursday, April 14, 2016 from 10:00 a.m. to 5:00 p.m. Eastern Daylight Time (E.D.T), and on Friday, April 15, 2016 from 10:00 a.m. to 5:00 p.m. E.D.T. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: For information on how to access to the conference call, information on services for individuals with disabilities, or to request special assistance for the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible. Members of the public who wish to dial in for the meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (attention Kathleen Boyer) by 11 a.m. E.D.T. on Tuesday, April 12, 2016.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the ''Supplementary Information'' section below. The Agenda and other associated material will be available for review at *www.fema.gov/TMAC* by Friday, April 8, 2016. Written comments to be considered by the committee at the time of the meeting must be received by Tuesday, April 12, 2016, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email:* Address the email TO: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.

• *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. *Docket:* For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on April 14, 2016, from 11:00–11:20 a.m. and April 15, 2016 from 11:00–11:20 a.m. E.D.T. Speakers are requested to limit their comments to no more than two minutes. Each public comment period will not exceed 20 minutes. Please note that the public comment periods may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Tuesday, April 12, 2016.

FOR FURTHER INFORMATION CONTACT: Kathleen Boyer, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street Arlington, VA 22202, telephone (202) 646–4023, and email *kathleen.boyer@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5) (a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an Annual Report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Further, in accordance with the *Homeowner Flood Insurance Affordability Act of 2014,* the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

Agenda: On April 14 and 15, 2016, the TMAC will review draft recommendations for the 2016 Technical Review Report to evaluate the FEMA Flood Mapping Program. The TMAC will also continue to discuss potential recommendations and will review draft recommendations to be included in the required 2016 TMAC annual report. A brief public comment period will take place at the beginning of the meeting each day. A more detailed agenda will be posted by April 8, 2016, at *http://www.fema.gov/TMAC.*

Dated: March 15, 2016.

Roy E. Wright,

Deputy Associate Administrator, for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2016–06986 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1608]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with title 44, part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: March 10, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arizona:						
Maricopa	City of Peoria (15–09–2060P).	The Honorable Cathy Carlat Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall 8401, West Monroe Street, Peoria, AZ 85345.	*http://www.msc.fema.gov/lomc.*	Apr. 29, 2016	040050
Pima	Unincorporated areas of Pima County (15–09–1650P).	The Honorable Sharon Bronson Chair, Board of Supervisors, Pima County, 130 West Congress Street, 10th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 210 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc.*	Apr. 15, 2016	040073
Pima	City of Tucson (15–09–2298P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, City Hall, 255 West Alameda Street, 10th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 210 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc.*	Jun. 13, 2016	040076
Yavapai	Unincorporated areas of Yavapai County (15–09–1727P).	The Honorable Craig Brown, Chairman, Board of Supervisors, Yavapai County, 1015 Fair Street, Prescott, AZ 86305.	Yavapai County Flood Control District Office, 1120 Commerce Drive, Prescott, AZ 86305.	*http://www.msc.fema.gov/lomc..*	May 27, 2016	040093
California:						
Riverside	City of Corona (15–09–1832P).	The Honorable Eugene Montanez, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	City Hall, 400 South Vicentia Avenue, Corona, CA 92882.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	060250
Riverside	Unincorporated areas of Riverside County (15–09–1832P).	The Honorable Marion Ashley, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*http://www.msc.fema.gov/lomc.*	Mar. 31, 2016	060245
Riverside	City of Moreno Valley (15–09–1728P).	The Honorable Tom Owings, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92552.	City Hall, 14177 Frederick Street, Moreno Valley, CA 92552.	*http://www.msc.fema.gov/lomc.*	May 26, 2016	065074
Riverside	City of Perris (15–09–1728P).	The Honorable Daryl R. Busch, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	City Hall, 101 North D Street, Perris, CA 92570.	*http://www.msc.fema.gov/lomc.*	May 26, 2016	060258
Sacramento	Unincorporated areas of Sacramento County (15–09–2246P).	The Honorable Phil Serna, Chairman, Board of Supervisors, Sacramento County, 700 H Street, Suite 2450, Sacramento, CA 95814.	Municipal Services Agency, Department of Water Resources, 827 7th Street, Suite 301, Sacramento, CA 95814.	*http://www.msc.fema.gov/lomc.*	Mar. 21, 2016	060262
San Diego	City of El Cajon (15–09–1699P).	The Honorable Bill Wells, Mayor, City of El Cajon, 200 Civic Center Way, El Cajon, CA 92020.	City Hall, 200 Civic Center Way, El Cajon, CA 92020.	*http://www.msc.fema.gov/lomc.*	Apr. 8, 2016	060289
Nevada:						
Clark	Unincorporated areas of Clark County (15–09–2566P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.msc.fema.gov/lomc.*	May 19, 2016	320003

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Clark	Unincorporated areas of Clark County (16–09–0035P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.msc.fema.gov/lomc.*	May 10, 2016	320003
Douglas	Unincorporated areas of Douglas County (15–09–0074P).	The Honorable Doug N. Johnson, Chairman, Board of Supervisors Douglas County, P.O. Box 218, Minden, NV 89423.	Douglas County Public Works Department, 1615 8th Street, Minden, NV 89423.	*http://www.msc.fema.gov/lomc.*	May 26, 2016	320008
Washoe	City of Reno (16–09–0377X).	The Honorable Hillary Schieve, Mayor, City of Reno, 1 East 1st Street, Reno, NV 89501.	City Hall Annex 450 Sinclair Street Reno, NV 89501.	*http://www.msc.fema.gov/lomc.*	May 25, 2016	320020

[FR Doc. 2016–07081 Filed 3–28–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5937–FA–01]

Announcement of Tenant Protection Voucher Funding Awards for Fiscal Year 2015 for the Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of fiscal year 2015 funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of Tenant Protection Voucher (TPV) funding awards for Fiscal Year (FY) 2015 to public housing agencies (PHAs) under the Section 8 Housing Choice Voucher Program (HCVP). The purpose of this notice is to publish the names and addresses of awardees, and the amounts of their non-competitive funding awards for assisting households affected by housing conversion actions, public housing relocations and replacements, moderate rehabilitation replacements, and HOPE VI relocations.

FOR FURTHER INFORMATION CONTACT: Milan Ozdinec, Deputy Assistant Secretary, Office of Housing Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4204, Washington, DC 20410–5000, telephone (202) 402–1380. Hearing- or speech-impaired individuals may call HUD's TTY number at (800) 927–7589. (Only the ''800'' telephone number is toll-free.)

SUPPLEMENTARY INFORMATION: The regulations governing the HCVP are published at 24 CFR 982. The purpose of this rental assistance program is to assist eligible families to pay their rent for decent, safe, and sanitary housing. The regulations for allocating housing assistance budget authority under Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The FY 2015 awardees announced in this notice were provided HCVP tenant protection vouchers (TPVs) funds on an as-needed, non-competitive basis. TPV awards made to PHAs for program actions that displace families living in public housing were made on a first-come, first-served basis in accordance with PIH Notice 2007–10, ''Voucher Funding in Connection with the Demolition or Disposition of Occupied Public Housing Units,'' [1] and PIH Notice 2015–03, ''Implementation of the Federal Fiscal Year 2015 Funding Provision for the Housing Choice Voucher Program.'' [2] Awards for the Rental Assistance Demonstration (RAD) were provided for Rental Supplement and Rental Assistance Payment Projects (RAD—Second Component) consistent with PIH Notice 2012–32 (HA), REV–2, ''Rental Assistance Demonstration—Final Implementation, Revision 2.'' [3] Announcements of awards provided under the NOFA process for Mainstream, Designated Housing, Family Unification (FUP), and Veterans Assistance Supportive Housing (VASH) programs will be published in a separate **Federal Register** notice.

Awards published under this notice were provided: (1) To assist families living in HUD-owned properties that are being sold; (2) to assist families affected by the expiration or termination of their Project-based Section 8 and Moderate Rehabilitation contracts; (3) to assist families in properties where the owner has prepaid the HUD mortgage; (4) to assist families in projects where the Rental Supplement and Rental Assistance Payments contracts are expiring (RAD—Second Component); (5) to provide relocation housing assistance in connection with the demolition of public housing; (6) to provide replacement housing assistance for single room occupancy (SRO) units that fail housing quality standards (HQS); (7) to assist families in public housing developments that are scheduled for demolition in connection with a HUD-approved HOPE VI revitalization or demolition grant; and (8) to assist families consistent with PIH Notice 2014–13, ''Funding for Tenant-Protection Vouchers for Certain At-Risk Households in Low-Vacancy Areas—2014 Appropriations Act'' [4] and PIH Notice 2015–07, ''Funding Availability for Tenant-Protection Vouchers for Certain At-Risk Households in Low-Vacancy Areas—Fiscal Year 2015.'' [5]

A special administrative fee of $200 per occupied unit was provided to PHAs to compensate for any extraordinary HCVP administrative costs associated with Multifamily Housing conversion actions.

The Department awarded total new budget authority of $96,743,318 to recipients under all of the above-mentioned categories for 16,515 housing choice vouchers. This budget authority includes $2,312,058 of unobligated commitments made in FY 2014. These funds were reserved by September 30, 2014, but not contracted until FY 2015, and thus have been included with obligated commitments for FY 2015. In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban

[1] PIH Notice 2007–10 is available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11380.pdf.*

[2] PIH Notice 2015–03 is available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=15-03pihn.pdf.*

[3] PIH Notice 2012–32 (HA), REV–2 is available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=PIHNotice_2012-32_062015.pdf.*

[4] PIH Notice 2014–13 is available at: *httpy://portal.hud.gov/hudportal/documents/huddoc?id=pih2014-13.pdf.*

[5] PIH Notice 2015–07 is available at: *http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-07.pdf.*

Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names and addresses of awardees, and their award amounts in Appendix A.

The awardees are listed alphabetically by State and then by PHA name.

Dated: March 18, 2016.

Lourdes Castro Ramirez,

Principal Deputy Assistant Secretary for Public and Indian Housing.

Appendix A

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015

Housing agency	Address	Units	Award
Special Fees Awarded Related to TPVs			
Special Fees—At-Risk Households			
CA: CITY OF ANAHEIM HOUSING AUTHORITY	201 S. ANAHEIM BLVD., STE. 200, ANAHEIM, CA 92805.	0	$25,600
MA: BOSTON HOUSING AUTHORITY	52 CHAUNCY STREET, BOSTON, MA 02111	0	8,000
MA: QUINCY HOUSING AUTHORITY	80 CLAY STREET, QUINCY, MA 02170	0	21,400
MA: PLYMOUTH HOUSING AUTHORITY	P.O.B. 3537, PLYMOUTH, MA 02361	0	8,400
MI: MICHIGAN STATE HSG. DEV. AUTH	P.O. BOX 30044, LANSING, MI 48909	0	13,400
MN: ST. PAUL PHA	555 NORTH WABASHA, SUITE 400, ST. PAUL, MN 55102.	0	2,200
MO: ST. LOUIS COUNTY HOUSING AUTHORITY	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	0	37,200
Total for Special Fees—At-Risk Households		0	116,200
Special Fees—Opt-Outs/Terminations			
AR: MISSISSIPPI COUNTY PUB FACIL BOARD	810 WEST KEISER, OSCEOLA, AR 72370	0	1,600
CA: COUNTY OF SAN BERNARDINO HSG AUTH	715 E. BRIER DRIVE, SAN BERNARDINO, CA 92408.	0	6,000
CA: CITY OF POMONA	505 S. GAREY AVENUE, P.O. BOX 660, POMONA, CA 91769.	0	1,000
CA: CITY OF OCEANSIDE COMM DEV COMM	300 NORTH COAST HIGHWAY, NEVADA STREET ANNEX, OCEANSIDE, CA 92054.	0	2,200
CO: HA OF THE CITY AND COUNTY OF DENVER	777 GRANT STREET, DENVER, CO 80203	0	23,600
CT: WATERBURY HOUSING AUTHORITY	2 LAKEWOOD ROAD, WATERBURY, CT 06704	0	2,400
CT: CONNECTICUT DEPT OF HOUSING	505 HUDSON STREET, HARTFORD, CT 06106	0	5,600
DC: D.C. HOUSING AUTHORITY	1133 NORTH CAPITOL STREET NE., WASHINGTON, DC 20002.	0	58,200
FL: HA TAMPA	1514 UNION ST., P.O. BOX 4766, TAMPA, FL 33607	0	10,400
FL: MIAMI DADE HOUSING AUTHORITY	701 NW. 1ST COURT, 16TH FLOOR, MIAMI, FL 33136.	0	800
FL: ORANGE CO SECTION 8	525 EAST SOUTH STREET, P.O. BOX 38, ORLANDO, FL 32801.	0	3,600
GA: HA MACON	P.O. BOX 4928, 2015 FELTON AVENUE, MACON, GA 31208.	0	22,400
IA: SOUTHERN IOWA REG HSG AUTHORITY	219 N. PINE, CRESTON, IA 50801	0	6,400
ID: IDAHO HOUSING AND FINANCE ASSO	565 W. MYRTLE STREET, P.O. BOX 7899, BOISE, ID 83707.	0	1,400
KS: KANSAS CITY HOUSING AUTHORITY	1124 NORTH NINTH STREET, KANSAS CITY, KS 66101.	0	21,600
MD: H AUTHORITY OF BALTIMORE CITY	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	0	7,600
MD: HSG AUTH PRINCE GEORGE'S COUNTY	9200 BASIL COURT, 5TH FLOOR, LARGO, MD 20774.	0	5,800
MD: HOWARD COUNTY HOUSING COMMISSION	6751 COLUMBIA GATEWAY DRIVE, 3RD FLOOR, COLUMBIA, MD 21046.	0	12,200
MN: METROPOLITAN COUNCIL HRA	390 ROBERT STREET, NORTH, ST. PAUL, MN 55101.	0	9,600
ND: STUTSMAN COUNTY HOUSING AUTHORITY	217 1ST AVENUE N., JAMESTOWN, ND 58401	0	600
ND: HOUSING AUTHORITY OF FOSTER COUNTY	55 16TH AVE. SOUTH, CARRINGTON, ND 58421	0	4,200
ND: MCHENRY/PIERCE COUNTY H AUTH	108 BURDICK EXPRESSWAY, MINOT, ND 58701	0	1,400
NH: KEENE HOUSING AUTHORITY	831 COURT STREET, KEENE, NH 03431	0	3,600
NM: BERNALILLO COUNTY HSG DEPT	1900 BRIDGE BLVD. SW., ALBUQUERQUE, NM 87105.	0	8,000
OH: HENRY MHA	1044 CHELSEA AVE., NAPOLEON, OH 43545	0	6,000
OK: OKLAHOMA HOUSING FINANCE AGENCY	P.O. BOX 26720, 100 NW. 63RD ST., SUITE 200, OKLAHOMA CITY, OK 73126.	0	19,200
PA: ALLENTOWN HOUSING AUTHORITY	1339 ALLEN STREET, ALLENTOWN, PA 18102	0	4,000
PA: JOHNSTOWN HOUSING AUTHORITY	501 CHESTNUT ST., P.O. BOX 419, JOHNSTOWN, PA 15907.	0	3,600
RQ: PUERTO RICO HOUSING FINANCE CORP	CALL BOX 71361—GPO, SAN JUAN, PR 00936	0	15,200
SC: CITY OF SPARTANBURG H/A	P.O. BOX 2828, SPARTANBURG, SC 29304	0	4,000
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103	0	4,400

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
TN: METROPOLITAN DEVE & HSG AGNCY	701 SOUTH SIXTH STREET, P.O. BOX 846, NASHVILLE, TN 37202.	0	22,000
TX: HOUSING AUTHORITY OF EL PASO	5300 PAISANO, EL PASO, TX 79905	0	1,200
TX: CORPUS CHRISTI HOUSING AUTHORITY	3701 AYERS STREET, CORPUS CHRISTI, TX 78415.	0	13,200
TX: HOUSING AUTHORITY OF WACO	4400 COBBS DRIVE, WACO, TX 76703	0	19,200
TX: GRAND PRAIRIE HSNG & COMM DEV	P.O. BOX 534045, 201 NW. 2ND. ST., SUITE 150, GRAND PRAIRIE, TX 75053.	0	17,000
WA: SEATTLE HOUSING AUTHORITY	120 SIXTH AVENUE NORTH, P.O. BOX 19028, SEATTLE, WA 98109.	0	400
WA: KING COUNTY HOUSING AUTHORITY	600 ANDOVER PARK WEST, SEATTLE, WA 98188	0	8,000
WA: HOU AUTHORITY OF SNOHOMISH COUNTY	12625 4TH AVE. W., SUITE 200, EVERETT, WA 98204.	0	8,800
WI: DUNN COUNTY HA	1421 STOUT ROAD, MENOMONIE, WI 54751	0	1,200
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	0	1,000
WV: PARKERSBURG HOUSING AUTHORITY	1901 CAMERON AVENUE, PARKERSBURG, WV 26101.	0	5,000
WV: JACKSON HOUSING AUTHORITY	WHISPERING WAY—TANGLEWOOD VILL, RIPLEY, WV 25271.	0	600
WY: H AUTH OF THE CITY OF CHEYENNE	3304 SHERIDAN AVENUE, CHEYENNE, WY 82009	0	1,800
Total for Special Fees—Opt-Outs/Terminations		0	376,000
Special Fees—Prepays			
AR: FORT SMITH	2100 NORTH 31ST STREET, FORT SMITH, AR 72904.	0	13,000
CA: SAN FRANCISCO HSG AUTH	1815 EGBERT AVE., SAN FRANCISCO, CA 94124	0	31,200
CA: OAKLAND HOUSING AUTHORITY	1619 HARRISON ST., OAKLAND, CA 94612	0	8,800
CA: TULARE COUNTY HOUSING AUTH	5140 W. CYPRESS AVE., P.O. BOX 791, VISALIA, CA 93279.	0	2,400
CA: CITY OF LONG BEACH HSG AUTH	521 E. 4TH STREET, LONG BEACH, CA 90802	0	58,600
CA: CITY OF SANTA MONICA	1901 MAIN ST., STE. A, SANTA MONICA, CA 90405	0	15,000
CO: LOVELAND HOUSING AUTHORITY	375 W. 37TH ST., #200, LOVELAND, CO 80538	0	14,200
IL: CHICAGO HOUSING AUTHORITY	60 EAST VAN BUREN ST., 11TH FLOOR, CHICAGO, IL 60605.	0	45,800
IL: HOUSING AUTHORITY OF COOK COUNTY	175 WEST JACKSON BOULEVARD, SUITE 350, CHICAGO, IL 60604.	0	64,800
IL: ELGIN HA	120 SOUTH STATE STREET, ELGIN, IL 60123	0	1,400
IL: DUPAGE COUNTY HOUSING AUTHORITY	711 EAST ROOSEVELT ROAD, WHEATON, IL 60187.	0	8,400
IN: EAST CHICAGO HA	4920 LARKSPUR DR., P.O. BOX 498, EAST CHICAGO, IN 46312.	0	600
KY: LEXINGTON FAYETTE URBAN HOUSING	300 NEW CIRCLE ROAD, LEXINGTON, KY 40505	0	8,000
KY: PADUCAH HOUSING AUTHORITY	300 SOUTH FIFTH STREET, POST OFFICE BOX 2267, PADUCAH, KY 42002.	0	8,400
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	0	60,000
MA: QUINCY HOUSING AUTHORITY	80 CLAY STREET, QUINCY, MA 02170	0	67,000
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE, BROOKLINE, MA 02146	0	20,000
MD: HOU AUTHORITY OF BALTIMORE CITY	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	0	9,600
MN: ST PAUL PHA	555 NORTH WABASHA, SUITE 400, ST. PAUL, MN 55102.	0	4,000
MS: MISS REG HA II	P.O. BOX 1887, OXFORD, MS 38655	0	14,600
MT: MT DEPARTMENT OF COMMERCE	P.O.B. 200545, 301 S. PARK, HELENA, MT 59620	0	6,000
NJ: LAKEWOOD HOUSING AUTHORITY	317 SAMPSON AVENUE, LAKEWOOD, NJ 08701	0	14,400
NY: TOWN OF AMHERST	C/O BELMONT HOUSING RESOURCES, 1195 MAIN STREET, BUFFALO, NY 14209.	0	49,200
NY: THE CITY OF NEW YORK DEPT OF HSG	501, NEW YORK, NY 10038	0	60,000
OH: TRUMBULL MHA	4076 YOUNGSTOWN ROAD SE., WARREN, OH 44484.	0	13,200
OH: LORAIN MHA	1600 KANSAS AVENUE, LORAIN, OH 44052	0	6,400
OH: MEDINA MHA	850 WALTER ROAD, MEDINA, OH 44256	0	10,600
PA: HOUSING AUTH CO OF LAWRENCE	481 NESHANNOCK AVE., P.O. BOX 988, NEW CASTLE, PA 16103.	0	200
PA: FRANKLIN CITY HOUSING AUTHORITY	1212 CHESTNUT STREET, FRANKLIN, PA 16323	0	4,800
VA: NEWPORT NEWS REDEVELOPMENT & HA	P.O. BOX 797, NEWPORT NEWS, VA 23607	0	18,600
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	0	3,000

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
Total for Special Fees—Prepays.		0	642,200
Special Fees—RAD Conversions			
CA: CITY OF LONG BEACH HSG AUTH	521 E. 4TH STREET, LONG BEACH, CA 90802	0	27,800
IL: DECATUR HOUSING AUTHORITY	1808 EAST LOCUST STREET, DECATUR, IL 62521	0	21,800
IL: HOUSING AUTHORITY OF JOLIET	6 SOUTH BROADWAY STREET, JOLIET, IL 60436	0	35,200
IL: MENARD COUNTY HOUSING AUTHORITY	101 W. SHERIDAN ROAD, PETERSBURG, IL 62675	0	15,600
IL: KANKAKEE COUNTY HOUSING AUTHORITY	185 NORTH ST. JOSEPH AVENUE, KANKAKEE, IL 60901.	0	23,800
IL: WINNEBAGO COUNTY H AUTHORITY	3617 DELAWARE STREET, ROCKFORD, IL 61102	0	22,200
IL: AURORA HOUSING AUTHORITY	1630 WEST PLUM STREET, AURORA, IL 60506	0	102,000
LA: SHREVEPORT HSG AUTHORITY	2500 LINE AVENUE, SHREVEPORT, LA 71104	0	3,600
MA: BOSTON HOUSING AUTHORITY	52 CHAUNCY STREET, BOSTON, MA 02111	0	11,800
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	0	62,600
MA: WORCESTER HOUSING AUTHORITY	40 BELMONT STREET, WORCESTER, MA 01605	0	230,800
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE., BROOKLINE, MA 02146	0	20,000
MA: SALEM HOUSING AUTHORITY	27 CHARTER STREET, SALEM, MA 01970	0	50,000
MA: COMM DEV PROG COMM OF MA. E.O.C.D	100 CAMBRIDGE STREET, BOSTON, MA 02114	0	79,000
MD: BALTIMORE CO. HOUSING OFFICE	6401 YORK ROAD, 1ST FLOOR, BALTIMORE, MD 21212.	0	36,400
MI: MICHIGAN STATE HSG. DEV. AUTH	P.O. BOX 30044, LANSING, MI 48909	0	53,000
NJ: NEWARK HOUSING AUTHORITY	500 BROAD STREET, NEWARK, NJ 07102	0	18,600
NJ: JERSEY CITY HOUSING AUTHORITY	400 US HIGHWAY #1, JERSEY CITY, NJ 07306	0	58,800
NJ: PATERSON HOUSING AUTHORITY	60 VAN HOUTEN STREET, PATERSON, NJ 07505	0	95,600
NJ: RAHWAY HOUSING AUTHORITY	165 GRAND AVENUE, RAHWAY, NJ 07065	0	3,800
NJ: LAKEWOOD HOUSING AUTHORITY	317 SAMPSON AVENUE, LAKEWOOD, NJ 08701	0	4,800
NJ: MIDDLETOWN HOUSING AUTHORITY	2 OAKDALE DRIVE PLAZA, MIDDLETOWN, NJ 07748.	0	16,400
NJ: NEW JERSEY DEPARTMENT OF COMMUNITY	101 SOUTH BROAD STREET, POST OFFICE BOX 051, TRENTON, NJ 08625.	0	143,800
NY: ALBANY HOUSING AUTHORITY	200 SOUTH PEARL, ALBANY, NY 12202	0	24,800
NY: HA OF ROCHESTER	675 WEST MAIN STREET, ROCHESTER, NY 14611	0	56,200
NY: THE CITY OF NEW YORK	501, NEW YORK, NY 10038	0	105,000
NY: CITY OF POUGHKEEPSIE MUNICIPAL BLDG	MEMORIAL SQUARE, P.O. BOX 300, POUGHKEEPSIE, NY 12602.	0	27,200
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	0	234,000
PA: ALLEGHENY COUNTY H AUTHORITY	625 STANWIX ST., 12TH FLOOR, PITTSBURGH, PA 15222.	0	30,400
VA: FAIRFAX CO RED AND HNG AUTHORITY	3700 PENDER DRIVE, SUITE 300, FAIRFAX, VA 22030.	0	21,600
VA: ARLINGTON CO DEPT OF HUMAN	2100 WASHINGTON BLVD., ARLINGTON, VA 22204	0	8,400
WI: RACINE COUNTY HA	837 MAIN STREET, RACINE, WI 53403	0	15,600
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	0	14,200
Total for Special Fees—RAD Conversions		0	1,674,800
Special Fees—Relocation—Rent Supplement			
MA: FALL RIVER HSG AUTHORITY	85 MORGAN ST., P.O. BOX 989, FALL RIVER, MA 02722.	0	5,600
MA: ATTLEBORO HSG AUTHORITY	37 CARLON ST., ATTLEBORO, MA 02703	0	20,000
MA: COMM DEV PROG COMM OF MA. E.O.C.D.	100 CAMBRIDGE STREET, BOSTON, MA 02114	0	22,400
NY: H AUTHORITY OF NORTH SYRACUSE	201–205A, NORTH SYRACUSE, NY 13212	0	2,400
Total for Special Fees—Relocation—Rent Supplement.		0	50,400
Total for Special Fees for TPVs		0	2,859,600
Public Housing and Mod Rehab Replacements TPVs			
Mod Rehab Replacements			
CA: COUNTY OF SAN MATEO HSG AUTH	264 HARBOR BLVD., BLDG. A, BELMONT, CA 94002.	130	1,607,674
CA: SAN DIEGO HOUSING COMMISSION	1122 BROADWAY, SUITE 300, SAN DIEGO, CA 92101.	10	101,198
DC: D.C HOUSING AUTHORITY	1133 NORTH CAPITOL STREET NE., WASHINGTON, DC 20002.	2	12,656

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
FL: MIAMI DADE HOUSING AUTHORITY	701 NW. 1ST COURT, 16TH FLOOR, MIAMI, FL 33136.	67	621,524
MD: H AUTHORITY OF BALTIMORE CITY	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	33	282,645
MD: MARYLAND DEPT OF HSG & COMMUNITY	100 COMMUNITY PLACE, CROWNSVILLE, MD 21032.	1	7,729
MO: ST. LOUIS COUNTY HOUSING AUTHORITY	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	7	44,101
MT: MT DEPARTMENT OF COMMERCE	P.O.B. 200545, 301 S. PARK, HELENA, MT 59620	8	39,612
ND: RAMSEY COUNTY HOUSING AUTHORITY	BOX 691, DEVILS LAKE, ND 58301	5	19,165
NJ: NEW JERSEY DEP OF COMMUNITY AFFAIRS	101 SOUTH BROAD STREET, POST OFFICE BOX 051, TRENTON, NJ 08625.	95	939,096
NY: THE CITY OF NEW YORK	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	62	729,291
NY: CITY OF BUFFALO C/O RENTAL ASST CORP	470 FRANKLIN ST., BUFFALO, NY 14202	2	9,739
PA: WESTMORELAND COUNTY HSG AUTH	R.D. #6, BOX 223, SOUTH GREENGATE RD., GREENSBURG, PA 15601.	1	5,474
TN: HSG DEV AGENCY ELIZABETHTON	P.O. BOX 637, ELIZABETHTON, TN 37644	9	38,292
UT: HA OF CITY OF OGDEN	1100 GRANT AVE., OGDEN, UT 84404	14	74,011
UT: HOUSING AUTHORITY OF SALT LAKE CITY	1776 SW. TEMPLE, SALT LAKE CITY, UT 84115	30	209,632
Total for Mod Rehab Replacements		476	4,741,839
Mod Rehab Replacements (RAD)			
MA: COMM DEV PROG COMM OF MA. E.O.C.D	100 CAMBRIDGE STREET, BOSTON, MA 02114	81	655,776
MA: COMM DEV PROG COMM OF MA. E.O.C.D	100 CAMBRIDGE STREET, BOSTON, MA 02114	94	259,361
Total for Mod Rehab Replacements for RAD		175	915,137
MTW Relocation/Replacement			
CO: BOULDER CITY HSG AUTH	4800 BROADWAY, BOULDER, CO 80304	95	337,479
GA: HA COLUMBUS GA GEN FUND ACCT CONSL	P.O. BOX 630, COLUMBUS, GA 31902	340	953,227
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	297	574,672
WA: SEATTLE HOUSING AUTHORITY	120 SIXTH AVENUE NORTH P.O. BOX 19028, SEATTLE, WA 98109.	109	5
Total for MTW Relocation/Replacement		841	1,865,383
Relocation—Sunset			
CT: ANSONIA HOUSING AUTHORITY	36 MAIN STREET, ANSONIA, CT 06401	16	61,772
Total for Relocation—Sunset		16	61,772
Replacement			
CA: CITY OF RICHMOND HSG AUTH	330 24TH ST., RICHMOND, CA 94808	101	885,274
CO: AURORA HOUSING AUTHORITY	10745 E KENTUCKY AVENUE, AURORA, CO 80012	65	256,170
CT: BRIDGEPORT HOUSING AUTHORITY	150 HIGHLAND AVENUE, BRIDGEPORT, CT 06604	225	1,001,242
CT: MERIDEN HOUSING AUTHORITY	22 CHURCH STREET, MERIDEN, CT 06450	23	57,316
CT: ANSONIA HOUSING AUTHORITY	36 MAIN STREET, ANSONIA, CT 06401	38	130,583
FL: HA WEST PALM BEACH GENERAL FUND	1715 DIVISION AVENUE, WEST PALM BEACH, FL 33407.	49	294,826
IN: GARY HA	578 BROADWAY, GARY, IN 46402	45	52,340
MN: METROPOLITAN COUNCIL HRA	390 ROBERT STREET NORTH, ST. PAUL, MN 55101.	98	196,421
NJ: CAMDEN HOUSING AUTHORITY	1300 ADMIRAL WILSON BLVD. P.O. BOX 1426, CAMDEN, NJ 08101.	33	286,775
NY: THE MUNI HOUSING AUTHORITY CITY OF	1511 CENTRAL PARK AVE., P.O. BOX 35, YONKERS, NY 10710.	35	284,571
NY: HA OF NEW ROCHELLE	50 SICKLES AVENUE, NEW ROCHELLE, NY 10801	52	378,957
TN: HA MURFREESBORO	415 NORTH MAPLE STREET, MURFREESBORO, TN 37130.	110	181,676
VA: BRISTOL REDEVELOPMENT & HA	809 EDMOND STREET, BRISTOL, VA 24201	39	66,673
WA: HSG AUTHORITY OF SNOHOMISH COUNTY	12625 4TH AVE. W. SUITE 200, EVERETT, WA 98204.	209	608,956
Total for Replacement		1,122	4,681,780

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
TPVs—HOPE VI			
CO: HSG AUT OF THE CITY AND COUNTY OF	777 GRANT STREET, DENVER, CO 80203	23	94,450
Total for TPVs—HOPE VI		23	94,450
Witness Relocation Assistance			
CT: MILFORD REDE & HOUSING PARTNERSHIP	75 DEMAIO DRIVE, P.O. BOX 291, MILFORD, CT 06460.	1	17,070
Total for Witness Relocation Assistance		1	17,070
Total for Public Housing TPVs		2,654	12,377,431
Multifamily Housing TPVs			
Certain At-Risk Households Low Vacancy			
CA: CITY OF ANAHEIM HOUSING AUTHORITY	201 S. ANAHEIM BLVD., STE. 200, ANAHEIM, CA 92805.	128	934,287
CT: CONNECTICUT DEPT OF HOUSING	505 HUDSON STREET, HARTFORD, CT 06106	0	103,348
FL: MIAMI DADE HOUSING AUTHORITY	701 NW. 1ST COURT, 16TH FLOOR, MIAMI, FL 33136.	0	132,708
MA: PLYMOUTH HOUSING AUTHORITY	P.O.B. 3537, PLYMOUTH, MA 02361	42	246,590
MI: MICHIGAN STATE HSG. DEV. AUTH	P.O. BOX 30044, LANSING, MI 48909	67	313,035
MN: ST PAUL PHA	555 NORTH WABASHA, SUITE 400, ST. PAUL, MN 55102.	11	71,773
MO: ST. LOUIS COUNTY HOUSING AUTHORITY	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121	186	585,911
Total for Certain At-Risk Households Low Vacancy.		434	2,387,652
New Housing Conversion Rent Supplement			
MA: FALL RIVER HSG AUTHORITY	85 MORGAN ST., P.O. BOX 989, FALL RIVER, MA 02722.	28	96,303
MA: ATTLEBORO HSG AUTHORITY	37 CARLON ST., ATTLEBORO, MA 02703	100	757,125
MA: COMM DEV PROG COMM OF MA. E.O.C.D	100 CAMBRIDGE STREET, BOSTON, MA 02114	112	741,888
NY: HSG AUTHORITY OF NORTH SYRACUSE	201 SOUTH MAIN STREET, SUITE 205A, NORTH SYRACUSE, NY 13212.	12	42,047
Total for New Housing Conversion Rent Supplement.		252	1,637,363
Prepayment—RAD			
IL: HOUSING AUTHORITY OF JOLIET	6 SOUTH BROADWAY STREET, JOLIET, IL 60436	176	1,474,729
IL: MENARD COUNTY HOUSING AUTHORITY	101 W. SHERIDAN ROAD, PETERSBURG, IL 62675	78	228,815
IL: KANKAKEE COUNTY HOUSING AUTHORITY	185 NORTH ST. JOSEPH AVENUE, KANKAKEE, IL 60901.	119	352,488
IL: WINNEBAGO COUNTY HSG AUTHORITY	3617 DELAWARE STREET, ROCKFORD, IL 61102	111	338,642
IL: AURORA HOUSING AUTHORITY	1630 WEST PLUM STREET, AURORA, IL 60506	510	2,348,397
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	313	2,469,645
MA: WORCESTER HOUSING AUTHORITY	40 BELMONT STREET, WORCESTER, MA 01605	1,154	8,192,477
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE., BROOKLINE, MA 02146	100	1,075,404
MA: SALEM HOUSING AUTHORITY	27 CHARTER STREET, SALEM, MA 01970	250	2,589,090
MD: BALTIMORE CO. HSG OFFICE	6401 YORK ROAD, 1ST FLOOR, BALTIMORE, MD 21212.	182	1,725,513
MI: MICHIGAN STATE HSG. DEV. AUTH.	P.O. BOX 30044, LANSING, MI 48909	265	1,650,833
NJ: JERSEY CITY HOUSING AUTHORITY	400 US HIGHWAY #1, JERSEY CITY, NJ 07306	195	775,564
NJ: MIDDLETOWN HOUSING AUTHORITY	2 OAKDALE DRIVE PLAZA, MIDDLETOWN, NJ 07748.	82	439,489
NJ: NEW JERSEY DEP OF COMM AFFAIRS	101 SOUTH BROAD STREET, POST OFFICE BOX 051, TRENTON, NJ 08625.	125	1,029,525
NY: HA OF ROCHESTER	675 WEST MAIN STREET, ROCHESTER, NY 14611	281	378,988
NY: THE CITY OF NEW YORK	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	525	3,193,344
NY: CITY OF POUGHKEEPSIE MUNICIPAL BLDG	MEMORIAL SQUARE, P.O. BOX 300, POUGHKEEPSIE, NY 12602.	136	497,556
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	1,163	5,297,303

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
VA: FAIRFAX CO RED AND HNG AUTHORITY	3700 PENDER DRIVE, SUITE 300, FAIRFAX, VA 22030.	108	706,761
VA: ARLINGTON CO DEPT OF HUMAN	2100 WASHINGTON BLVD., ARLINGTON, VA 22204	42	244,115
WI: RACINE COUNTY HA	837 MAIN STREET, RACINE, WI 53403	78	195,460
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	71	175,534
Total for Prepayment—RAD		6,064	35,379,672
Pre-Payment Vouchers			
AR: FORT SMITH	2100 NORTH 31ST STREET, FORT SMITH, AR 72904.	65	211,571
CA: SAN FRANCISCO HSG AUTH	1815 EGBERT AVE., SAN FRANCISCO, CA 94124	156	2,345,728
CA: OAKLAND HOUSING AUTHORITY	1619 HARRISON ST., OAKLAND, CA 94612	44	296,992
CA: TULARE COUNTY HOUSING AUTH	5140 W. CYPRESS AVE., P.O. BOX 791, VISALIA, CA 93279.	12	79,173
CA: CITY OF LONG BEACH HSG AUTH	521 E. 4TH STREET, LONG BEACH, CA 90802	293	1,730,101
CA: CITY OF SANTA MONICA	1901 MAIN ST., STE. A, SANTA MONICA, CA 90405	75	308,892
CO: LOVELAND HOUSING AUTHORITY	375 W. 37TH ST, #200, LOVELAND, CO 80538	71	290,894
IL: CHICAGO HOUSING AUTHORITY	60 EAST VAN BUREN ST, 11TH FLOOR, CHICAGO, IL 60605.	229	1,204,777
IL: HOUSING AUTHORITY OF COOK COUNTY	175 WEST JACKSON BOULEVARD, SUITE 350, CHICAGO, IL 60604.	24	119,522
IL: ELGIN HA	120 SOUTH STATE STREET, ELGIN, IL 60123	7	44,685
IL: DUPAGE COUNTY HOUSING AUTHORITY	711 EAST ROOSEVELT ROAD, WHEATON, IL 60187.	42	268,239
IN: EAST CHICAGO HA	4920 LARKSPUR DR, P.O. BOX 498, EAST CHICAGO, IN 46312.	3	13,466
KY: LEXINGTON FAYETTE URBAN COUNTY	300 NEW CIRCLE ROAD, LEXINGTON, KY 40505	40	132,538
KY: PADUCAH HOUSING AUTHORITY	300 SOUTH FIFTH STREET, POST OFFICE BOX 2267, PADUCAH, KY 42002.	42	159,934
MA: CAMBRIDGE HOUSING AUTHORITY	675 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139.	300	2,878,623
MA: QUINCY HOUSING AUTHORITY	80 CLAY STREET, QUINCY, MA 02170	335	2,399,784
MA: BROOKLINE HOUSING AUTHORITY	90 LONGWOOD AVE., BROOKLINE, MA 02146	207	4,250,695
MD: HSG AUTHORITY OF BALTIMORE CITY	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	48	205,560
MN: ST PAUL PHA	555 NORTH WABASHA, SUITE 400, ST. PAUL, MN 55102.	20	38,974
MS: MISS REG H A II	P.O. BOX 1887, OXFORD, MS 38655	73	176,193
MT: MT DEPARTMENT OF COMMERCE	POB 200545 301 S. PARK, HELENA, MT 59620	30	86,134
NJ: JERSEY CITY HOUSING AUTHORITY	400 US HIGHWAY #1, JERSEY CITY, NJ 07306	305	2,162,033
NJ: LAKEWOOD HOUSING AUTHORITY	317 SAMPSON AVENUE, LAKEWOOD, NJ 08701	72	568,774
NY: TOWN OF AMHERST C/O BELMONT HSG RESOURCES.	1195 MAIN STREET, BUFFALO, NY 14209	246	837,711
NY: THE CITY OF NEW YORK	100 GOLD STREET, ROOM 501, NEW YORK, NY 10038.	300	882,207
OH: TRUMBULL MHA	4076 YOUNGSTOWN ROAD SE., WARREN, OH 44484.	66	155,470
OH: LORAIN MHA	1600 KANSAS AVENUE, LORAIN, OH 44052	32	193,920
OH: MEDINA MHA	850 WALTER ROAD, MEDINA, OH 44256	53	135,996
PA: ALLEGHENY COUNTY HSG AUTHORITY	625 STANWIX ST., 12TH FLOOR, PITTSBURGH, PA 15222.	0	29,164
PA: HOUSING AUTH CO OF LAWRENCE	481 NESHANNOCK AVE., P.O. BOX 988, NEW CASTLE, PA 16103.	1	1,931
PA: FRANKLIN CITY HOUSING AUTHORITY	1212 CHESTNUT STREET, FRANKLIN, PA 16323	24	44,437
VA: NEWPORT NEWS REDEVELOPMENT & HA	P.O. BOX 797, NEWPORT NEWS, VA 23607	93	290,244
VA: ROANOKE REDEVELOPMENT & H/A	P.O. BOX 6359 2624 SALEM TRNPK. NW., ROANOKE, VA 24017.	0	142,587
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	15	69,754
Total for Pre-payment Vouchers		3,323	22,756,703
RAD—Conversion Assistance			
NJ: PATERSON HOUSING AUTHORITY	60 VAN HOUTEN STREET, PATERSON, NJ 07505	308	1,971,015
NJ: NEW JERSEY DEP OF COMM AFFAIRS	101 SOUTH BROAD STREET POST OFFICE BOX 051, TRENTON, NJ 08625.	153	882,097

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
Total for RAD—Conversion Assistance		461	2,853,112
Rent Supplement—RAD			
CA: CITY OF LONG BEACH HSG AUTH	521 E. 4TH STREET, LONG BEACH, CA 90802	139	1,474,829
IL: DECATUR HOUSING AUTHORITY	1808 EAST LOCUST STREET, DECATUR, IL 62521	109	275,733
LA: SHREVEPORT HSG AUTHORITY	2500 LINE AVENUE, SHREVEPORT, LA 71104	18	84,097
MA: COMM DEV PROG COMM OF MA. E.O.C.D	100 CAMBRIDGE STREET, BOSTON, MA 02114	314	1,386,624
NJ: NEWARK HOUSING AUTHORITY	500 BROAD STREET, NEWARK, NJ 07102	93	777,699
NJ: JERSEY CITY HOUSING AUTHORITY	400 US HIGHWAY #1, JERSEY CITY, NJ 07306	99	477,511
NJ: PATERSON HOUSING AUTHORITY	60 VAN HOUTEN STREET, PATERSON, NJ 07505	170	1,680,149
NJ: RAHWAY HOUSING AUTHORITY	165 GRAND AVENUE, RAHWAY, NJ 07065	19	84,116
NJ: LAKEWOOD HOUSING AUTHORITY	317 SAMPSON AVENUE, LAKEWOOD, NJ 08701	24	166,887
NJ: NEW JERSEY DEP OF COMM AFFAIRS	101 SOUTH BROAD STREET, POST OFFICE BOX 051, TRENTON, NJ 08625.	441	2,179,298
NY: ALBANY HOUSING AUTHORITY	200 SOUTH PEARL, ALBANY, NY 12202	124	190,869
NY: NYS HSG TRUST FUND CORPORATION	38–40 STATE STREET, ALBANY, NY 12207	0	520,418
Total for Rent Supplement—RAD		1,550	9,298,230
Termination/Opt-out Vouchers			
AR: MISSISSIPPI COUNTY PUBLIC FACI BOARD	810 WEST KEISER, OSCEOLA, AR 72370	8	22,543
CA: COUNTY OF SAN BERNARDINO HSG AUTH	715 E. BRIER DRIVE, SAN BERNARDINO, CA 92408.	30	82,057
CA: CITY OF POMONA	505 S. GAREY AVENUE, P.O. BOX 660, POMONA, CA 91769.	5	38,230
CA: CITY OF OCEANSIDE COMM	300 NORTH COAST HIGH NEVADA STREET ANNEX, OCEANSIDE, CA 92054.	11	85,183
CO: HSG AUTH OF THE CITY AND COUNTY OF	777 GRANT STREET, DENVER, CO 80203	0	445,804
CT: WATERBURY HOUSING AUTHORITY	2 LAKEWOOD ROAD, WATERBURY, CT 06704	12	88,275
CT: CONNECTICUT DEPT OF HOUSING	505 HUDSON STREET, HARTFORD, CT 06106	28	89,621
DC: D.C. HOUSING AUTHORITY	1133 NORTH CAPITOL STREET NE., WASHINGTON, DC 20002.	291	457,775
FL: HA TAMPA	1514 UNION ST., P.O. BOX 4766, TAMPA, FL 33607	52	219,299
FL: MIAMI DADE HOUSING AUTHORITY	701 NW. 1ST COURT, 16TH FLOOR, MIAMI, FL 33136.	4	24,834
FL: ORANGE CO SECTION 8	525 EAST SOUTH STREET, P.O. BOX 38, ORLANDO, FL 32801.	18	92,966
GA: HA MACON	P.O. BOX 4928, 2015 FELTON AVENUE, MACON, GA 31208.	112	611,762
IA: SOUTHERN IOWA REG HSG AUTHORITY	219 N. PINE, CRESTON, IA 50801	32	63,433
ID: IDAHO HSG AND FINANCE ASSOCIATION	565 W. MYRTLE STREET, P.O. BOX 7899, BOISE, ID 83707.	0	14,016
KS: KANSAS CITY HOUSING AUTHORITY	1124 NORTH NINTH STREET, KANSAS CITY, KS 66101.	108	502,728
MD: HSG AUTHORITY OF BALTIMORE CITY	417 EAST FAYETTE STREET, BALTIMORE, MD 21201.	38	135,613
MD: HSG AUTH PRINCE GEORGE'S COUNTY	9200 BASIL COURT, 5TH FLOOR, LARGO, MD 20774.	29	342,441
MD: HOWARD COUNTY HOUSING COMMISSION	6751 COLUMBIA GATEWAY DRIVE, 3RD FLOOR, COLUMBIA, MD 21046.	61	395,964
MN: METROPOLITAN COUNCIL HRA	390 ROBERT STREET NORTH, ST. PAUL, MN 55101.	48	352,757
NC: GREENSBORO HOUSING AUTHORITY	P.O. BOX 21287, GREENSBORO, NC 27420	0	8,676
ND: STUTSMAN COUNTY HOUSING AUTHORITY	217 1ST AVENUE N., JAMESTOWN, ND 58401	3	5,894
ND: HOUSING AUTHORITY OF FOSTER COUNTY	55 16TH AVE. SOUTH, CARRINGTON, ND 58421	21	26,980
ND: MCHENRY/PIERCE COUNTY HSG AUTH	C/O MINOT HOUSING AUTH, 108 BURDICK EXPRESSWAY, MINOT, ND 58701.	7	27,559
NH: KEENE HOUSING AUTHORITY	831 COURT STREET, KEENE, NH 03431	18	95,070
NM: BERNALILLO COUNTY HSG DEPT	1900 BRIDGE BLVD. SW., ALBUQUERQUE, NM 87105.	40	227,990
OH: HENRY MHA	1044 CHELSEA AVE., NAPOLEON, OH 43545	30	17,209
OK: OKLAHOMA HOUSING FINANCE AGENCY	P.O. BOX 26720 100 NW., 63RD ST., SUITE 200, OKLAHOMA CITY, OK 73126.	96	270,346
PA: ALLENTOWN HOUSING AUTHORITY	1339 ALLEN STREET, ALLENTOWN, PA 18102	20	48,031
PA: JOHNSTOWN HOUSING AUTHORITY	501 CHESTNUT ST., P.O. BOX 419, JOHNSTOWN, PA 15907.	18	26,022
RQ: PUERTO RICO HOUSING FINANCE CORP	CALL BOX 71361—GPO, SAN JUAN, PR 00936	76	235,726
SC: CITY OF SPARTANBURG H/A	P.O. BOX 2828, SPARTANBURG, SC 29304	20	51,437
TN: MEMPHIS HOUSING AUTHORITY	P.O. BOX 3664, MEMPHIS, TN 38103	22	94,340

SECTION 8 RENTAL ASSISTANCE PROGRAMS (TPV) ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2015—Continued

Housing agency	Address	Units	Award
TN: METRO DEVELOPMNT & HSG AGNCY	701 SOUTH SIXTH STREET, P.O. BOX 846, NASHVILLE, TN 37202.	110	494,386
TX: HOUSING AUTHORITY OF EL PASO	5300 PAISANO, EL PASO, TX 79905	6	21,468
TX: CORPUS CHRISTI HOUSING AUTHORITY	3701 AYERS STREET, CORPUS CHRISTI, TX 78415.	66	230,750
TX: HOUSING AUTHORITY OF WACO	4400 COBBS DRIVE, WACO, TX 76703	96	382,080
TX: GRAND PRAIRIE HSNG & COMM DEV	P.O. BOX 534045 201 NW. 2ND. ST., SUITE 150, GRAND PRAIRIE, TX 75053.	85	398,977
WA: SEATTLE HOUSING AUTHORITY	120 SIXTH AVENUE NORTH, P.O. BOX 19028, SEATTLE, WA 98109.	0	30,062
WA: KING COUNTY HOUSING AUTHORITY	600 ANDOVER PARK WEST, SEATTLE, WA 98188	40	35,366
WA: HSG AUTHORITY OF SNOHOMISH COUNTY	12625 4TH AVE. W., SUITE 200, EVERETT, WA 98204.	44	194,185
WI: DUNN COUNTY HA	1421 STOUT ROAD, MENOMONIE, WI 54751	6	11,753
WI: WISCONSIN HOUSING & ECONOMIC DEVELOPMENT AUTHORITY.	P.O. BOX 1728, MADISON, WI 53701	5	14,422
WV: PARKERSBURG HOUSING AUTHORITY	1901 CAMERON AVENUE, PARKERSBURG, WV 26101.	25	37,045
WV: JACKSON HOUSING AUTHORITY	WHISPERING WAY—TANGLEWOOD VILL, RIPLEY, WV 25271.	3	5,053
WY: HSG AUT OF THE CITY OF CHEYENNE	3304 SHERIDAN AVENUE, CHEYENNE, WY 82009	9	26,987
Total for Termination/Opt-out Vouchers		1,753	7,083,115
Total for Multifamily Housing TPVs		13,837	81,395,847
CPD TPVs SRO—Relocation/Replacement			
ND: BURLEIGH COUNTY HOUSING AUTHORITY	410 SOUTH 2ND STREET, BISMARCK, ND 58504	23	104,013
OH: CUYAHOGA MHA	8120 KINSMAN ROAD, CLEVELAND, OH 44104	1	6,427
Total for SRO—Relocation/Replacement		24	110,440
Total for CPD TPVs		24	110,440
Grand Total		16,515	96,743,318

[FR Doc. 2016–07070 Filed 3–28–16; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5916–N–07]

60-Day Notice of Proposed Information Collection: Public Housing Reform Act: Changes to Admission and Occupancy Requirements

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 31, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Reform Act: Changes to Admission and Occupancy Requirements.

OMB Approval Number: 2577–0230.

Type of Request: Revision of currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use:

The purpose of this information collection submission is to implement the requirement that public housing agencies have available upon request, their respective admission and

occupancy policies for both the public and the Department of Housing and Urban Development. Public housing authorities must have on hand and available for inspection policies related to admission and continued occupancy, so as to respond to inquiries from tenants, legal-aid services, HUD, and other interested parties informally or through the Freedom of Information Act. Written documentation of policies relating to public housing and Section 8 assistance programs implemented under the Quality Housing and Work Responsibility Act of 1998, such as eligibility for admission and continued occupancy, local preferences, and rent determination, must be maintained and made available by public housing authorities.

The collection of information implements changes to the admission and occupancy requirements for the public housing and Section 8 assisted housing programs made by the Quality Housing and Work Responsibility (QHWRA) Act 1998, (Title V of the FY 1999 HUD appropriations Act, Public Law 105–276, 112 Stat. 2518, approved October 21, 1998), which amended the United States Housing Act of 1937. QHWRA made comprehensive changes to HUD's public housing, Section 8 programs. Some of the changes made by the 1998 Act (*i.e.,* QHWRA) affect public housing only and others affect the Section 8 and public housing programs. These changes cover choice of rent, community service and self-sufficiency in *public housing;* and admission preferences and determination of income and rent in *public housing* and *Section 8 housing assistance programs.*

Revisions are made to this collection to reflect adjustments in calculations based on the total number of current, active public housing agencies (PHAs) to date. The number of active public housing agencies has changed from 4,058 to 3,946 since the last approved information collection. The number of PHAs can fluctuate due to a number of factors, including but not limited to the merging of two or more PHAs or the termination of the public housing and/or voucher programs.

Respondents (*i.e.* affected public): State, Local or Tribal Government.

Estimated Number of Respondents: 3,946.

Estimated Number of Responses: 3,946.

Frequency of Response: 1.

Average Hours per Response: 24.

Total Estimated Burdens: 94,704.

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 22, 2016.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2016–07067 Filed 3–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5916–N–06]

60-Day Notice of Proposed Information Collection: Alternative Inspections—Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 31, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Alternative Inspections—Housing Choice Voucher Program.

OMB Approval Number: Pending OMB approval.

Type of Request: New Collection.

Form Number: N/A.

Description of the need for the information and proposed use: Under the Section 8 housing choice voucher rule, PHAs that elect to rely on an alternative inspection are required to meet the requirements of subpart I of the rule. If the inspection method and standard selected is other than HOME Investment Partnerships (HOME) program, Low-Income Housing Tax Credits (LIHTCs), or that performed by HUD, the PHA must submit a request to HUD. PHAs with approved alternative inspection standards must monitor changes to the standards and requirements of their method and if changes are made must submit to HUD a copy of the revised standards and requirements along with a revised comparison to HQS.

Respondents (*i.e.,* affected public): State, Local or Tribal Governments.

Estimated Number of Respondents: 2280.

Estimated Number of Responses: 33.

Frequency of Response: 1.

Average Hours per Response: 4.

Total Estimated Burdens: 149 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 22, 2016.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2016–07068 Filed 3–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5915–N–02]

60 Day Notice of Proposed Information Collection for Public Comment on the: ConnectHome Use and Barriers Focus Groups

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 31, 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: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, 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.

A. Overview of Information Collection

Title of Information Collection: ConnectHome Use and Barriers Focus Groups.

OMB Approval Number: Pending.

Type of Request: New.

Form Number: Focus groups.

Description of the need for the information and proposed use: President Barack Obama and HUD Secretary Julián Castro announced ConnectHome on July 15, 2015, as the next step in the Obama Administration's efforts to increase access to high-speed Internet access for all Americans. Through public-private partnerships, nonprofit organizations, businesses, and Internet service providers (ISPs), ConnectHome will offer high-speed Internet service, devices, technical training, and digital literacy programs to residents of HUD-assisted housing in 28 pilot communities, including the Choctaw Nation of Oklahoma.

As communities begin to implement ConnectHome in 2016 and connect residents to Internet access within their homes, these focus groups will illuminate how families are taking advantage of ConnectHome as well as barriers they may encounter. The focus groups will explore ConnectHome subscribers' previous broadband access, current and planned patterns of use, and current and anticipated benefits of their at-home high-speed Internet access. Questions will emphasize educational Internet use such as completing homework, connecting parents with educators, and applying to college. In addition, the focus groups will explore barriers to signing up for ConnectHome, securing devices, and using the Internet.

Respondents (*i.e.* affected public): ConnectHome-eligible residents in 5 of the 28 pilot communities.

Estimated Number of Respondents: 45 total—9 respondents each at 5 ConnectHome sites.

Frequency of Response: One time.

Average Hours per Response: 1.5 hours.

Total Estimated Burden: 67.5 hours.

Respondents' Obligation: Voluntary.

B. Solicitation of Public Comment

This notice solicits 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 22, 2016.

Katherine M. O'Regan,

Assistant Secretary, Office of Policy Development and Research.

[FR Doc. 2016–07063 Filed 3–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–20]

30-Day Notice of Proposed Information Collection: Public Housing Operating Fund Program: Operating Budget and Related Form

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 28, 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 6, 2016 at 81 FR 510.

A. Overview of Information Collection

Title of Information Collection: Public Housing Operating Fund Program: Operating Budget and Related Form.

OMB Approval Number: 2577–0026.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–52574.

Description of the need for the information and proposed use: The operating budget and related form are submitted by PHAs for the low-income housing program. The operating budget provides a summary of proposed budget receipts and expenditures by major category, as well as blocks for indicating approval of budget receipts and expenditures by the PHAs and HUD. The related form provides a record of PHA Board approval of how the amount shown on the operating budget were derived, as well as the justification of certain specified amounts. The information is reviewed by HUD to determine if the plan of operation adopted by the PHAs and amounts included therein are reasonable for the efficient and economical operation of the development(s), and the PHAs are in compliance with HUD's procedures to assure that sound management practices will be followed in the operation of the development. PHAs are still required to prepare their operating budgets and submit them to their Board for approval prior to their operating subsidy being approved by HUD. The operating budgets must be kept on file for review, if requested.

Respondents (*i.e.* affected public): State, Local or Tribal Government.

Estimated Number of Respondents: 3,041.

Estimated Number of Responses: 3,041.

Frequency of Response: 1.

Average Hours per Response: .17.

Total Estimated Burdens: 517.

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 23, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–07066 Filed 3–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–23]

30-Day Notice of Proposed Information Collection: Evaluation of the Jobs Plus Pilot Program

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 28, 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 December 28, 2015 at 80 FR 80790.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Jobs Plus Pilot Program.

OMB Approval Number: 2528-New.

Type of Request: New collection.

Form Number: None.

Description of the need for the information and proposed use: HUD's 2014 Appropriations included funding to support the implementation of the Jobs Plus Pilot Program, a place-based program designed to increase work and earnings among public housing residents. Nine public housing agencies (PHAs) were awarded grant funds in the Spring of 2015, and will implement the Jobs Plus program over a period of four years. The program as designed includes three core components: (1) Employment-related services, (2) financial incentives—the Jobs Plus Earned Income Disregard (JPEID), and (3) community supports for work. The Jobs Plus program seeks to replicate the model tested under the Jobs Plus Demonstration back in the 1990s and early 2000, which led to sustained growth in earned income among residents at sites that fully implemented the program. This current generation of the Jobs Plus program, however, will differ from the Jobs Plus demonstration in some important ways—first, the current iteration of the program will benefit from a more robust financial incentive, and second, the program will be implemented almost twenty years after the initial demonstration, in a very different employment market. Because of these important variations, HUD is supporting an evaluation of the Jobs Plus Pilot program, with the goal of documenting the programs established by the Jobs Plus Pilot Program grantees and laying the groundwork for future evaluative work that will seek to document the impact of the program, both on the program participants, as well as the entire target development. Specific research objectives include, but are not limited to: Describing the set of activities and partnerships established by grantees under core program components; describing the amount and type of leveraged resources accessed by each grantee; describing the extent to which grantees are successful at engaging a high percentage of residents in some aspect of program participation; documenting the ease with which PHAs implemented the JPEID; and documenting the costs of implementing and operating the Jobs Plus program. Data to be analyzed during the evaluation include administrative data, as well as data collected directly from PHAs, Jobs Plus program administrators, partners and staff, as well as residents of developments where Jobs Plus is being implemented. This request for OMB clearance includes the data collection instruments that will be utilized during two separate rounds of site visits to each of the nine program sites, including a site visit interview guide and a focus group discussion guide.

Respondents (*i.e.* affected public): PHAs administering the Jobs Plus Pilot program, Jobs Plus Pilot program community partners, and residents of participating developments.

Form Respondent	sample	Number of respondents	Average time to complete (minimum, maximum) in minutes	Frequency	Total burden (hours)
Site Visit Interview Guide #1.	12 staff and stakeholders from all 9 Jobs Plus sites.	108	90 (75–105)	1	162
Focus Group Discussion Guide #1.	15 residents at each of the 9 Jobs Plus sites ..	135	90 (50–70)	1	202.5
Site Visit Interview Guide #1.	12 staff and stakeholders from all 9 Jobs Plus sites.	108	90 (75–105)	1	162
Focus Group Discussion Guide #2.	15 residents at each of the 9 Jobs Plus sites ..	135	90 (50–70)	1	202.5
Total Burden Hours	.....	.....	.....	.....	729

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 23, 2016.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2016–07064 Filed 3–28–16; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

United States Geological Survey

[GX16EN05ESB0500]

Announcement of Advisory Committee on Climate Change and Natural Resource Science Meeting

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 2, we announce that the Advisory Committee on Climate Change and Natural Resource Science will hold a meeting.

DATES: *Meeting:* The meeting will be held as follows: Tuesday, April 19, 2016, from 9:00 a.m. to 5:15 p.m.; and Wednesday, April 20, 2016 from 9:00

a.m. to 12:30 p.m. (All times Eastern Daylight Time).

ADDRESSES: Corporation for Enterprise Development, 1200 G Street NW., Suite 400—Roosevelt Room, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Robin O'Malley, Designated Federal Officer, Policy and Partnership Coordinator, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192, *romalley@usgs.gov,* (703) 648–4086.

SUPPLEMENTARY INFORMATION: Chartered in May 2013, the Advisory Committee on Climate Change and Natural Resource Science (ACCCNRS) advises the Secretary of the Interior on the establishment and operations of the U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center (NCCWSC) and the Department of the Interior (DOI) Climate Science Centers (CSCs). ACCCNRS members represent the Federal Government, state and local governments, including state membership entities, non-governmental organizations, including those whose primary mission is professional/scientific and those whose primary mission is conservation and related scientific and advocacy activities, American Indian tribes and other Native American entities, academia, landowners, businesses, and organizations representing landowners or businesses. Duties of the committee include: (A) Advising on the contents of a national strategy identifying key science priorities to advance the management of natural resources in the face of climate change; (B) advising on the nature, extent, and quality of relations with and engagement of key partners at the regional/CSC level; (C) advising on the nature and effectiveness of mechanisms to ensure the identification of key priorities from management partners and to effectively deliver scientific results in useful forms; (D) advising on mechanisms that may be employed by the NCCWSC to ensure high standards of scientific quality and integrity in its products, and to review and evaluate the performance of individual CSCs, in advance of opportunities to re-establish expiring agreements; and (E) coordinating as appropriate with the Landscape Conservation Cooperatives Council. More information about the ACCCNRS is available at *https://nccwsc.usgs.gov/acccnrs.*

Meeting Agenda: The objectives of this meeting are to: (1) Ensure committee familiarity with external input being provided to NCCWSC and the CSCs (including the ACCCNRS 2015 report to the Secretary of the Interior), and how the program is responding or will respond; (2) Engage the committee concerning strategic substantive decisions to be considered by NCCWSC and the CSCs; identify an appropriate role for ACCCNRS and elicit initial recommendations; (3) Establish the ACCCNRS focus areas for the next two to three years and outline an action plan for the committee to address those focus areas. The final agenda will be posted on *https://nccwsc.usgs.gov/acccnrs* prior to the meeting.

Public Input: All Committee meetings are open to the public. Interested members of the public may present, either orally or through written comments, information for the Committee to consider during the public meeting. The public will have approximately 15 minutes to make comment on both Tuesday, April 19, 2016, from 4:45 p.m. to 5:00 p.m. and Wednesday, April 20, 2016 from 11:45 p.m. to 12:00 p.m. (all times Eastern Daylight Time).

Individuals or groups requesting to make comment at the public Committee meeting will be limited to 2 minutes per speaker. The Committee will endeavor to provide adequate opportunity for all speakers, within available time limits. Speakers who wish to expand upon their oral statements, or those who had wished to speak, but could not be accommodated during the public comment period, are encouraged to submit their comments in written form to the Committee after the meeting.

Written comments should be submitted, prior to, during, or after the meeting, to Mr. Robin O'Malley, Designated Federal Officer, by U.S. Mail to: Mr. Robin O'Malley, Designated Federal Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192, or via email, at *romalley@usgs.gov.*

The meeting location is open to the public. When entering the Corporation for Enterprise Development building, attendees will need to show government issued photo identification. Space is limited, so all interested in attending should pre-register. Please submit your name, estimate time of arrival, email address and phone number to Holly Padgett via email at *nccwsc@usgs.gov,* or phone at (703) 648–4081, by close of business on April 12, 2016. Persons with disabilities requiring special services, such as an interpreter for the hearing impaired, should also contact Holly Padgett at least seven calendar days prior to the meeting. We will do our best to accommodate those who are unable to meet this deadline.

Robin O'Malley,

Designated Federal Officer.

[FR Doc. 2016–07035 Filed 3–28–16; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTM00000.L111100000.XP0000 16XL1109AF MO#4500091304]

Notice of Public Meeting; Central Montana Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Central Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Central Montana Resource Advisory Council Meeting will be held May 4, 2016 in Havre, Montana. The meeting will begin at 8:00 a.m. to 5:00 p.m., with a 30-minute public comment period at 10:00 a.m.

ADDRESSES: The meetings will be in the Havre Inn and Suites Conference Room at 1425 Highway 2 NW., Havre, Montana.

FOR FURTHER INFORMATION CONTACT: Mark Albers, HiLine & Central Districts Manager, Great Falls Field Office, 1101 15th Street North, Great Falls, MT 59401, (406) 791–7789, *malbers@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This 15-member council advises the Secretary of the Interior, through the BLM, on a variety of management issues associated with public land management in Montana. During these meetings the council is scheduled to participate in, discuss, and act upon these topics or activities. All RAC meetings are open to the public.

Each formal RAC meeting will also have time allocated for hearing public comments. Depending on the number of

persons wishing to comment and time available, the time for individual oral comments may be limited.

Authority: 43 CFR 1784.4–2.

Mark K. Albers,

HiLine & Central Districts Manager.

[FR Doc. 2016–07043 Filed 3–28–16; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14300000–ET0000–14XL1109AF; HAG–14–0197; OR–19024, OR–19046, OR–19083]

Public Land Order No. 7851; Partial Revocation, Power Site Reserve Nos. 24, 145, and 566; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes three withdrawals insofar as they affect 23,878.22 acres of public and non-Federal lands originally withdrawn to protect water power values. Portions of the withdrawals created by two Executive Orders which established Power Site Reserve Nos. 24, 145, and 566, are no longer needed for the purpose for which they were withdrawn. The lands will not be restored to operation of the public land laws because they have either been conveyed out of Federal ownership, or are included in the John Day Wild and Scenic River withdrawal.

DATES: This Public Land Order is effective on March 29, 2016.

FOR FURTHER INFORMATION CONTACT: Jenice Prutz, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon, 97208–2965, 503–808–6163. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. 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 subject lands are located within the designated boundary of the John Day Wild and Scenic River. The lands, which are precluded from waterpower development, would continue to be managed subject to the provisions of the National Wild and Scenic Rivers System Act, Public Law 90–542, as amended, 16 U.S.C. 1271 *et seq.* Revocation of the power site reserve withdrawals is consistent with the Bureau of Land Management's land management plan for the John Day Wild and Scenic River.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DV13–3–000, it is ordered as follows:

1. The withdrawal created by the Executive Order dated July 2, 1910, which established Power Site Reserve Nos. 24 and 145, is hereby revoked insofar as it affects the following-described land:

Willamette Meridian

(a) Power Site Reserve No. 24

Federal Lands

T. 3 S., R. 18 E.,
Sec. 2, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, S½SW¼, and W½SE¼;
Sec. 11, W½NE¼, E½NW½, NW¼NW¼, and SW¼SW¼, W½SE¼;
Sec. 23, N½ and SW¼;
Sec. 24, NW¼NW¼;
Sec. 27, E½NE¼;
Sec. 35, SW¼SE¼.
T. 4 S., R. 18 E.,
Sec. 2, lot 2, SW¼NE¼, and S½NW¼;
Sec. 3, lots 1 and 2, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 14, S½SW¼;
Sec. 15, E½NE¼ and E½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, W½NE¼, SE¼NE¼, NW¼, and SE¼;
Sec. 25, NE¼, N½NW¼, and SE¼NW¼.
T. 1 N., R. 19 E.,
Sec. 4, lots 1 and 2, and SE¼NE¼.
T. 4 S., R. 19 E.,
Sec. 29, SW¼NW¼ and SW¼.
T. 5 S., R. 19 E.,
Sec. 9, SW¼ and SW¼SE¼;
Sec. 21, W½NW¼, SE¼NW¼, and SW¼;
Sec. 29, S½N½, NW¼SW¼, and SE¼.
T. 7 S., R. 19 E.,
Sec. 5, lots 3 and 4, S½NW¼, and S½SW¼;
Sec. 7, E½NE¼ and NE¼SE¼;
Sec. 8, SW¼NW¼ and W½SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, W½SE¼ and SE¼SE¼;
Sec. 19, N½NE¼;
Sec. 20, NW¼NW¼.
T. 8 S., R. 19 E.,
Sec. 9, SE¼SW¼;
Sec. 21, lots 5 to 8, inclusive;
Sec. 25, W½SW¼;
Sec. 26, N½SE¼ and SE¼SE¼;
Sec. 35, NE¼NE¼.
T. 9 S., R. 19 E.,
Sec. 12, NE¼SE¼ and S½SE¼.
T. 1 N., R. 20 E.,
Sec. 31, lot 1 and NE¼NW¼.
T. 1 S., R. 20 E.,
Sec. 6, lot 3, SW¼NE¼, SE¼NW¼, and NW¼SE¼;
Sec. 7, lot 4.
T. 8 S., R. 20 E.,
Sec. 31, lots 2 and 3, E½SW¼, and SW¼SE¼.
T. 9 S., R. 20 E.,
Sec. 6, lots 1, 2, 6, and 7, S½NE¼, E½SW¼, and NW¼SE¼;
Sec. 30, lots 1 and 2, and E½NW¼;
Sec. 32, S½NE¼, NW¼, and N½SE¼.
T. 9 S., R. 21 E.,
Sec. 28, SW¼SW¼;
Sec. 29, S½SW¼ and S½SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.
T. 9 S., R. 22 E.,
Sec. 13, NW¼SW¼;
Sec. 14, NE¼SE¼ and S½SE¼;
Sec. 22, SE¼NE¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 23, W½NE¼ and SE¼NW¼;
Sec. 27, NE¼NW¼;
Sec. 28, SE¼NE¼, SW¼SW¼, and NE¼SE¼;
Sec. 32, SW¼SE¼.
T. 10 S., R. 22 E.,
Sec. 5, lot 4.
T. 9 S., R. 23 E.,
Sec. 18, E½SW¼.

The areas described aggregate 7,942.96 acres within Gilliam, Jefferson, Sherman, Wasco, and Wheeler Counties.

Non-Federal Lands (Conveyed out of Federal Ownership Subject to Section 24 Reservation)

T. 1 N., R. 20 E.,
Sec. 31, lot 2 and SE¼NW¼.
T. 9 S., R. 22 E.,
Sec. 28, E½SW¼;
Sec. 32, SW¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 10 S., R. 22 E.,
Sec. 6, lot 3, SE¼NW¼.

The areas described aggregate 373.94 acres within Gilliam, Sherman, and Wheeler Counties.

(b) Power Site Reserve No. 145

Federal Lands

T. 3 S., R. 18 E.,
Sec. 11, E½NE¼ and E½SE¼;
Sec. 15, SE¼SE¼;
Sec. 27, W½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 4 S., R. 18 E.,
Sec. 13, W½SW¼.
T. 1 S., R. 19 E.,
Sec. 10, S½NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, W½SE¼.
T. 5 S., R. 19 E.,
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 29, NE¼NW¼.
T. 6 S., R. 19 E.,
Sec. 7, NW¼NE¼ and SE¼NW¼;
Sec. 8, SW¼SW¼;
Sec. 17, NW¼NW¼ and SW¼SW¼;
Sec. 18, SW¼NE¼ and NW¼SE¼;
Sec. 19, E½NE¼ and SE¼SE¼;
Sec. 20, W½NW¼;
Sec. 29, SE¼NW¼ and NE¼SW¼.
T. 7 S., R. 19 E.,
Sec. 8, SE¼NW¼ and E½SW¼;
Sec. 17, NE¼NW¼;
Sec. 29, NW¼NW¼.
T. 8 S., R. 19 E.,

Sec. 22, lots 5 and 6.
T. 9 S., R. 19 E.,
Sec. 12, SW¼NE¼, SE¼NW¼, and NW¼SW¼.
T. 1 S., R. 20 E.,
Sec. 6, E½SE¼;
Sec. 7, SE¼SW¼ and NW¼SE¼.
T. 9 S., R. 20 E.,
Sec. 30, W½NE¼ and S½SE¼;
Sec. 32, NE¼SW¼.
T. 9 S., R. 22 E.,
Sec. 23, NW¼SW¼ and NW¼SE¼.

The areas described aggregate 2,238.07 acres within Gilliam, Jefferson, Sherman, Wasco, and Wheeler Counties.

2. The withdrawal created by Executive Order dated November 24, 1916, which established Power Site Reserve No. 566, is hereby revoked insofar as it affects the following-described lands:

Willamette Meridian

Federal Lands

T. 2 S., R. 18 E.,
Sec. 1, lots 1 and 2, SW¼NE¼, and NE¼SE¼;
Sec. 11, SE¼;
Sec. 12, W½NE¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 13, NW¼, N½SW¼, and SE¼SW¼;
Sec. 14, NE¼;
Sec. 23, E½;
Sec. 24, NW¼NE¼, NE¼NW¼, E½SW¼, SW¼SW¼, and W½SE¼;
Sec. 25, N½NW¼ and SW¼NW¼;
Sec. 26, E½, E½NW¼, and E½SW¼;
Sec. 34, E½SE¼;
Sec. 35, NE¼, E½NW¼, SW¼NW¼, SW¼, and E½SE¼.
T. 3 S., R. 18 E.,
Sec. 2, lot 1, SE¼NE¼, and E½SE¼;
Sec. 13, W½SW¼;
Sec. 14;
Sec. 22, NE¼, N½SE¼, and SE¼SE¼;
Sec. 23, NW¼SE¼;
Sec. 26, W½;
Sec. 27, NE¼NW¼;
Sec. 34, E½NE¼, SW¼NE¼, and SE¼;
Sec. 35, N½NW¼, SW¼NW¼, N½SW¼, and NW¼SE¼.
T. 4 S., R. 18 E.,
Sec. 3, E½SE¼;
Sec. 10, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 13, SW¼NW¼;
Sec. 14, N½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼, and S½SE¼;
Sec. 23, N½SW¼, and SE¼SW¼;
Sec. 24, SW¼ and SW¼SE¼;
Sec. 25, SW¼NW¼.
T. 5 S., R. 18 E.,
Sec. 25, SE¼SW¼ and SE¼.
T. 1 N., R. 19 E.,
Sec. 2, SW¼NW¼ and NE¼SW¼;
Sec. 14, S½NE¼, N½SE¼, N½SW¼SE¼, N½SW¼SW¼SE¼, N½S½SW¼SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼.
T. 2 N., R. 19 E.,
Sec. 18, SW¼NE¼;
Sec. 19, E½SW¼;
Sec. 28, SW¼SW¼ and E½SE¼;
Sec. 30, E½NE¼;
Sec. 32, N½NE¼ and NE¼NW¼.
T. 1 S., R. 19 E.,
Sec. 10, SE¼NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 11, NE¼SW¼ and N½SE¼;
Sec. 12, S½NW¼, NW¼SW¼, SE¼SW¼, and S½SE¼;
Sec. 14, W½NE¼, NW¼, and NE¼SW¼;
Sec. 15, E½NE¼, SW¼NE¼, E½NW¼, and SW¼SW¼;
Sec. 17, N½NE¼, SE¼NW¼, NW¼SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 19, lots 4, 5, 6, 9, 10, and 11, SE¼NE¼, and W½SE¼;
Sec. 21, N½NE¼ and SE¼NE¼;
Sec. 22, N½NE¼, NE¼NW¼, SW¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 23, NW¼NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 30, lots 4, 5, 6, 8, 9, and 10;
Sec. 31, lots 1, 3, 4, and 9, and W½NE¼.
T. 2 S., R. 19 E.,
Sec. 5, SW¼NW¼ and W½SW¼;
Sec. 6, lots 1, 2, 4, 6 and 7, SE¼NE¼, E½SW¼, and W½SE¼;
Sec. 7, lots 2 and 3.
T. 4 S., R. 19 E.,
Sec. 19, SW¼SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1, 2, and 3, NE¼, E½NW¼, and E½SE¼;
Sec. 31, NE¼ and E½SE¼
Sec. 32, SW¼NE¼, W½, and E½SE¼.
T. 5 S., R. 19 E.,
Sec. 5, lots 1 and 2, SW¼NE¼, and N½SW¼;
Sec. 6, lot 1;
Sec. 8, S½NE¼ and NW¼NW¼;
Sec. 17, E½NE¼ and NE¼SE¼;
Sec. 20, SE¼NE¼, S½SW¼, S½SE¼, and NE¼SE¼;
Sec. 28, NW¼, N½SW¼, and SW¼SW¼;
Sec. 29, N½NE¼ and NW¼NW¼;
Sec. 30, lots 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 6 S., R. 19 E.,
Sec. 7, NW¼SE¼;
Sec. 30, NW¼NE¼.
T. 8 S., R. 19 E.,
Sec. 10, lots 5 and 6.
T. 1 N., R. 20 E.,
Sec. 30, lots 3 and 4, E½SW¼, W½SE¼, and SE¼SE¼.

The areas described aggregate 13,283.25 acres in Gilliam, Jefferson, Sherman, Wasco, and Wheeler Counties.

Non-Federal Lands (Conveyed out of Federal Ownership Subject to Section 24 Reservation)

T. 6 S., R. 19 E.,
Sec. 6, SE¼NW¼.

The area described contains 40 acres within Gilliam and Wasco Counties.

Dated: March 5, 2016.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2016–07005 Filed 3–28–16; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.PH0000.LXSSH1060000.16XL1109AF; HAG 16–0107]

Steens Mountain Advisory Council Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

DATES: April 28, 2016 from 10 a.m. to 4 p.m. and April 29, 2016 from 8:30 a.m. to 2 p.m., at the Hilton Garden Inn, 425 SW. Bluff Drive, Bend, Oregon. Daily sessions may end early if all business items are accomplished ahead of schedule, or go longer if discussions warrant more time.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4519, or email *tthissell@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 SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain Cooperative Management and Protection Area, recommends cooperative programs and incentives for landscape management that meet human needs, and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area. Agenda items for April 28–29, 2016 session include: Updates from the Designated Federal Official and the Andrews/Steens Resource Area Field Manager; discussions regarding projects for the Steens Mountain Comprehensive Recreation Plan, inholder access, and fencing in the No Livestock Grazing

Area; and regular business items such as approving the previous meeting's minutes, member round-table, and planning the next meeting's agenda. Any other matters that may reasonably come before the SMAC may also be addressed. A public comment period is available both days. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the SMAC for a maximum of five minutes. The public is welcome to attend all sessions, including the field tour, but must provide personal transportation.

Rhonda Karges,

Andrews/Steens Resource Area Field Manager.

[FR Doc. 2016–07047 Filed 3–28–16; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTB05000/L10500000.DF0000); 16XL1109AF; MO# 4500089866]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on April 28, 2016.

DATES: A notice of protest of the survey must be filed before April 28, 2016 to be considered. A statement of reasons for a protest may be filed with the notice of protest and must filed within 30 days after the notice of protest is filed.

ADDRESSES: Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5003, *hmontoya@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the Field Manager, Dillon Field Office, Dillon, Montana, and was necessary to determine Federal lands.

The lands we surveyed are:

Principal Meridian, Montana

T. 13 S., R. 12 W.

The plat, in one sheet, representing the dependent resurvey of dependent resurvey of a portion of the subdivisional lines and the subdivision of section 11, Township 13 South, Range 12 East, Principal Meridian, Montana, was accepted March 17, 2016.

We will place a copy of the plat, in one sheet, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in one sheet, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in one sheet, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals. Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Joshua F. Alexander,

Acting Chief, Branch of Cadastral Survey, Division of Energy, Minerals and Realty.

[FR Doc. 2016–07048 Filed 3–28–16; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Comments Requested: National Census of Victim Service Providers (VSP Census)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day Notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 *FR* 1222, on January 11, 2016, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 28, 2016.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lynn Langton, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Lynn.Langton@usdoj.gov;* telephone: 202–353–3328). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* National Census of Victim Service Providers.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form numbers for the collection are VSP–1, VSP–2, and VSP–3. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(3) *Affected public who will be asked or required to respond, as well as a brief abstract:* Organizations that have been identified as providing services to victims of crime or abuse will be asked to respond. The Census of Victim Service Providers is the first national collection to gather data on the characteristics, functions, and resources of entities that provide assistance to victims of crime or abuse.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 31,000 victim service providers will be asked to respond to the survey. About 15% of entities will no longer be in business or no longer serving victims and these respondents will be ineligible to complete the survey instrument. For these entities the burden will be less than 5 minutes. For the remaining 26,350 victim service providers, it will take the average interviewed respondent an estimated 20 minutes to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 9,171 total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: March 24, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–07050 Filed 3–28–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *Andy Johnson* v. *United States Environmental Protection Agency, et al.,* Civil Action No. 15–cv–147–SWS, was lodged with the United States District Court for the District of Wyoming on March 22, 2016.

This proposed Consent Decree concerns a complaint filed by Andy Johnson against the United States Environmental Protection Agency (''EPA''), under the Administrative Procedure Act, 5 U.S.C. 706, which seeks judicial review of an administrative order that EPA issued to Mr. Johnson on January 30, 2014, entitled ''Findings of Violation and Administrative Order for Compliance,'' under Section 309 of the Clean Water Act, 33 U.S.C. 1319. The proposed Consent Decree resolves this matter by, among other things, requiring Mr. Johnson to perform mitigation for areas impacted by fill material.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Alan D. Greenberg, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, 999 18th Street, Suite 370, Denver, CO 80202 and refer to *Andy Johnson* v. *United States Environmental Protection Agency, et al.,* DJ #90–5–1–4–20568.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Wyoming, 2120 Capitol Avenue, Room 2131, Cheyenne, WY 82001. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2016–07009 Filed 3–28–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of a currently approved collection ''National Longitudinal Survey of Youth 1979.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed 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 31, 2016.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Longitudinal Survey of Youth 1979 (NLSY79) is a representative national sample of persons who were born in the years 1957 to 1964 and lived in the U.S. in 1978. These respondents were ages 14 to 22 when the first round of interviews began in 1979; they were ages 51 to 58 as of December 31, 2015. The NLSY79 was conducted annually from 1979 to 1994 and has been conducted biennially since 1994. The longitudinal focus of this survey requires information to be

collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation.

In addition to the main NLSY79, the biological children of female NLSY79 respondents have been surveyed since 1986. A battery of child cognitive, socio-emotional, and physiological assessments has been administered biennially since 1986 to NLSY79 mothers and their children. Starting in 1994, children who had reached age 15 by December 31 of the survey year (the Young Adults) were interviewed about their work experiences, training, schooling, health, fertility, self-esteem, and other topics. Funding for the NLSY79 Child and Young Adult surveys is provided by the Eunice Kennedy Shriver National Institute of Child Health and Human Development through an interagency agreement with the BLS and through a grant awarded to researchers at the Ohio State University Center for Human Resource Research (CHRR). The interagency agreement funds data collection for children and young adults up to age 22. The grant funds data collection for young adults age 23 and older. One of the goals of the Department of Labor (DOL) is to produce and disseminate timely, accurate, and relevant information about the U.S. labor force. The BLS contributes to this goal by gathering information about the labor force and labor market and disseminating it to policymakers and the public so that participants in those markets can make more informed, and thus more efficient, choices. Research based on the NLSY79 contributes to the formation of national policy in the areas of education, training, employment programs, and school-to-work transitions. In addition to the reports that the BLS produces based on data from the NLSY79, members of the academic community publish articles and reports based on NLSY79 data for the DOL and other funding agencies. To date, more than 2,578 articles examining NLSY79 data have been published in scholarly journals.

The survey design provides data gathered from the same respondents over time to form the only data set that contains this type of information for this important population group. Without the collection of these data, an accurate longitudinal data set could not be provided to researchers and policymakers, thus adversely affecting the DOL's ability to perform its policy- and report-making activities.

II. Current Action

The BLS seeks approval to conduct round 27 of the NLSY79 and the associated surveys of biological children of female NLSY79 respondents.

The Young Adult Survey will be administered to young adults age 12 and older who are the biological children of female NLSY79 respondents. These young adults will be contacted regardless of whether they reside with their mothers. Members of the Young Adult grant sample are contacted for interviews every other round once they reach age 31. The NLSY79 Young Adult Survey involves interviews with approximately 5,445 young adults ages 12 and older.

During the field period, about 10 main NLSY79 interviews will be validated to ascertain whether the interview took place as the interviewer reported and whether the interview was done in a polite and professional manner.

BLS has undertaken a continuing redesign effort to examine the current content of the NLSY79 and provide direction for changes that may be appropriate as the respondents age. The 2016 instrument reflects a number of changes recommended by experts in various fields of social science and by our own internal review of the survey's content. Additions to the questionnaire are accompanied by deletions of previous questions so that the overall time required to complete the survey should remain about the same or even decline slightly as compared to 2014.

The round 27 questionnaire includes new questions on job tasks, as well as questions on menopause that will be asked of the female respondents. In addition, the assets module that has been asked in odd-numbered rounds since Round 19 will rotate back into the questionnaire.

Questions on job tasks will be added to the employment section for Round 27. All respondents (male and female) who have held a job since their last interview will be asked these questions about their current or most recent job (job #1). The items cover job tasks in three key domains: Things (physical or repetitive tasks), data (analytic tasks; problem solving), and people (interpersonal tasks). Respondents are first asked how much of their workday involves carrying out short, repetitive tasks, doing physical tasks, and managing or supervising other workers. They are next asked how often they engage in problem solving on their job, and a separate question asks how often they use advanced mathematics on their job. They are also asked about the longest document that they typically read as part of their job and how often their job involves face-to-face contact with people other than co-workers or supervisors.

Questions will be added to the health section of the NLSY79 in order to date the onset of menopause among the female sample members. The questions will be asked of all women. We expect that most of the women will have reached menopause as the youngest of them will be 52 in 2016. The menopause questions collect age of last menstrual cycle, whether the woman has had a hysterectomy, whether the woman is taking hormone replacement therapy, and, if taking HRT, whether she had a period in the 12 months prior to beginning HRT.

The primary change to the Child and Young Adult Surveys is that a separate child survey will no longer be conducted. This sample includes very few children age 14 and under and so we will no longer conduct a separate child survey; children age 12 and older will join the Young Adult sample. The Young Adult sample will include 1,205 respondents ages 12–22 and 4,240 respondents age 23 and older in Round 27.

Most of the changes made to the Young Adult questionnaire for 2016 have been made to streamline questions and sections in order to cut down on the amount of time it takes for a respondent to complete an interview.

III. Desired Focus of Comments

The BLS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Type of Review: Revision of a previously approved collection.

Agency: Bureau of Labor Statistics.

Title: National Longitudinal Survey of Youth 1979.

OMB Number: 1220–0109.

Affected Public: Individuals or households.

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
NLSY79 Round 27 Main Survey	7,100	Biennially	7,100	70	8,283
Round 27 Validation Interviews	10	Biennially	10	6	1
Young Adult Survey (Ages 12 to 13)	45	Biennially	45	50	38
Young Adult Survey (Ages 14 to 18)	400	Biennially	400	66	440
Young Adult Survey (Ages 19 to 22)	760	Biennially	760	60	760
Young Adult Survey, Grant component (Age 23 to 28), interview.	2,020	Biennially	2,020	55	1,852
Young Adult Survey, Grant component (Age 29 and older), interview.	2,220	Biennially	2,220	70	2,590
Totals [1]	12,545		12,555		13,964

[1] The total number of 12,545 respondents across all the survey instruments is a mutually exclusive count that does not include th e 10 reinterview respondents, who were previously counted among the main and young adult survey respondents.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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 also will become a matter of public record.

Signed at Washington, DC, this 24th day of March 2016.

Kimberly D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2016–07033 Filed 3–28–16; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0141]

Proposed Extension of Information Collection; Emergency Mine Evacuation

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Emergency Mine Evacuation.

DATES: All comments must be received on or before May 31, 2016.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0003.
- *Regular Mail*: Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery*: USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The Mine Safety and Health Administration (MSHA) requires each operator of an underground coal mine to submit a Mine Emergency Evacuation and Firefighting Program of Instruction to the District Manager for approval. Upon approval by the MSHA District Manager, the operator uses the approved program of instruction to implement programs for training miners in responding appropriately to mine emergencies. MSHA uses the plans to ensure that the operator's program will provide the required training and drills to all miners. MSHA requires the operator to certify the training and drill for each miner at the completion of each quarterly drill, annual expectations training, or other training, and that a copy be provided to the miner upon request. These certifications are used by MSHA, operators, and miners as evidence that the required training has been completed. MSHA requires that escapeway maps show the SCSR storage locations. Accurate and up-to-date maps are essential to the engineering plans and safe operation of mines and to the health and safety of the miners. MSHA and other emergency evacuation personnel will use the notations on the maps should a rescue or recovery operation be necessary. Miners use the escapeway maps in training and during mine evacuations. Escapeway maps are required to be posted or readily accessible for all miners in each working section, areas where mechanized mining equipment is being installed or removed, at surface locations where miners congregate and in each refuge alternative. MSHA requires that persons that test Self-Contained, Self-Rescuers (SCSRs) certify that the tests were done and record all corrective actions. MSHA inspectors use these records to determine compliance with the standards. It includes requirements for compiling, maintaining, and reporting an inventory of all SCSRs at the mine, and for reporting defects, performance problems, or malfunctions with SCSRs. This will assure that MSHA can investigate SCSR problems, if necessary, notify other users of these problems before accidents occur and require

manufacturers to address potential problems with these critical devices.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Emergency Mine Evacuation. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Emergency Mine Evacuation. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0141.

Affected Public: Business or other for-profit.

Number of Respondents: 240.

Frequency: On occasion.

Number of Responses: 1,150,400.

Annual Burden Hours: 479,282 hours.

Annual Respondent or Recordkeeper Cost: $52,960.

MSHA Forms: MSHA Form 2000–222, Self Contained Self Rescuer (SCSR) Inventory and Report.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2016–07007 Filed 3–28–16; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Notice; submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** at 81 FR 972, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

ADDRESSES: Submit written comments to Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW. Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Call or write, Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, VA 22230, or by email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF 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.

Under OMB regulations, the agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Title of Collection: Antarctic emergency response plan and environmental protection information.

OMB Approval Number: 3145–0180.

Abstract: NSF, pursuant to the Antarctic Conservation Act of 1978 (16 U.S.C. 2401 *et seq.*) (''ACA'') regulates certain non-governmental activities in Antarctica. The ACA was amended in 1996 by the Antarctic Science, Tourism, and Conservation Act. On September 7, 2001, NSF published a final rule in the **Federal Register** (66 FR 46739) implementing certain of these statutory amendments. The rule requires non-governmental Antarctic expeditions using non-U.S. flagged vessels to ensure that the vessel owner has an emergency response plan. The rule also requires persons organizing a non-governmental expedition to provide expedition members with information on their environmental protection obligations under the Antarctic Conservation Act.

Expected Respondents. Respondents may include non-profit organizations and small and large businesses. The

majority of respondents are anticipated to be U.S. tour operators, currently estimated to number fifteen.

Burden on the Public. The Foundation estimates that a one-time paperwork and recordkeeping burden of 40 hours or less, at a cost of $500 to $1400 per respondent, will result from the emergency response plan requirement contained in the rule. Presently, all respondents have been providing expedition members with a copy of the Guidance for Visitors to the Antarctic (prepared and adopted at the Eighteenth Antarctic Treaty Consultative Meeting as Recommendation XVIII–1). Because this Antarctic Treaty System document satisfies the environmental protection information requirements of the rule, no additional burden shall result from the environmental information requirements in the proposed rule.

Dated: March 9, 2016.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2016–05665 Filed 3–28–16; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0251]

Generic Aging Lessons Learned for Subsequent License Renewal Report and Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Supplemental staff guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on supplemental guidance to draft NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' Vol. I and II, and draft NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants'' (SRP–SLR). This supplemental guidance was developed subsequent to the release of draft NUREG–2191 and NUREG–2192 on December 23, 2015. Changes to the supplemental guidance will be incorporated into the final versions of NUREG–2191 and NUREG–2192.

DATES: Comments must be filed by May 31, 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–2015–0251. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Holston, Office of Nuclear Reactor Regulation; telephone: 301–415–8573; email: *William.Holston@nrc.gov* and Brian Allik, Office of Nuclear Reactor Regulation, telephone: 301–415–1082; email: *Brian.Allik@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001;

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0251 when contacting the NRC about the availability of information regarding 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–2015–0251.
- *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 draft ''GALL–SLR and SRP–SLR Supplemental Staff Guidance'' is available in ADAMS under Accession No. ML16041A090.
- *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 Guidance for License Renewal and Subsequent License Renewal site:* Guidance for subsequent license renewal documents are also available online under the ''Draft Guidance Documents for Subsequent License Renewal for Public Comment'' heading at *http://www.nrc.gov/reactors/operating/licensing/renewal/slr/guidance.html.*

B. Submitting Comments

Please include Docket ID NRC–2015–0251 in your comment submission.

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

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

II. Background

On December 23, 2015, the NRC published in the **Federal Register** (80 FR 79956) the draft NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' Vol. I and II and draft NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants'' (SRP–SLR), which are available under ADAMS Accession Nos. ML15348A111, ML15348A153, and ML15348A265, respectively. These draft documents describe methods acceptable to the NRC staff for granting a subsequent license renewal (*i.e.,* license renewal following 60 years of licensed operation) in accordance with the NRC's license renewal regulations, as well as techniques used by the NRC staff in evaluating applications for subsequent license renewal.

The changes described in the GALL–SLR and SRP–SLR Supplemental Staff Guidance were developed subsequent to the release of the draft versions of NUREG–2191 and NUREG–2192 and are

being released for public comments. Comments received on the changes proposed in this document will be addressed along with comments received on the draft versions of NUREG–2191 and NUREG–2192. The changes will then be incorporated into the final versions of NUREG–2191 and NUREG–2192.

The topical areas addressed in this supplement to the publically-available GALL–SLR Report and SRP–SLR are as follows: (A) selective leaching of ductile iron; (B) cracking due to stress corrosion cracking and intergranular stress corrosion cracking; (C) changes to further evaluation, aging management program (AMP) XI.M29, ''Aboveground Metallic Tanks,'' AMP XI.M36, ''External Surfaces Monitoring of Mechanical Components,'' and aging management review (AMR) line items to address cracking and loss of material for aluminum and stainless steel components; (D) a new title for AMP XI.M29; (E) issuance of LR–ISG–2015–01, ''Changes to Buried and Underground Piping and Tank Recommendations;'' (F) minor technical and editorial changes to AMR line items and AMPs; and (G) response to certain initial comments from the industry as presented at a public meeting on January 21, 2016.

III. Backfitting and Issue Finality

This supplement contains guidance on one acceptable approach for managing the associated aging effects during subsequent periods of extended operation for components within the scope of subsequent license renewal. Issuance of this supplemental guidance does not constitute backfitting as defined in 10 CFR 50.109(a)(1), and the NRC staff did not prepare a backfit analysis for issuing this supplement. More information is provided under the ''Backfitting and Issue Finality'' section of the supplemental guidance.

Dated at Rockville, Maryland, this 23rd day of March, 2016.

For the Nuclear Regulatory Commission.

Dennis C. Morey,

Chief, Aging Management of Reactor Systems Branch, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–07052 Filed 3–28–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0059]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 1, 2016, to March 14, 2016. The last biweekly notice was published on March 15, 2016.

DATES: Comments must be filed by April 28, 2016. A request for a hearing must be filed by May 31, 2016.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0059. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Sandra Figueroa, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1262, email: *Sandra.Figueroa@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0059 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–2016–0059.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** 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–2016–0059, facility name, unit number(s), application date, and subject in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party

under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 31, 2016. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by May 31, 2016.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting

the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)-(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: December 21, 2015. A publicly-available version is in ADAMS under Accession No. ML16004A249.

Description of amendment request: This amendment request would adopt the approved changes to the standard technical specifications for General Electric Plants Boiling Water Reactor (BWR/4) per NUREG–1433, Revision 4, to allow relocation of specific technical specification (TS) surveillance frequencies to a licensee-controlled program. The proposed changes are described in Technical Specification Task Force (TSTF) Traveler, TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF Initiative 5b'' (ADAMS Accession No. ML090850642), and are described in the Notice of Availability published in the **Federal Register** on July 6, 2009 (74 FR 31996).

The proposed changes are consistent with NRC-approved TSTF Traveler, TSTF–425. The proposed changes relocate surveillance frequencies to a licensee-controlled program, the Surveillance Frequency Control Program (SFCP). This change is applicable to licensees using probabilistic risk guidelines contained in NRC-approved Nuclear Energy Institute (NEI) 04–10, ''Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies'' (ADAMS Accession No. ML071360456).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, Duke Energy will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04–10, Revision 1, in accordance with the TS SFCP. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, M/C DEC45A, Charlotte, North Carolina 28202.

NRC Branch Chief: Benjamin G. Beasley.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant (JAF), Oswego County, New York

Date of amendment request: February 4, 2016. A publicly-available version is in ADAMS under Package Accession No. ML16043A424.

Description of amendment request: The amendment would revise the JAF Emergency Plan to reduce the Emergency Response Organization (ERO) positions that the licensee considers unnecessary to effectively respond to credible accidents following permanent defueling. The proposed amendment would not be effective until the certification of permanent cessation of operation and certification of permanent removal of fuel from the

reactor vessel are submitted to the NRC. The licensee has provided a formal notification to the NRC of the intention to permanently cease power operations of JAF at the end of the current operating cycle. Once certifications for permanent cessation of operation and permanent removal of fuel from the reactor are submitted to the NRC, reactor operation is no longer authorized and the spectrum of credible accidents at the facility will be reduced. The licensee states that certain on-shift positions for the ERO that are needed during normal reactor operation will no longer be necessary to protect the public health and safety from the risks associated with spent fuel storage and decommissioning activities.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the JAF Emergency Plan do not impact the function of plant structures, systems, or components (SSCs). The proposed changes do not affect accident initiators or precursors, nor does it alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and ERO to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition. The proposed changes only remove positions that will no longer be credited in the JAF Emergency Plan in the permanently defueled condition.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes reduce the number of on-shift and ERO positions commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new accident initiators are created.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the JAF Emergency Plan staffing and do not impact operation of the plant or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The revised JAF Emergency Plan will continue to provide the necessary response staff with the proposed changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, New York 10601.

NRC Branch Chief: Meena K. Khanna.

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: February 3, 2016. A publicly-available version is in ADAMS under Accession No. ML16034A542.

Description of amendment request: The proposed change would revise Surveillance Requirement (SR) 3.6.4.1.2, for each facility, to provide an allowance for brief, inadvertent, simultaneous opening of redundant secondary containment access doors during normal entry and exit conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows temporary conditions during which secondary containment SR 3.6.4.1.2 is not met. The secondary containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. The consequences of an accident previously evaluated while utilizing the proposed change are no different than the consequences of an accident while utilizing the existing 4-hour Completion Time for an inoperable secondary containment. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the protection system design, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows temporary conditions during which secondary containment SR 3.6.4.1.2 is not met. The allowance for both an inner and outer secondary containment access door to be open simultaneously for entry and exit does not affect the safety function of the secondary containment as the doors are promptly closed after entry or exit, thereby restoring the secondary containment boundary. In addition, brief, inadvertent, simultaneous opening and closing of redundant secondary containment access doors during normal entry and exit conditions does not affect the ability of the Standby Gas Treatment system to establish the required secondary containment vacuum.

Therefore, the safety function of the secondary containment is not affected.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Bradley Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, Illinois 60555.

Acting NRC Branch Chief: Justin C. Poole.

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: February 4, 2016. A publicly-available version is in ADAMS under Accession No. ML16035A015.

Description of amendment request: The amendment would revise R.E. Ginna Nuclear Power Plant's Technical Specifications limit for Reactor Coolant System (RCS) gross specific activity with a new limit based upon RCS noble gas specific activity.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Reactor coolant specific activity is not an initiator for any accident previously evaluated. The Completion Time when primary coolant gross activity is not within limit is not an initiator for any accident previously evaluated. The current variable limit on primary coolant iodine concentration is not an initiator to any accident previously evaluated. As a result, the proposed change does not significantly increase the probability of an accident. The proposed change will limit primary coolant noble gases to concentrations consistent with the accident analyses. The proposed change to the Completion Time has no impact on the consequences of any design basis accident since the consequences of an accident during the extended Completion Time are the same as the consequences of an accident during the Completion Time. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change in specific activity limits does not alter any physical part of the plant nor does it affect any plant operating parameter. The change does not create the potential for a new or different kind of accident from any previously calculated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the limits on noble gas radioactivity in the primary coolant. The proposed change is consistent with the assumptions in the safety analyses and will ensure the monitored values protect the initial assumptions in the safety analyses.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, Illinois 60555.

NRC Branch Chief: Travis L. Tate.

FirstEnergy Nuclear Operating Company, *et al.,* Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: February 9, 2016. A publicly-available version is in ADAMS under Accession No. ML16041A115

Description of amendment request: The amendment would revise the technical specifications (TS) requirements for limitations on the radioactive material released in liquid and gaseous effluents and the references for the radioactive material effluent requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, along with NRC edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request revises TS 5.5.3.b and TS 5.5.3.g consistent with two changes proposed in [Technical Specification Task Force] TSTF–258–A. The amendment has no effect on the design, testing, or operation of plant structures, systems, or components. The proposed amendment does not affect any accident initiators and does not impact any safety analysis. The proposed amendment does not impose any new radiological hazards to the plant staff or the public.

Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request revises TS 5.5.3.b and TS 5.5.3.g consistent with two changes proposed in TSTF–258–A. The amendment will not change any equipment, does not require new equipment to be installed, and will not change the way current equipment operates or is maintained. No credible failure mechanisms, malfunctions, or accident initiators are created by the proposed amendment.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This license amendment request revises TS 5.5.3.b and TS 5.5.3.g consistent with two changes proposed in TSTF–258–A. The amendment has no effect on the design, testing, maintenance, or operation of plant structures, systems, or components. The proposed amendment does not affect any safety analysis.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A–GO–15, 76 South Main Street, Akron, Ohio 44308.

[Acting] NRC Branch Chief: Justin C. Poole.

Florida Power & Light Company, *et al.,* Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 19, 2016. A publicly-available version is in ADAMS under Accession No. ML16033A472.

Description of amendment request: The amendments would revise the Operating Licenses' licensing basis to allow elimination of the end-of-cycle moderator temperature coefficient (MTC) surveillance test as supported by NRC-Approved Topical Report CE NPSD–911–A and Amendment 1–A,

''Analysis of Moderator Temperature Coefficients in Support of a Change in the Technical Specification End-of-Cycle Negative MTC Limit,'' and St. Lucie specific supporting information. This amendment request also proposes to add previously NRC approved Westinghouse PARAGON Topical Report WCAP–16045–P–A, Revision 0, ''Qualification of the Two-Dimensional Transport Code PARAGON,'' to the Units 1 and 2 Technical Specification list of Core Operating Limits Report (COLR) methodologies.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

A change is proposed to eliminate the measurement of end-of-cycle (EOC) moderator temperature coefficient (MTC) if the beginning-of-cycle (BOC) measurements are within a given tolerance of the design values. MTC is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased.

The EOC MTC value is an important assumption in determining the consequences of accidents previously evaluated. The analysis presented in the Topical Report CE NPSD–911–A and Amendment 1–A, with additional justification provided in this amendment request, determined that the EOC MTC will be within design limits if the BOC MTC design values are within a given tolerance of the measured values. Therefore, the EOC MTC will continue to be within design limits and the consequences of accidents will continue to be as previously evaluated.

The addition of WCAP–16045–P–A, which has been previously approved by the NRC for licensing applications to TS 6.9.1.11.b, is an administrative change which has no impact on the probability or consequences of any accident previously evaluated.

As a result, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

A change is proposed to eliminate the measurement of EOC MTC if the BOC measurements are within a given tolerance of the design values. Also, a new previously approved methodology is proposed to be included in the TS list of COLR methodologies. The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

A change is proposed to eliminate the measurement of EOC MTC if the BOC measurements are within a given tolerance of the design values. The Topical Report CE NPSD–911–A and Amendment 1–A, with additional justification provided in this amendment request, concluded that the risk of not measuring the EOC MTC is acceptably small provided that the BOC measured values are within a specific tolerance of the design values. Also, WCAP–16045–P–A proposed to be added to TS 6.9.1.11, has been previously approved by the NRC for licensing applications to be used consistent with the approved methodologies.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Boulevard, MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Branch Chief: Benjamin G. Beasley.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: January 29, 2016. A publicly-available version is in ADAMS under Accession No. ML16029A476.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the Vogtle Electric Generating Plant Units 3 and 4. The requested amendment proposes to depart from approved AP1000 Design Control Documents (DCD) Tier 2 information (text, tables, and figures) and involved Tier 2* information (as incorporated into the Updated Final Safety Analysis Report (UFSAR) as plant specific DCD information), and also involves a change to the plant-specific Technical Specifications. Specifically, the amendment request proposed changes to the plant-specific AP1000 fuel system design, nuclear design, thermal hydraulic design, and accident analyses as described in the licensing basis documents. The proposed changes are consistent with those generically approved in WCAP–17524–P–A, Revision 1, ''AP1000 Core Reference Report.'' *Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes will revise the licensing basis documents related to the fuel system design, nuclear design, thermal hydraulic design, and accident analyses.

The UFSAR Chapter 15 accident analyses describe the analyses of various design basis transients and accidents to demonstrate compliance of the AP1000 design with the acceptance criteria for these events. The acceptance criteria for the various events are based on meeting the relevant regulations, general design criteria, the Standard Review Plan, and are a function of the anticipated frequency of occurrence of the event and potential radiological consequences to the public. As such, each design-basis event is categorized accordingly based on these considerations. As discussed in Section 5.3 of WCAP–17524–P–A Revision 1, the revised accident analyses maintain their plant conditions, and thus their frequency designation and consequence level as previously evaluated. As confirmed in the Safety Evaluation Report (SER), the revised analyses meet the applicable guidelines in the Standard Review Plan.

Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes will revise the licensing basis documents related to the fuel system design, nuclear design, thermal hydraulic design, and accident analyses.

The proposed changes would not introduce a new failure mode, fault, or sequence of events that could result in a radioactive material release. The proposed changes do not alter the design, configuration, or method of operation of the plant beyond standard functional capabilities of the equipment.

Therefore, this activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes will revise the licensing basis documents related to the fuel system design, nuclear design, thermal hydraulic design, and accident analyses.

Safety margins are applied at many levels to the design and licensing basis functions

and to the controlling values of parameters to account for various uncertainties and to avoid exceeding regulatory or licensing limits. UFSAR Subsection 4.1.1 presents the Principle Design Requirements imposed on the fuel and control rod mechanism design to ensure that the performance and safety criteria described in UFSAR Chapter 4 and Chapter 15 are met. The revised fuel system design, nuclear design, thermal hydraulic design, and accident analyses maintain the same Principle Design Requirements, and further, satisfy the applicable regulations, general design criteria, and Standard Review Plan. The effects of the changes do not result in a significant reduction in margin for any safety function, and were evaluated in the Safety Evaluation Report for WCAP–17524–P–A Revision 1 and found to be acceptable.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, Alabama 35203–2015.

Acting NRC Branch Chief: John McKirgan.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress Inc., Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Duke Energy Progress Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake County, North Carolina

Date of amendment request: March 5, 2015, as supplemented by letters dated August 10, 2015, December 17, 2015 and February 1, 2016, respectively.

Brief description of amendments: The amendments revised Robinson Technical Specification (TS) 5.6.5.b and Harris TS 6.9.1.6.2 to adopt the reactor core design methodology report DPC–NE–2005–P–A, ''Thermal-Hydraulic Statistical Core Design Methodology,'' for application to Robinson and Harris. The approval of the methodology report revision added Appendix H specifically reviewed for Robinson and Appendix I specifically reviewed for Harris, to use at each facility.

Date of issuance: March 8, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 148 and 244. A publicly-available version is in ADAMS under Accession No. ML16049A630; documents related to the amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–23 and NPF–63: The amendments revised the Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register****:* August 4, 2015 (80 FR 46342). The supplemental letters dated August 10, 2015, December 17, 2015, and February 1, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated March 8, 2016.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station (DBNPS), Unit No. 1, Ottawa County, Ohio

Date of application for amendment: March 12, 2015, as supplemented by letter dated May 6, 2015.

Brief description of amendment: This amendment revises the operating license to extend the completion date for full implementation of the DBNPS cyber security plan to December 31, 2017.

Date of issuance: March 8, 2016.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 290. A publicly-available version is in ADAMS under Accession No. ML15302A075. Documents related to this amendment are listed in the safely evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–3: Amendment revised the Renewed Facility Operating License.

Date of notice in ***Federal Register****:* May 5, 2015 (80 FR 25720). The supplemental letter dated May 6, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated March 8, 2016.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment requests: March 10, 2015, as supplemented by a letter dated December 15, 2015.

Brief description of amendments: The amendments remove Technical Specification (TS) 3/4.9.5 related to communication during core alteration and TS 3/4.9.6 related to manipulator crane operability from the TSs and require inclusion of those specifications in the Updated Final Safety Analysis Report.

Date of issuance: March 7, 2016.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 230 and 180. A publicly-available version is in ADAMS under Accession No. ML16034A080; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register****:* October 13, 2015 (80 FR 61483). The supplemental letter dated December 15, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated March 7, 2016.

No significant hazards consideration comments received: No.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: July 15, 2015, as supplemented by letter dated December 15, 2015.

Brief description of amendments: The amendments revise the technical specification (TS) to ensure consistency between the two units in the required actions for inoperability of auxiliary feedwater pumps.

Date of Issuance: March 7, 2016.

Effective Date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 229 (Unit No. 1) and 179 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML15356A611; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the TSs.

Date of initial notice in ***Federal Register****:* November 24, 2015 (80 FR 73237). The supplemental letter dated December 15, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 7, 2016.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2 (DCPP), San Luis Obispo County, California

Date of application for amendments: April 16, 2015.

Brief description of amendments: The amendments revised the Best Estimate Analyzer for the Core Operations-Nuclear (BEACON) power distribution monitoring system methodology described in the DCPP Updated Final Safety Analysis Report (UFSAR) Section 4.3.2.2, ''Power Distribution,'' to the method described in the Westinghouse Electric Company LLC (Westinghouse) proprietary topical report (TR) WCAP–12472–P–A, Addendum 4, ''BEACON Core Monitoring and Operation Support System.'' The amendments also revised Technical Specification (TS) 5.6.5, ''CORE OPERATING LIMITS REPORT (COLR),'' Section b to replace Westinghouse proprietary TR WCAP–11596–P–A, ''Qualification of the PHOENIX–P/ANC Nuclear Design System for Pressurized Water Reactor Cores,'' with NRC-approved proprietary TR WCAP–16045–P–A, ''Qualification of the Two-Dimensional Transport Code PARAGON,'' and NRC-approved proprietary TR WCAP–16045–P–A, Addendum 1–A, ''Qualification of the NEXUS Nuclear Data Methodology.''

Date of issuance: March 6, 2016.

Effective date: As of its date of issuance and shall be implemented prior to MODE 4 at the start of Cycle 21 for Unit 1, and for Unit 2 prior to MODE 4 at the start of Cycle 20.

Amendment Nos.: Unit 1—224; Unit 2—226. A publicly-available version is in ADAMS under Accession No. ML16055A359; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Facility Operating Licenses, TSs, and UFSAR.

Date of initial notice in ***Federal Register****:* June 9, 2015 (80 FR 32628).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 9, 2016.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: March 9, 2015, as supplemented by letters dated April 10, 2015; November 25, 2015; and February 3, 2016.

Brief description of amendments: The amendments created new Technical Specification (TS) 3.9.2.1, ''Refueling Operations/Unborated Water Source Isolation Valves,'' to isolate unborated water sources in Mode 6 (Refueling) and revised the existing TS 3.9.2, ''Refueling Operations/Instrumentation,'' to support using the Gamma-Metrics post-accident neutron monitors for neutron flux indication during Mode 6. TS 3.9.2 is renumbered as TS 3.9.2.2, and the TS language is reworded to be consistent with the language in NUREG–1431, Revision 4, ''Standard Technical Specifications, Westinghouse Plants.'' These amendments also remove the existing requirement for the audible indication of the source range neutron flux monitor in the containment and the control room during Mode 6.

Date of issuance: March 7, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 311 (Unit No. 1) and 292 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML16035A087; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register****:* May 26, 2015 (80 FR 30101). The supplemental letters dated November 25, 2015, and February 3, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 7, 2016.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: August 4, 2015.

Brief description of amendments: The amendments corrected the Edwin I. Hatch Nuclear Plant (HNP), Unit 1,

Renewed Facility Operating License (RFOL) and the HNP, Units 1 and 2, Technical Specifications (TSs). Specifically, the amendments correct typographical errors in the HNP, Unit 1, RFOL, and HNP, Unit 2, TS, and add the term STAGGERED TEST BASIS to TS Section 1.1, ''Definitions,'' of the HNP, Units 1 and 2, TS.

Date of issuance: March 7, 2016.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 276 and 220. A publicly-available version is in ADAMS under Accession No. ML16043A101; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register****:* November 10, 2015 (80 FR 69717).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 7, 2016.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: August 20, 2015, as supplemented by letters dated November 19, 2015, and January 12, 2016.

Brief description of amendments: The proposed amendment would revise Appendix 3A of the Updated Final Safety Analysis Report to more fully reflect the permanently shutdown status of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3. The revision would include a limited set of exceptions and clarifications to referenced Regulatory Guides to reflect the significantly reduced decay heat loads in the SONGS Units 2 and 3 Spent Fuel Pools and to support corresponding design basis changes and modifications that will allow for the implementation of the ''cold and dark'' strategy outlined in the SONGS Post-Shutdown Decommissioning Activities Report.

Date of issuance: March 11, 2016.

Effective date: As of its date of issuance and shall be implemented within 60 days.

Amendment Nos.: Unit 2–233 and Unit 3–226: A publicly-available version is in ADAMS under Accession No. ML16055A522; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Facility Operating Licenses.

Date of initial notice in ***Federal Register****:* November 10, 2015 (80 FR 69715). The supplemental letters dated November 19, 2015, and January 12, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 11, 2016.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of amendment request: January 14, 2015, as supplemented by letters dated February 19, August 19, December 3, 2015 and January 25, 2016.

Brief description of amendments: The licensee requested to adopt the U.S. Nuclear Regulatory Commission-approved Technical Specifications Task Force (TSTF) Standard Technical Specifications Change Traveler TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation'' (ADAMS Accession No. ML13053A075), dated February 21, 2013. The availability of this TS improvement was announced in the **Federal Register** on January 15, 2014 (79 FR 2700), as part of the consolidated line item improvement process (CLIIP).

Date of issuance: February 29, 2016.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Unit 1–287; Unit 2–287. A publicly-available version is in ADAMS under Accession No. ML16042A173; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–32 and DPR–37: The amendments revise the Renewed Facility Operating Licenses and the Technical Specifications.

Date of initial notice in ***Federal Register****:* (80 FR 35986, June 23, 2015). The supplemental letters dated February 19, August 19, December 3, 2015 and January 25, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 29, 2016.

No significant hazards consideration comments received: No.

IV. Notice of Issuance of Amendment to Renewed Facility Operating License, Determination of No Significant Hazards Consideration, and Opportunity for Hearing (Exigent Public Announcement or Emergency Circumstances)

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: March 1, 2016, as supplemented by letter dated March 3, 2016.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.7.1.2, ''Plant Systems—Emergency Feedwater System,'' action statement b for two emergency feedwater pumps being inoperable by adding a note to the statement ''be in at least HOT STANDBY within 6 hours'' that extends this time period to 24 hours. The extended action duration is needed to allow the testing of three auxiliary feedwater flow control valves that was missed during the previous refueling outage. This is a one-time change and expires on March 18, 2016.

Date of issuance: March 9, 2016.

Effective date: As of the date of issuance and shall be implemented immediately.

Amendment No.: 203. A publicly-available version is in ADAMS under Accession No. ML16063A090; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. Public notice of the proposed amendment was published in *The State,* located in Columbia, South Carolina, on March 5 and March 6, 2016. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and NSHC determination are contained in a safety evaluation dated March 9, 2016.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 18th day of March 2016.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–06939 Filed 3–28–16; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Vocational Report; OMB 3220–0141. Section 2 of the Railroad Retirement Act (RRA) provides for payment of disability annuities to qualified employees and widow(ers). The establishment of permanent disability for work in the applicant's ''regular occupation'' or for work in any regular employment is prescribed in 20 CFR 220.12 and 220.13 respectively.

The RRB utilizes Form G–251, *Vocational Report,* to obtain an applicant's work history. This information is used by the RRB to determine the effect of a disability on an applicant's ability to work. Form G–251 is designed for use with the RRB's disability benefit application forms and is provided to all applicants for employee disability annuities and to those applicants for a widow(er)'s disability annuity who indicate that they have been employed at some time.

Significant changes are proposed to Form G–251 in support of the RRB's Disability Program Improvement Project to enhance/improve disability case processing and overall program integrity as recommended by the RRB's Office of Inspector General and the Government Accountability Office.

Proposed changes to Form G–251 include the consolidation and revision of existing items that request information about essential job duties performed and any exposure to environmental hazards; the expansion of existing items that provide information regarding an applicant's physical actions or work activities and the amount of time that they expend on such activities during an average 8 hour work day to include Balancing, Twisting/Turning, Crawling, Gripping/Holding, Foot Control, and Fine Manipulation; and the addition of new items that request information regarding any permanent working accommodations an employer may have made due to the employee's disability are also proposed.

Other minor changes proposed include revisions to the ''Identifying Information'' section to add ''Province'' to the address field for applicants who may live outside the U.S. and to provide for an additional telephone number. Minor non-burden impacting, editorial and formatting changes are also proposed.

Completion is required to obtain or retain a benefit. One response is requested of each respondent.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–251 (with assistance)	5,730	40	3,820
G–251 (without assistance)	270	50	225
Total	6,000		4,045

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.* Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or emailed to *Charles.Mierzwa@RRB.GOV.* Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2016–07130 Filed 3–28–16; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77429; File No. SR–BX–2016–017]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter XI (Doing Business With the Public), Section 8 (Supervision of Accounts) of the Exchange's Rulebook

March 23, 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 14, 2016, NASDAQ BX, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XI (Doing Business with the Public), Section 8 (Supervision of Accounts) of the Exchange's rulebook to remove outdated references to three

National Association of Securities Dealers, Inc. (''NASD'') rules and to replace those references with references to four successor Financial Industry Regulatory Authority, Inc. (''FINRA'') rules which have replaced them.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.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 is proposing to amend Chapter XI (Doing Business with the Public), Section 8 (Supervision of Accounts) of the Exchange's rulebook (the ''BX Options Supervision Rules'') to remove outdated references to three NASD rules and to replace those references with references to four successor FINRA rules which have replaced them.[3]

Currently, the BX Options Supervision Rules provide in Section 8(a) that each member that conducts a public customer options business shall ensure that its written supervisory system policies and procedures pursuant to NASD Rules 3010, 3012, and 3013 (the ''Old NASD Rules'') adequately address the member's public customer options business. Since the adoption by the Exchange of the BX Options Supervision Rules, FINRA has updated its own rulebook and deleted the Old NASD Rules, adopting in their place FINRA Rules 3110, 3120, 3130 and 3170.[4] The Exchange therefore proposes to make a conforming change to the BX Options Supervision Rules by deleting references to the Old NASD Rules and replacing them with references to FINRA Rules 3110, 3120, 3130 and 3170.

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 Section 6(b)(5) of the Act[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by removing references to outdated NASD rules, thus minimizing any potential confusion on the part of members and other market participants regarding the standards and rules to which Exchange members are subject.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As the amendments merely correct the Exchange rules to refer to the current FINRA rules discussed above, it has no impact on 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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–BX–2016–017 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–BX–2016–017.* 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).*

[3] The current FINRA rulebook consists of: (1) FINRA rules; (2) NASD rules; and (3) rules incorporated from NYSE (Incorporated NYSE Rules) (together, the NASD rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). As part of the process of developing a new consolidated rulebook (the ''Consolidated FINRA Rulebook'') FINRA adopted FINRA Rules 3110, 3120, 3130 and 3170 which the Exchange seeks to incorporate in the BX Options Supervision Rules.

[4] FINRA Rules 3110 (Supervision) and 3120 (Supervisory Control System) were adopted by FINRA to replace NASD Rules 3010 (Supervision), and 3012 (Supervisory Control System). In addition, new FINRA Rule 3170 (Tape Recording of Registered Persons by Certain Firms) replaced NASD Rule 3010(b)(2). The new rules became effective on December 1, 2014. *See* Securities Exchange Act Release No. 71179 (Dec. 23, 2013), 78 FR 79542 (Dec. 30, 2013) (Order Approving Proposed Rule Change as Modified by Amendment No. 1) (File No. SR–FINRA–2013–025); *see also* FINRA Regulatory Notice 08–24 (May 2008) (Proposed Consolidated FINRA Rules Governing Supervision and Supervisory Controls). FINRA Rule 3130 (Annual Certification of Compliance and Supervisory Processes) replaced NASD Rule 3013 (Annual Certification of Compliance and Supervisory Processes) in 2008. *See* Securities Exchange Act Release No. 58661 (Sept. 26, 2008), 73 FR 57395 (Oct. 2, 2008) (SR–FINRA–2008–030).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(a)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 20549–1090, 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–BX–2016–017* and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06994 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10058; 34–77432; File No. 265–28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, April 14, 2016 from 9:30 a.m. until 3:45 p.m. (ET). Written statements should be received on or before April 14, 2016.

ADDRESSES: The meeting will be held in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will be webcast on the Commission's Web site at *www.sec.gov.* Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rules-comments@sec.gov.* Please include File No. 265–28 on the subject line; or

Paper Statements

- Send paper statements to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Marc Oorloff Sharma, Senior Special Counsel, Office of the Investor Advocate, at (202) 551–3302, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, except during that portion of the meeting reserved for an administrative work session during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in **FOR FURTHER INFORMATION CONTACT.**

The agenda for the meeting includes: Remarks from Commissioners; a discussion of a recommendation of the Investor as Purchaser subcommittee regarding mutual fund cost disclosure; an update from the Commission's Office of Compliance Inspections and Examinations; subcommittee reports; a discussion regarding cybersecurity and related investor protection concerns; reflections on the first full term of Investor Advisory Committee membership; and a nonpublic administrative work session during lunch.

Dated: March 23, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–06988 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77430; File No. SR–FINRA–2015–057]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change to Adopt FINRA Rule 2273 (Educational Communication Related to Recruitment Practices and Account Transfers)

March 23, 2016.

I. Introduction

On December 16, 2015, 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 FINRA Rule 2273, which would establish an obligation for a member to deliver an educational communication in connection with member recruitment practices and account transfers.

The proposed rule change was published for comment in the **Federal Register** on December 30, 2015.[3] The Commission received twelve comment letters on the proposal.[4] On February 4, 2016, FINRA extended the time period for Commission action on the proposed rule change until March 29, 2016. On March 17, 2016, FINRA responded to

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing of a Proposed Rule Change to Adopt FINRA Rule 2273 (Educational Communication Related to Recruitment Practices and Account Transfers), Exchange Act Rel. No. 76757 (December 23, 2015), 80 FR 81590 (December 30, 2015) (''Notice'').

[4] Comment letters were submitted by Georgia State University College of Law Investor Advocacy Clinic (''GSU''); Commonwealth Financial Network (''Commonwealth''); Securities Industry and Financial Markets Association (''SIFMA''); Financial Services Institute (''FSI''); Public Investors Arbitration Bar Association (''PIABA''); Wells Fargo Advisors (''Wells Fargo''); The Committee of Annuity Insurers (''Committee of Annuity Insurers''); Lincoln Financial Network (''Lincoln''); LPL Financial (''LPL''); Raymond James Financial Services (''RJFS''); Raymond James & Associates (''RJA''); and HD Vest Investment Services (''HD Vest'').

the comments.[5] The proposed rule change is unchanged from the original proposal. This order approves the proposed rule change. The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA, on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

II. Description of the Proposed Rule Change

Background

FINRA is concerned that representatives who switch their member firm often contact former customers and emphasize the benefits the former customers would experience by following the representative and transferring their assets to the firm that recruited the registered representative (''recruiting firm'') and maintaining their relationship with the representative. In this situation, former customers' confidence in and prior experience with the representative may be one of the customers' most important considerations in determining whether to transfer assets to the recruiting firm. As stated in the Notice, FINRA is concerned that former customers may not be aware of other important factors to consider in making a decision whether to transfer assets to the recruiting firm, including direct costs that may be incurred. Therefore, to provide former customers with a more complete picture of the potential implications of a decision to transfer assets, the proposed rule change would require delivery of an educational communication by the recruiting firm that highlights key considerations in transferring assets to the recruiting firm, and the direct and indirect impacts of such a transfer on those assets.

As stated in the Notice, FINRA believes that former customers would benefit from receiving a concise, plain-English document that highlights the potential implications of transferring assets. The proposed educational communication is intended to encourage former customers to make further inquiries of the transferring representative (and, if necessary, the customer's current firm), to the extent that the customer considers the information important to his or her decision making.

Educational Communication

The proposed rule change would require a member that hires or associates with a registered representative to provide to a former customer of the representative, individually, in paper or electronic form, an educational communication prepared by FINRA. The proposed rule change would require delivery of the educational communication when: (1) The member, directly or through a representative, individually contacts a former customer of that representative to transfer assets; or (2) a former customer of the representative, absent individual contact, transfers assets to an account assigned, or to be assigned, to the representative at the member.[6]

The proposed rule change would define a ''former customer'' as any customer that had a securities account assigned to a registered person at the representative's previous firm. The term ''former customer'' would not include a customer account that meets the definition of an ''institutional account'' pursuant to FINRA Rule 4512(c); provided, however, accounts held by a natural person would not qualify for the institutional account exception.[7]

The educational communication focuses on important considerations for a former customer who is contemplating transferring assets to an account assigned to his or her former representative at the recruiting firm. The educational communication would highlight the following potential implications of transferring assets to the recruiting firm: (1) Whether financial incentives received by the representative may create a conflict of interest; (2) that some assets may not be directly transferrable to the recruiting firm and as a result the customer may incur costs to liquidate and move those assets or account maintenance fees to leave them with his or her current firm; (3) potential costs related to transferring assets to the recruiting firm, including differences in the pricing structure and fees imposed by the customer's current firm and the recruiting firm; and (4) differences in products and services between the customer's current firm and the recruiting firm.

The educational communication is intended to prompt a former customer to make further inquiries of the transferring representative and recruiting firm (and, if necessary, the customer's current firm), to the extent that the customer considers the information important to his or her decision making.

Requirement To Deliver Educational Communication

As stated in the Notice, FINRA believes that a broad range of communications by a recruiting firm or its registered representative would constitute individualized contact that would trigger the delivery requirement under the proposal.[8] These communications may include, but are not limited to, oral or written communications by the transferring representative: (1) Informing the former customer that he or she is now associated with the recruiting firm, which would include customer communications permitted under the Protocol for Broker Recruiting (''Protocol'');[9] (2) suggesting that the former customer consider transferring his or her assets or account to the recruiting firm; (3) informing the former customer that the recruiting firm may offer better or different products or services; or (4) discussing with the former customer the fee or pricing structure of the recruiting firm.

Furthermore, as stated in the Notice, FINRA would consider oral or written communications to a group of former customers to similarly trigger the requirement to deliver the educational communication under the proposed rule change.[10] These types of oral or written communications by a member, directly or through the representative, to a group of former customers may include, but are not limited to: (1) Mass mailing of information; (2) sending copies of information via email; or (3) automated phone calls or voicemails.

Timing and Means of Delivery of Educational Communication

The proposed rule change would require a member to deliver the educational communication at the time of the first individualized contact with a former customer by the member,

[5] Letter from Jeanette Wingler, Assistant General Counsel, FINRA, to Brent J. Fields, Secretary, Commission, dated March 17, 2016.

[6] *See* proposed FINRA Rule 2273(a).

[7] *See* proposed FINRA Rule 2273.01 (Definition). FINRA Rule 4512(c) defines the term institutional account to mean the account of: (1) A bank, savings and loan association, insurance company, or registered investment company; (2) an investment adviser registered either with the SEC under Section 203 of the Investment Advisers Act of 1940 or with a state securities commission (or any agency or office performing like functions); or (3) any other entity (whether a natural person, corporation, partnership, trust, or otherwise) with total assets of at least $50 million.

[8] *See* Notice, *supra* note 3, 80 FR at 81591.

[9] The Protocol was created in 2004 and permits departing representatives to take certain limited customer information with them to a new firm, and solicit those customers at the new firm, without the fear of legal action by their former employer. The Protocol provides that representatives of firms that have signed the Protocol can take client names, addresses, phone numbers, email addresses, and account title information when they change firms, provided they leave a copy of this information, including account numbers, with their branch manager when they resign.

[10] *See* Notice, *supra* note 3, 80 FR at 81591.

directly or through the representative, regarding the former customer transferring assets to the member.[11] If such contact is in writing, the proposed rule change would require the educational communication to accompany the written communication. If the contact is by electronic communication, the proposed rule change would permit the member to hyperlink directly to the educational communication.[12]

If the first individualized contact with the former customer is oral, the proposed rule change would require the member or representative to notify the former customer orally that an educational communication that includes important considerations in deciding whether to transfer assets to the member will be provided not later than three business days after the contact. The proposed rule change would require the educational communication be sent within three business days from such oral contact or with any other documentation sent to the former customer related to transferring assets to the member, whichever is earlier.[13]

If the former customer seeks to transfer assets to an account assigned, or to be assigned, to the representative at the member, but no individualized contact with the former customer by the representative or member occurs before the former customer seeks to transfer assets, the proposed rule change would mandate that the member deliver the educational communication to the former customer with the account transfer approval documentation.[14] The educational communication requirement in the proposed rule change would apply for a period of three months following the date that the representative begins employment or associates with the member.[15]

Pursuant to the proposed rule change, the educational communication requirement would not apply when the former customer expressly states that he or she is not interested in transferring assets to the member. If the former customer subsequently decides to transfer assets to the member without further individualized contact within the period of three months following the date that the representative begins employment or associates with the member, then the educational communication would be required to be provided with the account transfer approval documentation.[16]

Format of Educational Communication

To facilitate uniform communication under the proposed rule change and to assist members in providing the proposed communication to former customers of a representative, the proposed rule change would require a member to deliver the proposed educational communication prepared by FINRA to the former customer, individually, in paper or electronic form.[17] The proposed rule change would require members to provide the FINRA-created communication and would not permit members to use an alternative format.[18] As stated in the Notice, FINRA believes that the FINRA-created uniform educational communication will allow members to provide the required communication at a relatively low cost and without significant administrative burdens.[19]

III. Summary of Comment Letters and FINRA's Response

Overall Proposal

Two commenters stated that the current proposal is an improvement from the previous version of the proposal.[20] Eight additional commenters expressed support for a regulatory effort to provide investors with meaningful information upon which to base a decision to transfer assets but did not support all aspects of the current proposal.[21] Two commenters opposed the current proposal and instead supported a return to the requirement in a previous version of the proposal to provide specific information about any financial incentives received by the representative and costs associated with the former customer transferring assets.[22] Alternatively, another commenter suggested requiring the member to provide written answers to the questions included in the educational communication if the customer so requests.[23] One commenter maintained that the proposal is not justified by its costs because there are no systemic issues with the current account transfer process, which also includes some disclosure.[24]

In its response to commenters, FINRA states that it believes that the proposal will promote investor protection by highlighting important conflict and cost considerations of transferring assets and encouraging customers to make further inquiries to reach an informed decision about whether to transfer assets to the recruiting firm. Furthermore, FINRA's response to commenters notes that, as explained in more detail in the Notice, FINRA considered several alternatives to the proposal to help ensure that it is narrowly tailored to achieve its purposes without imposing unnecessary costs and burdens on members.[25] FINRA believes that the proposed rule is an effective and efficient alternative to the previous proposal. While educating former customers about important considerations to make an informed decision whether to transfer assets to the recruiting firm, FINRA believes the proposed rule eliminates or reduces the privacy and operational concerns raised regarding the previous proposal (*e.g.,* by removing the requirement to disclose to former customers the magnitude of recruitment compensation paid to a transferring representative). FINRA notes that the dialogue prompted by the educational communication could include a discussion with the transferring representative about more specifics related to the incentives and costs associated with the transfer.

FINRA further states in its response to commenters that it believes that former customers would benefit from receiving a concise, plain-English document that highlights the potential implications of transferring assets, such as conflict and cost considerations, several of which are not disclosed or otherwise brought to the attention of a customer as part of the account transfer approval documentation.

Requirement To Deliver the Educational Communication

One commenter supported the proposal's delivery requirements as providing a ''clear and straightforward standard.'' [26] The commenter further stated that with the ''straightforward standard, firms will be able to easily create and implement policies, procedures and systems to comply with the rule.'' [27] Some commenters, on the other hand, stated that the triggers for delivering the educational

[11] *See* proposed FINRA Rule 2273(b)(1).

[12] *See* proposed FINRA Rule 2273(b)(1)(A).

[13] *See* proposed FINRA Rule 2273(b)(1)(B).

[14] *See* proposed FINRA Rule 2273(b)(2).

[15] *See* proposed FINRA Rule 2273(b)(3).

[16] *See* proposed FINRA Rule 2273.02 (Express Rejection by Former Customer).

[17] *See* proposed FINRA Rule 2273(a) and Exhibit 3.

[18] *See* proposed FINRA Rule 2273(a).

[19] *See* Notice, *supra* note 3, 80 FR at 81592.

[20] Lincoln and FSI.

[21] SIFMA, LPL, Wells Fargo, RJFS, RJFA, Commonwealth, and HD Vest.

[22] PIABA and GSU.

[23] GSU.

[24] HD Vest.

[25] *See* Notice, *supra* note 3, 80 FR at 81593.

[26] FSI.

[27] FSI.

communication would be complex and difficult for members to implement as members would be dependent on reporting by representatives to members with respect to each individualized contact with a former customer.[28] Some commenters commented that compliance with the proposed rule would require significant time and effort on the part of members and would result in significant costs.[29]

In its response to commenters, FINRA states that it does not believe that the burdens associated with tracking whether there has been individualized contact with a former customer are unreasonable relative to the value in providing the educational communication to such customers. Moreover, FINRA's response to commenters notes that, as FINRA stated in the Notice, members already are obligated to supervise representatives' communications with existing or prospective customers and have flexibility to design their supervisory systems to track communications soliciting new business from former customers of representatives.[30] As such, FINRA does not believe the proposed rule change imposes substantially new or burdensome obligations by requiring firms to establish policies and procedures reasonably designed to ensure that the educational communication is timely delivered to former customers.

One commenter stated that a member cannot supervise communications between representatives and former customers before such customers establish accounts at the member.[31] In its response to commenters, FINRA states that it disagrees. If a representative is associated with or employed by a member, FINRA notes that the member is required to supervise the representative's conduct consistent with FINRA rules, including FINRA Rule 2210 (Communications with the Public). FINRA notes that the standards applicable to retail communications and correspondence under Rule 2210, as well as the requirements to supervise correspondence pursuant to FINRA Rule 3110 (Supervision), are not limited to communications with current customers. FINRA states that therefore, the fact that a former customer or any other individual has not yet established an account at the member does not obviate those supervision requirements.

Individualized Contact

Some commenters requested additional guidance as to what individualized contact with a former customer would trigger the requirement to deliver the educational communication.[32] FINRA's response to commenters notes that, as stated in the Notice, it intends for a broad range of oral or written communications by a recruiting firm, directly or through a representative, to constitute individualized contact with a former customer to transfer assets and therefore trigger the delivery of the educational communication under the proposed rule.[33] FINRA notes that the Notice provides several examples of such individualized contacts, including a written or oral communication informing the customer that the representative is now associated with the recruiting firm.[34] In its response to commenters, FINRA states that it will consider giving additional guidance, as appropriate, where questions about specific types of individualized contact arise.

The proposed rule change would require delivery of the educational communication, absent individualized contact, with account transfer approval documentation. One commenter supported requiring delivery of the educational communication to a former customer, where there is not individualized contact, before the transmittal of the account transfer approval documentation.[35] FINRA's response to commenters notes that to lessen any associated operational and supervisory burdens of implementing the proposed rule, FINRA has not proposed requiring that the educational communication be provided to former customers before the account transfer approval documentation where there is not individualized contact.

One commenter expressed the view that the different delivery requirements based on whether there was individualized contact would be unworkable as members could not reasonably determine that the receipt of account paperwork was the result of no contact between the registered person and the former customer.[36]

FINRA's response to commenters states that, as set forth in the Notice, FINRA believes that a representative reasonably should know whether an individual had an account assigned to him or her at the representative's prior firm and whether the representative has individually contacted the former customer regarding transferring assets to the recruiting firm.[37] FINRA also states in its response to commenters that it believes that a reasonably designed supervisory system would require the representative to communicate with a member whether he or she had individualized contact with a former customer. As such, FINRA does not believe it is unworkable to distinguish account transfers that resulted absent individualized contact.

Some commenters requested clarification regarding whether the requirements of the proposed rule would be triggered by ''unanticipated communications'' between a representative and a former customer.[38] In its response to commenters, FINRA explains that the proposed rule would apply where a member, directly or through a representative, individually contacts a former customer of that representative to transfer assets or where a former customer transfers assets to an account assigned to the representative at the member absent individualized contact. As such, FINRA notes that whether contact that occurs with a former customer is planned or serendipitous is not dispositive; rather, it is the substance of the communication that determines if the delivery requirement is triggered. Thus, FINRA explains that unanticipated contact with a former customer (*e.g.,* at a sporting or social event) without a communication from the representative to the former customer that would constitute individualized contact, as described above, about transferring assets would not trigger the requirements of the proposed rule. In its response to commenters FINRA notes that, if, for example, the representative took the opportunity of the situation to inform the former customer of his or her move to a new firm and the merits of transferring assets to that new firm, the delivery requirement would be triggered.

Timing and Delivery of Educational Communication

Several commenters expressed concern with the means and timing of the delivery requirement. Some commenters contended that the requirement to deliver the educational communication within three business days after oral contact by a representative with a former customer would present operational and supervisory challenges, such as training

[28] Commonwealth and HD Vest.

[29] Commonwealth and HD Vest.

[30] *See* Notice, *supra* note 3, 80 FR at 81595.

[31] HD Vest.

[32] SIFMA, HD Vest, RJA, and RJFS.

[33] *See* Notice, *supra* note 3, 80 FR at 81591.

[34] *See* Notice, *supra* note 3, 80 FR at 81591.

[35] GSU.

[36] Commonwealth.

[37] *See* Notice, *supra* note 3, 80 FR at 81594.

[38] Lincoln, LPL, RJA, and RJFS.

representatives on the scope and practical implications of the requirement, relying on representatives to timely report contacts to the member, and preparing the mailing to former customers within the required period of time.[39] One commenter suggested eliminating the requirement to deliver the educational communication within three business days after oral contact and instead require written delivery in all circumstances.[40] Along with that commenter, some commenters suggested that the requirement to deliver the educational communication be integrated into an existing process, such as including the communication with the account transfer approval documentation, so as to make implementation of the requirement more cost effective and efficient for members.[41] Alternatively, one commenter suggested lengthening the period to deliver the educational communication to 10 business days.[42]

One commenter requested additional analysis and justification for FINRA's belief that delivering the communication at or prior to account opening would be too late because customers typically have already made the decision to transfer assets by that point in the process.[43] Another commenter stated that requiring the educational communication to accompany the first written communication would mean that any efforts taken by a member to review written communications that have already occurred between a representative and a former customer would be too late to prevent a rule violation.[44]

FINRA's response to commenters notes that with respect to delivery after oral contact, as stated in the Notice, FINRA believes that the three-business-day period gives a representative sufficient time to inform the recruiting firm of the former customers who have been contacted and, in turn, for the recruiting firm to send the educational communication to those former customers.[45] Furthermore, as stated in its response to commenters, FINRA understands that members frequently send account opening documentation within that time frame to customers that have indicated an interest in opening an account. FINRA also notes that it sought data and evidence around the associated costs of the proposed rule and that commenters did not provide specific data or analysis to support their contention that the delivery requirements as proposed would present considerable additional costs for recruiting firms. Accordingly, FINRA does not propose to change the requirement in the proposed rule.

As explained in its response to commenters and in more detail in the Notice, FINRA believes that to be effective, the proposed educational communication must be accessible to the former customer at or shortly after the time the first individualized contact is made by the recruiting firm or the representative.[46] In its response to commenters, FINRA notes that the delivery requirement will allow the customer the time needed to have discussions with the registered representative and the customer's current firm about the implications of transferring assets in close proximity to receipt of any information the representative may have provided to encourage a transfer and will facilitate an informed and reasoned decision. FINRA further notes that some commenters to its Regulatory Notice 15–19,[47] where FINRA first proposed the delivery requirements, noted the benefits of timely delivery. FINRA points out that two commenters to Regulatory Notice 15–19 supported requiring delivery of the educational communication prior to the time that a former customer decides to transfer assets to the recruiting firm to ensure that the former customer has sufficient time to consider and respond to the information in the communication.[48] FINRA also notes that another broker-dealer commenter that favored contemporaneous delivery of the educational communication at the time of first individualized contact stated that permitting three business days following an oral communication was too late as many customers will make a determination to transfer assets prior to receiving the communication.[49]

In its response to commenters, FINRA states that it agrees with the commenters that providing the communication at the time of account opening would be less effective than the proposed approach as customers have already made the decision to transfer assets at the time the customer has initiated the account opening process. Similarly, FINRA states that it believes a requirement to permit delivery of the educational communication at any time prior to account opening would allow members to wait until the customer agrees to transfer assets to the member or until shortly before the account is opened before delivering the educational communication.

Finally, with respect to one comment that post-use review of communications cannot prevent a violation of the requirement that the educational communication accompany written first individualized contact,[50] FINRA notes in its response to commenters that its rules provide members' some flexibility with respect to review of representatives' communications with customers and require review of only some communications prior to first use or distribution.[51] Consistent with those rules, FINRA states that a member would not necessarily need to implement prior use approval of every written communication to a former customer to have policies and procedures reasonably designed to achieve compliance with the proposed rule change.

Duration of Delivery Requirement

Under the proposed rule change, the delivery of the educational communication would apply for three months following the date the representative begins employment or associates with the member. One commenter supported shortening the applicable time period from six months as proposed in Notice 15–19 [52] to three

[39] SIFMA, Committee of Annuity Insurers, Lincoln, RJA, RJFS, Commonwealth, and HD Vest.

[40] Wells Fargo.

[41] Wells Fargo, SIFMA, Lincoln, Committee of Annuity Insurers, RJA, RJFS, Commonwealth, and HD Vest.

[42] HD Vest.

[43] SIFMA.

[44] Commonwealth.

[45] *See* Notice, *supra* note 3, 80 FR at 81595–81596.

[46] *See* Notice, *supra* note 3, 80 FR at 81595.

[47] *See* FINRA Requests Comment on a Proposed Rule to Require Delivery of an Educational Communication to Customers of a Transferring Representative, Regulatory Notice 15–19, at 4 (May 2015) (''Notice 15–19'').

[48] *See* Letter from Jeffrey T. Brown, Senior Vice President and Head of Legislative and Regulatory Affairs, Charles Schwab & Co., Inc., to Marcia E. Asquith, Senior Vice President and Corporate Secretary of FINRA, dated July 13, 2015; and letter from Joseph C. Peiffer, President, Public Investors Arbitration Bar Association, to Marcia E. Asquith, Senior Vice President and Corporate Secretary of FINRA, dated July 13, 2015.

[49] *See* Letter from Jesse Hill, Principal—Government and Regulatory Relations, Edward Jones, to Marcia E. Asquith, Senior Vice President and Corporate Secretary of FINRA, dated July 14, 2015.

[50] Commonwealth.

[51] FINRA states, for example, that correspondence with customers is subject to the supervision and review requirements of FINRA Rules 3110(b) and 3110.06 through .09. While review of all institutional communications is not required prior to first use or distribution, FINRA states that FINRA Rule 2210(b)(1)(A) requires that an appropriately qualified registered principal of the member must approve each retail communication before the earlier of its use or filing with FINRA's Advertising Regulation Department.

[52] *See* Notice 15–19, *supra* note 47, at 4.

months as proposed in the Notice.[53] On the other hand, two commenters supported extending the period to one year.[54]

In its response to commenters, FINRA states that it believes the three-month period strikes an appropriate balance between achieving the regulatory objective of an informed decision by former customers most likely to consider transferring assets as the result of their representative's move to a new firm, while lessening the economic impacts on members.

Efforts by Current Firm To Retain Customers

One commenter favored requiring a customer's current firm to deliver the educational communication to the customer and including questions in the communication that a customer may wish to consider if the current firm is soliciting a customer to keep his or her account with the firm.[55] Another commenter also supported including specific disclosure about the incentives that employees of the current firm may receive for retaining the customer.[56]

FINRA's response to commenters states that, as noted in the Notice, FINRA is focused on providing customers impactful information to consider when deciding whether to transfer assets to a representative's new firm, where cost and portability issues are most likely to arise and where some potential conflicts (*e.g.,* financial incentives to attract new assets) are more pronounced.[57] In its response to commenters, FINRA states that while the proposed rule change would not require the current firm to provide the educational communication to a customer, the proposed educational communication does note that ''some firms pay financial incentives to retain brokers or customers.'' FINRA further states that it believes that the communication will prompt customers to consider the implications of both staying and moving when urged to do so by representatives of either firm. Furthermore, FINRA notes that requiring the current firm to also provide the educational communication to a customer whose representative has transferred to a new firm would result in the customer receiving multiple copies of the same communication.

Contractual and Legal Considerations

Three commenters suggested including a statement in the educational communication that the communication is not intended as a solicitation or to encourage or discourage the transfer of customer assets.[58] Two commenters asked FINRA to amend the proposed rule to include a provision stating that compliance with the rule is not intended to interfere with members' obligations under Regulation S–P, the Protocol or other contractual non-solicitation obligations.[59]

In its response to commenters, and as noted in the Notice in response to earlier comments of the same nature, FINRA states that it does not intend the proposed rule to impact any contractual agreement between a representative and his or her former firm or new firm and does not require members to disclose information in a manner inconsistent with Regulation S–P.[60] FINRA notes that the proposed rule change assumes that recruiting firms and representatives will act in accordance with the contractual obligations established in employment contracts, state law, and, if applicable, the Protocol. Furthermore, in its response to commenters, FINRA states that it does not intend for the provision of the educational communication to have any relevance to a determination of whether a representative impermissibly solicited a former customer in breach of a contractual obligation. FINRA does not believe it necessary or appropriate to include any statement regarding solicitation in the educational communication, which by itself and its own terms cannot reasonably be considered to encourage or discourage the transfer of assets.

One commenter stated that an exception from Regulation S–P was needed to permit transferring representatives to take limited customer information with them to their new firms in order to comply with the requirements of the proposed rule.[61] In its response to commenters, FINRA disagrees. FINRA states that the proposed rule does not require contact with any former customers, but rather, only requires delivering the educational communication once a transferring representative or the recruiting firm makes individualized contact with a former customer about transferring assets to an account assigned to the representative at the member. FINRA states that it believes that in most instances, a former customer will not be contacted in the first instance unless the representative or recruiting firm already has the customer's contact information. In those rare circumstances where individualized contact that triggers the requirements of the rule happens by chance or without contact information, FINRA believes the representative or recruiting firm can ask the customer for the contact information needed to deliver the educational communication.

Scope of Proposal

Customers

Two commenters supported expanding the requirement to apply to all customers of a representative, not just a representative's former customers.[62] One commenter recommended that the proposed rule incorporate the definition of institutional account in FINRA Rule 4512(c) (Customer Account Information) without excluding accounts held by any natural person.[63]

In its response to commenters, FINRA declines to revise the definition of ''former customer'' or to extend the requirement to apply to other customers of a representative. Furthermore, FINRA's response to commenters notes that, as stated in the Notice, FINRA believes that former customers that a member or representative individually contacts to transfer assets to a new firm are most impacted in recruitment situations because they have already developed a relationship with the representative and because their assets may be both the basis for the representative's recruitment compensation and subject to potential costs and changes if the customer decides to move those assets to the recruiting firm.[64] In its response to commenters, FINRA states that it believes that it is appropriate to include natural persons who would be considered institutional accounts under Rule 4512(c), as these individuals may not be aware of the implications of transferring assets.

Two commenters supported requiring customer affirmation of the receipt of the educational communication.[65] FINRA's response to commenters explains that, as noted in more detail in the Notice, while some firms may elect to include a customer affirmation requirement as part of their supervisory controls in implementing the proposed rule change, FINRA believes the requirements of the rule will ensure that

[53] SIFMA.

[54] PIABA and GSU.

[55] Lincoln.

[56] PIABA.

[57] *See* Notice, *supra* note 3, 80 FR at 81598.

[58] SIFMA, HD Vest, and LPL.

[59] RJA and RJFS.

[60] *See* Notice, *supra* note 3, 80 FR at 81599.

[61] HD Vest.

[62] PIABA and GSU.

[63] SIFMA.

[64] *See* Notice, *supra* note 3, 80 FR at 81600.

[65] PIABA and GSU.

former customers receive and have an opportunity to review the information in the proposed educational communication before they decide to transfer assets to a recruiting firm.[66] In addition, FINRA states that it does not want to impose any additional obligations that may impede the timely transfer of customer assets between members.

Members and Registered Representatives

One commenter requested clarification regarding whether the proposed rule would apply to representatives who are employed by or associated with a member in a non-financial advisor role (*e.g.,* operations or non-producing branch/complex managers), but who may have customer accounts assigned to them that are incidental to their primary job function.[67] FINRA states in its response to commenters that to the extent a representative has accounts assigned to him or her at the new firm, FINRA sees no reason to distinguish those accounts based on the representative's primary function, as the implications for the former customers are the same. Accordingly, FINRA believes that because an account assigned to a representative may be incidental to a representative's primary job function should not obviate the requirements of the proposed rule.

Two commenters requested clarification on whether the proposed rule would apply when a representative transfers between broker-dealer subsidiaries of the same holding company.[68] In its response to commenters, FINRA states that it believes that the facts and circumstances of such representative transfers may vary. FINRA will consider giving additional guidance, as appropriate, where specific questions arise regarding representative transfers between broker-dealer subsidiaries of the same holding company.

In the Notice, FINRA interpreted the proposed rule change as not applying to circumstances where a customer's account is proposed to be transferred to a new member via bulk transfer or due to a change of broker-dealer of record.[69] Four commenters supported the clarification provided in the Notice in these contexts.[70] One commenter stated that the interpretation that the proposed rule would not apply should be extended to include all changes in networking arrangements between a financial institution and a broker-dealer, and not just those for which bulk transfers are used.[71]

In its response to commenters, FINRA states that it believes that the considerations set forth in the educational communication do not have the same application in the context of a bulk transfer as they do when a customer has a viable choice between staying at his or her current firm with the same level of products and services or transferring assets to the recruiting firm, with the attendant impacts. Because the facts and circumstances of changes in networking arrangements between a financial institution and a broker-dealer outside the bulk transfer context may vary, FINRA will consider giving additional guidance, as appropriate, where specific questions arise for changes in networking arrangements outside the bulk transfer context.

In the Notice, FINRA stated that the proposed rule change would apply to a registered person dually registered as an investment adviser and broker-dealer at the former firm who associates with a member firm in both an investment advisory and broker-dealer capacity.[72] One commenter supported the clarification provided in the Notice regarding the treatment of dual hatted persons.[73] Another commenter noted that there may be instances where dually registered representatives have former clients with only investment advisory accounts at the former firm and requested clarification on whether the proposed rule would apply to such former customers.[74]

In its response to commenters, FINRA notes that it proposed to define ''former customer'' to include any customer that had a securities account assigned to a representative at the representative's previous firm, excluding a customer account that meets the definition of an institutional account pursuant to Rule 4512(c) other than accounts held by any natural person. FINRA would interpret this definition to include an individual who had only an investment advisory account at the representative's old firm. FINRA notes that the proposed rule would not apply if the registered person transferred to a non-member firm or associated with a member firm only as an investment adviser representative.

Terminology

Two commenters supported replacing the term ''broker'' in the educational communication with the term ''registered representative.'' [75]

In its response to commenters, FINRA declines to make the requested change as it believes ''broker'' is a commonly understood generic term for a registered representative. It is used in the proposed educational communication for readability and brevity purposes, which FINRA believes is important to encourage customers to read the document.

Implementation Date

One commenter requested that the implementation date of the proposed rule be at least 180 days from the date that the proposed rule is finalized so as to provide members with sufficient time to design, adopt, and implement appropriate policies and procedures to achieve compliance with the rule.[76]

In its response to commenters, FINRA states that it will consider the need to develop compliance systems and make operational changes in establishing an effective date for the proposed rule.

IV. Discussion and Commission Findings

After carefully considering the proposal, the comments submitted, and FINRA's response to the comments, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and rules and regulations thereunder applicable to a national securities association.[77] In particular, the Commission finds that the proposed rule change is consistent with Exchange Act section 15A(b)(6),[78] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the proposed rule change would increase the information available to investors

[66] *See* Notice, *supra* note 3, 80 FR at 81597.

[67] SIFMA.

[68] RJA and RJFS.

[69] *See* Notice, *supra* note 3, 80 FR at 81596.

[70] SIFMA, FSI, Committee of Annuity Insurers, and LPL.

[71] LPL.

[72] *See* Notice, *supra* note 3, 80 FR at 81601.

[73] SIFMA.

[74] LPL.

[75] RJFS, RJFA.

[76] SIFMA.

[77] In approving the proposed rule change, the Commission has considered the impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[78] 15 U.S.C. 78*o*–3(b)(6).

regarding the potential implications of transferring assets. The Commission further believes that the proposed educational communication may encourage former customers to make inquiries of their representatives, which could increase communication between customers and representatives about the potential implications of transferring assets. The Commission believes that the increase in information and communication about the potential implications of transferring assets will benefit customers when deciding whether to transfer assets.

The Commission does not believe that the proposed rule change will result in a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The Commission believes FINRA has carefully crafted the proposed rule change to achieve its intended and necessary regulatory purpose while minimizing the burden on firms. Although the proposed rule change will impose new requirements upon FINRA members, it will apply equally to all FINRA members when hiring or otherwise associating with a registered representative.

The Commission has considered the commenters' views on the proposed rule change and believes that FINRA responded appropriately to the concerns raised.

For the reasons stated above, the Commission finds that the rule change is consistent with the Act and the rules and regulations thereunder.

V. Conclusion

IT IS THEREFORE ORDERED, pursuant to Exchange Act section 19(b)(2) [79] that the proposed rule change (SR–FINRA–2015–057) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[80]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06995 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

[79] 15 U.S.C. 78s(b)(2).

[80] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77433; File No. SR–NYSEMKT–2016–38]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 13—Equities To Expand the Availability of Self-Trade Prevention Modifiers to Non-Algorithmically Entered Floor Broker Interest

March 23, 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 15, 2016, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') 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 amend Rule 13—Equities to expand the availability of self-trade prevention (''STP'') modifiers to non-algorithmically entered Floor broker interest. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13—Equities (''Rule 13'') to expand the availability of STP modifiers to non-algorithmically entered e-Quotes, pegging e-Quotes, and g-Quotes.

STP modifiers arEe [sic] designed to prevent two orders from the same market participant identifier (''MPID'') assigned to a member organization from executing against each other. The STP modifier on the incoming order determines the interaction between two orders marked with STP modifiers and whether the incoming or the resting order would cancel. Both the buy and the sell order must include an STP modifier in order to prevent a trade from occurring and to effect a cancel instruction.[3] Currently, under Rule 13(f)(3)(B), STP modifiers are available for Limit Orders and Market Orders entered by off-Floor participants, and for e-Quotes, pegging e-Quotes, and g-Quotes sent to the matching engine by an algorithm on behalf of a Floor broker.

The Exchange amended Rule 13 to add STP modifiers in 2013.[4] At the time, the supporting technology was not compatible with Floor broker systems and the Exchange chose to deploy STP modifiers for other market participants while it performed the technical modifications required for the use of STP modifiers for Floor brokers.[5] The Exchange later made STP modifiers available for algorithms used by Floor brokers to route interest to the Exchange's matching engine, but the technology supporting STP modifiers was still incompatible with all Floor broker systems.[6] Now that the technology to extend STP modifiers to all Floor broker systems is available, the Exchange proposes to delete the clause ''sent to the matching engine by an algorithm on behalf of a Floor broker'' in Rule 13 to make STP modifiers available for eQuotes, pegging e-Quotes, and g-Quotes without limitation. No other changes are proposed to Rule 13.

Because of the technology changes associated with this rule proposal, the Exchange will announce the

[3] *See* Rule 13(f)(3)(A); Securities Exchange Act Release No. 69098 (Mar. 11, 2013), 78 FR 16544 (Mar. 15, 2013) (SR–NYSEMKT–2013–21).

[4] *See* Securities Exchange Act Release No. 69098, 78 FR at 16544.

[5] *See id.*

[6] *See* Securities Exchange Act Release No. 69501 (May 2, 2013), 78 FR 26821 (May 8, 2013) (SR–NYSEMKT–2013–36).

implementation date in a Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. In particular, the Exchange believes that extending STP modifiers to non-algorithmically entered Floor broker interest would provide Floor brokers with an additional opportunity to prevent unintended executions by Floor broker customers with themselves or the potential for ''wash sales'' that may occur as a result of the velocity of trading in today's high-speed marketplace, thereby removing impediments to and perfecting the mechanism of a free and open market. The Exchange notes that STP modifiers would not alleviate, or otherwise exempt, broker-dealers from their best execution obligations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposal would provide Floor brokers with an additional opportunity to prevent unintended self-trades from occurring. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues offering similar functionality. Many competing venues offer similar functionality to market participants. To this end, the Exchange is proposing a market enhancement to provide greater protections from inadvertent executions, and encourage market participants to trade on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2016–38 on the subject line.

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(2)(B).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2016–38. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2016–38, and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06996 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77424; File No. SR–NYSEMKT–2016–39]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Period for the Exchange's Retail Liquidity Program

March 23, 2016.

Pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 17, 2016, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period for the Exchange's Retail Liquidity Program (the ''Retail Liquidity Program'' or the ''Program''), which is currently scheduled to expire on March 31, 2016, until August 31, 2016. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the pilot period of the Retail Liquidity Program, currently scheduled to expire on March 31, 2016, until August 31, 2016.[4]

Background

In July 2012, the Commission approved the Retail Liquidity Program on a pilot basis.[5] The Program is designed to attract retail order flow to the Exchange, and allows such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, Retail Liquidity Providers (''RLPs'') are able to provide potential price improvement in the form of a non-displayed order that is priced better than the Exchange's best protected bid or offer (''PBBO''), called a Retail Price Improvement Order (''RPI''). When there is an RPI in a particular security, the Exchange disseminates an indicator, known as the Retail Liquidity Identifier, indicating that such interest exists. Retail Member Organizations (''RMOs'') can submit a Retail Order to the Exchange, which would interact, to the extent possible, with available contra-side RPIs.

The Retail Liquidity Program was approved by the Commission on a pilot basis. Pursuant to NYSE MKT Rule 107C(m)—Equities, the pilot period for the Program is scheduled to end on March 31, 2016.

Proposal to Extend the Operation of the Program

The Exchange established the Retail Liquidity Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. The Exchange believes that the Program promotes competition for retail order flow by allowing Exchange members to submit RPIs to interact with Retail Orders. Such competition has the ability to promote efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation. The Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[6] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[7] Through this filing, the Exchange seeks to amend NYSE MKT Rule 107C(m)—Equities and extend the current pilot period of the Program until August 31, 2016.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act,[8] in general, and furthers the objectives of section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the pilot period for the Retail Liquidity Program is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. Additionally, as previously stated, the competition promoted by the Program may facilitate the price discovery process and potentially generate additional investor interest in trading securities. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply extends an established pilot program for an additional six months, thus allowing the Retail Liquidity Program to enhance competition for retail order flow and

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 75995 (September 28, 2015), 80 FR 59836 (October 2, 2015) (SR–NYSEMKT–2015–69).

[5] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (''RLP Approval Order'') (SR–NYSEAmex-2011–84).

[6] *See id.* at 40681.

[7] Concurrently with this filing, the Exchange has submitted a request for an extension of the exemption under Regulation NMS Rule 612 previously granted by the Commission that permits it to accept and rank the undisplayed RPIs. *See* Letter from Martha Redding, Asst. Corporate Secretary, NYSE Group, Inc. to Brent J. Fields, Secretary, Securities and Exchange Commission, dated March 17, 2016.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

contribute to the public price discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative before the current expiration of the pilot period. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because waiver would allow the pilot period to continue uninterrupted after its current expiration date of March 31, 2016, thereby avoiding any potential investor confusion that could result from temporary interruption in the pilot program. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2016–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2016–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2016–39 and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06989 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b-4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77425; File No. SR–NYSEArca–2016–47]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Exchange's Retail Liquidity Program, Which Is Currently Scheduled To Expire on March 31, 2016, Until August 31, 2016

March 23, 2016.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 21, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period for the Exchange's Retail Liquidity Program (the ''Retail Liquidity Program'' or the ''Program''), which is currently scheduled to expire on March 31, 2016, until August 31, 2016. The

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the pilot period of the Retail Liquidity Program, currently scheduled to expire on March 31, 2016, until August 31, 2016.

Background

In December 2013, the Commission approved the Retail Liquidity Program on a pilot basis.[4] The Program is designed to attract retail order flow to the Exchange, and allows such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, Retail Liquidity Providers (''RLPs'') are able to provide potential price improvement in the form of a non-displayed order that is priced better than the Exchange's best protected bid or offer (''PBBO''), called a Retail Price Improvement Order (''RPI''). When there is an RPI in a particular security, the Exchange disseminates an indicator, known as the Retail Liquidity Identifier, indicating that such interest exists. Retail Member Organizations (''RMOs'') can submit a Retail Order to the Exchange, which would interact, to the extent possible, with available contra-side RPIs.

The Retail Liquidity Program was approved by the Commission on a pilot basis. Pursuant to NYSE Arca Equities Rule 7.44(m), the pilot period for the Program was originally scheduled to end twelve months after the date of implementation. Because the Program was implemented on April 14, 2014, the first pilot period for the Program ended on April 14, 2015 and the Exchange extended the pilot period to March 31, 2016.[5] In 2015, the Exchange adopted NYSE Arca Equities Rule 7.44P, which will govern the Retail Liquidity Program when the Exchange implements its Pillar trading platform.[6]

Proposal To Extend the Operation of the Program

The Exchange established the Retail Liquidity Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. The Exchange believes that the Program promotes competition for retail order flow by allowing Exchange members to submit RPIs to interact with Retail Orders. Such competition has the ability to promote efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation. The Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[7] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[8] Through this filing, the Exchange seeks to amend NYSE Arca Equities Rule 7.44(m) and Rule 7.44P(m) and extend the current pilot period of the Program until March 31, 2016.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the pilot period for the Retail Liquidity Program is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. Additionally, as previously stated, the competition promoted by the Program may facilitate the price discovery process and potentially generate additional investor interest in trading securities. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply extends an established pilot program for an additional six months, thus allowing the Retail Liquidity Program to enhance competition for retail order flow and contribute to the public price discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i)

[4] *See* Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR–NYSEArca–2013–107) (''RLP Approval Order'').

[5] The Exchange announced the implementation date by Trader Update, which is available here: *https://www.nyse.com/publicdocs/nyse/notifications/trader-update/2014_04_07_Arca_RLP%20GO%20LIVE.pdf. See* Securities Exchange Act Release No. 75994 (September 28, 2015), 80 FR 59834 (October 2, 2015) (SR–NYSEArca–2015–84).

[6] *See* Securities Exchange Act Release No. 76267 (Oct. 26, 2015), 80 FR 66951 (Oct. 30, 2015) (SR–NYSEArca–2015–56) (''Pillar Approval Order''). NYSE Arca Equities Rule 7.44P(m) was recently amended to reflect the current date the Retail Liquidity Program expires. *See* Securities Exchange Act Release No. 77236 (February 25, 2016), 81 FR 10943 (March 2, 2016) (SR–NYSEArca–2016–30).

[7] *See* RLP Approval Order, *supra* n. 4, 78 FR at 79529.

[8] Concurrently with this filing, the Exchange has submitted a request for an extension of the exemption under Regulation NMS Rule 612 previously granted by the Commission that permits it to accept and rank the undisplayed RPIs. *See* Letter from Martha Redding, Asst. Corporate Secretary, NYSE Group, Inc. to Brent J. Fields, Secretary, Securities and Exchange Commission, dated March 17, 2016.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative before the current expiration of the pilot period. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because waiver would allow the pilot period to continue uninterrupted after its current expiration date of March 31, 2016, thereby avoiding any potential investor confusion that could result from temporary interruption in the pilot program. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2016–47 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–47. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–47 and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06990 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77428; File No. SR–NASDAQ–2016–038]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter XI (Doing Business With the Public), Section 8 (Supervision of Accounts) of the Exchange's Rulebook

March 23, 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 14, 2016, The NASDAQ Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XI (Doing Business with the Public), Section 8 (Supervision of Accounts) of the Exchange's rulebook to remove outdated references to three National Association of Securities Dealers, Inc. (''NASD'') rules and to replace those references with references to four successor Financial Industry Regulatory Authority, Inc. (''FINRA'') rules which have replaced them.

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.

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 is proposing to amend Chapter XI (Doing Business with the Public), Section 8 (Supervision of Accounts) of the Exchange's rulebook (the ''Options Supervision Rules'') to remove outdated references to three NASD rules and to replace those references with references to four successor FINRA rules which have replaced them.[3]

Currently, the Options Supervision Rules provide in Section 8(a) that each member that conducts a public customer options business shall ensure that its written supervisory system policies and procedures pursuant to NASD Rules 3010, 3012, and 3013 (the ''Old NASD Rules'') adequately address the member's public customer options business. Since the adoption by the Exchange of the Options Supervision Rules, FINRA has updated its own rulebook and deleted the Old NASD Rules, adopting in their place FINRA Rules 3110, 3120, 3130 and 3170.[4] The Exchange therefore proposes to make a conforming change to the Options Supervision Rules by deleting references to the Old NASD Rules and replacing them with references to FINRA Rules 3110, 3120, 3130 and 3170.

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 Section 6(b)(5) of the Act[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by removing references to outdated NASD rules, thus minimizing any potential confusion on the part of members and other market participants regarding the standards and rules to which Exchange members are subject.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As the amendments merely correct the Exchange rules to refer to the current FINRA rules discussed above, it has no impact on 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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2016–038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2016–038. 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

[3] The current FINRA rulebook consists of: (1) FINRA rules; (2) NASD rules; and (3) rules incorporated from NYSE (Incorporated NYSE Rules) (together, the NASD rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). As part of the process of developing a new consolidated rulebook (the ''Consolidated FINRA Rulebook''), FINRA adopted FINRA Rules 3110, 3120, 3130 and 3170, which the Exchange seeks to incorporate in the Options Supervision Rules.

[4] FINRA Rules 3110 (Supervision) and 3120 (Supervisory Control System) were adopted by FINRA to replace NASD Rules 3010 (Supervision) and 3012 (Supervisory Control System). In addition, new FINRA Rule 3170 (Tape Recording of Registered Persons by Certain Firms) replaced NASD Rule 3010(b)(2). The new rules became effective on December 1, 2014. *See* Securities Exchange Act Release No. 71179 (Dec. 23, 2013), 78 FR 79542 (Dec. 30, 2013) (Order Approving Proposed Rule Change as Modified by Amendment No. 1) (File No. SR–FINRA–2013–025); *see also* FINRA Regulatory Notice 08–24 (May 2008) (Proposed Consolidated FINRA Rules Governing Supervision and Supervisory Controls). FINRA Rule 3130 (Annual Certification of Compliance and Supervisory Processes) replaced NASD Rule 3013 (Annual Certification of Compliance and Supervisory Processes) in 2008. *See* Securities Exchange Act Release No. 58661 (Sept. 26, 2008), 73 FR 57395 (Oct. 2, 2008) (SR–FINRA–2008–030).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(a)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090, 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–2016–038 and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06993 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77435; File No. SR–NYSEMKT–2016–41]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rule 964.2NY Regarding the Participation Entitlement Formula for Specialists and e-Specialists

March 23, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 21, 2016, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to Rule 964.2NY regarding the participation entitlement formula for Specialists and e-Specialists. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing changes to Rule 964.2NY regarding the participation entitlement formula for Specialists and e-Specialists as described below.[4]

Rule 964NY sets forth the priority for the allocation of incoming orders to resting interest at a particular price in the System,[5] which includes the allocation to the Specialist Pool.[6] Rule 964.2NY sets forth the participant entitlement formula applicable to the Specialist Pool and provides that, on a quarterly basis, the Exchange will determine a Primary Specialist in each option class.

To select the Primary Specialist, the Exchange objectively evaluates the relative quote performance of each Specialist and e-Specialist focusing on one or more of the following optional factors: time and size at the NBBO, average quote width, average quote size, and the relative share of electronic volume in a given class of options (the Primary Specialist Criteria'').[7] Per current Rule 964.2NY(a), the Exchange will publish the Primary Specialist Criteria, including the relative weighting of each factor, by Regulatory Bulletin at least 5 business days prior to an evaluation period. The Exchange adopted the quarterly contest for Primary Specialist in 2012 to enhance quote competition among the Specialist Pool participants.[8]

The Exchange proposes to modify the Primary Specialist Criteria to include the electronic volumes from resting quotes and orders in the Consolidated Book[9] for each Specialist and e-Specialist. While the current Primary Specialist Criteria includes ''electronic volume,'' this can be composed of liquidity-taking volume. The Exchange believes the new criterion would enable the Exchange to better account for the liquidity-making volume of each Specialist and e-Specialist. The Exchange believes this proposal also provides the Exchange the ability to reward Specialists and e-Specialists that contribute significant volumes through market making activity. The Exchange believes that having the ability to reward such participants would incentivize Specialist Pool Participants to increase their posted volume on the Exchange, which benefits other market participants through the improvement of the price and size of the displayed market.

The Exchange also proposes at this time to make a procedural change for announcements regarding the Primary Specialist Criteria and any additional weighting to the Primary Specialist amongst the Specialist Pool. Presently the Exchange issues Regulatory Bulletins when making such announcements. Going forward, the Exchange proposes to issue a Trader Update in lieu of a Regulatory Bulletin. Regulatory Bulletins generally contain information regarding legal and regulatory matters while Trader Updates deal with issues such as trading, systems changes and real-time market

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Specialist is ''an individual or entity that has been deemed qualified by the Exchange for the purpose of making transactions on the Exchange in accordance with the provisions of Rule 920NY [Market Makers], and who meets the qualification requirements of Rule 927NY(b) [Specialists]. Each Specialist must be registered with the Exchange as a Market Maker. Any ATP Holder registered as a Market Maker with the Exchange is eligible to be qualified as a Specialist. *See* Rule 900.2NY(76). Rule 923NY(b) also provides that ''[t]he Exchange may designate e-Specialists in an option class in accordance with Rule 927.4NY[e-Specialists].'' *Id.*

[5] The term ''System'' refers to the Exchange's electronic order delivery, execution and reporting system through which orders and quotes for listed options are consolidated for execution and/or display. *See* Rule 900.2NY(48) (defining ''Exchange System'' or ''System'').

[6] The Specialist Pool refers to the aggregated size of the best bid and best offer, in a given series, amongst the Specialist and e-Specialists that match in price. *See* Rule 900.2NY(75).

[7] *See* Rule 964.2NY(a). The Primary Specialist's size pro-rata participation in the Specialist Pool also receives additional weighting amongst Specialist Pool participants, which is determined by the Exchange and announced via Regulatory Bulletin. *See* Rule 964.2NY(b)(3)(A).

[8] *See* Securities Exchange Release No. 34–67421 (July 12, 2012), 77 FR 42349 (July 18, 2012) (SR–NYSEAmex–2012–31) (approval order).

[9] The Consolidated Book is ''the Exchange's electronic book of limit orders for the accounts of Customers and broker-dealers, and Quotes with Size. All orders and Quotes with Size that are entered into the Book will be ranked and maintained in accordance with the rules of priority as provided in Rule 964NY.'' *See* Rule 900.2NY(14).

announcements. The Exchange believes that it is more appropriate to make announcements regarding the Primary Specialist via Trader Update. Trader Updates, like Regulatory Bulletins, are electronically distributed to ATP Holders and posted on the Exchange's Web site. Accordingly, the Exchange proposes to amend current Rule 964.2NY(a) and (b)(3)(A) by replacing reference to ''Regulatory Bulletin'' with ''Trader Update.'' Thus, for example, the Exchange will publish the Primary Specialist Criteria, including the relative weighting of each factor, by Trader Update at least 5 business days prior to an evaluation period.[10]

2. *Statutory Basis*

The Exchange believes the proposed rule change is consistent with Section 6(b)[11] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[12] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

As noted by the Exchange, the proposed rule change would promote just and equitable principles of trade as it is intended to enhance quote competition among the Specialist Pool participants by enabling the Exchange to include liquidity-making electronic volume among the objective factors considered in the Primary Specialist Criteria. The Exchange believes this proposal also provides the Exchange the ability to reward Specialists and e-Specialists who contribute significant volumes through market making activity. The Exchange believes that having the ability to reward such participants would incentivize Specialist Pool Participants to increase their posted volume on the Exchange, which benefits other market participants through the improvement of the price and size of the displayed market. The proposal would remove impediments to and perfect the mechanism of a free and open market and a national market system because enhanced quote competition should lead to narrower spreads and more liquid markets, which should attract more order flow to the Exchange, thereby benefiting investors.

Finally, the replacement of references to Regulatory Bulletin with references to Trader Updates, would foster cooperation and coordination with persons engaged in facilitating transactions in securities as Trader Updates deal with issues such as trading, systems changes and real-time market announcements and are electronically distributed to ATP Holders and posted on the Exchange's Web site.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to enhance quote competition among Specialist Pool participants and would not have any adverse impact on quote competition within the Exchange. In addition, the proposal permits the Exchange to consider an additional objective factor in determining the Primary Specialist. Should the Exchange decide to use such a factor, it would announce the modified Primary Specialist Criteria in advance of the evaluation period. As is the case today, Specialists Pool participants would have ample notice of the modified Primary Specialist Criteria and could opt to modify their market making activities to better compete for the Primary Specialist designation.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that this waiver would enable the Exchange to apply the proposed modified Primary Specialist Criteria for the second quarter starting April 1, 2016. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. As stated in the filing, the Exchange believes that the proposed rule change would promote quote competition among the Specialist Pool participants by enabling the Exchange to consider liquidity-making electronic volume among the objective factors considered in the Primary Specialist Criteria. The waiver of the operative delay will enable the Exchange to apply the proposed modified Primary Specialist Criteria for the second quarter starting April 1, 2016, and to announce the modified Primary Specialist Criteria by Trader Update at least five days before the start of the April 1st evaluation period, to help ensure that Specialists and e-Specialists are given ample notice of the proposed change. The Exchange notes that while the modified Primary Specialist Criteria would be announced for the second quarter, starting April 1st, the actual evaluation would not be conducted until the start of the third quarter (*i.e.,* July 1, 2016). Accordingly, the Commission designates the proposed rule change to be operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

[10] *See* proposed Rule 964.2NY(a).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2016–41 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2016–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2016–41, and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06999 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, March 31, 2016 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: March 24, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–07108 Filed 3–25–16; 11:15 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77427; File No. SR–ICEEU–2016–003]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Additions to Permitted Cover

March 23, 2016.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 11, 2016, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the changes is to permit F&O Clearing Members of ICE Clear Europe to provide qualifying high-grade corporate and other non-sovereign or ''semi-government'' bonds (''Non-Sovereign Permitted Cover'') to ICE Clear Europe as Permitted Cover to satisfy original margin requirements for the F&O product category.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the rule changes is to permit F&O Clearing Members of ICE Clear Europe to provide qualifying Non-Sovereign Permitted Cover to ICE Clear Europe to satisfy original margin requirements for the F&O product category. Non-Sovereign Permitted Cover will be limited to high grade (*i.e.,* rated ''AA'' equivalent and above) public sector, agency, municipal and corporate bonds meeting certain criteria, as discussed herein. ICE Clear Europe intends to commence accepting the Non-Sovereign Permitted Cover once all necessary regulatory approvals have been obtained. ICE Clear Europe believes that the changes will provide F&O Clearing Members access to a broader range of eligible collateral to support their margin obligations (and thus their clearing business), while continuing to satisfy the Clearing House's financial resources and risk management requirements.

In order to simplify the operational aspects of holding non-sovereign bonds (including addressing corporate actions), the Non-Sovereign Permitted Cover may be posted by F&O Clearing Members to ICE Clear Europe only through triparty accounts at Euroclear or Clearstream Banking in accordance with the Finance Procedures. Under existing procedures for the use of triparty collateral service providers, the service provider is responsible for allowing only bonds that meet ICE Clear Europe's acceptable collateral requirements to be transferred into the triparty account by the F&O Clearing Member. ICE Clear Europe will thus inform the triparty collateral service providers of the detailed criteria for eligible Non-Sovereign Permitted Cover, and expect the triparty collateral service provider to reflect those criteria in its systems for accepting triparty collateral. ICE Clear Europe then monitors collateral in the triparty account periodically during the day. Consistent with its Collateral and Haircut Policy, ICE Clear Europe will continue to impose absolute and relative limits on the various types of Permitted Cover provided by F&O Clearing Members, including the Non-Sovereign Permitted Cover.

Rather than publish a specific list of acceptable Non-Sovereign Permitted Cover, ICE Clear Europe proposes to establish a set of credit, liquidity, pricing, currency, structural and other criteria applicable to Non-Sovereign Permitted Cover. Bonds that meet the criteria may be accepted as Non-Sovereign Permitted Cover. All Non-Sovereign Permitted Cover must be rated at least ''AA'' (or equivalent). ICE Clear Europe will periodically review issuers of Non-Sovereign Permitted Cover and decline to continue to accept bonds issued by an entity that falls below the AA equivalent for corporate issuance. The issuer of Non-Sovereign Permitted Cover (other than certain public sector debt) must also have an equity listing or a credit spread. For public sector debt that is either a fully or implicitly guaranteed ''state'' bond (*e.g., Deutsche Bundesländer* bonds), ICE Clear Europe will generally look to the rating of the relevant ultimate sovereign (*e.g.,* German (Federal) Sovereign Bonds) but may consider a higher haircut to reflect a wider bid-ask spread and reduced relative and absolute limits.

The Non-Sovereign Permitted Cover must not be issued by a Clearing Member (or affiliate of a Clearing Member). In addition, Non-Sovereign Permitted Cover must not be issued by any entity linked to the energy market as determined by the Clearing House. The Non-Sovereign Permitted Cover must be fixed coupon or floating rate only, with no derivative aspects to its pricing and with no embedded caps or floors with respect to its price or coupon. In addition, covered bonds are not eligible. The Non-Sovereign Permitted Cover cannot be subject to any regulatory or legal constraint or third party claims that impair liquidation. The Non-Sovereign Permitted Cover must be redeemable only in a single currency, which must be one of EUR, USD, CHF, GBP, JPY, CAD, SEK, or NOK.

In terms of liquidity, the issue size of the particular bond to be used as Non-Sovereign Permitted Cover must be at least USD 500 million. In addition to any otherwise applicable relative and absolute limits under the Collateral and Haircut Policy, ICE Clear Europe will accept a maximum of five percent of the total outstanding bond issuance of the issuer of any Non-Sovereign Permitted Cover for any single F&O Clearing Member's (and its affiliates') original margin requirement. The absolute maximum amount acceptable of Non-Sovereign Permitted Cover of any single bond issue from any F&O Clearing Member (and its affiliated Clearing Members) is ten percent of that issue. The maximum amount of Non-Sovereign Permitted Cover provided by an F&O Clearing Member (and its affiliated Clearing Members) may not exceed USD 50 million or its equivalent. As an additional limit, an F&O Clearing Member's use of Non-Sovereign Permitted Cover will be limited to twenty-five percent of its total F&O margin requirement.

Valuations of Non-Sovereign Permitted Cover will be made at end of day by the triparty collateral service provider. For public sector Non-Sovereign Permitted Cover (such as semi-government bonds and agency bonds), ICE Clear Europe will use the same pricing procedures as used for sovereign bonds. In terms of corporate bonds, while ICE Clear Europe anticipates that ''AA'' grade bonds will have readily available pricing, ICE Clear Europe will take additional steps to limit the use of illiquid bonds (for which pricing may be less available). Specifically, ICE Clear Europe will decline to accept those corporate bonds that breach 40 percent of haircut levels in the last ten days. In addition, where corporate bonds are not repriced on a regular basis (such as where the price has been unchanged for 3 or more days in a row under normal market conditions), ICE Clear Europe will review the continued acceptance of such bonds.

Non-Sovereign Permitted Cover comprising semi-government and agency bonds will be managed in the same manner as the relevant sovereign bonds (*i.e.,* added to the same absolute and relative limit applicable to such sovereign bonds under the ICE Clear Europe Collateral and Haircut Policy). ICE Clear Europe proposes to manage general wrong-way risk (''WWR'') with respect to corporate Non-Sovereign Permitted Cover in line with its existing WWR policy in its Collateral and Haircut Policy, such that a threshold per Clearing Member is established relative to member capital (currently 2.5% of capital). If a Clearing Member has a short equity position in excess of the threshold, it will be required to remove the Non-Sovereign Permitted Cover that presents WWR with respect to that position.

As set forth in Exhibit 5, ICE Clear Europe has revised its List of Permitted Cover to incorporate the criteria for Non-Sovereign Permitted Cover.[5]

2. Statutory Basis

ICE Clear Europe has identified the Non-Sovereign Permitted Cover as encompassing types of assets that would be appropriate for Clearing Members to

[5] As a result of the addition of such criteria, which will only apply to initial margin for F&O Contracts, ICE Clear Europe will hereafter maintain and publish separate Lists of Permitted Cover for F&O Contracts and CDS Contracts. The List of Permitted Cover for CDS Contracts is unchanged from the current List of Permitted Cover.

post in order to meet original margin requirements for the F&O product category. ICE Clear Europe believes that accepting the Non-Sovereign Permitted Cover is consistent with the requirements of section 17A of the Act[6] and the regulations thereunder applicable to it, and is consistent with the prompt and accurate clearance of and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible, and the protection of investors and the public interest, within the meaning of section 17A(b)(3)(F) of the Act.[7]

Although it has not previously accepted collateral of the type of the Non-Sovereign Permitted Cover, ICE Clear Europe has developed a detailed set of criteria addressing credit risk, liquidity risk, structure, pricing, wrong way risk and other relevant factors for these instruments. ICE Clear Europe has further analyzed the trading characteristics and volatility of instruments that may qualify as Non-Sovereign Permitted Cover. As a result, ICE Clear Europe believes that the qualifying Non-Sovereign Permitted Cover will have characteristics that are appropriate for use as Permitted Cover for a Clearing Member's obligations in respect of original margin for F&O contracts. ICE Clear Europe will impose haircuts and limitations on the Non-Sovereign Permitted Cover under its Collateral and Haircut Policy, and will review and update such haircuts and limitations under that policy as necessary. Taken together, these criteria and related haircuts and limitations will restrict Non-Sovereign Permitted Cover to instruments that have a stable value and present low credit risk and volatility. As such, acceptance of such Permitted Cover is, in ICE Clear Europe's view, consistent with the financial resources and risk management requirements of the Clearing House.

For the reasons noted above, ICE Clear Europe believes that the acceptance of the Non-Sovereign Permitted Cover is consistent with the requirements of section 17A of the Act and regulations thereunder applicable to it.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes will provide additional flexibility to F&O Clearing Members by allowing them to use, on an optional basis, Non-Sovereign Permitted Cover (in addition to existing forms of Permitted Cover) to satisfy F&O original margin obligations. The changes will thus allow F&O Clearing Members access to a broader pool of potential collateral that may be used to satisfy margin obligations. As a result, ICE Clear Europe does not believe the changes will adversely affect the cost to clearing members or other market participants of clearing services. The changes will otherwise not affect the terms or conditions of any cleared contract or the standards or requirements for participation in or use of the Clearing House. Accordingly, the changes should not, in the Clearing House's view, affect the availability of clearing or access to clearing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(4)(ii)[9] thereunder because it effects a change in an existing service of a registered clearing agency that primarily affects the clearing operations of the clearing agency with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards, and does not significantly affect any securities clearing operations of the clearing agency or any rights or obligations of the clearing agency with respect to securities clearing or persons using such securities-clearing service. 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–ICEEU–2016–003 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–ICEEU–2016–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation#rule-filings.*

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–ICEEU–2016–003 and should be submitted on or before April 19, 2016.

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06992 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77434; File No. SR–NYSE–2016–23]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 13 to Expand the Availability of Self-Trade Prevention Modifiers to Non-Algorithmically Entered Floor Broker Interest

March 23, 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 15, 2016, New York Stock Exchange LLC (''NYSE'' or the ''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 amend Rule 13 to expand the availability of self-trade prevention (''STP'') modifiers to non-algorithmically entered Floor broker interest. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 13 to expand the availability of STP modifiers to non-algorithmically entered e-Quotes, pegging e-Quotes, and g-Quotes.

STP modifiers are designed to prevent two orders from the same market participant identifier (''MPID'') assigned to a member organization from executing against each other. Use of the STP modifiers is optional and is not automatically implemented by the Exchange. Rather, a member organization can choose to add a STP modifier on eligible orders. The STP modifier on the incoming order determines the interaction between two orders marked with STP modifiers and whether the incoming or the resting order would cancel. Both the buy and the sell order must include an STP modifier in order to prevent a trade from occurring and to effect a cancel instruction.[3] Currently, under Rule 13(f)(3)(B), STP modifiers are available for Limit Orders and Market Orders entered by off-Floor participants, and for e-Quotes, pegging e-Quotes, and g-Quotes sent to the matching engine by an algorithm on behalf of a Floor broker.

The Exchange amended Rule 13 to add STP modifiers in 2013.[4] At the time, the supporting technology was not compatible with Floor broker systems and the Exchange chose to deploy STP modifiers for other market participants while it performed the technical modifications required for the use of STP modifiers for Floor brokers.[5] The Exchange later made STP modifiers available for algorithms used by Floor brokers to route interest to the Exchange's matching engine, but the technology supporting STP modifiers was still incompatible with all Floor broker systems.[6] Now that the technology to extend STP modifiers to all Floor broker systems is available, the Exchange proposes to delete the clause ''sent to the matching engine by an algorithm on behalf of a Floor broker'' in Rule 13 to make STP modifiers available for eQuotes, pegging e-Quotes, and g-Quotes without limitation. No other changes are proposed to Rule 13.

Because of the technology changes associated with this rule proposal, the Exchange will announce the implementation date in a Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[7] in general, and furthers the objectives of section 6(b)(5) of the Act,[8] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. In particular, the Exchange believes that extending STP modifiers to non-algorithmically entered Floor broker interest would provide Floor brokers with an additional opportunity to prevent unintended executions by Floor broker customers with themselves or the potential for ''wash sales'' that may occur as a result of the velocity of trading in today's high-speed marketplace, thereby removing impediments to and perfecting the mechanism of a free and open market. The Exchange notes that STP modifiers would not alleviate, or otherwise exempt, broker-dealers from their best execution obligations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposal would provide Floor brokers with an additional opportunity to prevent unintended self-trades from occurring. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues offering similar functionality. Many competing venues offer similar functionality to market participants. To this end, the Exchange is proposing a market enhancement to provide greater protections from inadvertent executions, and encourage market participants to trade on the Exchange.

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 13(f)(3)(A); Securities Exchange Act Release No. 69102 (Mar. 11, 2013), 78 FR 16561 (Mar. 15, 2013) (SR–NYSE–2013–17).

[4] *See* Securities Exchange Act Release No. 69102, 78 FR at 16561.

[5] *See id.*

[6] *See* Securities Exchange Act Release No. 69502 (May 2, 2013), 78 FR 26818 (May 8, 2013) (SR–NYSE–2013–30).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under section 19(b)(2)(B) [13] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2016–23 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–NYSE–2016–23. 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–NYSE–2016–23, and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06998 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] 15 U.S.C. 78s(b)(2)(B).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77426 ; File No. SR–NYSE–2016–25]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Extending the Pilot Period for the Exchange's Retail Liquidity Program

March 23, 2016.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 17, 2016, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period for the Exchange's Retail Liquidity Program (the ''Retail Liquidity Program'' or the ''Program''), which is currently scheduled to expire on March 31, 2016, until August 31, 2016. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to extend the pilot period of the Retail Liquidity Program, currently scheduled to expire on March 31, 2016, until August 31, 2016.[4]

Background

In July 2012, the Commission approved the Retail Liquidity Program on a pilot basis.[5] The Program is designed to attract retail order flow to the Exchange, and allows such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, Retail Liquidity Providers (''RLPs'') are able to provide potential price improvement in the form of a non-displayed order that is priced better than the Exchange's best protected bid or offer (''PBBO''), called a Retail Price Improvement Order (''RPI''). When there is an RPI in a particular security, the Exchange disseminates an indicator, known as the Retail Liquidity Identifier, indicating that such interest exists. Retail Member Organizations (''RMOs'') can submit a Retail Order to the Exchange, which would interact, to the extent possible, with available contra-side RPIs.

The Retail Liquidity Program was approved by the Commission on a pilot basis. Pursuant to NYSE Rule 107C(m), the pilot period for the Program is scheduled to end on March 31, 2016.

Proposal To Extend the Operation of the Program

The Exchange established the Retail Liquidity Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. The Exchange believes that the Program promotes competition for retail order flow by allowing Exchange members to submit RPIs to interact with Retail Orders. Such competition has the ability to promote efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation. The Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[6] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[7] Through this filing, the Exchange seeks to amend NYSE Rule 107C(m) and extend the current pilot period of the Program until August 31, 2016.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that extending the pilot period for the Retail Liquidity Program is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. Additionally, as previously stated, the competition promoted by the Program may facilitate the price discovery process and potentially generate additional investor interest in trading securities. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply extends an established pilot program for an additional six months, thus allowing the Retail Liquidity Program to enhance competition for retail order flow and contribute to the public price discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative before the current expiration of the pilot period. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because waiver would allow the pilot period to continue uninterrupted after its current expiration date of March 31, 2016, thereby avoiding any potential investor confusion that could result from temporary interruption in the pilot program. For this reason, the Commission hereby waives the 30-day

[4] *See* Securities Exchange Act Release No. 75993 (September 28, 2015), 80 FR 59844 (October 2, 2015) (SR–NYSE–2015–41).

[5] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (''RLP Approval Order'') (SR–NYSE–2011–55).

[6] *See id.* at 40681.

[7] Concurrently with this filing, the Exchange has submitted a request for an extension of the exemption under Regulation NMS Rule 612 previously granted by the Commission that permits it to accept and rank the undisplayed RPIs. *See* Letter from Martha Redding, Asst. Corporate Secretary, NYSE Group, Inc. to Brent J. Fields, Secretary, Securities and Exchange Commission, dated March 17, 2016.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

operative delay and designates the proposal operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2016–25 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–NYSE–2016–25. 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–NYSE–2016–25 and should be submitted on or before April 19, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2016–06991 Filed 3–28–16; 8:45 am]

BILLING CODE 8011–01–P

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 14637 and # 14638]

Oregon Disaster Number OR–00080

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

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: 03/21/2016.

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: Clackamas.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–06967 Filed 3–28–16; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9495]

Request for Comments on World Health Organization Pandemic Influenza Preparedness Framework Review

AGENCY: International Health and Biodefense, U.S. Department of State.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of State invites submission of comments from the public and relevant industries on influenza surveillance and response, related to the implementation of the World Health Organization (WHO) Pandemic Influenza Preparedness Framework (PIP–FW) (*http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_8-en.pdf*). Comments are specifically requested on the PIP–FW Review areas of virus sharing and benefits sharing, and on governance and linkages with other international programs or instruments.

DATES: Written comments on PIP–FW virus sharing and benefits sharing must be submitted on or before April 10, 2016, and written comments on PIP–FW governance and linkages must be submitted before May 25, 2016. Comments should be no more than 15 pages with single spaced text.

ADDRESSES: Submissions should be made via the Internet at *www.regulations.gov* docket number DOS–2016–0016. For alternatives to online submissions please contact Bruce Ruscio at (202) 647–3017 or *ruscioba@state.gov.* Note that relevant comments submitted to regulations.gov will be posted without editing and will be available to the public; therefore, business-confidential information should be clearly identified as such and submitted by email. The public is strongly encouraged to file submissions electronically rather than by facsimile or mail.

FOR FURTHER INFORMATION CONTACT: Questions regarding the submission of comments should be directed to Bruce Ruscio (202) 647–3017,

ruscioba@state.gov, or Robert Sorenson at (202) 647 4689, *sorensonra@state.gov.*

SUPPLEMENTARY INFORMATION: In 2007, the Sixtieth World Health Assembly passed a resolution calling on the Director-General to convene an intergovernmental meeting to develop mechanisms to ensure the continued sharing of potential pandemic influenza viruses, and the fair and equitable sharing of benefits arising from such sample sharing. For four years, WHO member states met as an Intergovernmental Mechanism, as well as informally, to negotiate the Pandemic Influenza Preparedness Framework (PIP–FW). The PIP–FW came into effect on May 24, 2011 when it was unanimously adopted by the Sixty-fourth World Health Assembly. At the core of the PIP–FW is a robust Global Influenza Surveillance and Response System (GISRS, previously called the Global Influenza Surveillance Network or GISN).

The key goals of the PIP–FW are to improve and strengthen global influenza pandemic preparedness by:

(1) Ensuring the global sharing of influenza viruses with human pandemic potential for continuous global monitoring and assessment of risks, and for the development of safe and effective countermeasures. The PIP–FW provides a transparent mechanism for sharing virus samples, based on two Standard Material Transfer Agreements (SMTAs) that specify the conditions for samples passed within and outside of the GISRS, and a traceability mechanism to monitor the movement of samples.

(2) Increasing countries' access to vaccines and other pandemic related resources. Two innovative and complementary benefit-sharing mechanisms pool monetary and in-kind contributions from entities that use the GISRS to enhance pandemic influenza preparedness and response capacity for countries in need and at risk of pandemic influenza: The annual partnership contribution and the SMTA–2.

Section 7.4.2 of the PIP–FW provides that: ''The Framework and its Annexes will be reviewed by 2016 with a view to proposing revisions reflecting development as appropriate, to the World Health Assembly in 2017, through the Executive Board.'' It is in anticipation of the 2016 review that the U.S. Department of State seeks comments on the following points:

(1) Perspectives on the PIP–FW efforts in advancing global pandemic influenza preparedness, including inter-pandemic surveillance, and capacity to respond.

(2) Experiences relating to the status and process of concluding Standard Material Transfer Agreements (SMTA–2).

(3) Use of partnership contributions and WHO efforts to strengthen the GISRS and overall global preparedness and response capability/capacity.

(4) How changing technology has impacted or has the ability to impact the existing PIP–FW, specifically as regards genetic sequence data.

(5) Potential linkages with other instruments, including the Nagoya Protocol.

(6) Other matters related to prevention, planning and response whose resolution will be integral for the effective operation of a global influenza pandemic response.

The facts and information obtained from written submissions will be used to inform the participation of the U.S. Department of State in the interagency process to prepare for United States participation for the five-year 2016 review of the PIP–FW. Upon receipt of the written submission, representatives from the Department of State will consider them and share them, as appropriate, with other interested U.S. Government agencies and departments engaging in the five-year review process.

The Department of State invites comments from civil society organizations as well as pharmaceutical and medical technology industries and other interested members of the public. Entities making submissions may be contacted for further information or explanation.

Two meetings are planned in association with this request for written submissions.

Time and Date: The meetings will begin at 2:00 p.m. EDT on Monday, May 2, 2016, and Thursday, June 16, 2016. Both meetings will continue until 4:30 p.m. each day.

Place: Both meetings will be held at the U.S. State Department's Harry S. Truman Building, 2201 C Street NW., Washington, DC 20520. Please use the 23rd Street entrance, and plan to arrive at least twenty minutes prior to the start of the meeting to allow for ID verification and escorting requirements.

Status: The meeting will be open to the public. Persons planning on attending must provide their full name and organization to Dr. Bruce Ruscio at *ruscioba@state.gov* three days prior to each meeting. Persons who need special accommodations should also contact Dr. Ruscio at *ruscioba@state.gov* or (202) 647–3017 seven days before each meeting. Requests made after that time will be considered, but might not be possible to accommodate.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and E.O. 13356. The purpose of the collection is to validate the identity of individuals who enter 1033 Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://foia.state.gov/_docs/SORN/State-36.pdf* for additional information.

Dated: March 24, 2016.

Jonathan A Margolis,

Deputy Assistant Secretary for Science Space and Health, Acting Bureau of Oceans International Environmental and Scientific Affairs.

[FR Doc. 2016–07069 Filed 3–28–16; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2016–0005]

Notice of Funding Opportunity for the Advanced Transportation and Congestion Management Technologies Deployment Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity.

SUMMARY: The Fixing America's Surface Transportation (FAST) Act directs the DOT to establish an advanced transportation and congestion management technologies deployment (ATCMTD) initiative. The initiative provides grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment. The ATCMTD program is funded for fiscal years (FY) 2016 through 2020 at $60 million per FY from amounts authorized under sections 6002(a)(1), 6002(a)(2), and 6002(a)(4) of the FAST Act. This notice is the first of annual solicitations for the ATCMTD program and seeks applications from eligible entities to establish the initial set of model technology deployment sites. The DOT intends for these model technology deployments to help demonstrate how emerging transportation technologies, data, and their applications, which also link to Beyond Traffic 2045, can be effectively deployed and integrated with existing systems to provide access to essential

services and other destinations. This also includes efforts to increase connectivity to employment, education, services and other opportunities; support workforce development; and contribute to community revitalization, particularly for disadvantaged groups (*e.g.,* low income groups, persons with visible or hidden disabilities, elderly individuals, and minority populations). The DOT will make no fewer than five and no more than 10 awards of up to $12 million each depending on the number of awards and amounts set aside for DOT administrative expenses.

DATES: Applications must be submitted by 3:00 p.m., e.t., on or by June 3, 2016. The Grants.gov ''Apply'' function will open by March 29, 2016. Applications should be submitted through *http://www.grants.gov.*

ADDRESSES: Applications must be submitted through *www.grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.grants.gov* will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the FHWA via email at *ATCMTD@dot.gov.* For questions about the ATCMTD program discussed herein, contact Mr. Robert Arnold, Director, FHWA Office of Transportation Management, telephone 202–366–1285 or via email at *Robert.Arnold@dot.gov;* or Mr. Egan Smith, Managing Director, Intelligent Transportation Systems (ITS) Joint Program Office, telephone 202–366–9224 or via email at *Egan.Smith@dot.gov.* For legal questions, please contact Mr. Adam Sleeter, Attorney-Advisor, FHWA Office of the Chief Counsel, telephone 202–366–8839 or via email at *Adam.Sleeter@dot.gov.* Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays. A telecommunications device for the deaf (TDD) is available at 202–366–3993. Additionally, the notice, answers to questions, requests for clarification, and information about Webinars for further guidance will be posted at *http://www.grants.gov/.*

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register** Web site at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

SUPPLEMENTARY INFORMATION: This notice solicits applications for the ATCMTD program for FY 2016 from eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment. Each section of this notice contains information and instructions relevant to the application process for ATCMTD grants. The applicant should read this notice in its entirety to submit eligible and competitive applications.

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A. Program Description

Section 503(c)(4), title 23, United States Code (23 U.S.C. 503(c)(4)) directs the DOT to establish an ATCMTD initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment. This solicitation seeking applications from eligible entities will establish the initial set of model technology deployment sites. The deployment of technologies will:

- Reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;
- deliver environmental benefits that alleviate congestion and streamline traffic flow;
- measure and improve the operational performance of the applicable transportation network;
- reduce the number and severity of traffic crashes and increase driver, passenger, and pedestrian safety;
- collect, disseminate, and use real time transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;
- monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;
- deliver economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or
- accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

The DOT intends for these model technology deployments to help demonstrate how emerging transportation technologies, data, and their applications, which also link to Beyond Traffic 2045, can be effectively deployed and integrated with existing systems to provide access to essential services and other destinations.

The competitive ATCMTD program will promote the use of innovative transportation solutions. The deployment of these technologies will provide Congress and DOT with valuable real life data and feedback to inform future decisionmaking. The DOT will make no fewer than five and no more than 10 awards of up to $12 million each depending on the number of awards and amounts set aside for DOT administrative expenses.

B. Federal Award Information

Per 23 U.S.C. 503(c)(4)(I), for each fiscal year from 2016 through 2020, a maximum of $60 million, less up to $2 million for DOT administrative expenses, will be available to make five to 10 awards not exceeding $12 million each depending on the number of awards and the amount set aside for DOT administrative expenses. The planned award type is a cost-reimbursable cooperative agreement or an allocation to a State department of transportation (State DOT). The ATCMTD awards may be used for:

- Advanced traveler information systems;
- Advanced transportation management technologies;
- Infrastructure maintenance, monitoring, and condition assessment;
- Advanced public transportation systems;
- Transportation system performance data collection, analysis, and dissemination systems;
- Advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;
- Integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;
- Electronic pricing and payment systems; or
- Advanced mobility and access technologies, such as dynamic ridesharing and information systems to

support human services for elderly and disabled individuals.

The DOT recognizes that each location has unique attributes, and each location's proposed deployment will be tailored to their vision and goals. Applications may be submitted for deploying any eligible technology. However, this section provides a framework for applicants to consider in the development of a proposed deployment by presenting the DOT's vision, goals, and focus areas.

The DOT's vision for the ATCMTD initiative is the deployment of advanced technologies and related strategies to address issues and challenges in safety, mobility, sustainability, economic vitality, and air quality that confront transportation systems owners and operators. The advanced technologies are integrated into the routine functions of the location or jurisdiction, and play a critical role in helping agencies and the public address their challenges. Management systems within transportation and across other sectors (*e.g.,* human services, energy, and logistics) share information and data to communicate between agencies and with the public. These management systems provide benefits by maximizing efficiencies based on the intelligent management of assets and the sharing of information using integrated technology solutions. The advanced technology solutions and the lessons learned from their deployment are used in other locations, scaled in scope and size, to increase successful deployments and provide widespread benefits to the public and agencies.

The DOT's goals for the ATCMTD initiative include:

- Reduced costs and improved return on investments, including through the enhanced use of existing transportation capacity;
- Delivery of environmental benefits that alleviate congestion and streamline traffic flow;
- Measurement and improvement of the operational performance of the applicable transportation networks;
- Reduction in the number and severity of traffic crashes and an increase in driver, passenger, and pedestrian safety;
- Collection, dissemination and use of real time transportation related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation, including access to safe, reliable, and affordable connections to employment, education, healthcare, freight facilities, and other services;
- Monitoring transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;
- Delivery of economic benefits by reducing delays, improving system performance and throughput, and providing for the efficient and reliable movement of people, goods, and services;
- Accelerated deployment of vehicle-to-vehicle, vehicle-to-infrastructure, automated vehicle applications, autonomous vehicles, and other advanced technologies;
- Integration of advanced technologies into transportation system management and operations;
- Demonstration, quantification, and evaluation of the impact of these advanced technologies, strategies, and applications towards improved safety, efficiency, and sustainable movement of people and goods; and
- Reproducibility of successful systems and services for technology and knowledge transfer to other locations facing similar challenges.

Although proposals are not limited to DOT priorities, the DOT is particularly interested in deployment programs and projects in the following areas:

- Transportation elements associated with Smart Cities: A Smart City is one that uses technology to connect transportation assets into an interactive network that allows communities to reduce congestion, support efficient goods movements, provide multimodal choices, keep travelers and freight logistics safe, reduce fuel consumption, protect the environment, respond to climate change, connect underserved communities, and support economic vitality. This focus area is for transportation technology deployments that would lead to a wider Smart City environment.
- Systemic applied pedestrian crossing technology: Pedestrian crossing technology encompasses crossing treatments with advanced equipment such as automated detectors that can sense pedestrians and provide them with safer crossing opportunities (*e.g.,* extending crossing times or activating infrastructure or in-vehicle based displays and warnings). Such technologies offer significant benefits at midblock locations, which are particularly risky for pedestrians. Because pedestrian fatalities do not necessarily cluster in particular locations, it will likely be more effective to use a systemic application of pedestrian crossing improvements to improve safety. The DOT is interested in these technologies because pedestrians account for over 14 percent of annual roadway fatalities and over 70 percent of these fatalities occur in urban environments.
- Multimodal Integrated Corridor Management (ICM): ICM is the coordination of individual network operations of adjacent facilities across all government or other operations agencies that creates a unified, interconnected, and multimodal system capable of sharing cross-network travel management. All corridor transportation assets and information services (*i.e.,* State, regional, county, and local) are brought to bear when congestion events beyond nominal threshold conditions trigger alerts. Through an ICM approach, transportation professionals manage the corridor as a multimodal system and make operational decisions for the benefit of the corridor as a whole. The DOT is interested in increasing deployment of ICM.
- Traffic signal data acquisition, analysis, and management: Deployment of technology that actively impacts the management, operation, and maintenance of traffic signal systems through real time data collection and signal control to meet congestion management and system responsiveness objectives. Data collection could be from infrastructure sensors and cameras, mobile and connected sources (in-vehicle and portable devices), or other external sources. Performance driven management of traffic systems is a proven approach to shifting resources from reactive to proactive processes to produce improved outcomes for internal and external stakeholders. The DOT has been working to accelerate the implementation of technologies that advance these strategies.
- Unified fare collection and payment system across transportation modes and jurisdictions: Technological advancements in payment systems allow convergence across both publicly-delivered and privately-delivered mobility services. However, field implementations have been achieved only sparingly and in small projects. Convergence will enhance consumer payment options and mode choices and forge partnerships among providers to achieve a seamless, accessible, and flexible transportation network across the Nation. The DOT is engaged in efforts which will assist in identifying technical, institutional, and policy solutions to achieve unified transportation payment systems.
- Incorporation of connected vehicle (CV) technology in public sector and first responder fleets: The use of CV technologies in infrastructure and integrated into public sector and first responder fleets can provide valuable system performance data, increased

safety and response time via signal preemption capabilities and routing information, and better fleet operation. The DOT is interested in early deployment opportunities of CV technologies that increase safety and has public benefit.

- Weigh-in-Motion (WIM) facilities for advanced data collection: WIM technology allows for the capture and recording of heavy vehicles axle and gross weights while traveling at normal traffic speed without requiring the vehicle to stop. These deployments, either existing or new, would be capable of high-quality and shareable data as part of its standard operation to support infrastructure and safety management needs. They would provide strategic coverage for a State's highway freight network. The DOT is interested in this technology to provide more efficient movement of goods through the collection and sharing of data needed to make better policy decisions at the State and national level.
- Dynamic ridesharing: Dynamic ridesharing deploys the latest communications technologies and social network structures to bring drivers and riders together quickly and efficiently. This strategy can reduce the number of single passenger trips which reduces overall fuel consumption and greenhouse gas emissions. The DOT considers dynamic ridesharing as a potential step-change improvement to carpooling when brought up to scale.

C. Eligibility Information

1. Eligible Applicants

To be selected for an ATCMTD award, an applicant must be an eligible applicant. Eligible applicants are State or local governments, transit agencies, metropolitan planning organizations (MPO) representing a population of over 200,000, or other political subdivisions of a State or local government (such as publicly owned toll or port authorities), or a multijurisdictional group or consortia of research institutions or academic institutions. Partnership with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders is encouraged.

Typically, a consortium is a meaningful arrangement with all members involved in planning the overall direction of the group's activities and participating in most aspects of the group. The consortium is a long-term relationship intended to last the full life of the grant. Any application submitted by a sole research or academic institution that is not part of a consortium will not be considered for selection.

2. Cost Sharing or Matching

Cost sharing or matching is required, with the maximum Federal share being 50 percent of future eligible costs. Therefore, a minimum non-Federal cost share of 50 percent is required. Cost sharing or matching means the portion of project costs not paid by Federal funds. For a more complete definition, please see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at part 200, title 2, Code of Federal Regulations (2 CFR 200), including section 200.306 on cost sharing or matching. Other Federal funds using their appropriate matching share may be leveraged for the deployment but cannot be considered as part of the ATCMTD matching funds, unless otherwise supported by statute.

3. Other

The ATCMTD recipients may use not more than five percent of the funds awarded each fiscal year to carry out planning and reporting requirements for the project.

The DOT encourages applicants to identify any project components that have independent utility and separately detail the costs and requested ATCMTD funding for each component in their applications. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses the selection criteria and produces benefits on its own, and describe how the full proposal, of which the independent component is a part, addresses the selection criteria.

D. Application and Submission Information

1. Address

Applicants may obtain application forms at grants.gov under the Notice of Funding Opportunity Number cited herein. The applicant must complete and submit all forms included in the application package for this notice as contained at *www.grants.gov.*

2. Content and Form of Application Submission

The application must include the Standard Form (SF) 424 (Application for Federal Assistance), SF 424A (Budget Information for Non-Construction Programs), SF 424B (Assurances for Non-Construction Programs), Grants.gov Lobbying Form, cover page, and the project narrative. The SFs are available online at *http://www.grants.gov/web/grants/forms/sf-424-family.html.* More detailed information about the cover page and project narrative follows.

a. Cover Page Including the Following Table:

Project name	
Previously Incurred Project Cost	$
Future Eligible Project Cost	$
Total Project Cost	$
ATCMTD Request	$
Total Federal Funding (including ATCMTD)	$
Are matching funds restricted to a specific project component? If so, which one?	Yes/No.
State(s) in which the project is located	
Is the project currently programmed in the:	Yes/No—*please specify in which plans the project is currently programmed.*
• Transportation Improvement Program (TIP)	
• Statewide Transportation Improvement Program (STIP)	
• MPO Long Range Transportation Plan	
• State Long Range Transportation Plan	

b. Project Narrative

The application must include information required for the DOT to determine that the project satisfies project requirements described in sections A, B, and C and to assess the selection criteria specified in section E.1. To the extent practicable, applicants should provide data and

evidence of project merits in a form that is verifiable or publicly available. The DOT may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

The DOT recommends that the project narrative adhere to the following basic outline of a project description, staffing description, and funding description to clearly address the program requirements and make critical information readily apparent. In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics as appropriate to make the information easier to review. The DOT recommends that the project narrative be prepared with standard formatting preferences (*i.e.,* a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and the table of contents. The only substantive portions that may exceed the 25-page limit are documents to support assertions or conclusions made in the project narrative or résumés of key staff described in the project narrative. If supporting documents are submitted, applicants must clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports.

c. Project description that includes the following:

(1) An introduction that provides a one- to two-page summary of the proposed technology deployment(s).

(2) A description of the entity that will be entering into the agreement with FHWA including:

(a) Membership of any partnership or entity proposed to carry out the deployment; and

(b) a description of how the entity will manage the program including project funding.

Applicants that are multijurisdictional groups or consortia of research or academic institutions do not necessarily have to be an existing organization or coalition but should show evidence that a cooperative agreement, memorandum of understanding, or other organizational mechanism can be executed in a reasonable timeframe after selection. (Note: A multijurisdictional group is any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries, and is an eligible entity under this paragraph.)

(3) A description of the geographic area or jurisdiction the deployment will service.

(4) A description of the real world issues and challenges to be addressed by the proposed technology deployments. Applicants should discuss how the proposed technology deployments address the goals of the initiative and any applicable technology focus area. Applicants should highlight any proposed linkages to Ladders of Opportunity pathways to jobs and economic opportunities as described in section B.

(5) A description of transportation systems and services to be included in project.

(6) A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

(7) A description of any challenges in the regulatory, legislative, or institutional environments or other obstacles to deployment.

(8) Quantifiable system performance improvements, such as:

(a) Reducing traffic-related crashes, congestion, and costs;

(b) optimizing system efficiency; and

(c) improving access to transportation services.

(9) Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve the region's transportation system efficiency and reduce traffic congestion.

(10) Vision, goals, and objectives of the applicant for the technology deployment, including any future related deployments;

(11) Vision of the organization and goals, objectives, and activities to be pursued in addressing the identified issues and challenges.

(12) A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

(13) A plan to leverage and optimize existing local and regional advanced transportation technology investments.

(14) A schedule for conducting the technology deployment and for completion of all proposed activities.

(15) Any support or leveraging of the ITS program or innovative technology initiatives (DOT ITS initiatives are described online at *http://www.its.dot.gov*).

d. Staffing description that includes the following:

(1) A description of the organization of staffing to manage and conduct the project, including identification of key personnel, organization, role, and responsibility.

(2) A primary point of contact (POC) and provide complete contact information for this individual.

e. Funding Description

Applications must include a breakdown of estimated costs across project work areas or tasks, including an identification of funding sources and amounts.

(**Note:** The maximum amount of funding requested from the ATCMTD program cannot exceed $12 million per year nor exceed 50 percent of the total cost of the activities proposed to be funded. The maximum amount that will be awarded will depend on the number of awards and the amount reserved for DOT administrative expenses. Selection of an application to receive grant funding in one fiscal year is *not* a commitment of any future funding. Applications will be solicited annually for competitively selecting grant recipients for that funding year.)

f. Additional Organization Information

In addition to the forms noted above, provide answers to the following organizational information questions in a pdf format:

(1) Identify any exceptions to the anticipated award terms and conditions as contained in section F (Federal Award Administration Information). Identify any preexisting intellectual property that you anticipate using during award performance, and your position on its data rights during and after the award period of performance.

(2) The use of a Dun and Bradstreet Data Universal Numbering System (DUNS) number is required on all applications for Federal grants or cooperative agreements. Please provide your organization's DUNS number in your budget application.

(3) A statement to indicate whether your organization has previously completed an A–133 Single Audit and, if so, the date that the last A–133 Single Audit was completed.

(4) A statement regarding conflicts of interest. The applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual or other interest(s), which may affect the applicants' ability to perform the

proposed project in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments or responsibilities, which may bias the applicant or affect the applicant's ability to perform the agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may disqualify the applicant or determine that it is otherwise in the best interest of the United States to contract with the applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

(5) A statement to indicate whether a Federal or State organization has audited or reviewed the applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include as applicable summary letter or agreement, date of audit/review, Federal or State POC for such review.

(6) Terminated Contracts. List any contract/agreement that was terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.

(7) The applicant is directed to review 2 CFR 170 (*http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl*), dated September 14, 2010, and Appendix A thereto; on reporting of information on subawards and executive total compensation. The applicant is directed to acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under section F (Federal Award Administration Information).

(8) Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 (remedies for noncompliance, including suspension or debarment). (See also 2 CFR part 180 and 31 U.S.C. 3321.)

3. Unique Identifier and System for Award (SAM)

The applicant is required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information while it has an active Federal award, application, or plan under consideration by a Federal awarding agency.

The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, it may determine that the applicant is not qualified and use that determination as a basis for awarding another applicant.

4. Submission Dates and Times

a. Deadline

Applications must be submitted through *www.Grants.gov* by 3:00 p.m., e.t., on or by June 3, 2016, which is the date and time by which the FHWA must receive the full and completed application, including all required sections.

To submit an application through Grants.gov, applicants must:

(1) Obtain a DUNS number:

(2) Register with the SAM at *www.sam.gov;*

(3) Create a Grants.gov username and password; and

(4) The E-business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2–4 weeks to complete and late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner will not be considered. For information and instruction on each of these processes, please see instructions at *http://www.grants.gov/web/grants/applicants/applicant-faqs.html.* If interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 800–518–4726, from 7:00 a.m. to 9:00 p.m., e.t., Monday through Friday.

b. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

Applicants interested in applying are encouraged to email *ATCMTD@dot.gov* no later than May 13, 2016, with applicant name, State in which project is located, approximate total project cost, amount of the ATCMTD grant request, and a two- to three-sentence project description. The DOT seeks this early notification of interest to inform its allocation of resources for application evaluations and to facilitate timely and efficient awards.

c. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined below.

d. Late Application Policy

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact *ATCMTD@dot.gov* prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

(1) Details of the technical issue experienced;

(2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov grant tracking number;

(3) The legal business name for the applicant that was provided in the SF–424;

(4) The AOR name submitted in the SF–424;

(5) The DUNS number associated with the application; and

(6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in this notice; and (4) technical issues experienced with the applicant's computer or information technology environment. After DOT staff review all information submitted

and contact the Grants.gov Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

The DOT will evaluate applications on the following criteria, which are of equal importance:

Technical Merit Criteria:

- Degree to which the proposed technology deployment aligns with program requirements and DOT goals.
- Maturity or readiness of the proposed technology(ies) to be deployed, and the likelihood of success of the applicant to deploy and sustain the proposed technology(ies), including the proposed approaches to addressing any regulatory and other obstacles to deployment.
- Scalability or portability of the proposed technology deployment to other jurisdictions.
- Commitment to evaluate the effectiveness (*i.e.,* cost-benefit) of activities proposed.
- Clarity, quality, and completeness of the proposal.

Staffing Criteria:

- Degree to which the application includes a program/project management structure or organization that will successfully oversee the proposed technology deployment.
- Expertise and qualifications of key personnel for managing or conducting appropriate aspects of the proposed technology deployment through the period of performance.

The DOT will prioritize projects that also enhance personal mobility and accessibility. Such projects include, but are not limited to (1) investments that better connect people to essential services such as employment centers, health care, schools, education facilities, healthy food, and recreation; (2) remove physical barriers to access; (3) strengthen communities through neighborhood redevelopment; (4) mitigate the negative impacts of freight movement on communities; and (5) support workforce development, particularly for disadvantaged groups (*e.g.,* low-income groups, the disabled, elderly individuals, and minority populations). The DOT may consider whether a project's design is likely to generate benefits for all users, including non-driving members of a community adjacent to or affected by the project.

2. Review and Selection Process

The DOT will review all eligible applications received before the application deadline. The ATCMTD process consists of a technical evaluation phase and senior review. In the technical evaluation phase, teams will determine whether each project satisfies statutory requirements and rate how well it addresses selection criteria. The senior review team will consider the applications and the technical evaluations to determine which projects to advance to the Secretary for consideration. Evaluations in both the technical evaluation and senior review phases will place projects into rating categories, not assign numerical scores. The Secretary will select the projects for award. The DOT reserves the right to use outside expertise and/or contractor support to perform application evaluation. A panel of Agency experts will conduct a risk assessment of the applicant prior to award.

The DOT will award the applications that are considered the most advantageous using the criteria cited above, subject to the results of an applicant risk assessment. In addition, per 23 U.S.C. 503(c)(4)(D)(i) and (ii), the DOT shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban and rural areas, and that grant recipients represent diverse technology solutions.

3. Other Information

Prior to award, each selected applicant will be subject to a risk assessment required by 2 CFR 200.205. The DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. The DOT will consider 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 risk assessment. The DOT reserves the right to deny an award based on the results of the risk assessment.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in section E, the DOT will notify the selected applicants and announce the selected projects. Notice that an applicant has been selected as a recipient does not constitute approval of the application as submitted. Before the award, the DOT will contact the POC listed in the SF 424 to initiate negotiation of a project specific agreement. If the negotiations do not result in an acceptable submittal, the DOT reserves the right to terminate the negotiation and decline to fund the applicant.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR 200, as adopted by DOT at 2 CFR 1201. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C. and 23 CFR also apply. For a list of the applicable laws, rules, regulations, executive orders, polices, guidelines, and requirements related to ATCMTD projects, please see *http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm.*

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for an ATCMTD grant must submit the Federal Financial Report (SF–425) on the financial condition of the project, its progress, and an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the ATCMTD program.

b. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10 million at any time during the period of performance, then the applicant must maintain the currency of information reported to the SAM and made available in the FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of the award terms and conditions. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

c. Reporting to the Secretary

Per 23 U.S.C. 503(c)(4)(F), not later than 1 year after receiving an ATCMTD grant, and each year thereafter, the recipient shall submit a report to the Secretary that describes:

(1) Deployment and operational costs of the project compared to the benefits and savings the project provides; and

(2) how the project has met the original expectations projected in the deployment plan submitted with the application, such as:

(a) Data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

(b) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

(c) the effectiveness of providing real time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

(d) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

G. Federal Awarding Agency Contacts

For further information or questions concerning this notice, please contact the FHWA via email at *ATCMTD@dot.gov.* For questions about the ATCMTD program discussed herein, contact Mr. Robert Arnold, Director, FHWA Office of Transportation Management, telephone 202–366–1285 or via email at *Robert.Arnold@dot.gov;* or Mr. Egan Smith, Managing Director, ITS Joint Program Office, telephone 202–366–9224 or via email at *Egan.Smith@dot.gov.* A TDD is available at 202–366–3993. Additionally, the notice, answers to questions, requests for clarification, and information about Webinars for further guidance will be posted at *http://www.grants.gov/.*

H. Other Information

1. Public Comment

The ATCMTD program is funded through FY 2020. This notice solicits applications for FY 2016 only. Because this is the first year implementing the ATCMTD program, FHWA invites interested parties to submit comments about this notice's contents, the FHWA's implementation choices within the legal bounds of the program, and suggestions for clarification in future ATCMTD solicitations. The FHWA seeks input on whether the information requested in applications is reasonable and clear and if additional merit criteria should be considered. The FHWA may consider the submitted comments and suggestions when developing subsequent ATCMTD notices and program guidance, but they will not affect the program's evaluation and selection process for FY 2016 awards. Applications or comments about specific projects should not be submitted to the docket. Any application submitted to the document will not be reviewed. Comments should be sent to docket number FHWA–2016–0005 by July 1, 2016. To the extent practicable, FHWA will consider late-filed comments.

2. Protection of Confidential Business Information

To the extent possible, all information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards. If the application includes information the applicant considers to be a trade secret, confidential commercial information, or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions. The DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, it will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Authority: 23 U.S.C. 503(c)(4).

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2016–07051 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2016–0006]

Notice of Funding Opportunity for Surface Transportation System Funding Alternatives Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Funding Opportunity.

SUMMARY: Section 6020 of the Fixing America's Surface Transportation (FAST) Act directs the DOT to establish the Surface Transportation System Funding Alternatives (STSFA) program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Federal Highway Trust Fund. Section 6020 provides $15 million for fiscal year (FY) 2016 and $20 million for each of FYs 2017–2020 out of funds set aside in section 6002(a)(1), which authorizes funds for the Highway Research and Development Program. These grants shall make up no more than 50 percent of total proposed project costs, with the remainder coming from non-Federal sources. This Notice of Funding Opportunity for the STSFA program seeks applications from States or groups of States.

DATES: Applications must be submitted by 3:00 p.m., e.t., on or by May 20, 2016. The Grants.gov ''Apply'' function will open by March 29, 2016. Applications should be submitted through *http://www.grants.gov.*

ADDRESSES: Applications must be submitted through *www.Grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the FHWA via email at *STSFA@dot.gov.* For questions about the STSFA program, contact Mr. Robert Arnold, Director, FHWA Office of Transportation Management, telephone 202–366–1285, or via email at *Robert.Arnold@dot.gov;* or Angela Jacobs, Program Manager, telephone 202–366–0076, or via email at *Angela.Jacobs@dot.gov.* For legal questions, please contact Mr. Adam Sleeter, Attorney-Advisor, FHWA Office of the Chief Counsel, telephone 202–366–8839, or via email at *Adam.Sleeter@dot.gov.* Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays. A telecommunications device for the deaf (TDD) is available at 202–366–3993. Additionally, the DOT will regularly post answers to questions, requests for clarification, and information about Webinars for further guidance at *http://www.grants.gov/.*

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal**

Register's Web site at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

SUPPLEMENTARY INFORMATION: This notice solicits applications for the STSFA program for FY 2016 from States or groups of States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Federal Highway Trust Fund. Each section of this notice contains information and instructions relevant to the application process for STSFA grants. The applicant should read this notice in its entirety to submit eligible and competitive applications.

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A. Program Description

Section 6020 of the FAST Act (Pub. L. 114–94) directs the DOT to establish a program to provide grants to States or groups of States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund. This solicitation seeks applications that meet the following objectives:

- To test the design, acceptance, and implementation of a user-based alternative revenue mechanisms.
- To improve the functionality of such user-based alternative revenue mechanisms.
- To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.
- To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.
- To minimize the administrative cost of deploying any potential user-based alternative revenue mechanisms.
- Minimize the administrative costs associated with the collection of fees.

Though pilot projects of any size or scope may be proposed, the DOT is most interested in funding larger scale pilots, rather than smaller scale proof of concept projects, and in awarding funds to both single State and multi-State pilots.

The purpose of the STSFA grants is for a State or group of States to test the design, acceptance, and implementation of a user-based alternative revenue mechanism. An application shall address or describe how the proposed demonstration has already addressed:

- Implementation, interoperability, public acceptance and potential hurdles to adoption of the demonstrated user-based alternative revenue mechanism. There are a number of logistical, technological, and societal issues that will need to be addressed in any alternative to the current user fee structure. These range from potential additional logistical burdens imposed by the mechanism to explaining to the public why the current gas tax is no longer a sustainable funding source. While some demonstrations of the effectiveness of alternative funding mechanisms to date have focused on light vehicles, the consideration of the impacts on heavy vehicles is also of interest.
- Privacy protection. The current system provides almost complete privacy protection. Any new mechanism would have to provide the same level of protection by design, either perceived or real, or employ mitigating strategies that reduce the risk to acceptable levels. This extends into the area of data security and access beyond the requirements of the user fee collection.
- Use of independent and private third party vendors. The use of private sector third party vendors to administer and operate a system could reduce such costs, off-set administrative costs by offering value-added services, or alleviate privacy concerns generated by government administration of the user fee collection process. However, other concerns could be raised depending on the degree of private sector involvement envisioned.
- Congestion mitigation impacts. To the extent market forces or governmental incentives under the mechanism might positively or negatively impact roadway congestion or be used to leverage congestion reduction strategies, those impacts should be addressed in the proposal.
- Equity concerns (including impacts on differing income groups, various geographic areas and relative burdens on rural and urban drivers). The implementation of alternative user-based revenue mechanisms may alter the distribution of cost burdens among different classes of users of the transportation system relative to those imposed by current mechanisms for funding surface transportation. Those burdens could result from changes in the basis of assessing user fees (such as from fuel consumption to miles traveled) and from new administrative processes for collecting fees (such as purchasing the necessary technology and reporting vehicle use). Of particular concern are changes that could increase the relative cost burdens on economically disadvantaged populations who would be least able to afford such a change. New mechanisms could also shift the relative costs paid by drivers in different regions of a State, particularly between urban and rural areas.
- Ease of user compliance. The current collection system for fuel taxes (the predominant source of highway user-based fees) is mostly transparent to the user; does not require any additional action beyond fuel purchasing; and is relatively invulnerable to avoidance by consumers. Any new mechanism would need to carefully consider and evaluate how compliance can be enforced without imposing undue costs or other burdens on different classes of users.
- Reliability and security on the use of technology. Threats to the success of the mechanism can be both malicious (*e.g.,* hacking attacks) and non-malicious (*e.g.,* equipment failures). Any system should address the robustness of the technology and processes to withstand and recover from such events.

The application for the pilot project may address:

- The flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;
- The cost of administering the user-based alternative revenue mechanism; and
- The ability of the administering entity to audit and enforce user compliance.

It is anticipated that up to $15 million will be awarded during FY 2016 for these three types of proposals, with larger awards for new demonstration projects and extensions or enhancements of existing demonstration projects, and smaller awards for pre-demonstration activities. Projects receiving awards for pre-demonstration activities in FY 2016 are not guaranteed to receive future funding for demonstration activities.

B. Federal Award Information

Per section 6020 of the FAST Act, the planned award type is a grant to a State or group of States.

C. Eligibility Information

1. Eligible Applicants

To be selected for an STSFA award, an applicant must be a State or group of

States. However, in the case of a group of States, this solicitation requires that a single State Department of Transportation (State DOT) serve as the lead agency for administering the program funding through the Federal-aid highway program. Another State agency or a State agency in a different State (if the project involves a group of States) may be responsible for providing day-to-day project oversight. It is expected that at all relevant State agencies (*e.g.,* Departments of Motor Vehicles, Departments of Revenue) needed to initiate a full-scale deployment of the proposed revenue mechanism will be actively involved in the planning and operation of the demonstration.

2. Cost Sharing or Matching

Cost sharing or matching is required, with the maximum Federal share being 50 percent of future eligible costs. Therefore, a minimum non-Federal cost share of 50 percent is required. Cost sharing or matching means the portion of project costs not paid by Federal funds. For a more complete definition, please see the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at part 200, title 2, Code of Federal Regulations (2 CFR 200), including section 200.306 on cost sharing or matching. Other Federal funds using the appropriate matching share may be leveraged for the deployment but cannot be considered as part of the STSFA matching funds, unless otherwise supported by statute.

D. Application and Submission Information

1. Address

Applicants may obtain application forms at *www.grants.gov* under the Notice of Funding Opportunity Number cited herein. The applicant must complete and submit all forms included in the application package for this notice as contained at *www.grants.gov.*

2. Content and Form of Application Submission

The application must include the Standard Form (SF) 424 (Application for Federal Assistance), SF 424A (Budget Information for Non-Construction Programs), SF 424B (Assurances for Non-Construction Programs), Grants.gov Lobbying Form, cover page, and the Project Narrative. The SFs are available online at *http://www.grants.gov/web/grants/forms/sf-424-family.html.* More detailed information about the cover page and project narrative follows.

a. Cover Page Including the Following Table

Project name	
Previously Incurred Project Cost	$
Future Eligible Project Cost	$
Total Project Cost	$
STSFA Request	$
Total Federal Funding (including STSFA)	$
Are matching funds restricted to a specific project component? If so, which one?	Yes/No.
State(s) in which the project is located	
Is the project currently programmed in the: • Transportation Improvement Program (TIP) • Statewide Transportation Improvement Program (STIP) • Metropolitan Planning Organization (MPO) Long Range Transportation Plan • State Long Range Transportation Plan	Yes/No—*please specify in which plans the project is currently programmed.*

b. Project Narrative

The application must include information required for the DOT to determine that the project satisfies requirements described in sections A, B, and C and to assess the selection criteria specified in section E.1. To the extent practicable, applicants should provide data and evidence of project merits in a form that is verifiable or publicly available. The DOT may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

The DOT recommends that the project narrative adhere to the following basic outline of a project description, staffing description, and funding description to clearly address the program requirements and make critical information readily apparent. In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics as appropriate to make the information easier to review. The DOT recommends that the project narrative be prepared with standard formatting preferences (*i.e.,* a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 25-page limit are documents to support assertions or conclusions made in the project narrative, or résumés of key staff described in the project narrative. If supporting documents are submitted, applicants must clearly identify the relevant portion of the project narrative that each supporting document supports within the project narrative.

c. Project Description

(1) An introduction that provides a one to two-page summary of the proposed technology deployment(s).

(2) A description of the entity that will be entering into the agreement with FHWA including:

(a) Membership of any partnership or entity proposed to carry out the deployment; and

(b) A description of how the entity will manage the program including project funding

In the case of a group of States, applicants should show evidence that a memorandum of understanding, or other organizational mechanism can be executed in a reasonable timeframe after selection

(3) A description of the geographic area or jurisdiction the deployment will service.

(4) A description of any challenges in the regulatory, legislative, or institutional environments or other obstacles to deployment.

(5) A schedule for conducting the demonstration and for completion of all proposed activities.

(6) Criteria contained in FAST Act section 6020(d) (see section A ''Program Description'' that explains what a pilot project shall and may address).

d. Organizational Information

In addition to the forms, provide answers to the following organizational information questions in a pdf format:

(1) Identify any exceptions to the anticipated award terms and conditions as contained in section F (Federal Award Administration Information). Identify any preexisting intellectual property that you anticipate using during award performance, and your position on its data rights during and after the award period of performance.

(2) The use of a Dun and Bradstreet Data Universal Numbering System (DUNS) number is required on all applications for Federal grants. Please provide your organization's DUNS number in your budget application.

(3) A statement to indicate whether your organization has previously completed an A–133 Single Audit and, if so, the date that the last A–133 Single Audit was completed.

(4) A statement regarding conflicts of interest. The applicant must disclose in writing any actual or potential personal or organizational conflict of interest in its application that describes in a concise manner all past, present or planned organizational, contractual or other interest(s), which may affect the applicants' ability to perform the proposed project in an impartial and objective manner. Actual or potential conflicts of interest may include but are not limited to any past, present or planned contractual, financial, or other relationships, obligations, commitments, and responsibilities, which may bias the applicant or affect the applicant's ability to perform the agreement in an impartial and objective manner. The Agreement Officer (AO) will review the statement(s) and may require additional relevant information from the applicant. All such information, and any other relevant information known to DOT, will be used to determine whether an award to the applicant may create an actual or potential conflict of interest. If any such conflict of interest is found to exist, the AO may disqualify the applicant, or determine that it is otherwise in the best interest of the United States to contract with the applicant and include appropriate provisions to mitigate or avoid such conflict in the agreement pursuant to 2 CFR 200.112.

(5) A statement to indicate whether a Federal or State organization has audited or reviewed the applicant's accounting system, purchasing system, and/or property control system. If such systems have been reviewed, provide summary information of the audit/review results to include, as applicable, the summary letter or agreement, date of audit/review, and Federal or State point of contact (POC) for such review.

(6) Terminated Contracts. List any contract/agreement that was terminated for convenience of the Government within the past 3 years, and any contract/agreement that was terminated for default within the past 5 years. Briefly explain the circumstances in each instance.

(7) The applicant is directed to review 2 CFR 170 (*http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr170_main_02.tpl*), dated September 14, 2010, and Appendix A thereto, and acknowledge in its application that it understands the requirement, has the necessary processes and systems in place, and is prepared to fully comply with the reporting described in the term if it receives funding resulting from this notice. The text of Appendix A will be incorporated in the award document as a General Term and Condition as referenced under this notice's section F (Federal Award Administration Information).

(8) Disclose any violations of Federal criminal law involving fraud, bribery, or gratuity violations. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 (remedies for noncompliance, including suspension or debarment). (See also 2 CFR 180 and section 3321, title 31, United States Code (31 U.S.C. 3321).)

c. Funding Description

Applications must include a breakdown of estimated costs across project work areas or tasks, including an identification of funding sources and amounts.

Unique identifier and system for award (SAM). The applicant is required to: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information while it has an active Federal award, application, or plan under consideration by a Federal awarding agency.

The Federal awarding agency may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, it may determine that the applicant is not qualified and use that determination as a basis for denial.

Submission dates and times.

3. Deadline

Applications must be submitted through *www.grants.gov* by 3:00 p.m., e.t., by May 20, 2016, which is the date and time by which the FHWA must receive the full and completed application, including all required sections.

To submit an application through Grants.gov, applicants must:

(a) Obtain a DUNS number;

(b) Register with the SAM at *www.sam.gov;*

(c) Create a Grants.gov username and password; and

(d) The E-business POC at the applicant's organization must respond to the registration email from Grants.gov and login to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the Grants.gov registration process usually takes 2–4 weeks to complete and late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner will not be considered. For information and instruction on each of these processes, please see instructions at *http://www.grants.gov/web/grants/applicants/applicant-faqs.html.* If interested parties experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 800–518–4726, from 7:00 a.m. to 9:00 p.m., e.t., Monday through Friday.

4. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

Applicants interested in applying are encouraged to email *STSFA@dot.gov* no later than April 22, 2016, with applicant name, State in which project is located, approximate total project cost, amount of the STSFA grant request, and a two or three-sentence project description. The DOT seeks this early notification of interest to inform its allocation of resources for application evaluations and to facilitate timely and efficient awards.

5. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined below.

6. Late Application Policy

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact *STSFA@dot.gov* prior to the application

deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

(a) Details of the technical issue experienced;

(b) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov grant tracking number;

(c) The legal business name for the applicant that was provided in the SF 424;

(d) The AOR name submitted in the SF 424;

(e) The DUNS number associated with the application; and

(f) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in this notice; and (4) technical issues experienced with the applicant's computer or information technology environment. After DOT staff review all information submitted and validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

The DOT will evaluate applications based on the following criteria, which are of equal importance.

Technical Merit Criteria:

- Alignment with program requirements.
- Reasonableness that the demonstration could lead to a viable alternative revenue mechanism.
- Maturity or readiness of the technology to demonstrate the proposed alternative revenue mechanism.
- Ability of the applicant to deploy and sustain the proposed demonstration.
- Scalability or portability of the proposed demonstration mechanism to other jurisdictions.
- Clarity, quality, and completeness of the proposal.

Staffing Criteria:

- Degree that the Application includes a program/project management structure or organization that will successfully oversee the proposed technology deployment.
- Expertise and qualifications of key personnel for managing or conducting appropriate aspects of the proposed technology deployment through the period of performance.

The FAST Act also requires DOT to consider geographic diversity in making awards. Additionally, DOT is most interested in funding larger scale pilots, rather than smaller scale proof of concept projects, and awarding funds to both single State and multi-State pilots.

2. Review and Selection Process

The DOT will review all eligible applications received before the application deadline. The STSFA process consists of a technical evaluation phase and senior review. In the technical evaluation phase, teams will determine whether each project satisfies statutory requirements and rate how well it addresses selection criteria. The senior review team will consider the applications and the technical evaluations to determine which projects advance to the Secretary for consideration. Evaluations in both the technical evaluation and senior review team phases will place projects into rating categories, not assign numerical scores. The Secretary will select the projects for award. The DOT reserves the right to use outside expertise and/or contractor support to perform application evaluation. A panel of Agency experts will conduct a risk assessment of the applicant prior to award.

The DOT will award the applications that are considered the most advantageous using the criteria cited above, subject to the results of an applicant's risk assessment. In addition, per Sec. 6020 (e) of the FAST Act, the DOT shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States.

3. Other Information

Prior to award, each selected applicant will be subject to a risk assessment required by 2 CFR 200.205. The DOT must review and consider any information about the applicant in the designated integrity and performance system that is accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. The DOT will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards. The DOT reserves the right to deny an award based on the results of the risk assessment.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in section E, the DOT will notify the selected applicants and announce the selected projects. Notice that an applicant has been selected as a recipient does not constitute approval of the application as submitted. Before the award, the DOT will contact the POC listed in the SF 424 to initiate negotiation of a project specific agreement. If the negotiations do not result in an acceptable submittal, the DOT reserves the right to terminate the negotiation and decline to fund the applicant.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR 200, as adopted by DOT at 2 CFR 1201. Applicable Federal laws, rules, and regulations set forth in 23 U.S.C. and 23 CFR also apply. For a list of the applicable laws, rules, regulations, executive orders, polices, guidelines, and requirements related to STSFA projects, please see *http://www.fhwa.dot.gov/aaa/generaltermsconditions.cfm.*

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for an STSFA grant must submit the Federal Financial Report (SF 425) on the financial condition of the project and its progress, and an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency.

b. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10 million at any time during the period of performance, then the applicant must maintain the currency of SAM and FAPIIS information about civil, criminal, or administrative proceedings described in paragraph 2 of the award terms and conditions. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of

Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

c. Reporting to the Secretary

Per section 6020(h) of the FAST Act, not later than 1 year after the date on which the first eligible entity receives an STSFA grant, and each year thereafter, every recipient shall submit a report to the Secretary that describes:

(1) How the demonstration activities carried out with grant funds meet the objectives of the STSFA program; and

(2) Lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

G. Federal Awarding Agency Contacts

For further information or questions concerning this notice, please contact the FHWA via email at *STSFA@dot.gov.* For questions about the STSFA program discussed herein, contact Mr. Robert Arnold, Director, FHWA Office of Transportation Management, telephone 202–366–1285, or via email at *Robert.Arnold@dot.gov.* A TDD is available at 202–366–3993. Additionally, the DOT will regularly post answers to questions, requests for clarification, and information about Webinars for further guidance at *http://www.grants.gov/.*

H. Other Information

1. Public Comment

The STSFA program is funded through FY 2020. This notice solicits applications for FY 2016 only. Because this is the first year implementing the STSFA program, FHWA invites interested parties to submit comments about this notice's contents, implementation choices within the legal bounds of the program, and suggestions for clarification in future STSFA solicitations. The FHWA seeks input on whether the information requested in applications is reasonable and clear and if additional merit criteria should be considered. The FHWA may consider the submitted comments and suggestions when developing subsequent STSFA notices and program guidance, but they will not affect the program's evaluation and selection process for FY 2016 awards. Applications or comments about specific projects should not be submitted to the docket. Any application submitted to the document will not be reviewed. Comments should be sent to Docket Number FHWA–2016–0006 by July 1, 2016. To the extent practicable, FHWA will consider late-filed comments.

2. Protection of Confidential Business Information

To the extent practicable, all information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI);'' (2) mark each affected page ''CBI;'' and (3) highlight or otherwise denote the CBI portions. The DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request, it will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

Authority: Section 6020 of the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94).

Issued on: March 23, 2016.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2016–07045 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0451]

Hours of Service of Drivers: Oregon Trucking Associations (OTA) Exemption; FAST Act Extension of Compliance Date

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final determination; extension of existing exemption date.

SUMMARY: FMCSA announces the extension of the exemption granted to the Oregon Trucking Associations (OTA) on March 18, 2015, for certain timber operations in Oregon. The Agency extends the expiration date from March 18, 2017 to March 18, 2020 in response to section 5206(b)(2)(A) of the ''Fixing America's Surface Transportation Act'' (FAST Act). That section extends the expiration date of hours-of-service (HOS) exemptions in effect on the date of enactment of the FAST Act to 5 years from the date of issuance of the exemptions. The OTA exemption from the Agency's 30-minute rest break requirement is limited to commercial motor vehicle (CMV) drivers engaged in transporting timber from Oregon forestlands, and further limited to periods of the year in which the Oregon Department of Forestry (ODF) has formally restricted logging operations to certain hours of the day due to an elevated risk of forest fire. The Agency previously determined that the CMV operations of OTA timber transporters under this exemption would likely achieve a level of safety equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

DATES: This limited exemption is effective from March 18, 2015, through March 18, 2020.

SUPPLEMENTARY INFORMATION:

Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)].

Section 5206(b)(2)(A) of the FAST Act requires FMCSA to extend any exemption from any provision of the HOS regulations under 49 CFR part 395 that was in effect on the date of enactment of the Act to a period of 5 years from the date the exemption was granted. The exemption may be renewed. Because this action merely implements a statutory mandate that took effect on the date of enactment of the FAST Act, notice and comment are not required.

OTA Exemption

The OTA, a trade association, applied for a limited exemption from the mandatory rest break requirement of 49 CFR 395.3(a)(3)(ii) on behalf of all motor carriers and drivers who operate CMVs to transport logs in interstate commerce from Oregon forestlands.

FMCSA reviewed OTA's application and the public comments and concluded that limiting the timber operations of these CMV drivers to a fixed 12-hour window would promote safety at least as effectively as the 30-minute break. These drivers operate like certain short-haul drivers, who are already permitted to follow a 12-hour duty period, during which they are

exempt from the break requirement. A Notice of Final Determination granting the OTA exemption was published on March 18, 2015 [80 FR 14227].

The substance of the exemption is not affected by this extension. The exemption covers only the 30-minute break requirement [49 CFR 395.3(a)(3)(ii)]. The exemption is restricted to drivers operating CMVs engaged in interstate logging originating in Oregon forestlands during periods in which the Oregon Department of Forestry (ODOF) imposes Industrial Fire Precaution Level 3 (IPFL3) on those lands, restricting the transportation of logs to certain hours of the day because of an elevated risk of forest fire.[1] Drivers operating under this exemption must be released from duty no more than 12 consecutive hours after the time they come on duty following 10 consecutive hours off duty. They must maintain a record of duty status (''log book'') for the days on which they travel outside a 100 air-mile radius of their normal work reporting location. If an individual chose to forego this short-haul exemption either by travelling outside the 100 air-miles or by working a 14 hour day instead of the 12 hours required by the exemption, he or she would be required to maintain a logbook for that day and also to comply with the 30-minute rest break provision.

The FMCSA does not believe the safety record of any driver operating under this exemption will deteriorate. However, should deterioration in safety occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA has the authority to terminate the exemption at any time the Agency has the data/information to conclude that safety is being compromised.

Issued on: March 23, 2016.

T. F. Scott Darling, III,

Acting Administrator.

[FR Doc. 2016–07041 Filed 3–28–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Rides to Wellness Demonstration and Innovative Coordinated Access and Mobility Grants

AGENCY: Federal Transit Administration (FTA), DOT.

Funding Opportunity Number: FTA–2015–012–TPM–RTW

Catalog of Federal Domestic Assistance (CFDA) Number: 20.514

ACTION: Notice of funding opportunity (NOFO): solicitation of project proposals for Rides to Wellness Demonstration and Innovative Coordinated Access and Mobility Grants.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of approximately $5.3 million of funding from two programs to support the Rides to Wellness Demonstration and Innovative Coordinated Access and Mobility Grants (R2W Demonstration Grants). The funding sources are: Section 3006(b) of the Fixing America's Surface Transportation Act (FAST), Pub. L. 114–94, which authorizes a pilot program for innovative coordinated access and mobility; and 49 U.S.C. 5312 (Section 5312).

The goal of the competitive R2W Demonstration Grants is to find and test promising, replicable public transportation healthcare access solutions that support the following goals: increased access to care, improved health outcomes and reduced healthcare costs. Eligible applicants include: States, Tribes, and Designated or Direct Recipients for funds under 49 U.S.C. 5307, 5310 or 5311. Proposers must serve as the lead agency of a local consortium that includes stakeholders from the transportation, healthcare, human service or other sectors. Members of this consortium are eligible as subrecipients. Further, proposers must demonstrate that the proposed project was planned through an inclusive process with the involvement of the transportation, healthcare and human service industries. Eligible projects must have implementation-ready capital and operating projects that enhance access, such as: mobility management; health and transportation provider partnerships; technology; and other actions that drive change. These R2W Demonstration Grants will develop best practice solutions that other communities can replicate.

This announcement is available on the FTA Web site at: *http://www.fta.dot.gov/legislation_law/federal_register_notices.php.* A synopsis of this funding opportunity will be posted in the FIND module of the government-wide electronic grants Web site at *http://www.GRANTS.GOV.* FTA will announce final selections on the FTA Web site and may also announce selections in the **Federal Register**.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV ''APPLY'' function by May 31, 2016. Prospective applicants should initiate the process by registering on the GRANTS.GOV Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://www.fta.dot.gov/grants/15066.html* and in the ''FIND'' module of GRANTS.GOV. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Danielle Nelson, FTA Office of Program Management, 202–366–2160, or *Danielle.Nelson@dot.gov.*

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A. Program Description

FTA announces the availability of funding from two programs to support the R2W Demonstration Grants. The funding sources are: Section 3006(b) of the FAST Act, which authorizes a pilot program for innovative coordinated access and mobility; and the 49 U.S.C. 5312 Research Program.

Current changes in the healthcare industry, from the passage of the Affordable Care Act to the increasing focus on preventive care, present an opportunity for public transportation to address transportation-related challenges to reduce healthcare costs, increase access to care and improve health outcomes for people. The healthcare industry's increasing focus on prevention and other improvements to the effectiveness and efficiency of care has resulted in an increased understanding of the value of partnerships between health and transportation.

R2W Demonstration Grants are part of a series of activities to support FTA's Rides to Wellness Program (R2W Program). The R2W Program seeks to address challenges for the transportation disadvantaged in getting access to healthcare, such as getting to the doctor, returning home from a hospital procedure; getting to rehabilitation services; getting to behavioral health services; getting to the pharmacy; and getting to free health screenings. Across the country, communities are experimenting with ways to overcome barriers to these essential services by leveraging partnerships across transportation, health, and wellness providers.

Through the R2W Demonstration Grants, FTA will fund projects with

[1] Neither IFPL 1 nor IFPL 2 restricts the transportation of timber.

strategies that enhance access, such as mobility management, health and transportation provider partnerships, technology, and other actions that drive change. For historically disadvantaged populations, there are many challenges to maintaining optimal health. Through community partnerships that break down industry silos, leverage existing resources, enhance mobility for targeted groups, and develop a person-centric model, these projects will provide ladders of opportunity that improve the health of our citizens.

The goals of the R2W Program are to:

1. Increase access to care;
2. Improve health outcomes; and
3. Reduce healthcare costs.

To support these goals, the R2W Demonstration Grants will:

1. Develop replicable, innovative, sustainable solutions to healthcare access challenges.
2. Foster local partnerships between health, transportation, home and community-based services and other sectors to collaboratively develop and support solutions that increase healthcare access.
3. Demonstrate the impacts of transportation solutions on improved access to healthcare and health outcomes and reduced costs to the healthcare and transportation sectors.

Building upon previous planning activities and private or federally funded research activities, R2W Demonstration Grants will be awarded to communities ready to implement a public transportation healthcare access solution.

FTA's goal for these demonstration grants is to select and test promising transportation healthcare access solutions that other communities can replicate. It is expected that successful projects will work collaboratively and leverage partnerships among Federal agencies of the Coordinating Council on Access and Mobility (CCAM), including the Department of Health and Human Services' operating divisions such as the Administration for Community Living, the Health Resources and Services Administration, and the Centers for Medicare and Medicaid Services. Partnerships that cross health and transportation sectors facilitate better health for communities through increased access to health/wellness services through transportation. The R2W Demonstration Grants will operate as pilots for up to eighteen (18) months. Within the first year, projects must be able to demonstrate impacts related to the goals of R2W: Increased access to care, improved health outcomes, and reduced healthcare costs.

This notice solicits proposals for funding under two programs:

- Approximately $2 million in fiscal year (FY) 2016 funds under Section 3006(b) of the FAST Act, which authorizes a pilot program for innovative coordinated access and mobility.
- Approximately $3.3 million in FY 2015 funds for research projects under Section 5312, authorized by the Moving Ahead for Progress in the 21st Century Act (MAP 21), Public Law 112–141.

Section 3006(b) of the FAST Act authorizes a pilot program for innovative coordinated access and mobility. Under this program, the Secretary may make grants to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including:

(A) The deployment of coordination technology;

(B) Projects that create or increase access to community One-Call/One-Click Centers, and;

(C) Such other projects as determined appropriate by the Secretary.

49 U.S.C. 5312, as amended by MAP–21 and continued in the FAST Act, authorizes research, development, demonstration and deployment projects. Through this program, FTA may make grants, or enter into contracts, cooperative agreements and other agreements for research, development, demonstration and deployment projects, and evaluation of research and technology of national significance to public transportation that the Secretary of Transportation determines will improve public transportation. A demonstration and deployment project that receives assistance under this section must seek to build on successful research, innovation, and development efforts to facilitate:

(A) The deployment of research and technology development resulting from private efforts or Federally funded efforts, and;

(B) The implementation of research and technology development to advance the interests of public transportation.

This notice includes priorities established by FTA for these competitive funds, criteria FTA will use to identify meritorious projects for funding, and the process to apply for funding.

B. Federal Award Information

Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

Type of Award: Competitive Grants.

Estimated Available Funds: $5,300,000. Contingent upon the availability of funds and the quality of applications, FTA may make additional awards in FY 2016 if additional resources become available.

There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible at funding levels necessary to conduct meaningful pilot testing.

C. Eligibility Information

1. Eligible Applicants

Eligible proposers for awards must be:

i. States, Tribes, Designated or Direct Recipients under 49 U.S.C. 5307, 5310 or 5311.

Proposers must serve as the lead agency of a local consortium that includes stakeholders from the transportation, healthcare, human service or other sectors. Members of this consortium are eligible as subrecipients. Further, proposers must demonstrate that the proposed project was planned through an inclusive process with the involvement of the transportation, healthcare and human service industries. An implementation plan and schedule must be submitted as part of the proposal.

2. Cost Sharing or Matching

The federal share of project costs for R2W Demonstration Grants is 80%, with the applicant providing a local share of 20% of the net project cost and documenting the source of the local match in the grant application.

The local match may include:

i. Cash from non-governmental sources other than revenues from providing public transportation services;

ii. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues. A voluntary or mandatory fee that a college, university, or similar institution imposes on all its students for free or discounted transit service is not farebox revenue;

iii. Amounts received under a service agreement with a State or local social service agency or private social service organization;

iv. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

v. Amounts appropriated or otherwise made available to a department or agency of the Federal Government (other than the U.S. Department of Transportation);

vi. In-kind contribution such as the market value of in-kind contributions integral to the project may be counted as a contribution toward local share; and

vii. Value capture revenue (revenue generated from value capture financing mechanisms).

3. Other

Eligible projects under this program are implementation-ready capital and operating projects that enhance public transportation access such as: Mobility management; health and transportation provider service partnerships; technology; and other activities. These demonstration grants are meant to build upon previous private or federally funded efforts such as: projects developed through the National Center for Mobility Management's Healthcare Access Mobility Design Challenge; the Administration for Community Living's Inclusive Coordinated Transportation Project, Round 2; the Veterans Transportation and Community Living Initiative (VTCLI); the Mobility Services for All Americans (MSAA) Initiative; or similar efforts. FTA's goal for these demonstration grants is to identify and test promising healthcare access solutions that other communities can replicate.

D. Application And Submission Information

All proposals must be submitted electronically through the GRANTS.GOV APPLY function. Any agency intending to apply should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at *http:/www.fta.dot.govbus*, and in the ''FIND'' module of GRANTS.GOV.

A complete proposal submission will consist of at least two files: (1) The SF 424 Mandatory form (downloaded from GRANTS.GOV); and (2) the Applicant and Proposal Profile supplemental form for R2W Pilot program (supplemental form) found on the FTA Web site at *http://www.fta.dot.gov/grants/15926.html.* The supplemental form provides guidance and a consistent format for proposers to respond to the criteria outlined in this Notice of Funding Opportunity. Once completed, the supplemental form and business plan must be placed in the attachments section of the SF 424 Mandatory form. Proposers must use the supplemental form designated for the R2W Pilot program and attach it to their submission in GRANTS.GOV to successfully complete the application process. A proposal submission may contain additional supporting documentation as attachments.

Within 24–48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, (2) confirmation of successful validation by GRANTS.GOV and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received and a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Complete instructions on the application process can be found at *http://www.fta.dot.gov/about/15035.html.* Important: FTA urges proposers to submit their applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site at *http://www.GRANTS.GOV.* Deadlines will not be extended due to scheduled maintenance or outages.

Proposers are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions. Instructions on the GRANTS.GOV registration process are listed in Appendix A.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Proposers must fill in all fields unless stated otherwise on the forms. Proposers should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent.

1. Address To Request Application Package

To request a paper copy of the application materials for this program, contact Danielle Nelson, Federal Transit Administration, phone: (202) 366–2160, fax: (202) 366–3475, or email: *Danielle.Nelson@dot.gov.* A TDD is available at 1–800–877–8339 (TDDFIRS).

2. Content and Form of Application Submission

For complete and up to date guidance on the project information and project evaluation criteria that must be documented, refer to the Rides to Wellness Demonstration and Innovative Coordinated Access and Mobility Grants program on the FTA Web site: *http://www.fta.dot.gov/grants/13077.html.*

At a minimum, every proposal must:

- Submit an SF–424 with the correct supplemental form attached.
- Submit the supplemental form that clearly shows how the proposed project will meet FTA's goal to find and test promising public transportation healthcare access solutions that other communities can replicate.
- Include all relevant letters of commitment or support (these will not count against the page limit for the solicitation response).
- Provide a project timeline, including significant milestones.
- Provide Congressional district information for the project's place of performance.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant (unless the applicant is an individual or Federal awarding agency that is excepted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency under 2 CFR 25.110(d)) is required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active grant or an application or plan under consideration. FTA may not make an

award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make a Federal award, the FTA may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

4. Submission Dates and Times

Project proposals must be submitted electronically through *http://www.GRANTS.GOV* by 11:59 p.m. E.D.T. on May 31, 2016. Mail and fax submissions will not be accepted.

5. Intergovernmental Review—Not Applicable

6. Funding Restrictions

Eligible expenditures include capital and operating expenses such as mobility management activities, equipment, software and information systems; as well as the acquisition of services as part of a pilot demonstration.

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2016 Apportionment Notice published on February 16, 2016. *http://www.fta.dot.gov/grants/12853.html.*

7. Other Submission Requirements

Project proposals must be submitted electronically through *http://www.GRANTS.GOV* by 11:59 p.m. E.D.T. on May 31, 2016. Mail and fax submissions will not be accepted.

E. Application Review Information

1. Project Evaluation Criteria

FTA will evaluate proposals submitted according to the following criteria: (i.) Demonstration of need; (ii.) demonstration of benefits; (iii.) planning and partnership; (iv.) local financial commitment; (v.) project readiness; and (vi.) technical, legal and financial capacity. Each proposer is encouraged to demonstrate the responsiveness of a project to any and all criteria with the most relevant information that the proposer can provide, regardless of whether such information has been specifically requested, or identified in this notice.

i. Demonstration of Need

FTA will evaluate proposals on the scale of the local healthcare access challenge addressed through the project. Both the scope of the overall challenge, as well as the size of the specific segment of the population served by the proposed project will also be considered.

ii. Demonstration of Benefits

FTA will evaluate proposals on the basis of the benefits from the proposed project. Benefits will be tied to the R2W Program's goals of increased access to care; improved health outcomes; and reduced healthcare costs. Benefits identified in the proposals will be evaluated at both the individual level, and that of the local health and transportation providers. Proposals will be judged on the extent to which the proposed project demonstrates a benefit to the healthcare access challenge demonstrated above. Projects will be evaluated on the ability of the proposed project to yield data demonstrating impacts on the goals of FTA's R2WProgram: To increase access to care, improve health outcomes and reduce healthcare costs. Proposals must show an ability to provide impactful data during and at the conclusion of the pilot project. Applicants need to be aware that if chosen for award, an independent evaluation of the demonstration grant may occur at various points in the deployment process and at the end of the pilot project.

iii. Planning and Partnership

Proposers must provide a description of the eligible project and outline project partners and their specific role in the project—including private entities and nonprofit entities involved in the coordination of nonemergency medical transportation services for the transportation disadvantaged. Include a description of how the eligible project would improve local coordination, or access to coordinated transportation service; reduce duplication of service, if applicable; and provide innovative solutions in the State and/or community. Proposers should provide evidence of strong commitment from key partners, including letters of support from relevant local stakeholders. An eligible recipient may submit an application in partnership with other entities that intend to participate in the implementation of the project. Applicants are advised that any changes to the proposed partnership will require FTA advance approval, and would need to be consistent with the scope of the approved project.

iv. Local Financial Commitment

Applicants must identify the source of the local share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local share as evidence of local financial commitment to the project. In addition, an applicant may propose a local share that is greater than the minimum requirement or provide documentation of previous local investment in the project as evidence of local financial commitment.

v. Project Readiness

FTA will evaluate the project on the proposed schedule and the consortium's ability to implement it. Proposers should indicate the short-term, mid-range and long-term goals for the project. Proposers also should provide a description of how the project will help the transportation disadvantaged and improve the coordination of transportation services and non-emergency medical transportation services, such as—the deployment of coordination technology; projects that create or increase access to community One-Call/One-Click Centers; mobility management; etc. Proposals should provide specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes. FTA will evaluate the project on the extent to which it was developed inclusively, incorporating meaningful involvement from key stakeholders including consumer representatives of the target groups and providers from the healthcare, transportation and human service sectors, among others. Significant, ongoing involvement of the intended target population of the intervention must be shown.

vi. Technical, Legal and Financial Capacity

FTA will evaluate proposals on the capacity of the lead agency and any partners to successfully execute the pilot effort. There should be no outstanding legal, technical, or financial issues with the proposer that would make this a high-risk project. FTA will evaluate each proposal (including the business plan, financial projections, and other relevant data) for feasibility and longer-term sustainability of both the pilot project as well as the proposed project at full deployment. It is FTA's intent to select projects with a high likelihood of long-term success and sustainability.

2. Review and Selection Process

In addition to other FTA staff that may review the proposals, an inter-agency technical evaluation committee with membership from one or more agencies of the Coordinating Council on Access and Mobility may review proposals under the project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff reserve the right to screen and rate the applications received and to seek clarification from any applicant about any statement in its application that FTA finds ambiguous and/or request additional documentation to be considered during the evaluation process to clarify information contained within the proposal.

After consideration of the ratings of the technical evaluation, the FTA will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt of other Federal funding may be considered in FTA's award decisions. FTA may provide reduced funding or fund only part of an application.

F. Federal Award Administration Information

1. Federal Award Notices

FTA may publish awards in a **Federal Register** Notice and on the FTA public Web site.

2. Administrative and National Policy Requirements

i. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2016 Apportionment Notice published on February 16, 2016. *http://www.fta.dot.gov/grants/12853.html.*

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's electronic grant management system and adhere to the customary FTA grant requirements. All competitive grants, regardless of award amount, will be subject to the congressional notification and release process. The FTA emphasizes that third-party procurement applies to all funding awards, as described in FTA.C.4220.1F. However, FTA may approve applications that include a specifically identified partnering organization(s) (2 CFR part 200, Section 200.320, sub paragraph (f)). When included, the application, budget and budget narrative should provide a clear understanding of how the selection of these organizations is critical for the project and of sufficient detail to understand the costs involved.

iii. Planning

The FTA encourages proposers to engage the appropriate State Departments of Transportation, Regional Transportation Planning Organizations, or Metropolitan Planning Organizations in areas likely to be served by the project funds made available under this programs.

iv. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

3. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Reports in FTA's electronic grants management system.

G. Federal Awarding Agency Contact

For questions about applying for the programs outlined in this notice, please contact Danielle Nelson, Federal Transit Administration, phone: (202) 366–2160, fax: (202) 366–3475, or email, *Danielle.Nelson@dot.gov.* A TDD is available at 1–800–877–8339 (TDDFIRS).

Ellen Partridge,

Chief Counsel.

[FR Doc. 2016–07008 Filed 3–28–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY16 Competitive Funding Opportunity: Grants for Buses and Bus Facilities and Low or No Emission Grant Programs; 5339(b) Grants for Buses and Bus Facilities Program and 5339(c) Low or No Emission Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the availability of approximately $211 million of Fiscal Year (FY) 2016 funds for the Section 5339(b) Grants for Buses and Bus Facilities Competitive Grant Program (Bus Program) and approximately $55 million for 5339(c) Low or No Emission Bus Competitive Grant Program (Low-No Program). Funds awarded for the Bus Program will finance capital projects to replace, rehabilitate, purchase or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus-related facilities, including programs of bus and bus-related projects for subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations. Funds awarded for the Low-No Program will finance the purchase or lease of low or no emission vehicles that use advanced technologies, including related equipment or facilities, for transit revenue operations. Projects may include costs incidental to the acquisition of buses or to the construction of facilities, such as the costs of related workforce development and training activities, and project development. FTA may award additional funding that is made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV ''APPLY'' function by May 13, 2016. Prospective applicants should initiate the process by registering on the GRANTS.GOV Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://transit.dot.gov/howtoapply* and in the ''FIND'' module of GRANTS.GOV. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: For the Bus Program, contact Sam Snead, FTA Office of Program Management, 202–366–1089, or *samuel.snead@*

dot.gov. For the Low-No Program, contact Tara Clark, same office, 202–366–2623, or *tara.clark@dot.gov.*

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A. Program Description

1. The Bus Program

Section 5339(b) of Title 49, United States Code, as amended by Section 3017 of the Fixing America's Surface Transportation Act, Pub. L. 114–94, authorizes FTA to award Bus Program grants through a competitive process, as described in this notice. The program provides funds to State and local governmental authorities for capital projects to replace, rehabilitate, purchase or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus-related facilities. Under this authority, FTA also may award grants to eligible recipients for projects to be undertaken by subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations. The purpose of the Bus Program is to improve the condition of the nation's public transportation bus fleets, expand transportation access to employment, educational, and healthcare facilities, and to improve mobility options in rural and urban areas throughout the country. In accordance with the statutory requirement that FTA must ''consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities'', FTA will prioritize projects that demonstrate how they will address significant repair and maintenance needs, improve the safety of transit systems, deploy connective projects that include advanced technologies to connect bus systems with other networks, and support the creation of ladders of opportunity.

2. The Low or No Emission Bus (Low-No) Program

Section 5339(c) of Title 49, United States Code, as established by Section 3017 of the FAST Act, authorizes FTA to award grants for low or no emission buses through a competitive process, as described in this notice. The Low or No Emission Bus Program (Low-No Program) provides funding to State and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities. FTA recognizes that a significant transformation is occurring in the transit bus industry, with the increasing availability of low and zero emission bus vehicles for transit revenue operations. The adoption of these technologically advanced vehicles will enable the country's transportation system to move toward a cleaner and more energy-efficient future, as described in the U.S. Department of Transportation's recent report, Beyond Traffic 2045. Accordingly, the purpose of the Low-No Program is to support the transition of the nation's transit fleet to the lowest polluting and most energy efficient transit vehicle technologies, thereby reducing local air pollution and direct carbon emissions, and to support the deployment of technologically advanced U.S.-made transit buses that have been largely proven in testing and demonstrations, but are not yet widely deployed in transit fleets.

B. Federal Award Information

1. 5339(b) Grants for Buses and Bus Facilities Competitive Program

The FAST Act amended 49 U.S.C. 5339 to provide competitive grants for eligible projects under the Bus Program and has authorized $213 million in FY 2016 to carry out the Bus Program. A one half of one percent take down authorized for oversight reduces this amount to approximately $211 million. A minimum of 10 percent of the amount awarded under the Bus Program will be awarded to States for projects located in rural areas.

2. 5339(c) Low or No Emission Competitive Program

The FAST Act established 49 U.S.C. 5339(c) to provide competitive grants for eligible projects under the Low-No Program and has authorized $55 million in FY 2016 to carry out the Low-No Program.

C. Eligibility Information

1. Bus Program Eligibility

i. Eligible Applicants

Eligible applicants include direct recipients of FTA grants under the Section 5307 Urbanized Area Formula program, States, and Indian Tribes. Except for projects proposed by Indian Tribes, proposals for projects in rural (non-urbanized) areas must be submitted as part of a consolidated State proposal. States and other eligible applicants may also submit consolidated proposals for projects in urbanized areas. Proposals may contain projects to be implemented by the recipient or its subrecipients. Eligible subrecipients include public agencies, private nonprofit organizations, and private providers engaged in public transportation. If a single project proposal involves multiple public transportation providers, such as when an agency acquires vehicles that will be operated by another agency, the proposal must include a detailed statement regarding the role of each public transportation provider in the implementation of the project.

ii. Cost Sharing or Matching

The maximum Federal share for projects selected under the Bus Program is 80 percent of the net project cost, unless noted below by one of the exceptions.

i. The Federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) that are compliant with the Clean Air Act (CAA) and/or the Americans with Disabilities Act (ADA) of 1990.

ii. The Federal share is 90 percent of the net project cost of acquiring, installing or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) that are required by the Americans with Disabilities Act (ADA) of 1990, or that are necessary to comply with or maintaining compliance with the Clean Air Act. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with ADA or CAA to be eligible for the maximum 90 percent Federal share for these costs.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local

social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In addition, transportation development credits or documentation of in-kind match may substitute for local match if identified in the application.

iii. Eligible Projects

Eligible projects are capital projects to replace, rehabilitate purchase, or lease buses, vans, and related equipment (including intelligent technology and software), and capital projects to rehabilitate, purchase, construct, or lease bus-related facilities. Eligible projects under the Bus Program also include all projects otherwise eligible under the Low-No Program.

FTA is particularly interested in implementing the provisions of the FAST Act that permit applicants to use up to 0.5 percent of the FTA funds for workforce development activities eligible under 49 U.S.C. 5314 and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants should identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

2. Low-No Program Eligibility

i. Eligible Applicants

Eligible applicants include direct recipients of FTA grants under the Section 5307 Urbanized Area Formula program, States, and Indian Tribes. Except for projects proposed by Indian Tribes, proposals for funding eligible projects in rural (non-urbanized) areas must be submitted as part of a consolidated State proposal. States and other eligible applicants also may submit consolidated proposals for projects in urbanized areas. Proposals may contain projects to be implemented by the recipient or its subrecipients. Eligible subrecipients include direct recipients of Section 5307 grants and local government authorities that operate fixed route transit service. If a single project proposal involves multiple public transportation providers, such as when an agency acquires vehicles that will be operated by another agency, the proposal must include a detailed statement regarding the role of each public transportation provider in the implementation of the project.

An eligible recipient may submit an application in partnership with other entities that intend to participate in the implementation of the project, including, but not limited to, specific vehicle manufacturers, equipment vendors, owners or operators of related facilities, or project consultants. If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities. Applicants are advised that any changes to the proposed partnership will require FTA advance approval, would need to be consistent with the scope of the approved project, and may necessitate a competitive procurement.

Under the 5339(c) Low-No Program, as amended by the FAST Act, there no longer is a requirement that an eligible project or recipient be located in an area designated as an air quality non-attainment or maintenance area.

ii. Cost Sharing or Matching

All eligible expenses under the Low-No Program are attributable to compliance with the Clean Air Act. Therefore under the provisions of 49 U.S.C. 5323(i) the maximum Federal participation in the costs of leasing or acquiring a transit bus financed under the Low-No Program is 85 percent of the total transit bus cost. The proposer may seek a lower Federal contribution. Further, the maximum Federal participation in the cost of leasing or acquiring low or no emission bus-related equipment and facilities under the Low-No Program, such as recharging or refueling facilities, is 90 percent of the net project cost of the equipment or facilities that are attributable to compliance with the Clean Air Act.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; new capital; or in-kind contributions. In addition, transportation development credits or documentation of in-kind match may substitute for local match if identified in the application.

iii. Eligible Projects

Eligible projects are projects or programs of projects for purchasing or leasing low or no emission buses, acquiring low or no emission buses with a leased power source, constructing or leasing facilities and related equipment (including intelligent technology and software), for low or no emission buses, constructing new public transportation facilities to accommodate low or no emission buses, or rehabilitating or improving existing public transportation facilities to accommodate low or no emission buses. All proposed projects must be part of the intended recipient's long-term integrated fleet management plan.

Under the Low-No Program, a low or no-emission bus is defined as a passenger vehicle used to provide public transportation that significantly reduces energy consumption, air pollution, or direct carbon emissions, when compared to a standard vehicle. This includes zero-emission transit buses, which are defined as buses that produce no direct carbon emissions and no particulate matter emissions under any and all possible operational modes and conditions. Examples of zero emission bus technologies include, but are not limited to hydrogen fuel-cell buses and battery-electric buses. All transit bus models procured with funds awarded under the Low-No Program must complete FTA bus testing for production transit buses pursuant to 49 U.S.C. 5318. The development or deployment of prototype vehicles is not eligible for funding under the Low-No program.

FTA is particularly interested in implementing the provisions of the FAST Act that permit applicants to use up to 0.5 percent of the FTA funds for workforce development activities eligible under 49 U.S.C. 5314 and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants should identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget.

D. Application and Submission Information

1. Address

Applications must be submitted to Grants.gov. General information for submitting applications through Grants.gov can be found at *www.fta.dot.gov/howtoapply* along with specific instructions for the forms and attachments required for submission. Failure to submit the information as requested can delay review of the application.

The FTA urges proposers to submit applications at least 72 hours prior to the due date to allow time to receive the

validation messages and to correct any problems that may have caused a rejection notification. The FTA will not accept submissions after the stated deadline. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site. Deadlines will not be extended due to scheduled Web site maintenance.

Proposers are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually; and, (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

Within 48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, (2) confirmation of successful validation by GRANTS.GOV, and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received or a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

2. Content and Form of Application Submission

A complete proposal submission consists of *at least* two forms: The SF424 Mandatory Form and the relevant supplemental form for either the Bus Program or the Low-No Program. The application must include responses to all sections of the SF424 Mandatory Form and the relevant Supplemental Form, unless indicated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice.

A separate supplemental form exists for the Bus Program and the Low-No program. Projects that use the inappropriate form will not contain the information necessary to determine eligibility of the project and will not be evaluated. Applicants may submit multiple proposals for one or both competitions in a single application, but must complete a separate ''project detail'' section of the appropriate supplemental form for each project.

The supplemental form must be placed in the attachments section of the SF424 Mandatory Form. Proposers must use the relevant supplemental form(s) designated for the Bus Program and/or the Low-No Program and attach it/them to the submission in GRANTS.GOV to successfully complete the application process. A submission may include multiple supplemental forms, and a single supplemental form may contain multiple individual project proposals. All project proposals will be evaluated separately, regardless of whether they are submitted as a single submission.

An applicant may submit additional supporting documentation for each project proposal as attachments. Any supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF424 form and Supplemental Form. Proposers must fill in all fields unless stated otherwise on the forms. The Supplemental Form template supports pasting copied text from other documents; applicants should verify that pasted text is fully captured on the Supplemental Form and has not been truncated by the character limits built into the form. Proposers should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent.

3. Unique Entity Identifier and System for Award Management (SAM)

All applicants must provide a unique entity identifier provided by the System for Award Management (SAM). Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if you need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.* Further instructions on registration will be provided by FTA through an introductory applicant training session. Dates and times for the training session will be posted on FTA's Web site at *www.fta.dot.gov/busprogram.*

4. Submission Dates and Times

5.

Project proposals must be submitted electronically through GRANTS.GOV by May 13, 2016. Mail and fax submissions will not be accepted.

6. Funding Restrictions

Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects through a notification in the **Federal Register**, or unless FTA has issued a ''Letter of No Prejudice'' for the project before the expenses are incurred.

7. Other Submission Requirements

Applicants are encouraged to consider scaling projects in increments of 1 or 2 transit buses, in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. Additionally, funding requests for workforce development activities must be addressed separately in the budget section of the application, and such activities must be attributable to the project being applied for.

E. Application Review

1. Evaluation Criteria for the Bus and Bus Facilities Competitive Program

FTA will evaluate project proposals for the Bus Program based on the criteria described in this notice. Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses provided, however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found.

1. Demonstration of Need

Applicants must demonstrate how the proposed project will address an unmet need for capital investment in bus vehicles and/or supporting facilities,

enhance the safety of the transit system for transit vehicle operators, riders, and the general public, or improve connectivity of bus systems with other networks through the use of deployment-ready information technologies. For example, an applicant may demonstrate a substantial backlog of deferred capital investment, insufficient size or capacity of maintenance facilities, excessive reliance on vehicles that are beyond their intended service life, a vehicle fleet that is insufficient to meet current ridership demands, or passenger facilities that are insufficient for their current use. For safety, an applicant may demonstrate safety concerns with vehicles, equipment, or facilities that are beyond their intended useful life, or that are no longer appropriate for use due to safety concerns. To improve connectivity, bus systems may deploy Intelligent Transportation System (ITS) technologies or software that link buses with other transportation networks. Applicants should also describe how the proposed project will improve the operation of the transit system and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA program formula allocations or State and/or local resources.

Applicants should provide the following information, which FTA will use to assess the need for capital investment underlying the proposed project:

a. For bus projects (replacement, rehabilitation or expansion): The age and condition of the asset(s) to be replaced or rehabilitated by the proposed project, relative to their intended useful life. Consistency with the proposer's bus fleet management plan. Condition and performance of the asset to be replaced by the proposed project, as ascertained through field inspections or otherwise, if available. For fleet expansion requests, the degree to which the proposed project will have a significant impact on service delivery. For both the Bus Program and Low-No Program, the proposal must address whether the project conforms to FTA's spare ratio guidelines.

b. For bus facility and equipment projects (replacement and/or expansion): The age of the asset to be rehabilitated or replaced relative to its useful life. The degree to which the proposed project will enable the agency to improve the maintenance and condition of the agency's fleet and/or other related transit assets. For expansion requests, the degree to which the proposed project addresses a current capacity constraint that is limiting the ability of the agency to provide an adequate level of service relative to current ridership demands or the degree the equipment will improve connectivity of bus systems to other networks and infrastructure.

2. Demonstration of Benefits

Applicants must demonstrate how the proposed project will support the creation of ladders of opportunity, which are defined for this competition as public transportation services that enable individuals to achieve increased economic security by supporting the following five Ladders of Opportunity Principles: (1) Enhanced access to work, (2) more transportation choices, (3) support for existing communities, (4) enhanced economic opportunities, and (5) support for partnerships between public agencies, non-profit organizations and the private sector.

Enhanced access to work: FTA will evaluate whether the project will improve access for Americans with transportation disadvantages through reliable and timely access to employment centers, educational opportunities, services and other basic needs.

More Transportation Choices: FTA will evaluate whether the project will significantly enhance mobility through the creation of more convenient transportation options for travelers.

Support for Existing Communities: FTA will evaluate whether the project will increase community revitalization, improve the efficiency of public works investments or safeguard rural communities.

Enhanced Economic Opportunities: FTA will evaluate whether the project improves economic opportunities by linking capital investments with local workforce development opportunities and initiatives, including connections to employment and educational opportunities. FTA is particularly interested in projects that propose to utilize the eligibility of 0.5 percent of the proposed Federal funding for workforce development and/or 0.5 percent for training at the National Transit Institute. Please note that funding requests for workforce development activities must be addressed separately in the budget section of the application, and such activities must be attributable to the project being applied for.

Support for partnerships between public agencies, non-profit organizations and the private sector: FTA will evaluate the extent to which the proposed project will support strong partnerships between State or local public agencies, local non-profit organizations, and the private sector to improve mobility for individuals with limited access to economic opportunities. This includes the extent the applicant has or will bring local workforce development, training, education, veterans, transportation and planning stakeholders together with representation of key customer groups (people with low-incomes, people with disabilities, youths, veterans, elderly populations, etc.) to formulate a plan to create ladders of opportunity in an area.

3. Planning and Local/Regional Prioritization

Applicants must demonstrate how the proposed project is consistent with local and regional long-range planning documents and local government priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long range plan; and/or contingency/illustrative projects included in that plan; or the locally developed human services public transportation coordinated plan. Applicants are not required to submit copies of such plans, but should describe how the project will support regional goals and may submit support letters from local and regional planning organizations attesting to the consistency of the proposed project with these plans.

Evidence of additional local or regional prioritization may include letters of support for the project from local government officials, public agencies, and non-profit or private sector partners.

4. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. In addition, an applicant may propose a local cost share that is greater than the minimum requirement or provide documentation of previous local investments in the project, which cannot be used to satisfy local matching requirements, as evidence of local financial commitment.

5. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time. Among other factors, FTA will assess whether the project qualifies for a Categorical Exclusion (CE), or whether the required environmental work has been initiated

or completed for projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA), as amended.

Applicants should address whether project implementation plans are complete, including initial design of facilities projects. For vehicle acquisitions, the applicant should explain the status and timeline of the intended procurement strategy.

Applicants must also provide the timeframe under which the Metropolitan Transportation Improvement Program (TIP) and/or Statewide Transportation Improvement Program (STIP) can be amended to include the proposed project. This should be accompanied by evidence of MPO and/or State endorsement. In addition, the proposal should state whether grant funds can be obligated within 12 months from time of award, if selected. For projects that will require formal coordination, approvals or permits from other agencies or project partners, the applicant must demonstrate previous coordination with these organizations and their support for the project, such as through letters of support.

6. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project.

FTA will also review the proposed source of local match. Applicants should submit evidence of the availability of such funds for the project, for example by including a board resolution, letter of support from the State, or other documentation of the source of local funds.

Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, and/or the applicant's receipt of other competitive awards in determining the allocation of program funds. Not less than 10 percent of the Bus and Bus Facility Program funds will be distributed to projects in rural areas. In addition, not more than 10 percent of the funds may be awarded to a single grantee.

2. Selection Criteria for the Low or No Emission Bus Program

FTA will evaluate project proposals for the Low-No Program based on the criteria described in this notice. Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses provided; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found.

i. Demonstration of Need

Since the purpose of this program is to fund bus vehicles and facilities, applicants must demonstrate how the proposed project will address an unmet need for capital investment in bus vehicles and/or supporting facilities. For example, an applicant may demonstrate a substantial backlog of deferred capital investment, insufficient size or capacity of maintenance facilities for low or no emission vehicles, excessive reliance on vehicles that are beyond their intended service life, or a vehicle fleet size that is insufficient to meet current ridership demands.

Applicants should also provide the following information, which FTA will use to assess the need for capital investment underlying the proposed project:

a. For low or no emission bus projects (replacement, rehabilitation or expansion): The age and condition of the vehicles or facilities to be replaced or rehabilitated by the proposed project, relative to their intended useful life. The consistency of the proposed project with the proposer's bus fleet management plan. The condition and performance of the vehicles to be replaced by the proposed project. For fleet expansion requests, the degree to which the proposed project will have a significant impact on service delivery. For both the Bus Program and Low-No Program, the proposal must address whether the project conforms to FTA's spare ratio guidelines. Low or no emission vehicles funded under this program are not exempted from FTA's standard spare ratio requirements which apply to and are calculated on the agency's entire fleet.

b. For bus facility and equipment projects (replacement and/or expansion): The age of the asset to be rehabilitated or replaced relative to its useful life. The degree to which the proposed project will enable the agency to improve the maintenance or operation of the agency's existing low or no emission vehicles, and/or other related transit assets.

ii. Demonstration of Benefits

Applicants must demonstrate how the proposed project will support the successful deployment of vehicles with advanced propulsion technologies in regular transit operations. In particular, the applicant must demonstrate how the proposed project will support the following Low-No Program objectives: (1) Reduce Direct Carbon Emissions; (2) Reduce Particulate Emissions; (3) Support Deployment of Advanced Propulsion Technologies; (4) Demonstrate Successful Revenue Operation of New Technologies.

Reduce Direct Carbon Emissions: Applicants should demonstrate how the proposed vehicles or facility will reduce emissions of greenhouse gases from transit vehicle operations. FTA will evaluate the rate of direct carbon emissions by the proposed vehicles or vehicles to be supported by the proposed facility, the number of vehicles that will be in operation as a result of the proposed project, and the emissions from the vehicles that will be replaced or moved to the spare fleet as a result of the proposed project.

Reduce Particulate Emissions: Applicants should demonstrate how the proposed vehicles or facility will reduce the emission of particulates that create local air pollution, which leads to local environmental health concerns, smog, and unhealthy ozone concentrations. FTA will evaluate the rate of particulate emissions by the proposed vehicles or vehicles to be supported by the proposed facility, the number of vehicles that will be in operation as a result of the proposed project, and the emissions from the vehicles that will be replaced or moved to the spare fleet as a result of the proposed project.

Support Deployment of Advanced Propulsion Technologies: As described in the U.S. Department of Transportation's ''Beyond Traffic 2045'', the transportation sector will need to significantly reduce its emissions of greenhouse gases. Accordingly, applicants should describe how the proposed project will introduce new vehicle technologies that reduce emissions and increase energy

efficiency into transit revenue operations. FTA will consider the prevalence of the proposed propulsion technology in the nation's transit fleet, the degree to which the proposed technology reduces emissions as compared to more common vehicle propulsion technologies, and the capability of the proposed vehicle type to perform to an adequate level of performance in standard revenue operations, as evidenced by successful revenue service in similar operating environments.

Demonstrate Successful Revenue Operation of New Technologies: Applicants should describe how the proposed project will support the successful operation of new technologies in revenue service. FTA will evaluate the current or planned ability of the applicant to successfully operate and maintain the proposed vehicles or vehicles to be supported by the proposed project. As the introduction of new technology may impact the skills needed by the applicant's workforce, FTA is particularly interested in projects that propose to utilize the eligibility of 0.5 percent of the proposed Federal funding for workforce development and/or 0.5 percent for training at the National Transit Institute. Please note that funding requests for workforce development activities must be addressed separately in the budget section of the application, and such activities must be attributable to the project being applied for. Applicants should also address the appropriateness of the intended vehicles for the type of service proposed, in particular when considering vehicle operating range, charging or fueling requirements, or terrain. FTA will evaluate the consistency of the proposed project with the applicant's long-term fleet management plan, as well as the applicant's previous experience with the relevant low or no emissions vehicle technologies.

iii. Planning and Local/Regional Prioritization

Applicants must demonstrate how the proposed project is consistent with local and regional long range planning documents and local government priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long range plan; and/or contingency/illustrative projects included in that plan; or the locally-developed human services public transportation coordinated plan. Applicants are not required to submit copies of such plans, but should describe how the project will support regional goals and may submit support letters from local and regional planning organizations attesting to the consistency of the proposed project with these plans.

Evidence of additional local or regional prioritization may include letters of support for the project from local government officials, public agencies, and non-profit or private sector partners.

iv. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. In addition, an applicant may propose a local cost share that is greater than the minimum requirement or provide documentation of previous local investments in the project, which cannot be used to satisfy local matching requirements, as evidence of local financial commitment. FTA will also note if an applicant proposes to use grant funds only for the incremental cost of new technologies over the cost of replacing vehicles with standard propulsion technologies.

v. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time. Among other factors, FTA will assess whether the project qualifies for a Categorical Exclusion (CE), or whether the required environmental work has been initiated or completed for projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA), as amended.

Applicants must provide information regarding their project implementation plans, including whether initial design of facilities projects has been completed. For vehicle acquisitions, the applicant must explain the status and timeline of the intended procurement strategy, and must demonstrate familiarity with the current market availability of the proposed advanced vehicle propulsion technology.

For project proposals that do not specify a particular manufacturer, model, or vendor, applicants must demonstrate that vehicles are available of the proposed type that meet or exceed FTA's Buy America domestic content requirements.

For project proposals that involve a partnership with a manufacturer, vendor, consultant, or other third party, applicants must identify by name any project partners, including but not limited to other transit agencies, bus manufacturers, owners or operators of related facilities, or any expert consultants. FTA will evaluate the experience and capacity of the named project partners to successfully implement the proposed project based on the partners' experience and qualifications. Applicants are advised to submit information on the partners' qualification and experience as a part of the application. Entities involved in the project that are not named in the application will be required to be selected through a competitive procurement.

Applicants must also provide the timeframe under which the TIP and/or STIP can be amended to include the proposed project. This should be accompanied by evidence of MPO and/or State endorsement. In addition, the proposal should state whether grant funds can be obligated within 12 months from time of award, if selected. For projects that will require formal coordination, approvals or permits from other agencies or project partners, the applicant must demonstrate previous coordination with these organizations and their support for the project, such as through letters of support.

vi. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project. FTA will also review the proposed source of local match. Applicants should submit evidence of the availability of such funds for the project, for example by including a board resolution, letter of support from the State, or other documentation of the source of local funds.

Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program

funding. FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, and/or the applicant's receipt of other competitive awards in determining the allocation of program funds. FTA may consider capping the amount a single applicant may receive.

F. Federal Award Administration

i. Federal Award Notice

Subsequent to an announcement by the FTA Administrator of the final project selections, which will be posted on the FTA Web site, FTA will publish a list of the selected projects, a summary of final scores for selected projects, Federal award amounts and recipients in the **Federal Register**. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the Bus and Low-No Programs.

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

ii. Award Administration

Funds under the Bus and Low-No Programs are available to States, designated recipients, or eligible direct recipients of Section 5307 funds. There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

iii. Administrative and National Policy Requirements

i. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2016 Apportionment Notice published on February 16, 2016. *https://www.gpo.gov/fdsys/pkg/FR-2016-02-16/pdf/2016-02821.pdf.*

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of Bus Program Funding in urban areas and all Low/No Emission recipients, are subject to the grant requirements of section 5307 Urbanized Area Formula Grant program, including those of FTA Circular 9030.1E. Recipients of Bus Program Funding in rural areas are subject to the grant requirements of Section 5311 Formula Grants for Rural Areas Program, including those of FTA Circular 9040.1G All recipients must follow the Grants Management Requirements of FTA Circular 5010.1D, and the labor protections of 49 U.S.C. Section 5333(b). All competitive grants, regardless of award amount, will be subject to the congressional notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

iii. Buy America

The FTA requires that all capital procurements meet FTA's Buy America requirements that require all iron, steel, or manufactured products be produced in the U.S., to help create and protect manufacturing jobs in the U.S. The Ferry program will have a significant economic impact toward meeting the objectives of the Buy America law. The Buy America requirements can be found in 49 CFR part 661. Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

iv. Disadvantaged Business Enterprise

Projects that include ferry acquisitions are subject to the Disadvantaged Business Enterprise (DBE) program regulations at 49 CFR part 26. The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture ferries must submit a DBE Program plan and annual goal methodology to FTA. The FTA will then issue a transit vehicle manufacturer (TVM) concurrence/certification letter. Grant recipients must verify each entity's compliance before accepting its bid. A list of certified TVMs is posted on FTA's Web page at *http://www.fta.dot.gov/civilrights/12891.html.* Recipients should contact FTA before accepting bids from entities not listed on this Web posting. Recipients may also establish project specific DBE goals for ferry purchases. The FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Britney Berry, Office of Civil Rights, 202–366–1065, email: *britney.berry@dot.gov.*

v. Planning

The FTA encourages proposers to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under these initiatives and programs. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding.

vi. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

vii. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Reports in FTA's electronic grants management system.

G. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' The FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through GRANTS.GOV by 11:59 p.m. EDT on XXXXXXX. Contact information for FTA's regional offices can be found on FTA's Web site at *www.fta.dot.gov.*

H. Federal Awarding Agency Contacts

For further information concerning this notice please contact the Bus Program manager via email at

samuel.snead@dot.gov, or call Sam Snead at 202–366–1089. For further information concerning this notice contact the Low-No Program manager, Tara Clark by phone at 202–366–2623, or by email at *tara.clark@dot.gov.* A TDD is available for individuals who are deaf or hard of hearing at [number]. In addition, FTA will post answers to questions and requests for clarifications on FTA's Web site at *http://transit.dot.gov/busprogram.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties, with questions. FTA staff may also conduct briefings on the competitive grants selection and award process upon request.

Matthew J. Welbes,

Executive Director.

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BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Renewal of the U.S. Maritime Transportation System National Advisory Committee and Solicitation of Nominations for Membership

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of charter renewal and nomination solicitation.

SUMMARY: Pursuant to authority delegated by the Secretary of Transportation (Secretary) to the Maritime Administrator (Administrator) and the Federal Advisory Committee Act implementing regulations, the Maritime Administration (MARAD) announces the renewal of the U.S. Maritime Transportation System National Advisory Committee (Committee or MTSNAC), by the Secretary of Transportation. The Committee will advise the Secretary on solutions to impediments hindering effective use of short sea transportation and other matters as the Secretary determines. Duration of the MTSNAC is for two years unless renewed by the Secretary. This notice also requests nominations for membership on the Committee.

DATES: Nominations for immediate consideration for appointment must be received on or before 5:00 p.m. ET on May 2, 2016. After that date, MARAD will continue to accept applications under this notice for a period of up to two years from the deadline to fill any vacancies that may arise. The Agency encourages nominations submitted any time before the deadline.

ADDRESSES: Interested candidates may submit a completed application by one of the following methods:

- Email: *MTSNAC@dot.gov,* subject line: MTSNAC Application.
- Fax: 202–308–8968, ATTN: MTSNAC DFO, please provide name, mailing address and telephone and fax numbers to send application forms to.
- Mail: MARAD–MTSNAC Designated Federal Officer, Room W21–310, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, please provide name, mailing address and telephone and fax numbers to send application forms to.

FOR FURTHER INFORMATION CONTACT: Eric Shen, Designated Federal Officer, at *MTSNAC@dot.gov* or at (202) 308–8968. Please visit the MTSNAC Web site at *http://www.marad.dot.gov/ports/marine-transportation-system-mts/marine-transportation-system-national-advisory-committee-mtsnac/.*

SUPPLEMENTARY INFORMATION:

I. Under what authority is MARAD renewing the MTSNAC?

The MTSNAC is a Federal advisory committee MARAD sponsors that advises the Department of Transportation on issues related to the marine transportation system. The MTSNAC was originally established in 1999 in accordance with the recommendations made in a Report to Congress titled ''An Assessment of the U.S. Marine Transportation System,'' and mandated in 2007 by section 1121 of the Energy Independence and Security Act of 2007, Public Law 110–140 (46 U.S.C. 55603). The MTSNAC operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), and shall undertake information-gathering activities, develop technical advice, and present recommendations to the Administrator on matters including but not limited to the following:

a. Impediments hindering effective use of short sea transportation, including the expansion of America's Marine Highways, as directed in Section 1121 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140), and methods to expand the use of the Marine Transportation System for freight and passengers;

b. Expand capacity of U.S. international gateway ports to accommodate larger vessels;

c. Improve waterborne transport to reduce congestion and increase mobility throughout the domestic transportation system;

d. Strengthen maritime capabilities essential to economic and national security;

e. Modernize the maritime workforce and inspire and educate the next generation of mariners;

f. Foster maritime innovation; and,

g. Topics related to the Agency's mission that the Maritime Administrator may charge the Committee with addressing.

II. Who should be considered for nomination as MTSNAC members?

The Maritime Administration seeks nominations for immediate consideration to fill approximately 10 positions on the Committee for the upcoming 2016–2018 charter term, and will continue to accept nominations under this notice on an on-going basis for two years for consideration to fill vacancies that may arise during the charter term. Member appointment terms run for two years concurrently with the Committee charter. Members will be selected in accordance with applicable Agency guidelines based upon their ability to advise the Administrator on marine transportation issues. Members will be selected with a view toward a varied perspective of the marine transportation industry, including (1) ports and terminal operators; (2) vessel operators; (3) shippers or beneficiary cargo owners; (4) shipbuilders; (5) other modes of transportation; (6) relevant policy areas such as innovative financing, economic competitiveness, performance monitoring, safety, labor, and environment; (7) freight customers and providers; and (8) government bodies. Specifically, the Agency seeks to balance the following interests to the extent practicable: State departments of transportation; State, local, and tribal officials; local planning offices; shippers, businesses, and economic development; freight forwarders; rail, ports, trucking, and pipelines operations; workforce including both shipboard and waterfront workers, safety, and environmental interest. Registered lobbyists are not eligible to serve on Federal Advisory Committees. Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (Pub. L. 110–81).

III. Do MTSNAC members receive compensation and/or per diem?

Committee members will receive no salary for the participation in MTSNAC activities. While attending meetings or when otherwise engaged in Committee business, members may be reimbursed for travel and per diem expenses as

permitted under applicable Federal travel regulations. Reimbursement is subject to funding availability.

IV. What is the process for submitting nominations?

Individuals can self-apply or be nominated by any individual or organization. To be considered for the MTSNAC, nominators should submit the following information:

(1) Contact Information for the nominee, consisting of:

a. Name
b. Title
c. Organization or Affiliation
d. Address
e. City, State, Zip
f. Telephone number
g. Email address

(2) Statement of interest limited to 250 words on why the nominee wants to serve on the MTSNAC and the unique perspectives and experiences the nominee brings to the Committee;

(3) Resume limited to 3 pages describing professional and academic expertise, experience, and knowledge, including any relevant experience serving on advisory committees, past and present;

(4) An affirmative statement that the nominee is not a Federally registered lobbyist and that the nominee understands that, if appointed, the nominee will not be allowed to continue to serve as a Committee member, if the nominee becomes a Federally registered lobbyist; and

(5) Optional letters of support.

Please do not send company, trade association, organization brochures, or any other promotional information. Materials submitted should total five pages or less and must be in a 12 font, formatted in Microsoft Word or PDF. Should more information be needed, MARAD staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources. If you are interested in applying to become a member of the Committee, send a completed application package by email to *MTSNAC@dot.gov* or by mail to Eric Shen, MTSNAC- DFO, Room W21–310, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590. Applications must be received on or before 5:00 p.m. ET on March 24, 2016; however, candidates are encouraged to send application any time before the deadline.

V. How will MARAD select MTSNAC members?

A selection team comprised of representatives from the Maritime Administration will review the application packages. The selection team will make recommendations regarding membership to the Administrator based on the following criteria: (1) Professional or academic expertise, experience, and knowledge; (2) stakeholder representation; (3) availability and willingness to serve; and (4) relevant experience in working in committees and advisory panels. Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical disability, marital status, or sexual orientation.

Authority: 49 CFR part 1.93(a); 5 U.S.C. 552b; 41 CFR parts 102–3; 5 U.S.C. app. Sections 1–16.

By Order of the Maritime Administrator.

Dated: March 24, 2016.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2016–07053 Filed 3–28–16; 8:45 am]

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Part II

Department of Agriculture

Food and Nutrition Service

7 CFR Parts 210, 215, 220, et al.
Child Nutrition Program Integrity; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 215, 220, 225, 226 and 235

RIN 0584–AE08

Child Nutrition Program Integrity

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to codify several provisions of the Healthy, Hunger-Free Kids Act of 2010 affecting the integrity of the Child Nutrition Programs, including the National School Lunch Program (NSLP), the Special Milk Program for Children, the School Breakfast Program, the Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and State Administrative Expense Funds. The Department is proposing to establish criteria for assessments against State agencies and program operators who jeopardize the integrity of any Child Nutrition Program; establish procedures for termination and disqualification of entities in the SFSP; modify State agency site review requirements in the CACFP; establish State liability for reimbursements incurred as a result of a State's failure to conduct timely hearings in the CACFP; establish criteria for increased State audit funding for CACFP; establish procedures to prohibit the participation of entities or individuals terminated from any of the Child Nutrition Programs; establish serious deficiency and termination procedures for unaffiliated sponsored centers in the CACFP; eliminate cost-reimbursement food service management company contracts in the NSLP; and establish procurement training requirements for State agency and school food authority staff in the NSLP. In addition, this rulemaking would make several operational changes to improve oversight of an institution's financial management and would also include several technical corrections to the regulations. The proposed rule is intended to improve the integrity of all Child Nutrition Programs.

DATES: To be assured of consideration, written comments must be postmarked on or before May 31, 2016.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this proposed rule. In order to ensure proper receipt, written comments must be submitted through one of the following methods only:

- *Preferred method:* Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Comments should be addressed to Andrea Farmer, Chief, School Meal Programs Branch, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service, Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594.
- *Hand Delivery or Courier:* Deliver comments to the Food and Nutrition Service, Child Nutrition Programs, 3101 Park Center Drive, Alexandria, Virginia 22302–1594, during normal business hours of 8:30 a.m.–5:00 p.m., Monday through Friday.

Comments sent by other methods not listed above will not be able to be accepted and subsequently, not posted. All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Duplicate comments are not considered. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. The Department will make the comments publicly available on the Internet via *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mandana Yousefi, Community Meal Programs Branch, Policy and Program Development Division, Child Nutrition Programs, Food and Nutrition Service at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Executive Summary
III. Background and Discussion of the Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

Your written comments on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason(s) for any change you recommend or proposal(s) you oppose. Where possible, you should reference the specific section or paragraph of the proposal you are addressing. We invite specific comments on various aspects of the rule as described later in this preamble. We also invite comments from State agencies, sponsors, and providers on the administrative cost of compliance with any of the provisions in the rule. Additionally, we invite comments on the potential impact of the changes in the proposed rule on Program access, particularly in areas through the country where there are a limited number of providers available to operate the Programs. Comments received after the close of the comment period (refer to **DATES**) will not be considered or included in the Administrative Record for the final rule.

We also invite your comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed regulations clearly stated?

(2) Does the rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the rule (*e.g.,* grouping and order of sections, use of headings, and paragraphing) make it clearer or less clear?

(4) Would the rule be easier to understand if it was divided into more (but shorter) sections?

(5) Is the description of the rule in the preamble section entitled ''Background and Discussion of the Proposed Rule'' helpful in understanding the rule? How could this description be more helpful in making the rule easier to understand?

II. Executive Summary

Purpose of the Regulatory Action

This proposed rule would codify several provisions of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111–296, that affect the integrity of the Child Nutrition Programs, including the National School Lunch Program (NSLP), the Special Milk Program for Children (SMP), the School Breakfast Program (SBP), the Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP), and State Administrative Expense Funds (SAE). In addition, this rule would incorporate policy changes resulting from several findings from recently conducted targeted management evaluations of the CACFP by the Food and Nutrition Service (FNS), and USDA Office of Inspector General audit findings, as well as other miscellaneous revisions to the regulations. The rule is intended to improve the integrity of all Child Nutrition Programs.

USDA anticipates that the provisions under this proposed rule would be implemented 90 days following publication of the final rule, with the exception of those related to CACFP audit funds and those related to assessments against State agencies and program operators. The provision granting eligible State agencies additional CACFP audit funds will be implemented upon publication of the final rule. Because States and school districts have been working diligently to implement the provisions of the

Healthy, Hunger-Free Kids Act, USDA anticipates that the provision establishing criteria for assessments against State agencies and program operators would be implemented one school year following publication of the final rule to provide entities the time they need to complete successful implementation.

Summary of the Major Provisions of the Regulatory Action

The major provisions addressed in this rule are:

Section 303 of the HHFKA: Fines for Violating Program Requirements—Section 303 of the HHFKA requires the Secretary to establish criteria for the imposition of fines in the Child Nutrition Programs, referred to as assessments in this proposed rule. An assessment refers to a required payment of funds from non-Federal sources. Under section 303, the Secretary or a State agency may establish an assessment against any school food authority or school administering the Child Nutrition Programs if the Secretary or the State agency determines that the school or school food authority failed to correct severe mismanagement of any program, failed to correct repeated violations of program requirements, or disregarded a requirement of which they have been informed. Section 303 also provides the Secretary the authority to establish an assessment against any State agency if the Secretary determines the State agency has failed to correct severe mismanagement of any program, failed to correct repeated violations of program requirements, or disregarded a requirement of which they have been informed.

Section 322 of the HHFKA: SFSP Disqualification—Section 322 requires the Secretary to establish procedures for the termination and disqualification of entities participating in the SFSP, to maintain a list of entities that have been terminated or disqualified from SFSP, and to make this list available to States for use in approving or renewing service institutions' applications for SFSP participation.

Section 331(b) of the HHFKA: State Agency/Sponsor Review Requirements in the CACFP—Section 331(b) requires the Secretary to develop for State agencies additional criteria or priorities for use in choosing institutions for review, including institutions at risk of having serious management problems and institutions conducting activities other than the CACFP.

Section 332 of the HHFKA: State Liability for Payments to Aggrieved Child Care Institutions—Section 332 requires State agencies to pay all valid claims for reimbursement, from non-Federal sources, if the required timeframes for a fair hearing are not met.

Section 335 of the HHFKA: CACFP Audit Funding—Section 335 allows the Department to increase the amount of audit funds made available to a CACFP State agency if the State agency demonstrates it can effectively use the funds to improve Program management in accordance with criteria established by the Department.

Section 362 of the HHFKA: Disqualified Schools, Institutions, and Individuals—Section 362 makes any school, institution, service institution, facility, or individual that has been terminated from any Child Nutrition Program and who is on the CACFP or SFSP National Disqualified List ineligible for participation in or administration of any Child Nutrition Program.

Costs and Benefits

While all entities—school food authorities, schools, institutions, sponsors sites, sponsoring organizations, day care centers and State agencies—administering Child Nutrition Programs will be affected by this rulemaking, the economic effect is not expected to be significant as explained below.

III. Background and Discussion of the Proposed Rule

The Department is proposing to amend the regulations for the NSLP, SMP, SBP, SFSP, CACFP, and SAE found at 7 CFR parts 210, 215, 220, 225, 226 and 235, respectively. These changes are intended to improve the integrity of the affected Child Nutrition Programs.

The proposed changes respond to provisions of the HHFKA, findings from management evaluations of the CACFP by the Department and from an audit by the Department's Office of Inspector General. In addition, the proposal includes technical corrections and other miscellaneous revisions to the regulations. Each of the proposed changes is discussed in detail below.

The Department recognizes that the provisions in this proposed rule impact many aspects of State administration of Child Nutrition Programs. As a result, the Department will provide guidance and technical assistance to State agencies to ensure successful implementation of this regulation. USDA anticipates that the provisions under this proposed rule would be implemented 90 days following publication of the final rule, with the exception of those related to assessments against State agencies and program operators and CACFP audit funds. The provision establishing criteria for assessments against State agencies and program operators would be implemented one school year following publication of the final rule. The provision granting eligible State agencies additional CACFP audit funds will be implemented upon publication of the final rule.

Proposed Changes in Response to the HHFKA

Section 303 of the HHFKA: Fines for Violating Program Requirements

Section 303 of the HHFKA amended section 22 of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1769c) to require the Secretary to establish criteria by which the Secretary or the State agency may impose a fine, referred to in this proposed rule as an assessment, against any school food authority or school administering a program authorized under the NSLA or the Child Nutrition Act of 1966 (42 U.S.C. 1771 *et seq.*) (CNA). An assessment refers to a required payment of funds from non-Federal sources. The provision also authorizes the Secretary to establish an assessment against any State agency administering a program under the NSLA or the CNA. Assessments established pursuant to section 303 are limited to those situations where a school, school food authority, or State agency has failed to correct severe mismanagement of any program, disregarded a requirement of which it has been informed, or failed to correct repeated violations of program requirements.

The provision implies that an assessment would be established only in situations where the regular monitoring, oversight, corrective action and technical assistance processes used by a State agency or the Department do not result in correction of identified program violations. It is important to note that the statutory scheme only anticipates assessments be established in instances of *severe* mismanagement of a program, disregard of a program requirement of *which the program operator had been informed,* or failure to correct *repeated* violations. These criteria suggest that violations that would result in assessments would be egregious or persistent in nature, remaining unresolved after the normal monitoring and oversight activities have failed to secure corrective action.

Current program regulations require rigorous FNS and State agency monitoring and oversight. For example, in accordance with 7 CFR part 210.29,

FNS conducts management evaluations of State agencies administering the NSLP and SBP based on relative-risk for program administration issues, rather than by a calendar cycle. At a minimum, each State agency receives a management evaluation once every five years to assess compliance with all aspects of the State agency's operation of the NSLP and SBP. Any findings are recorded in the management evaluation report and are either immediately corrected or a corrective action plan is implemented with subsequent follow-up activity until the violations are corrected. In addition, the monitoring and oversight process for the NSLP and SBP calls for a State agency administrative review of each school food authority once every three years. As part of the 7 CFR 210.18 administrative review requirements, State agencies must assess a school food authority's compliance with specific performance standards as well as with general areas of review. School food authorities failing to demonstrate compliance must develop a corrective action plan and take corrective actions to ameliorate the problem. The State agency must assess the corrective actions taken, provide any needed technical assistance, recover any improperly paid Federal funds, and if needed, conduct a follow-up review. Generally, State agencies and school food authorities work together to correct Program violations for the betterment of the Program and the children they serve.

However, there have been cases, albeit few, where program operators have failed to correct Program violations through the normal administrative review requirements and technical assistance. This proposed rule would provide both the Department and State agencies the authority to establish an assessment after the normal monitoring and oversight activities have been unsuccessful in correcting program violations. The Department anticipates assessments would be established only on rare occasions in securing corrective action. However, it should serve as a useful tool when egregious or persistent disregard of Program requirements occurs.

Amendatory language under this proposed rule would affect the NSLP, SMP, SBP, SFSP, CACFP, and USDA Donated Foods in schools and institutions. The Department published proposed regulation ''Fresh Fruit and Vegetable Program'' in the **Federal Register** on February 24, 2012 (77 FR 10981), which would establish the basic structure of the Fresh Fruit and Vegetables Program (FFVP), and related requirements, as authorized under section 19 of the NSLA (42 U.S.C. 1769a). While the authority set forth in section 303 also extends to the FFVP, this proposed rule does not include amendatory changes relating to the FFVP, as the FFVP regulations have not yet been codified. It is the intention of the Department to incorporate language identical to that proposed at § 210.26(b) to extend the authority provided under section 303 to the FFVP when that rule is finalized. Any comments related to assessments established in the FFVP under section 303 should be submitted to the Department in response to this proposed rulemaking.

Section 303 prescribes upper limits on the amount of the assessments that can be established against any school food authority, school, and State agency. In calculating assessments against school food authorities and schools, the Department is directed to base the amount on the reimbursement earned by the school food authority or school for the program in which the violation occurred. The amount of the assessment may not exceed the equivalent of:

- For the first assessment, 1 percent of the amount of meal reimbursements earned for the fiscal year;
- For the second assessment, 5 percent of the amount of meal reimbursements earned for the fiscal year; and
- For the third or subsequent assessment, 10 percent of the amount of meal reimbursements earned for the fiscal year.

In calculating assessments established against State agencies, the Department is directed to base the amount on the SAE funds made available to the State agency for the State agency's administration of the Child Nutrition Programs. Therefore, the amount of the assessment is based on SAE funds for all Child Nutrition Programs, not only SAE support earned by the program in which the violation occurred. The amount of the assessment may not exceed the equivalent of:

- For the first assessment,1 percent of funds made available for SAE during the fiscal year;
- For the second assessment, 5 percent of funds made available for SAE during the fiscal year; and
- For the third or subsequent assessment, 10 percent of the amount funds made available for SAE during the fiscal year.

The proposed regulation bases these limits on the most recent fiscal year for which meal reimbursements or SAE allocations closeout data are available. Finally, section 303 specifies that funds used to pay an assessment must be derived from non-Federal sources. This new authority to establish assessments is expected to serve as a deterrent to those State and local program operators who disregard the program requirements of any Child Nutrition Program.

This rule proposes to amend the regulations for the NSLP, SMP, SBP, SFSP, and CACFP at §§ 210.26(b), 215.15(b), 220.18(b), 225.18(k), and 226.25(i) to codify the authority to establish an assessment, identify the violations for which an assessment would be established, and establish the monetary limits to which an assessment may be imposed, as outlined in the NSLA.

Section 303 authorizes the Secretary or a State agency to establish assessments against school food authorities and schools administering any Child Nutrition Program. However, in addition to school food authorities and schools, other types of institutions operate the Child Nutrition Programs in accordance with the statutory and regulatory framework. Institutions, sites, sponsors, day care centers, and day care providers also may operate under the SMP, SFSP, or CACFP.

Investigations conducted by the USDA OIG and management evaluations of State agencies conducted by the Department identified problems in the Child Nutrition Programs associated with non-school Program operators. In 2006, OIG conducted an audit of the SFSP in California and Nevada which found the majority of private nonprofit sponsors reviewed to be noncompliant in Program requirements related to meal counts, costs and income reporting, as well as State health and safety code requirements. In addition, the Child Care Assessment Project (CCAP) Final Report, published by the Department in July 2009, identified inaccurate meal counts and menu records by providers and private nonprofit sponsoring organizations and a failure to employ the serious deficiency process as intended. These findings indicate patterns of non-compliance in CACFP and SFSP by entities/institutions which are not school food authorities or schools. OIG has several audits currently underway, including a review of management controls in the CACFP, areas of risk assessment in the CACFP and a follow up of the 2006 SFSP audit in California and Nevada. The findings of these audits can be found in the Review of the Management Controls in the CACFP Final Report published by the Department in November 2011.

With these findings in mind and consistent with the Department's authority in Section 10(a) of the CNA, 42 U.S.C. 1779(a), to promulgate regulations necessary to carry out the

Child Nutrition Programs, this rule would extend to all entities that have an agreement with the State agency. Thus, this proposed rule would apply to school food authorities, schools, institutions, sites, sponsors, day care centers, and day care providers. The resultant rule would ensure program integrity and equitable treatment of all participating entities and institutions.

Given the fiscal consequences of this provision, the Department would provide school food authorities, institutions, and sponsors the opportunity to appeal any assessment established pursuant to this regulatory authority. School food authorities, institutions, and sponsors administering the NSLP, SFSP, and CACFP currently have the ability to appeal fiscal action through the existing administrative review process in the NSLP, SFSP, and CACFP regulations. This proposed rule would expand current regulatory appeal rights to include any assessment established pursuant to this regulatory authority and would extend those appeal rights and procedures to both the SMP and SBP. To ensure the appeal process is completed on a timely basis, this proposed rule would make the determination of the State agency review official final and not subject to further administrative review. The proposed rule also would require the State agency to notify the Department at least 30 days prior to establishing an assessment.

Finally, the proposal would provide the Department and the State agency the authority to suspend or terminate the participation of an entity if the established assessment is not paid.

This rule also proposes to amend the SAE regulations at § 235.11(c) to incorporate the Department's authority to establish an assessment against a State agency, the violations for which an assessment would be established, and the monetary limits to which an assessment may be established.

The proposed rule would expand the current criteria previously established in regulation for establishing an assessment to include the State's failure to correct both State and local mismanagement of the program as a violation for which an assessment may be established. This reflects the State agencies' responsibility for ensuring the proper administration of the programs at both the State and local level.

As with program operators, this proposed rule would provide State agencies the ability to appeal any assessment established through the existing administrative review process for State agencies in § 235.11(g), would make the determination of the Department review official in any appeal final and not subject to further administrative or judicial review, and would provide the authority for the Department to suspend or terminate the participation of the State agency if the State agency failed to pay the assessment.

Finally, the proposed rule would require that all assessments and any interest charged would be collected and paid to the Department and transmitted to the U.S. Department of the Treasury. Funds received by and from the State agencies as a result of assessments must be paid from non-Federal sources. As such, the funds could not be used by the Department.

Accordingly, proposed rule changes are found at §§ 210.18(q), 210.26(b), 215.15(b), 220.18(b), 225.13(a), 225.18(k), 226.6(k)(2)(xii), 226.25(i), and 235.11(c) and (g).

Section 322 of the HHFKA: SFSP Disqualification

Section 322 of the HHFKA amended section 13 of the NSLA (42 U.S.C. 1761) by adding a new paragraph (q), *Termination and Disqualification of Participating Organizations.* Under this new authority, State agencies are required to follow the procedures for the termination of participation of institutions in the SFSP established by the Secretary. The procedures for termination must include a provision for a fair hearing and prompt determination for any service institution aggrieved by any action of the State agency that affects the participation of the service institution in the SFSP or the claim of the service institution for reimbursement. The Secretary is required to maintain a list of institutions and individuals that have been terminated or otherwise disqualified from participation in the SFSP and to make the list available to States for use in approving or renewing applications by institutions for participation in the SFSP.

Prior to enactment of the HHFKA, the Department and State agencies did not have the authority to *disqualify* SFSP sponsors. Current regulations at § 225.11(c) only provide authority to terminate sponsor participation. These regulations prohibit State agencies from entering into an agreement with any applicant sponsor, or allowing participation in the Program, of a sponsor that was seriously deficient in its operation of the SFSP, or any other Federal Child Nutrition Program. Additionally, State agencies are required to terminate the Program agreement with any sponsor determined to be seriously deficient and provide a sponsor reasonable opportunity to correct problems before termination. Current regulations indicate the types of serious deficiencies which are grounds for disapproval of an application or termination.

Current regulations at § 225.11(f) require State agencies to terminate participation of sites or sponsors for failure to correct Program violations within timeframes specified in a corrective action plan. Additionally, participation of a site must be immediately terminated if there is an imminent threat to the health or safety of the participating children. Once terminated, claims for reimbursement may not be submitted. Under § 225.13, State agencies must afford sponsors the right to appeal termination and denial of an application for participation.

This proposed rule would reorganize the current SFSP regulations, amend the current SFSP termination process, and establish a disqualification process similar to the process employed in the CACFP, with modifications reflecting the shorter duration of the SFSP. For example, the proposed maximum timeframe for which the corrective action plan may be implemented in SFSP is 10 days, whereas in the CACFP this maximum timeframe is 90 days.

Because SFSP and CACFP are administered by the same State agency in many States, using similar procedures is expected to facilitate and streamline the implementation of the SFSP termination and disqualification process. Thus, the Department will develop a National Disqualified List (NDL) for SFSP that is modeled after the current CACFP NDL.

The proposed rule makes a number of changes throughout the SFSP regulations in order to present a holistic approach to the termination and disqualification process. An overview of the proposed changes follows.

The proposed rule would add the following definitions to § 225.2, *Definitions.* These definitions are generally consistent with those set forth in the CACFP regulations at § 226.2:

- *Administrative review* means a fair hearing provided upon request to an entity that has been given notice by the State agency of any action that will affect their participation or reimbursement in the SFSP.
- *Administrative review official* means the independent and impartial official who conducts the administrative review.
- *National disqualified list* mean a list, maintained by the Department, of sponsors, responsible principals, and responsible individuals disqualified from participation in the SFSP.

• *Responsible principal or responsible individual* means a sponsor principal, any other individual employed by, or under contract with, a sponsor, or an individual not compensated by the sponsor, determined to be responsible for a sponsor's serious deficiency.

• *Seriously deficient* means the status of a sponsor that has been determined to be non-compliant in one or more aspects of its operation of the Program.

• *State agency list* means a list maintained by the State agency, which includes a synopsis of information concerning seriously deficient sponsors and which must be updated throughout all stages of the termination and disqualification process.

Maintaining a State agency list is a new requirement for State agencies under this proposed rule.

Under current § 225.6(b), *Approval of sponsor applications,* paragraph (b)(9) prohibits the State agency from approving the application of any applicant sponsor that has been determined to be seriously deficient. However, the State agency may approve the application of a sponsor that has been disapproved or terminated in prior years if the applicant demonstrates to the satisfaction of the State agency that it has taken appropriate corrective actions to prevent recurrence of the deficiencies. This proposed rule would expand paragraph (b)(9) to require the State agency to develop policies and procedures to confirm that serious deficiencies have been fully and permanently corrected. This confirmation must address the circumstances that led to the serious deficiency, the responsible parties, the timeframe for corrective action, and policies and/or procedures that are in place to avoid recurrence of the serious deficiency within the same Program year or in subsequent Program years.

Under current Program regulations at § 225.6(c), *Content of sponsor application,* paragraph (c)(1) establishes basic application requirements, and paragraph (c)(2)(ii) requires new sponsors and sponsors that have experienced significant operational problems in the prior year to include additional information in their application.

This rule proposes to expand paragraph (c)(1) to require the application to include the following information: Full legal name; any previously used names; mailing address; and date of birth of the sponsor's principals, which includes, but is not limited to, the Executive Director and Chairman of the Board of Directors; and the sponsor's Federal Employer Identification Numbers (FEIN) and/or the Dun and Bradstreet Data Universal Numbering System (DUNS) numbers. This information would be included in entries submitted by the State agency for placement on the SFSP NDL if the sponsor is terminated for cause. Limited access to the SFSP NDL would be granted to authorized State agency personnel tasked with decisions regarding application approvals or terminations from participation. However, FNS is particularly interested in comments regarding this proposed change and whether sponsors, in addition to State agencies, should also have limited access to the SFSP NDL.

In addition the proposed rule would expand paragraph (c)(2)(ii) to require new sponsors and sponsors who have experienced problems in the prior year to submit a certification, similar to that which is required under the CACFP, that:

• The information on the application, as required in paragraph (c)(1) is true and correct;

• Serious deficiencies identified during the previous year have been fully and permanently corrected;

• The sponsor, sites under its jurisdiction, or any responsible principals have not been terminated for cause from any Child Nutrition Program during the past seven years unless reinstated in, or determined eligible for, that program, including by the payment of any debts owed, or are not currently on the CACFP or the SFSP NDL; and

• The sponsor, sites under its jurisdiction, or any responsible principals have not been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity.

Current Program regulations at § 225.6(d), *Approval of sites,* identifies criteria State agencies must consider when approving sites for participation in the SFSP. This proposed rule would expand the criteria in paragraph (d) to specify that State agencies may not approve a site if the site or its responsible individuals are currently on the CACFP or the SFSP NDL or have been terminated for cause from the NSLP, SBP, or SMP.

The proposed rule would make a number of revisions to § 225.11, including re-titling the section as *Administrative actions for program violations,* and reorganizing the provisions.

Proposed § 225.11(c), *List of serious deficiencies,* would revise existing paragraph (c) to expand the list of serious deficiencies to include:

• The submission of false information to the State agency, including concealing criminal convictions, that occurred in the past seven years and that indicate a lack of business integrity;

• A significant number of Program violations at a site;

• Termination or disqualification from another Child Nutrition Program; and

• Any action affecting a sponsor's ability to administer the Program in accordance with Program requirements

Additionally, proposed paragraph (c) would allow no more than 10 days for corrective action to be completed, unless otherwise approved by the Department. If the State agency cannot confirm that serious deficiencies have been fully and permanently corrected, in accordance with § 225.6(b)(9), the sponsor would be terminated. Current regulations do not specify a timeframe for corrective action and CACFP regulations allow for a timeframe of 90 days. However, given the short duration of SFSP, the Department determined a 10-day timeframe would best meet the needs of the SFSP in ensuring Program integrity. State agencies, institutions, and sites are encouraged to address the sufficiency of the proposed 10-day corrective action timeframe in their comments on the rule.

Proposed § 225.11(d), *Serious deficiency procedures,* would identify the actions a State agency must take to declare an institution or individual seriously deficient. This proposed paragraph is new to the SFSP and is modeled after the CACFP serious deficiency notification procedures found at § 226.6(c)(1)(i), § 226.6(c)(1)(iii)(A), and § 226.6(c)(2)(iii)(A). Under the proposed rule, if an entity is seriously deficient, the State agency must declare it as such and send a notification of serious deficiency to the applicable parties. At the same time the notice is issued, the State agency would be required to add applicable parties to the State agency list, indicate that the notice of serious deficiency(ies) has(ve) been issued, include the basis for the serious deficiency determination, and provide a copy of the notice to the Department. Proposed § 225.11(d)(4) incorporates the required components of this notice.

Proposed § 225.11(d)(5) addresses the proposed requirements for the State agency list. The State agency list, as discussed above, would include a synopsis of information concerning seriously deficient sponsors and would be updated throughout all stages of the termination and disqualification process. The requirement to maintain a State agency list is new to the SFSP and is modeled after the CACFP State agency list. As previously mentioned,

the term, *State agency list,* is defined in proposed § 225.2.

Proposed § 225.11(e), *Corrective action procedures,* restates the provisions of existing § 225.11(f)(1), which require the sponsor to take corrective action for violations identified on a site review. The proposed rule expands the corrective action requirement for serious deficiencies requiring a longer-term revision of management systems, meaning actions that require a significant amount of time to ensure the serious deficiency is properly addressed. In such situations, the proposal would require the corrective action plan to identify serious deficiencies and a date by which corrective action must be completed and would clarify the State agency's monitoring responsibility. At the same time, the State agency would be required to revise the State agency list to indicate that the corrective action plan has been submitted, and provide a copy of the plan to the Department.

Proposed § 225.11(f), *Successful corrective action,* would identify the procedures a State agency must take if the serious deficiency is fully and permanently corrected. This proposed paragraph is new to SFSP and is modeled after the CACFP successful corrective action process found at § 226.6(c)(1)(iii)(B) and § 226.6(c)(2)(iii)(B). Under the proposed rule, the State agency would notify all affected parties that the State agency has accepted the corrective action. For those sponsors whose applications were denied, the State agency would afford a new or renewing sponsor the opportunity to resubmit its application.

Under the proposed rule, if the State agency initially determines that the sponsor's corrective action is complete, but later determines that the serious deficiency has recurred, the State agency would move immediately to issue a notice of termination and disqualification, which is similar to the process used in CACFP. However, FNS is particularly interested in comments regarding this proposed change and whether it would be more effective to provide the State agency with discretion to restart the serious deficiency process for recurring deficiencies when appropriate, rather than requiring immediate termination and disqualification.

Proposed § 225.11(g), *Termination procedures,* would incorporate the termination procedures a State agency must take if the corrective action plan is not successfully completed. Proposed paragraph (g)(1) would require the State agency to terminate the sponsor's agreement if timely corrective action is not taken to fully and permanently correct the serious deficiency. This paragraph is new to SFSP and is modeled after the CACFP termination procedures. However, the SFSP process differs in that termination occurs immediately following failed corrective action, but includes an opportunity for administrative review. As noted above in discussing the distinctions between the Programs' corrective action timeframes, the short duration of the SFSP dictates a more immediate need to protect Program integrity through quick resolution of an institution's serious deficiencies or removal from SFSP.

Proposed paragraphs (g)(2) through (g)(4) would restate existing SFSP provisions requiring the State agency to terminate a sponsor's site if the sponsor fails to take corrective action noted in the State agency's review report or if there is an imminent threat to the health and safety of the participating children, and to notify any food service management company providing meals to a site within 48 hours of a site's termination.

Proposed paragraphs (g)(5) and (g)(6) would require the State agency to terminate an institution's agreement if the Department or another State determines the institution to be seriously deficient and subsequently disqualifies the institution in this Program or any other Child Nutrition Program. Section 362 of the HHFKA amended section 12 of the NSLA (42 U.S.C. 1760) to prohibit any school, institution, service institution, facility, or individual that has been terminated from any Child Nutrition Program from participating in or administering any Child Nutrition Program. This provision requires expanded access to the CACFP or SFSP NDL allowing State agencies to conduct oversight of sections 322 and 362 of the HHFKA.

Under proposed paragraph (g)(7), the State agency must notify all affected parties that the State agency has terminated the sponsor's agreement or participation of the sponsor's site. The notice would include the procedures for seeking an administrative review of the State agency's decision.

Proposed § 225.11(h), *Disqualification procedures,* would identify the disqualification procedures a State agency must take in the event that the time to request an administrative review expires or when the administrative review official upholds the State agency's decision.

Under the proposed rule, the State agency must notify all affected parties who have been disqualified. At the same time the notice of disqualification is issued, the State agency must update the State agency list and provide a copy of the notice and related information to FNS. If the State agency does not administer all the Child Nutrition Programs, the State agency must notify the State agency administering the other programs of the disqualification. The proposed rule would also require State agencies to develop a process to notify WIC State agencies of entities or individuals terminated for cause or disqualified. These proposed actions are new to SFSP and are modeled after the CACFP agreement termination and disqualification procedures found at § 226.6(c)(1)(iii)(E) and § 226.6(c)(2)(iii)(E).

Proposed § 225.11(i), *National disqualified list,* would reference the authority of the Department to maintain an NDL and make the list available to all State agencies. This proposed paragraph is new to the SFSP and is modeled after the CACFP NDL requirements found at § 226.6(c)(7). Once placed on the SFSP NDL, an entity or individual may not participate in any of the Child Nutrition Programs in any capacity. The entity or individual must remain on the list until the Department, in consultation with the State agency, determines that the entity or individual is no longer seriously deficient, or until seven years have elapsed since the disqualification, provided all debts owed have been paid.

The Department also is proposing to amend § 225.13, *Appeal Procedures,* to include the opportunity to appeal the termination of a sponsor's agreement and any other action of the State agency affecting a sponsor's participation, or its claim for reimbursement. Proposed § 225.13(e) would require State agencies to provide its administrative review procedures to sponsors annually and upon request. Under this proposal, upon termination, sponsors would be provided an opportunity to request an administrative review. However, disqualification from the Program would not be subject to appeal. Although current regulations at § 225.13(b)(1) allow sponsors to continue operation during an appeal of termination, unlike the procedures in CACFP, sponsors are not eligible for continued reimbursement during this period. This modification is necessary due to the short duration of the SFSP. If the termination is ultimately upheld upon review, the sponsor and responsible individuals would be disqualified; if the termination is overturned, the sponsor would be eligible for reimbursement for properly documented meals served during the review period, unless the termination

was based on imminent danger to the health or safety of children.

Accordingly, the proposed rule changes are found at §§ 225.2, 225.6(b), 225.6(c)(2)(ii)(E), 225.6(c)(2)(ii)(D), 225.6(d), 225.11, 225.13(a), 225.13(e), and 225.18(b).

Section 331(a) and 321 of the HHFKA: Termination of Operating Agreements in CACFP and SFSP

Section 331(a) of the HHFKA amended section 17(d)(1) of the NSLA (42 U.S.C.1766(d)(1)) to require all institutions that meet the conditions of eligibility for participation in the CACFP to enter into permanent agreements with the respective State agency. Previously this was not a requirement, but only an option for State agencies. Similarly, section 321 of the HHFKA amended section 13(b) of the NSLA (42 U.S.C. 1761(b)) to require institutions that meet the conditions of eligibility for participation in the SFSP to enter into permanent agreements with the applicable State agency. State agencies were advised of the section 331(a) and section 321 requirements for permanent operating agreements in a memorandum issued January 14, 2011, *Child Nutrition Reauthorization 2010: Permanent Agreements in the Summer Food Service Program and the Child and Adult Care Food Program* (CACFP 07–2011 and SFSP 03–2011).

Section 331(a) and section 321 allow State agencies and institutions which enter into permanent agreements in either the CACFP or SFSP to terminate a permanent agreement for convenience. As a result, either party to the permanent agreement may terminate the agreement for considerations unrelated to the institution's performance of program responsibilities under the agreement. In addition, sections 331(a) and 321 require State agencies to (1) terminate the permanent agreement for cause; or (2) terminate the permanent agreement when an institution's participation in the program ends.

To effect the changes required by section 331(a) in CACFP, the proposed rule would revise § 226.6(b)(4) to require State agencies to: (1) Terminate an institution's agreement whenever an institution's participation in the Program ends; and (2) terminate the agreement for cause in accordance with CACFP regulations. In addition, the proposed rule would allow the State agency or institution to terminate the agreement at the convenience of the State agency for considerations unrelated to the institution's performance of Program responsibilities under the agreement. Examples of termination for convenience include a State agency's inability to effectively monitor a remote location or an institution's desire to self-terminate. No change is made to current regulations prohibiting termination for convenience once an entity has been declared seriously deficient and corrective action has not been completed and approved.

The proposal also would amend the CACFP definition of *Termination for convenience* in § 226.2. As currently defined, *Termination for convenience* means termination of a day care home's Program agreement by either the sponsoring organization or the day care home, due to considerations unrelated to either party's performance of Program responsibilities under the agreement. Under the proposed rule, the definition would be expanded to include agreements between the State agency and an institution, and a sponsoring organization and an unaffiliated center. This change is intended to reflect sections 331(a) and (c) of the HHFKA, which require permanent operating agreements between State agencies and institutions and between sponsoring organizations and sponsored centers.

The proposed rule also would amend SFSP regulations at § 225.6(e) to incorporate changes related to termination for cause and end of Program activity in the SFSP comparable to those discussed above for the CACFP. Because the SFSP regulations currently do not include a definition of *Termination for convenience,* no changes are made to the SFSP definitions.

Accordingly, the proposed rule changes are found at §§ 225.2, 225.6(b)(4) and 225.6(c).

Section 331(b) of the HHFKA: State Agency Sponsor Review Requirements in the CACFP

Section 331(b) of the HHFKA amended section 17(d) of the NSLA (42 U.S.C. 1766(d)) to direct the Department to develop a policy for required reviews of institutions in the CACFP. As directed by the statute, each State agency must conduct: (1) At least one scheduled site visit at not less than 3-year intervals to each institution to identify and prevent management deficiencies and fraud and abuse under the Program and to improve Program operations; and (2) more frequent reviews of any institution that sponsors a significant share of facilities participating in the Program, conducts activities other than the CACFP, has serious management problems as identified in a prior review, is at risk of having serious management problems, or meets such other criteria as are defined by the Department.

Current regulations at § 226.6(m)(6) require State agencies to annually review at least 33.3 percent of all institutions participating in the CACFP in each State. Institutions with 1 to 100 facilities must be reviewed at least once every three years. Institutions with more than 100 facilities must be reviewed at least once every two years. New institutions with five or more facilities must be reviewed within the first 90 days of operation. This proposed rule would amend § 226.6(m)(6) to modify the review requirements for institutions that must be reviewed at least every two years. In addition to reviewing institutions with more than 100 facilities as currently required, the proposal also would require the State agency to review, at least every 2 years, institutions with 1 to 100 facilities that conduct activities other than CACFP, and institutions that have been identified during a previous review as having serious management problems, or that are at risk of having serious management problems. Institutions that conduct activities other than CACFP with more than 100 facilities are currently reviewed at least once every two years; therefore, the proposed rule would not alter the review requirement for these institutions.

Examples of criteria to be considered as posing a risk of serious management problems include: Change in ownership or significant staff turnover; change in licensing status; complaints received by facilities, day care providers, or participants; significant change in the number of claims submitted; or significant increase in the number of sponsored facilities or day care homes.

The composition of institutions varies throughout each State, therefore, determining the burden placed on State agencies by requiring more frequent reviews of institutions is difficult to predict. The Department asks for comments regarding the effect this proposed rule will have with respect to the frequency and number of reviews the State agency would be required to administer.

Accordingly, the proposed rule changes are found at § 226.6(m)(6).

Section 332 of the HHFKA: State Liability for Payments to Aggrieved Child Care Institutions

Section 17(e) of the NSLA (42 U.S.C. 1766(e)) requires State agencies to provide an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action by the State agency that affects either the participation of the institution in the CACFP or the claim of the institution for reimbursement in the CACFP.

Section 332 of the HHFKA amended section 17(e) of the NSLA (42 U.S.C. 1766(e)) to require State agencies failing to meet required timeframes in providing a fair hearing and a prompt determination to pay all valid claims for reimbursement to the appellant institution and the facilities of the institution, using funds from non-Federal sources. The State's liability for these claims begins on the day after the end of any regulatory deadline for providing the opportunity for a fair hearing and making the determination, and ending on the date on which a hearing determination is made. Section 332 directs the Department to provide written notice of this liability to a State agency at least 30 days prior to the imposition of any liability for reimbursement.

Current regulations at § 226.6(k)(5)(ix) specify the procedures for administrative reviews in CACFP. Under those procedures, State agencies must acknowledge the receipt of the request for an administrative review within 10 days of its receipt of the request. Within 60 days of the State agency's receipt of the request for an administrative review, the administrative review official must inform the State agency, the institution's executive director and chairman of the board of directors, and the responsible principals and responsible individuals of the administrative review's outcome. Current regulations at § 226.6(c)(3)(iii)(E)(5) specify that all valid claims for reimbursement must be paid to the institution and the facilities of the institution while under administrative review unless the State or local health or licensing officials have cited an institution for serious health or safety violations.

This proposed rule would make no changes to the existing administrative review procedures or timeframes. However, the proposed rule at § 226.6(k)(5)(ii) would require the State agency to provide a copy of the written request for an administrative review, including the date of receipt of the request, to the Department within 10 days of receipt of the request. This information would allow the Department to track State agency progress and timeliness in meeting the required administrative review timeframe.

The proposed rule at § 226.6(k)(5)(ix) would inform State agencies failing to meet the required timeframe for providing a fair hearing and a prompt determination of their liability to pay all valid claims for reimbursement to the institution. Under § 226.6(k)(11) of the proposal, a State agency that fails to meet the 60-day timeframe set forth in paragraph (k)(5)(ix) would pay all valid claims for reimbursement to the institution during the period beginning on the 61st day and ending on the date on which the hearing determination is made. The Department would notify the State agency of its liability for all valid claims for reimbursement to an aggrieved institution(s) at least 30 days prior to imposing any liability. Liability for reimbursement would begin 61 days following the State agency's receipt of a request for an administrative review and end on the date on which a hearing determination is made. During this period, the State agency would be required to pay from non-Federal sources all valid claims for reimbursement to the aggrieved institution. The Department expects State agencies to assess the validity of such claims using the same standards used to review all claims for reimbursement. The Department would monitor the approval and payment of such claims during management evaluations to ensure State agencies act in good faith when assessing the validity of claims once State liability is imposed. This proposed requirement is expected to improve State compliance with the required timeframes for fair hearings, thus improving the stewardship of Federal funds.

During fiscal years 2010 and 2011, the Department conducted CACFP Targeted Management Evaluations (TMEs) of State agencies administering the CACFP to identify patterns of regulatory non-compliance with the serious deficiency process. For the 10 most recent appeals of a Notice of Proposed Termination, State agencies were asked to determine the average number of days elapsed between the State agency's receipt of an institution's request and the date of the administrative review official's decision. Of the 21 State agencies for which TMEs were completed in FY 2010 and for which appeal data was provided, on average, 9 completed the administrative review process within the required 60 days; 13 within 90 days; and 14 within 120 days. In some instances, the date on which a hearing determination was made was hundreds of days after receipt of the State agency's request for an administrative review, resulting in appellants continuing to earn Federal reimbursement for long after the required 60-day review period had elapsed. Shifting the responsibility to State agencies for payments to aggrieved child care institutions is expected to serve as a deterrent to those State agencies that have habitually failed to meet the required timeframes.

The Department considered changing the 60-day timeframe currently set forth in § 226.6(k)(5)(ix) to alleviate any burden State agencies may face as a result of financial and/or administrative challenges. However, the 60-day timeframe is intended to provide those seeking administrative review with a prompt determination while protecting the use of Federal funds against noncompliant entities. The TME findings do not provide a clear resolution to meeting these counterbalancing priorities. Thus, the Department is requesting comments on the 60-day timeframe and any modification which would meet State needs without compromising the need for a timely decision for the appellant and maintaining CACFP integrity.

Finally, the proposed rule at § 226.6(k)(11)(ii) would afford a State agency the opportunity to seek a reduction or reconsideration of its liability by submitting to the Department information concerning the State's liability for reimbursement to an aggrieved institution, including information regarding any mitigating circumstances.

The Department recognizes the financial implications for State agencies resulting from implementation of this proposed rule and will assist State agencies' efforts to ensure their administrative review structures meet the required timeframes. The Department also recognizes that many State agencies are experiencing difficult fiscal circumstances. The Department will work with the State agencies to establish milestones to implement this provision and minimize potential financial burdens. The Department encourages State agency commenters to address the financial implications of this proposed rule as related to their State and suggest appropriate milestones the Department could require of State agencies during implementation.

Accordingly, the proposed rule changes are found at §§ 226.6(k)(5)(ii), 226.6(k)(5)(ix) and 226.6(k)(11).

Section 335 of the HHFKA: CACFP Audit Funding

Section 17(i) of the NSLA (42 U.S.C. 1766(i)) authorizes the Secretary to provide funds to each CACFP State agency to conduct audits of participating institutions. Each fiscal year, each State agency receives up to 1.5 percent of the funds used by the State in the Program during the second preceding fiscal year for this purpose.

Section 335 of the HHFKA amended section 17(i) of the NSLA, 42 U.S.C. 1766(i), to allow the Department to

make available, for each fiscal year beginning 2016 (*i.e.,* October 1, 2015), and each fiscal year thereafter, additional funding for a total of up to 2 percent of the funds used by each State agency in the Program during the second preceding year, if the State agency can effectively use the funds to improve Program management under criteria established by the Department. This provision is expected to allow for better Program management and improve the integrity of the CACFP.

Program integrity audits are an integral component of the CACFP, allowing State agencies to monitor Program funding and operations to ensure that providers and sponsors are operating the Program in accordance with the law. In accordance with the NSLA, current regulations at § 226.4(j) require funds be made available for the expense of conducting audits and reviews to each State agency in an amount equal to 1.5 percent of the Program reimbursement provided to institutions within the State. Additionally, the amount of assistance provided to a State agency for this purpose in any fiscal year may not exceed the State's expenditures for conducting audits as permitted under § 226.8 during such fiscal year.

To effect the changes envisioned by section 335, the Department proposes to amend § 226.4(j), *Audit funds,* by making minor technical changes to existing language and including the opportunity for State agencies, beginning in fiscal year 2016 and each fiscal year thereafter, to request an increase in the amount of audit funds. The technical changes correct the misuse of the phrase 'Program reimbursement provided to institutions' in reference to the Program funds used to conduct audits.

This proposed change is consistent with section 17(i) of the NSLA (42 U.S.C. 1766(i)) and does not alter the current formula used to calculate audit funds. The proposed rule would also require approval by the Department for increased funding. Such approval would be based on criteria related to the State agency's ability to effectively use the funds to improve Program management. Additionally, the proposed rule would limit the total amount of audit funds made available to a State agency to 2 percent of Program funds used by the State during the second fiscal year preceding the fiscal year for which the funds are made available.

The proposed rule would allow State agencies to submit a request for an increase in the amount of audit funds. The Department's approval will be based on criteria related to the effective use of funds to improve program management. The Department expects this criteria to include a description of the additional audit and other allowable activity (*e.g.,* additional review activity) the State agency would conduct. The Department expects this process to be similar to the process currently used for reallocation of State administrative funds.

Section 362 of the HHFKA: Disqualified Schools, Institutions, and Individuals

Section 362 of the HHFKA amended section 12 of the NSLA (42 U.S.C. 1760) to prohibit any school, institution, service institution, facility, or individual that has been terminated from any Child Nutrition Program (*i.e.,* the NSLP, SMP, SBP, SFSP, and CACFP), and that is on the CACFP and SFSP NDL, from being approved to participate in or administer any Child Nutrition Program. This provision is expected to protect program integrity and federal funds since entities that have been terminated or disqualified from one Child Nutrition Program will be prevented from participating in all of the Department's Child Nutrition Programs.

In assessing implementation of section 362, the Department determined the need to clarify three areas. First, section 362 prohibits approval of schools, institutions, service institutions, facilities, and individuals which have been terminated or disqualified from any Child Nutrition Program. However, additional types of entities participate in the Child Nutrition Programs. The Department concluded, then, that the prohibition in section 362 is not limited to those identified entities, but extends to all entities which participate in the Child Nutrition Programs in similar capacities. This furthers the intended effect of section 362, which is to prevent an entity terminated or disqualified from one Child Nutrition Program from participating in another Child Nutrition Program. Thus, the rule also would apply to school food authorities, child care institutions, sponsoring organizations, sites, day care centers, and day care homes which participate in the Child Nutrition Programs.

This provision only applies to the entities authorized to participate in the Child Nutrition Programs. Entities administering the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (or to the WIC Farmers' Market Nutrition Program) under section 17 of the Child Nutrition Act of 1966 are referred to as ''local agencies.'' Because section 362 does not include the term ''local agencies,'' the Department determined that this provision does not apply to the WIC Program, but State agencies must notify WIC State agencies of entities disqualified from participation in any Child Nutrition Program so WIC State agencies may look into potential threats to WIC Program integrity. Finally, the Department also determined that the term ''individuals'' refers to responsible principals or responsible individuals, and not individuals receiving nutrition assistance benefits under the Child Nutrition Programs.

Second, section 362 identifies ''termination'' from a Child Nutrition Program as a criterion which results in ineligibility for participation in or administration of any Child Nutrition Program. However, as discussed later in this preamble, two types of termination may be invoked in CACFP. One type is termination for convenience which is not performance based, and can be used by either party. The Department determined that termination for convenience does not warrant disqualification from other Child Nutrition Programs because it is not based on failure to administer the Program. The second type of termination is termination for cause, based on failure to properly administer the program or otherwise perform pursuant to the agreement. Upon review, Department concluded that ''termination'' in section 362 refers to termination for cause.

Third, section 362 prohibits a State agency from approving for participation in or administration of the Child Nutrition Programs, any entity terminated from a Child Nutrition Program and appearing on the CACFP NDL or SFSP NDL. In practice, the NSLP, SMP, and SBP currently do not maintain or refer to an NDL. It is possible that school food authorities which also participate in CACFP would appear on the CACFP NDL. In the future and pursuant to section 322 as discussed earlier, a school food authority terminated from SFSP participation would be added to that Program's NDL. The Department concluded that in order to fully implement the intent of Congress to protect integrity of all Child Nutrition Programs as expressed in section 362, the implementation of the provision should be read more broadly to prohibit participation in or administration of any Child Nutrition Program.

For these reasons, the proposed rule would prohibit an entity's participation if it meets either criterion. In other words, the State agency may not approve any entity terminated from a

Child Nutrition Program or any entity appearing on the CACFP or SFSP NDL for participation in or administration of any Child Nutrition Program. The Department encourages commenters to address this proposed interpretation.

Thus, this proposed rule amends the regulations for the NSLP, SMP, SBP, and SFSP to prohibit a State agency from approving any school, school food authority, institution, service institution, facility, individual, sponsoring organization, site, child care institution, day care center, or day care home from participating in or administering the Program if the entity or its officials: (1) Have been terminated for cause from any Child Nutrition Program; *or* (2) are currently listed on the CACFP NDL or SFSP NDL.

Current regulations for CACFP address the duration of ineligibility. Under § 226.6(b)(1)(xiii), an entity remains included on the CACFP NDL and thus ineligible to participate in CACFP, until the State agency, in consultation with the Department, determines that the deficiency(ies) that resulted in the ineligible status has(ve) been corrected, or seven years have passed. In all cases, all debts owed must be repaid prior to removal from the CACFP NDL. State agencies are required to consult the CACFP NDL when reviewing any entity's new or renewal application, and to deny the entity's application if either the entity, or any of its principals, is on the CACFP NDL. The proposed rule would adopt the CACFP approach to limiting the duration of ineligibility.

Under this proposed rule, the State agency's decision not to approve an entity to participate in or administer a program based on the entity's termination for cause from a Child Nutrition Program or placement on the CACFP NDL or SFSP NDL is final and not subject to further administrative or judicial review. This rule also proposes that for entities currently administering a program, the State agency must use procedures currently specified in regulations to suspend or terminate participation if it is discovered that the entity was terminated for cause from another Child Nutrition Program.

Finally, the proposed rule would require State agencies to develop a process to share information about entities and individuals no longer eligible to administer or participate in the programs within the State. The process must be approved by the Department and must ensure the State agency works closely with any other State agency administering a Child Nutrition Program to ensure information is shared on a timely basis. The proposed rule would also require State agencies to develop a process to notify WIC State agencies of the entities' or individuals' termination for cause, since they might be associated with the WIC Program. The Department has chosen to allow State agencies to develop their own process due to the different organizational structures of each State.

CACFP and SFSP State agencies will be required to develop a process to share information on entities and individuals terminated or disqualified with other Child Nutrition Programs if such a process is not presently in place. Under § 226.6(b)(1)(xiii), Program participation is prohibited when the institution or any of its principals have been declared ineligible for any other publically funded program by reason of violation that program's requirements. Therefore, the Department expects CACFP State agencies to currently have such process in place. To avoid duplicative efforts and streamline efforts, the Department expects to utilize the database currently used to maintain the NDL by the Department for the CACFP for the SFSP NDL.

The Department requests comments on this requirement, specifically the process State agencies may propose to share information, and the potential obstacles or burdens a State agency may face. The Department also asks for comments on the extent to which State agency access to the NDLs would have to be expanded under these proposed requirements.

Accordingly, the proposed rule changes are found at §§ 210.9(d), 215.7(g), 220.7(h), 225.6(b)(12), 225.6(c)(2)(ii)(E)(*3*), 225.6(d)(1)(v), 225.6(e), 225.11(c)(5), 225.11(h)(2), 225.14(c)(3), 225.14(c)(4), and 226.6(b)(1)(xiii).

Serious Deficiency and Termination Procedures for Sponsored Centers in the CACFP

This proposed rule also amends current CACFP regulations, to make a corresponding change as a result of the intended effect of section 362. The provision explicitly prohibits entities terminated or disqualified from one Child Nutrition Program from being approved to participate in or administer any Child Nutrition Program. Approval or participation of seriously deficient sponsored child or adult day care center, then, would be contrary to the intent of that provision. In order to implement section 362, this proposed rule would create serious deficiency, termination, and disqualification procedures which are essential to meeting the intent of statute.

Current CACFP regulations at § 226.6 include serious deficiency, termination, and disqualification procedures for sponsored day care homes, but not sponsored centers. There are two types of sponsored centers, affiliated and unaffiliated. Unlike affiliated centers, unaffiliated centers are not part of the same legal entity as the sponsoring organization responsible for administration of the CACFP. Currently, if an unaffiliated center is seriously deficient in the operation of the Program, it is the sponsor which a State agency would declare seriously deficient. In practice, it is the responsibility of the sponsor to complete the corrective action plan, and it is the sponsor that will ultimately be terminated and disqualified from the Program if the serious deficiency is not corrected. Additionally, current regulations permit the sponsor to simply end its association with a seriously deficient unaffiliated center, rather than implementing corrective action to eliminate the serious deficiency and come into compliance with Program regulations. Therefore, under current regulations, it is possible for a problematic unaffiliated center that has been removed from the CACFP to participate in the Program under another sponsor, or in another Child Nutrition Program, without the knowledge of the State agency that a serious management deficiency exists in that facility.

The Department has identified CACFP integrity issues arising from the inability to declare unaffiliated centers as seriously deficient and to terminate and disqualify the centers from CACFP participation. Currently, problematic unaffiliated centers and operators of those centers are not disqualified from participation if they are found to be in violation of Program requirements. Rather they may terminate their participation voluntarily and seek to participate in the Program under another sponsoring organization, putting Program integrity at risk.

This proposed rule would establish serious deficiency, termination, and disqualification procedures for unaffiliated sponsored centers consistent with the procedures established for day care homes in current regulations. Specifically, the Department proposes to amend § 226.2, *Definitions,* to require inclusion of unaffiliated centers and the full legal name and any other names previously used of entities on the *State agency list.* The Department proposed to add the definition of *Sponsored Center* in a separate proposed rule published April 9, 2012, in the **Federal Register** (77 FR

21018), *Child and Adult Care Food Program: Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.* Under that proposal, *Sponsored Center* is defined to mean a center that operates the Program under the auspices of a sponsoring organization and is categorized as either an affiliated or unaffiliated center. Unaffiliated centers would be entities required to have permanent agreements with their sponsoring organization, as they are legally distinct from the sponsoring organizations, unlike affiliated centers that are part of the same legal entity.

Under § 226.6(c)(3)(ii)(R), State agencies would be required to declare sponsoring organizations seriously deficient if they fail to properly implement the termination and administrative procedures required in the Program. If an institution does not properly oversee the participation of their unaffiliated centers, they could be declared seriously deficient by the State agency or the Department.

Under this proposed rule, throughout the disqualification process as specified in § 226.6(c)(7) and § 226.6(c)(8), where day care homes are referenced, unaffiliated centers are also included in the requirement. The request for removal of a day care home, unaffiliated center, or responsible principal and responsible individual from the CACFP NDL must be made by the State agency, with concurrence by the Department. The Department's concurrence is necessary to ensure the serious deficiencies no longer exist prior to removal.

Under this rule, the administrative review process would be amended at § 226.6(l) and § 226.6(m) to include unaffiliated centers. The Department proposes to allow State agencies to make different elections with regard to who offers the administrative review, either the State agency or the sponsoring organization, to day care homes and unaffiliated centers. The Department anticipates that while a State agency may prefer the sponsoring organization offer administrative reviews to day care homes, the State agency may choose to offer administrative reviews to unaffiliated centers.

Under this proposed rule, § 226.16, *Sponsoring organization provisions,* would be amended to include unaffiliated centers wherever day care homes are referenced, as applicable. Additionally, § 226.16(l)(2) would be amended by adding specific serious deficiencies applicable for unaffiliated centers only. Serious deficiency procedures for sponsoring organizations are also amended under this proposed rule to include unaffiliated centers, applying the same requirements to day care homes and unaffiliated centers, where applicable.

A technical change was made under the proposed rule in § 226.2 to the definition of '*Facility'* by removing the word 'family' to correct the meaning of facility as sponsored center or day care home.

Accordingly, the proposed rule changes are found at §§ 226.2, 226.6(c)(2)(ii)(H), 226.6(c)(3)(ii)(R), 226.6(c)(7), 226.6(c)(8), 226.6(l), 226.6(m)(3)(ix), 226.16(b), 226.16(c), 226.16(d), and 226.16(l).

Miscellaneous Provisions

Elimination of Cost-Reimbursement Contracts

Current Program regulations at 7 CFR 210.16(c) prohibit contracts which permit all income and expenses to accrue to the food service management company, ''cost-plus-a-percentage-of-cost'' contracts, and ''cost-plus-a-percentage-of-income'' contracts. School food authorities are currently permitted to use two types of contracts when procuring Program goods and services. Contracts that provide for fixed fees, commonly referred to as 'fixed price contracts,' are those that provide for management fees established on a per meal basis. Cost-reimbursable contracts, an alternative to fixed price contracts, are those that provide for payment of allowable incurred costs. Unlike fixed price contracts, cost-reimbursable contracts require the return of rebates, discounts and credits on all costs from the food service management company to the school food authority. During management evaluations, FNS has observed that non-compliant cost-reimbursable contracts are becoming more common.

Since 2002, the Department's OIG has conducted various reviews of the effectiveness of Federal and State oversight and monitoring of school food authority contracts with food service management companies (FSMCs). These OIG reports, entitled ''National School Lunch Program—Food Service Management Company Contracts'' published January 2013, ''National School Lunch Program Cost-Reimbursable Contracts with a Food Service Management Company'' published December 2005, and ''National School Lunch Program Food Service Management Companies'' published April 2002, identified compliance problems associated with procurements at the local level. OIG identified some instances where school food authorities were not receiving (1) purchase discounts and rebates in full and/or (2) the proper value of USDA foods returned to their nonprofit food service account. For the most part, OIG concluded that the instances arose from problematic language in cost-reimbursement contracts between FSMCs and local school food authorities. FNS has attempted to resolve such issues by requiring State agencies to review contracts prior to execution by school food authorities per Program regulations at 7 CFR 210.19(a)(5). Further efforts have been made by FNS to educate State agencies and school food authorities through trainings on procurement standards using national conferences, and stakeholder meetings. Likewise, Regional offices have offered additional trainings to State agency staff. FNS has also provided technical assistance during management evaluations, reviewed State agency prototype solicitations and contracts, if available; assisted on administrative reviews to assess school food authority contracts and monitoring of contractor performance; and developed tools to assist State agencies when reviewing and approving school food authority contracts with FSMCs. This proposal is the next step in ensuring the oversight and monitoring of school food authority contracts with FSMCs.

All school food authorities, including sub grantees, must follow applicable Federal procurement regulations when entering into agreements to purchase products and services under the NSLP. However, in evaluating State agency oversight of FSMC contracts, during agency compliance reviews and with information provided by OIG audits and investigations, FNS determined that many school food authorities with FSMC cost-reimbursable contracts are engaged in practices that weaken the competitive procurement process. The most prevalent area of non-compliance found in FSMC cost-reimbursable contracts is the failure to return the value of discounts, rebates, and credits to the nonprofit food service account. This loss represents millions of dollars for school food authority nonprofit food service accounts annually. FNS has determined that it is too complex and burdensome for school food authority staff to consistently and effectively ensure compliance with program requirements across all cost-reimbursable contracts. State agencies have expressed a lack of expertise and the magnitude of monitoring transactions at this level is unduly burdensome and growing. Increasingly, school food authorities are moving from self-operated programs to contracting

operations with a FSMC. As a result of State agency challenges, FNS has published guidance for school food authorities on considerations before contracting the operation with a FSMC and on the benefits and burdens of fixed-price contracts and cost-reimbursable contracts. FNS has conducted trainings on this guidance for State agencies and made presentations at stakeholder national conferences, provided technical assistance during management evaluations, assisted State agencies on administrative reviews of school food authorities and developed review tools to assist State agencies with oversight. Additionally, FNS has engaged many stakeholders (industry, State Agencies, school food authorities, GAO, and OIG) in discussion on how to best address these concerns. Despite FNS's technical assistance, training, and guidance, State agencies continue to report challenges, which are costly to school food authority nonprofit food service accounts. Based on FNS' engagements, requiring fixed price contracts is the next logical step in protecting and strengthening Program integrity.

This rule proposes to amend § 210.16(c) to eliminate cost-reimbursable contracts as a type of food service management company contract school food authorities may use in the NSLP. This rule proposes to require the use of only fixed-price contracts, such as contracts that provide per meal and/or management fees established on a per meal basis, either with or without economic price adjustments tied to a standard index. In solicitations seeking and resulting in a fixed-price contract, contractors respond with bids/proposals that have already taken discounts, rebates and other credits into consideration when formulating their final bid prices; this holds true for any fixed-fee component of a cost-reimbursable contract.

Current Program regulations at 7 CFR 210.16(a)(10) require school food authorities who employ a FSMC in the operation of its nonprofit school food service to ensure that the State agency has reviewed and approved the contract terms. However, current Program regulations at 7 CFR 210.19(a)(5) require each State agency to annually review, not approve, each contract and contract amendment between any school food authority and FSMC to ensure compliance with all the provisions and standards before the execution of the contract by either party. This rule also proposes to amend and align 7 CFR 210.19(a)(5) with the requirements in 7 CFR 210.16(a)(10) to require each State agency to annually review, and now also approve, each contract and contract amendment between any school food authority and food service management company. Requiring approval will serve to strengthen oversight of compliance with all the provisions and standards before the execution of the contract by either party. State agencies, institutions, and FSMCs are encouraged to address the elimination of cost-reimbursable contracts as a type of food service management company contract school food authorities may use in the NSLP in their comments on the rule.

Accordingly, the proposed rule changes are found at § 210.16 and § 210.19(a)(5).

Annual Procurement Training in NSLP

This rule also proposes to incorporate recommendations made by the Department of Agriculture's Office of Inspector General (OIG) audit report entitled ''*National School Lunch Program-Food Service Management Company Contracts''* (Audit). Specifically, the audit found risk of misuse of Federal funds due to difficulties experienced by State agencies and school food authorities enforcing contractual terms and regulatory procurement requirements. Therefore, this rule proposes that a portion of the professional standards required for school nutrition programs include procurement training specifically for personnel tasked with this key area. Further, such training must be documented.

Currently, regulatory requirements related to program operations training are found in the professional standards requirements for the NSLP. The Department issued a memorandum on February 12, 2013, strongly encouraging periodic training for State agency and school food authority staff tasked with procurement responsibilities. See *Guidance Reaffirming the Requirement that State agencies and School Food Authorities Periodically Review Food Service Management Company Cost Reimbursable Contracts and Contracts Associated with USDA Foods* (SP 23–2013), *http://www.fns.usda.gov/guidance-reaffirming-requirement-state-agencies-and-school-food-authorities-periodically-review-food.* Given that the Audit, as well as the Department's own monitoring activities, determined that program integrity may be at risk, it is necessary to specifically require training to ensure that all relevant staff are aware of procurement requirements. Under such a requirement, State agency and school food authority staff annually would gain knowledge of procurement requirements for implementation at the State and local level.

This proposed rule would require State agency and school food authority staff tasked with procurement responsibilities to successfully complete procurement training annually. The Department expects State agencies to ensure required training includes applicable State and Federal procurement requirements as found in existing statutes and regulations. This requirement may be met at the discretion of the State agency through a variety of methods, including using State developed procurement training or trainings on the aforementioned procurement areas developed by other expert organizations such as the USDA web-based procurement training offered by the National Food Service Management Institute, available at no cost (*http://www.nfsmi.org/Templates/TemplateDefault.aspx?qs=cElEPTEzNQ*). State agencies and school food authorities would be required to maintain documentation of compliance with this provision.

Accordingly, the proposed rule changes are found at § 210.15(b)(8), § 210.20(b)(16), and § 210.21(h).

Financial Reviews of Sponsors in the CACFP

Through TMEs of State agencies conducted by the Department in fiscal years 2010 and 2011 and previous management evaluations, it was determined that misuse of funds was often an indicator of a sponsoring organization's systemic Program abuse. It was also determined that financial reviews of sponsors conducted by State agencies could be improved to better detect and prevent the misuse of funds.

Current regulations at § 226.7(g) require State agencies to approve sponsors' budgets and assess sponsors' compliance with Program requirements, including ensuring that Program funds are used only for allowable expenses. Currently, the process by which sponsor compliance with CACFP financial rules is assessed is left to the discretion of the State agency, consistent with Program regulations. Thorough reviews of sponsor financial records are vital in ensuring Program integrity. The Department found that the financial reviews conducted by State agencies were inconsistent with federal regulations and often lacked focus on a sponsor's CACFP bank account activity, but rather focused on matching the sponsors' representation of their expenses to supporting documents. This often resulted in other suspicious transactions on a sponsor's CACFP bank account to be left unnoticed if supporting documents presented were valid.

Currently federal regulations do not require sponsors to fully account for their expenditure of CACFP funds. A sponsor may use funds for both allowable and unallowable expenditures, but provide a State agency reviewer with receipts for only the allowable costs to support Program administration. It is possible for the amount of the allowable expenditures to appear reasonable to a State reviewer if the expenditures match the approximations made in the sponsor's approved budget for that fiscal year. However, a reviewer is only required to confirm support for the receipts provided by the sponsor and thus may never be provided with or become aware of the sponsor's unallowable expenditures.

Also, the State agency's current ability to monitor sponsors' use of CACFP funds is limited. While sponsors must submit annual budgets for State agency approval, which must detail the project expenditures by cost category, sponsors are not required to report actual expenditures. Requiring annual reporting of actual expenditures would improve sponsor accountability, and provide State agencies a means by which to identify misuse of CACFP funds. State agencies could then reconcile reported expenditures to Program payments to ensure funds are spent on allowable costs, and use the reported actual expenditures as the basis for selecting a sample of expenditures for validation against the sponsor's CACFP bank account activity. To facilitate reconciliation, the report should use the same cost categories as are used on the sponsor's approved annual budget.

The Department proposes to require State agencies to have a system in place to annually review at least one month's bank account activity of all sponsoring organizations compared to documents adequate to demonstrate that the transactions meet Program requirements. Under this rule, if the State agency identifies any expenditures that have the appearance of violating Program requirements, the State agency reviewer could continue to investigate the account activity further or refer the matter to someone else within the State agency, such as an auditor.

This proposed rule also would require State agencies to have a system in place to annually review a report of actual expenditures of Program funds and the amount of meal reimbursement funds retained from centers (if any) for administrative costs for all sponsoring organizations of unaffiliated centers. Under this rule, State agencies would be required to reconcile reported expenditures with Program payments to ensure funds are fully accounted for, and use the reported actual expenditures as the basis for selecting a sample of expenditures for validation. If the State agency identifies any expenditures that have the appearance of violating Program requirements, the State agency would be required to refer the sponsoring organization's account activity to the appropriate State authorities for verification as discussed above.

Accordingly, the proposed rule changes are found at §§ 226.7(b), 226.7(m) and 226.10(c).

Informal Purchase Methods

Informal purchase methods are used in conducting the procurement of services, supplies, and other property whose cost falls below the threshold established for requiring a procuring entity to formally solicit bids or proposals from suppliers. The availability of informal purchase methods for procurements under Federal awards is covered in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the ''Uniform Guidance'') published by the OMB at 2 CFR part 200 and adopted by USDA at 2 CFR part 400. The Department is proposing to update applicable program regulations at 7 CFR 226.21 and 226.22 in order to bring their procurement provisions into conformity with the government-wide and departmental pronouncements referenced above.

There are two types of informal purchase methods: small purchases and micro-purchases. These methods differ in terms of dollar thresholds below which their use is permitted, and the degree of informality that characterizes each of them. The Uniform Guidance sets the applicable dollar thresholds, which are periodically adjusted for inflation. 2 CFR 200.67 of the Uniform Guidance authorizes a program operator to use the micro-purchase method for a transaction in which the aggregate cost of the items purchased does not exceed the prescribed threshold. 2 CFR 200.67 currently sets the micro-purchase threshold at $3,500. Under section 200.88, a program operator can use the small purchase method for purchases ranging in cost from $3,501 to the simplified acquisition threshold of $150,000. As noted above, formal advertising is required for procurements above that threshold.

7 CFR 226.21 (Food service management companies) and 226.22 (Procurement standards) of the CACFP regulations currently contain procurement provisions that are inconsistent with the foregoing requirements. Specifically, they do not mention the micro-purchase threshold and set the threshold for small purchases at $10,000. The $10,000 threshold does not align with current practices and is thus obsolete.

Given the foregoing, the Department is proposing to remove the $10,000 figure and substitute language referencing the applicable passages in the Uniform Guidance. This will benefit the CACFP by expanding the availability of the informal purchase methods. It will also resolve all questions about which threshold applies, the one set by program regulations or the one(s) given in the Uniform Guidance. The Department will no longer need to update the Program regulations each time the thresholds are adjusted for inflation.

Accordingly, the proposed rule changes are found at §§ 226.21(a), 226.22(i)(1), 226.22(l)(2), and 226.22(l)(3).

The Department recognizes that the provisions in this proposed rule impact many aspects of State administration of Child Nutrition Programs. As a result, the Department will provide guidance and technical assistance to State agencies to ensure successful implementation of this regulation. USDA anticipates that the provisions under this proposed rule would be implemented 90 days following publication of the final rule, with the exception of those related to assessments against State agencies and program operators and CACFP audit funds. The provision establishing criteria for assessments against State agencies and program operators would be implemented one school year following publication of the final rule. The provision granting eligible State agencies additional CACFP audit funds will be implemented upon publication of the final rule.

IV. Procedural Matters

A. Executive Order 12866 and Executive Order 13563

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.

This proposed rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

B. Regulatory Impact Analysis Summary

As required for all rules that have been designated significant by the Office of Management and Budget, a Regulatory Impact Analysis (RIA) was developed for this proposal. A summary is presented below.

Need for Action

The proposed rule updates the regulations governing the administration of USDA's child nutrition programs in response to statutory changes made by The Healthy, Hunger-Free Kids Act of 2010.[1] These changes, as well as other discretionary changes, will help ensure proper and efficient administration of the programs, reduce misuse of program funds, improve compliance with meal patterns and nutrition standards, reduce participant certification error, improve the integrity of the procurement process, and reduce meal counting and claiming error through increased administrative review and penalties for non-compliance.

Benefits

Each of the proposed rule's provisions is intended to remedy deficiencies in the administration of USDA's child nutrition programs at the sponsor, provider, SFA, and State agency levels. The rule addresses the types of problems commonly encountered in CACFP sponsor reviews, in USDA's Targeted Management Evaluations of the CACFP, and in Coordinated Review Effort (CRE) and in School Meals Initiative (SMI) reviews of schools and school food authorities. Through the reforms outlined in the preceding sections, the rule is expected to increase the quality of program meals served to participants, as inefficiently managed funds and improper payments subvert the nutritional intent of program meals. This rule generates these benefits through the following specific actions:

- A reduction in the incidence of existing meal pattern violations, resulting in improved nutrition for program participants; and
- prompt compliance with new Federal regulations on school meal nutrition standards and nutrition standards for competitive school foods that will further improve the school nutrition environment;

and through the following specific transfers:

- An increase in Federal audit funding available to State agencies;
- a reduction in financial mismanagement that diverts Federal funds from their intended purpose of providing nutritious meals to children;
- a reduction in certification errors that will better target Federal benefits to eligible children; and
- full compliance with Sections 205 and 206 of HHFKA that prevent Federal meal reimbursements, intended primarily to provide meals to low income students, from subsidizing meals for more affluent students, and from subsidizing non-program foods.

These are the expected results of the rule's provisions, which add new requirements to existing reviews of child nutrition program sponsors, subject additional sponsors to periodic review, increase USDA and State agency authority to penalize seriously deficient sponsors and providers, and standardize the processes of termination and disqualification from program participation, all of which will contribute to an increase in the quality of program meals served to program participants.

We cannot quantify these nutritional benefits, nor can we quantify the dollar effects of the actions and transfers listed above, as we do not know the rates or magnitudes of error in the population, nor do we know the percentage of errors that will be avoided or rectified because of the implementation of these provisions. However, the size of the problem addressed by the proposed rule has been partly quantified:

- The 2014 USDA Agency Financial Report (*http://www.ocfo.usda.gov/docs/USDA%20AFR%202014-12.30.2014.pdf*) estimates that improper payments in the NSLP and the SBP due to certification error[2] and meal counting and claiming errors[3] totaled $2.67 billion ($1.75 billion in the NSLP and $923 million in the SBP) in FY 2014. Even small percentage point reductions in these improper payment amounts, which the rule's provisions can help to promote, would quickly exceed the cost of its implementation.
- The 2014 USDA Agency Financial Report estimates that improper payments in the CACFP due to mistakes by program sponsors in determining the reimbursement eligibility of family day care home providers (''tiering'' errors) totaled $10 million in FY 2014. In addition, data gathered by USDA during its 2004–2007 Child Care Assessment Project (CCAP) are suggestive of possible over-reporting of Federally reimbursable meals served by family day care home providers.[4] Estimates of the value of improper claims by CACFP centers, or by sponsors and service providers in the remaining USDA child nutrition programs, are not available.

Though the data available is limited, the estimates of improper payments in the NSLP and SBP alone indicate that the potential impact of the proposed rule is substantial.

Costs/Administrative Impact

Most of the cost of complying with the rule is associated with the additional review responsibilities placed on State administering agencies. Other State agency costs are tied to documentation, and establishing and carrying out new procedures for termination and disqualification of program sponsors, providers, and responsible individuals. Program sponsors will incur minimal additional cost to provide their State agencies with additional financial data. The primary Federal government cost, an increase in funds made available for CACFP audits, is expected to offset the additional administrative costs incurred by State agencies.

The regulatory impact analysis quantifies the impact of the three provisions in the rule that we estimate have non-negligible cost implications for the Federal government, State agencies, and/or SFAs, as well as the new reporting and recordkeeping requirements of the rule. The following table summarizes these effects.

[1] Public Law 111–296.

[2] Improper payments due to certification error include both overpayments and underpayments. Overpayments occur when children are certified for free or reduced-price meals when their household incomes exceed the thresholds for those benefits. Federal reimbursements for meals served to those children are too high. Underpayments occur when children are denied free or reduced-price benefits, and Federal reimbursements for meals served to those children are too low.

[3] These include cashier errors, when meals are identified as reimbursable when they are missing a required meal component, or when the cashier makes a mistake in identifying the child receiving the meal as free, reduced-price, or paid eligible. Counting and claiming errors also include mistakes made in totaling the number of free, reduced-price, or paid meals served when submitting claims for reimbursement.

[4] ''*Child Care Assessment Project Final Report*'', USDA Food and Nutrition Service, Child Nutrition Division, July 2009, pp. 34–36 (*http://www.fns.usda.gov/cnd/Care/Management/pdf/CCAP_Report.pdf*).

TABLE 1—SUMMARY OF ESTIMABLE ADMINISTRATIVE COSTS AND RESOURCES [5]

	Fiscal year (millions)					
	2017	2018	2019	2020	2021	Total
State agency administrative costs						
State agency sponsor reviews (CACFP)	$2.7	$2.8	$2.8	$2.9	$3.0	$14.2
State agency bank statement reviews (CACFP)	1.3	1.3	1.3	1.4	1.4	6.7
Information collection burden (reporting and recordkeeping)	0.3	0.3	0.4	0.4	0.4	1.8
Total State agency administrative costs	4.3	4.4	4.5	4.7	4.8	22.7
School Food Authority administrative costs						
SFA Information collection burden (reporting and recordkeeping)	$0.1	$0.1	$0.1	$0.1	$0.1	$0.6
Increase in Federal audit funding for State agencies (CACFP)						
Low estimate	$2.1	$2.2	$2.3	$2.4	$2.5	$11.6
Upper bound estimate	16.3	17.3	17.8	18.5	19.2	89.1

We note that the maximum available amount of additional federal audit funding for State agencies (presented as the projected upper bound estimate in Table 1) exceeds the combined estimated costs of the rule's State agency sponsor review, sponsor bank statement review, and information collection requirements.

C. Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Pursuant to that review, it has been determined that this rule will not have a significant impact on a substantial number of small entities. This rule sets forth proposed provisions to implement sections 303, 322, 331(b), 332, 335, 362, of Public Law 111–296, the HHFKA that affects the management of USDA's Child Nutrition programs. Most of the provisions included in the proposed rule increase the authority of USDA and State agencies to enforce existing program rules, and do not impose additional burden on small entities. The rule does impose some additional reporting and documentation requirements on program sponsors and providers, but we expect these costs to be very small relative to existing program requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Secretary to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This proposed rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) that would result in expenditures for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 12372

The NSLP, SBP, SAE, SMP, CACFP and SFSP are listed in the Catalog of Federal Domestic Assistance Programs under NSLP No. 10.555, SBP No. 10.553, SAE No. 10.560, SMP No. 10.556, CACFP No. 10.558, and SFSP No. 10.559, respectively and are subject to Executive Order 12372 which requires intergovernmental consultation with State and local officials (See 2 CFR chapter IV). The Child Nutrition Programs are federally funded programs administered at the State level. The Department headquarters and regional office staff engage in ongoing formal and informal discussions with State and local officials regarding program operational issues. This structure of the Child Nutrition Programs allows State and local agencies to provide feedback that forms the basis for any discretionary decisions made in this and other rules.

F. Executive Order 13132

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13121.

1. Prior Consultation With State Officials

FNS headquarters and regional offices have formal and informal discussions with State agency officials on an ongoing basis regarding the Child Nutrition Programs and policy issues. Prior to drafting this proposed rule, FNS held several conference calls and meetings with the State agencies and organizations representing local program operators, advocacy groups and State government to discuss the statutory requirements addressed in this proposed rule.

[5] Numbers shown in Table 1 may not add due to rounding.

2. Nature of Concerns and the Need To Issue This Rule

State agencies expressed concern regarding the implementation of the provisions, specifically the administrative burden that may be placed on the State agencies. State agencies also expressed concerns relating to the fiscal consequences of the state liability provision.

3. Extent to Which the Department Meets Those Concerns

FNS has considered the impact of this proposed rule on State and local operators. We have attempted to balance the goal of strengthening the integrity of the Child Nutrition Programs against the need to minimize the administrative burden placed on program operators. FNS will provide guidance and technical assistance to program operators once the final rule is published, and expects to provide on-going assistance to State and local program operators to ensure the provisions of this rulemaking are implemented efficiently and in a manner that is least burdensome.

G. Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the Effective Dates section of the final rule. Prior to any judicial challenge to the provisions of the final rule, appeal procedures in § 210.18(q), § 225.13, § 226.6(k) and § 235.11(f), of this chapter, must be exhausted.

H. Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

In the spring of 2011, FNS offered opportunities for consultation with Tribal officials or their designees to discuss the impact of the HHFKA on tribes or Indian Tribal governments. The consultation sessions were coordinated by FNS and held on the following dates and locations:

1. HHFKA Consultation Webinar & Conference Call—April 12, 2011
2. HHFKA Consultation In-Person—Rapid City, SD—March 23, 2011
3. HHFKA Consultation Webinar & Conference Call—June 22, 2011
4. Tribal Self-Governance Annual Conference In-Person Consultation in Palm Springs, CA—May 2, 2011
5. National Congress of American Indians Mid-Year Conference In-Person Consultation, Milwaukee, WI—June 14, 2011
6. FNS Quarterly Consultation Conference Call, May 2, 2012

The six consultation sessions in total provided the opportunity to address Tribal concerns related to school meals. There was only one question asked about this regulation, regarding how the NDL functions, which was explained by FNS staff during an aforementioned Tribal Consultation session. Additional comments were not received. Reports from these consultations are part of the USDA annual reporting on Tribal consultation and collaboration. FNS will respond in a timely and meaningful manner to Tribal government requests for consultation concerning this rule. Currently, FNS provides regularly scheduled quarterly consultation sessions as a venue for collaborative conversations with Tribal officials or their designees.

I. Civil Rights Impact Analysis

FNS and the Department has reviewed this proposed rule in accordance with the Departmental Regulation 4300–4, ''Civil Rights Impact Analysis,'' to identify any major civil rights impacts the rule may have on program participants on the basis of age, race, color, national origin, sex, or disability. After a careful review of the rule's intent and provisions, FNS has determined that this rule is no intended impact in any of the protected classes and is not intended to reduce a child or eligible adult's ability to participate in the National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program or Summer Food Service Program.

J. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35; see 5 CFR part 1320) requires that OMB approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. This proposed rule contains information collections that are subject to review and approval by OMB; therefore, FNS has submitted an information collection under 0584–NEW, which contains the burden information in the proposed rule for OMB's review and approval. These changes are contingent upon OMB approval under the Paperwork Reduction Act of 1995. When the information collection requirements have been approved, FNS will publish a separate action in the **Federal Register** announcing OMB's approval.

Comments on the information collection in this proposed rule must be received by May 31, 2016.

Send comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for FNS, Washington, DC 20503. Please also send a copy of your comments to, Andrea Farmer, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302. For further information, or for copies of the information collection requirements, please contact Andrea Farmer at the address indicated above. Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the Agency's functions, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the proposed information collection 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this request for comments will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Once OMB approval is obtained, FNS will merge burden hours into the currently approved National School Lunch Program, OMB Control Number 0584–0006, expiration date 2/29/2016; Child and Adult Care Food Program, OMB Control Number 0584–0055, expiration date 9/30/2016; and Summer Food Service Program for Children, OMB Control Number 0584–0280, expiration date 3/31/2016, respectfully.

Title: 7 CFR parts 210, 215, 220, 225, 226 and 235, Child Nutrition Programs Integrity Proposed Rule.

OMB Number: Not Yet Assigned.

Expiration Date: Not Yet Determined.

Type of Request: New Collection.

Abstract: This rule proposes to codify several provisions of the Healthy, Hunger-Free Kids Act of 2010 affecting the management of the Child Nutrition Programs, including the National School Lunch Program (NSLP), the Special Milk Program for Children, the School Breakfast Program, the Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP) and State Administrative Expense Funds. The Department is proposing to establish criteria for establishing assessments against State agencies and program operators who jeopardize the integrity of any Child Nutrition Program; eliminate cost-reimbursement food service management company contracts in the NSLP; establish procurement training requirements for State agency and school food authority staff in the NSLP, establish procedures for termination and disqualification in the SFSP; modify State agency site review requirements in the CACFP; establish State liability for reimbursements incurred as a result of a State's failure to conduct a timely hearing in the CACFP; establish criteria for an increase in State audit funding; establish procedures to prohibit the participation of entities or individuals terminated from any of the Child Nutrition Programs; and establish serious deficiency and termination procedures for sponsored centers in the CACFP. In addition, this rule would make several operational changes to improve oversight of an institution's financial management and would also include several technical corrections. The proposed rule is intended to improve the integrity of all Child Nutrition Programs. The average burden per response and the annual burden hours for reporting and recordkeeping are explained below and summarized in the charts which follow.

CACFP—7 CFR Part 226

Affected Public: State Agencies.

Estimated Number of Respondents: 54.

Estimated Number of Responses per Respondent: 39.29.

Estimated Total Annual Responses: 2,122.

Estimated Time per Response: 2.4345.

Estimated Total Annual Burden: 5,166.

Refer to the table below for estimated total annual burden.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
Reporting					
State Agencies	54	13.15	710	4.095	2,907.5
Recordkeeping					
State Agencies	54	26.15	1,412	1.5995	2,258.5
Total of Reporting and Recordkeeping CACFP					
Reporting	54	13.15	710	4.095	2,907.5
Recordkeeping	54	26.15	1,412	1.5995	2,258.5
Total	54	39.29	2,122	2.435	5,166

With OMB Approval, 0584–NEW CACFP burden will be merged to OMB Control Number 0584–0055.

SFSP—7 CFR Part 225

Affected Public: State Agencies.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 21.

Estimated Total Annual Responses: 1,113.

Estimate Time per Response: 6.214.

Estimated Total Annual Burden: 6,916.5.

Refer to the table below for estimated total annual burden.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
Reporting					
State Agencies	53	20	1,060	6.5	6,890
Recordkeeping					
State Agencies	53	1	53	.5	26.5
Total of Reporting and Recordkeeping SFSP					
Reporting	53	20	1,060	6.5	6,890
Recordkeeping	53	1	53	.5	26.5
Total	53	21	1,113	6.214	6,916.5

With OMB Approval, 0584–NEW SFSP burden will be merged to OMB Control Number 0584–0280.

NSLP—7 CFR Part 21

Affected Public: State Agencies and School Food Authorities.

Estimated Number of Respondents: 20,914.

Estimated Number of Responses per Respondent: 2.0054.

Estimated Total Annual Responses: 41,940.

Estimate Time per Response: .25.

Estimated Total Annual Burden: 10,485.

Refer to the table below for estimated total annual burden.

Affected public	Estimated number of respondents	Number of responses per respondent	Total annual responses	Estimated total hours per response	Estimated total burden
Reporting					
State Agencies	0	0	0	0	0
Recordkeeping					
State Agencies	56	1	56	.25	14
School Food Authorities	19,822	1	19,878	.20	3,964.4
Total of Reporting and Recordkeeping NSLP					
Reporting *	0	0	0	0	0
Recordkeeping	19,878	1	19,878	.20	3,978.4
Total	19,878	1	19,878	.2	3,978

* There is no reporting burden associated with procurement training requirements for State agency and SFA staff in the NSLP. With OMB Approval, 0584–NEW NSLP burden will be merged to OMB Control Number 0584–0006.

K. E-Government Act Compliance

The Food and Nutrition Service 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.

List of Subjects

7 CFR Part 210

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Grant programs—education, Grant programs—health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Labeling, Reporting.

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, American Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 235

Administrative practice and procedure, Food assistance programs, Grant programs—education, Grant programs—health, Infants and children, Reporting and recordkeeping requirements, School breakfast and lunch programs.

Accordingly, 7 CFR parts 210, 215, 220, 225, 226, and 235 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. In § 210.9, add paragraph (d) to read as follows:

§ 210.9 Agreement with State agency.

* * * * *

(d) *Terminations or disqualifications.* (1) *General.* The State agency may not approve any school food authority or school to participate in or administer the Program if the school food authority, school, or its officials:

(i) Have been terminated for cause from any program authorized under this part or parts 215, 220, 225 and 226 of this chapter; or

(ii) Are currently included on the National disqualified lists under §§ 225.11 or 226.6 of this chapter.

(2) *Duration.* State agencies must ensure that school food authorities or schools described in paragraph (d)(1) of this section do not participate in or administer the Program until the State agency, in consultation with FNS, determines that the deficiency(ies) has(ve) been corrected, or until seven years have elapsed since they were terminated or disqualified. However, if a school food authority, school or official has failed to repay debts owed under the Program, they will remain ineligible until the debt has been repaid.

(3) *State actions.* The State agency's decision not to approve a school food authority or school to participate in or administer the Program as required by paragraph (d)(1) of this section is final and not subject to further administrative or judicial review. For school food authorities and schools currently administering the Program, the State agency must suspend or terminate the Program in accordance with the procedures set forth in § 210.25.

(4) *Process for identifying terminations and disqualifications.* State agencies must develop a process to

share information on school food authorities, schools and individuals not approved to administer or participate in the programs as described under paragraph (d)(1) of this section. The process must be approved by the Food and Nutrition Service Regional Office (FNSRO) and must ensure the State agency works closely with any other State agency within the State administering the programs under parts 215, 220, 225 226, 246 and 248 of this chapter to ensure information is shared for program purposes and on a timely basis.

■ 3. In § 210.15, add paragraph (b)(8) to read as follows:

§ 210.15 Reporting and recordkeeping.

* * * * *

(b) * * *

(8) Records to document compliance with the procurement training requirements under § 210.21(h).

■ 4. In § 210.16, revise paragraph (c) introductory text and add paragraph (c)(4) to read as follows:

§ 210.16 Food service management companies.

* * * * *

(c) *Contracts.* Contracts that permit all income and expenses to accrue to the food service management company, ''cost-plus-a-percentage-of-cost,'' ''cost-plus-a-percentage-of-income,'' and ''cost-reimbursable'' contracts are prohibited. Contracts that provide for fixed-fees such as those that provide for management fees established on a per meal basis are allowed. Only fixed-price contracts, such as contracts that provide a per meal and/or management fees established on a per meal basis, either with or without economic price adjustments tied to a standard index, are allowed. Contractual agreements with food service management companies shall include provisions which ensure that the requirements of this section are met. Such agreements must also include the following:

* * * * *

(4) Provisions in 7 CFR part 250, subpart D must be included to ensure the value of donated foods, *i.e.,* USDA Foods are credited to the nonprofit school food service account.

■ 5. In § 210.18, revise paragraph (q) introductory text and paragraph (q)(1) introductory text to read as follows:

§ 210.18 Administrative reviews.

* * * * *

(q) *School food authority appeal of State agency findings.* Except for FNS-conducted reviews authorized under § 210.29(d)(2), each State agency shall establish an appeal procedure to be followed by a school food authority requesting a review of a denial of all or a part of the Claim for Reimbursement, withholding payment arising from administrative or follow-up review activity conducted by the State agency under § 210.18, or assessments established under § 210.26. State agencies may use their own appeal procedures provided the same procedures are applied to all appellants in the State and the procedures meet the following requirements: Appellants are assured of a fair and impartial hearing before an independent official at which they may be represented by legal counsel; decisions are rendered in a timely manner not to exceed 120 days from the date of the receipt of the request for review; appellants are afforded the right to either a review of the record with the right to file written information, or a hearing which they may attend in person; and adequate notice is given of the time, date, place and procedures of the hearing. If the State agency has not established its own appeal procedures or the procedures do not meet the above listed criteria, the State agency shall observe the following procedures at a minimum:

(1) The written request for a review shall be postmarked within 15 calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement, withholding of payment, or assessments established under § 210.26, and the State agency shall acknowledge the receipt of the request for appeal within 10 calendar days;

* * * * *

§ 210.19 [Amended]

■ 6. In § 210.19: Amend paragraph (a)(5) by adding the phrase ''and approve'' after the words ''annually review'' in the first sentence.

■ 7. In § 210.20, add paragraph (b)(16) to read as follows:

§ 210.20 Reporting and recordkeeping.

* * * * *

(b) * * *

(16) Records to document compliance with the procurement training requirements under § 210.21(h).

■ 8. In § 210.21, add paragraph (h) to read as follows:

§ 210.21 Procurement.

* * * * *

(h) *Procurement training.* State agency and school food authority staff tasked with procurement responsibilities shall successfully complete annual training in procurement standards including but not limited to the procurement process generally, government-wide Federal procurement requirements, competitive procurements, the Buy American provision, State agency and school food authority responsibilities in regard to food service management company contracts and all contract changes, USDA Foods, intergovernmental cooperation, geographic preference, protests, and ethics in accordance with § 210.21(a). State agencies and school food authorities must retain records to document compliance with the procurement training requirements in this paragraph.

■ 9. Revise § 210.26 to read as follows:

§ 210.26 Penalties and assessments.

(a) *Penalties.* Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property provided under this part whether received directly or indirectly from the Department shall, if such funds, assets, or property are of a value of $100 or more, be fined no more than $25,000 or imprisoned not more than 5 years or both; or if such funds, assets, or property are of a value of less than $100, be fined not more than $1,000 or imprisoned not more than 1 year or both. Whoever receives, conceals, or retains for personal use or gain, funds, assets, or property provided under this part, whether received directly or indirectly from the Department, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be subject to the same penalties.

(b) *Assessments.*

(1) The State agency may establish an assessment against any school food authority when it has determined that the school food authority or school under its agreement has:

(i) Failed to correct severe mismanagement of the Program;

(ii) Disregarded a Program requirement of which the school food authority or school had been informed; or

(iii) Failed to correct repeated violations of Program requirements.

(2) FNS may direct the State agency to establish an assessment against any school food authority when it has determined that the school food authority or school meets the criteria set forth under paragraph (b)(1) of this section.

(3) Funds used to pay assessments established under this paragraph must be derived from non-federal sources. In calculating an assessment, the State agency must base the amount of the assessment on the reimbursement earned by the school food authority or school for this Program for the most recent fiscal year for which closeout

data are available, provided that the assessment does not exceed the equivalent of:

(i) For the first assessment, 1 percent of the amount of meal reimbursement earned for the fiscal year;

(ii) For the second assessment, 5 percent of the amount of meal reimbursement earned for the fiscal year; and

(iii) For the third or subsequent assessment, 10 percent of the amount of meal reimbursement earned for the fiscal year.

(4) The State agency must inform the FNSRO at least 30 days prior to establishing the assessment under this paragraph. The State agency must send the school food authority written notification of the assessment established under this paragraph and provide a copy of the notification to the FNSRO. The notification must:

(i) Specify the violations or actions which constitute the basis for the assessment and indicate the amount of the assessment;

(ii) Inform the school food authority that it may appeal the assessment and advise the school food authority of the appeal procedures established under § 210.18(q);

(iii) Indicate the effective date and payment procedures should the school food authority not exercise its right to appeal within the specified timeframe.

(5) Any school food authority subject to an assessment under paragraph (b)(1) of this section may appeal the State agency's determination. In appealing an assessment, the school food authority must submit to the State agency any pertinent information, explanation, or evidence addressing the Program violations identified by the State agency. Any school food authority seeking to appeal the State agency determination must follow State agency appeal procedures.

(6) The decision of the State agency review official is final and not subject to further administrative or judicial review. Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

(7) Money received by the State agency as a result of an assessment established under this paragraph against a school food authority and any interest charged in the collection of these assessments must be remitted to FNS.

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

■ 10. The authority citation for part 215 continues to read as follows:

Authority: 42 U.S.C. 1772 and 1779.

■ 11. In § 215.7, add paragraph (g) to read as follows:

§ 215.7 Requirements for participation.

* * * * *

(g) *Terminations or disqualifications.*

(1) *General.* The State agency may not approve any school food authority, school or child care institution to participate in or administer the Program if the school food authority, school, child care institution or its officials:

(i) Have been terminated for cause from any program authorized under this part or parts 210, 220, 225 and 226 of this chapter; or

(ii) Are currently included on the National disqualified lists under §§ 225.11 or 226.6 of this chapter.

(2) *Duration.* State agencies must ensure that school food authorities, schools or child care institutions described in paragraph (g)(1) of this section do not participate in or administer the Program until the State agency, in consultation with FNS, determines that the deficiency(ies) has(ve) been corrected, or until seven years have elapsed since they were terminated or disqualified. However, if a school food authority, school, child care institution or official has failed to repay debts owed under the Program, they will remain ineligible until the debt has been repaid.

(3) *State actions.* The State agency's decision not to approve a school food authority, school or child care institution to participate in or administer the Program as required by paragraph (g)(1) of this section is final and not subject to further administrative or judicial review. For school food authorities, schools and child care institutions currently administering the Program, the State agency must suspend or terminate the Program in accordance with the procedures set forth in § 215.16.

(4) *Process for identifying terminations and disqualifications.* State agencies must develop a process to share information on school food authorities, schools, child care institutions and individuals not approved to administer or participate in the programs as described under paragraph (g)(1) of this section. The process must be approved by the FNSRO and must ensure the State agency works closely with any other State agency within the State administering the programs under parts 210, 220, 225, 226, 246 and 248 of this chapter to ensure information is shared for program purposes and on a timely basis.

■ 12. Revise § 215.15 to read as follows:

§ 215.15 Withholding payments and establishing assessments.

(a) *Withholding payments.* In accordance with OMB regulations at 2 CFR part 200.338 (Remedies for noncompliance), implemented by Departmental regulations at 2 CFR part 400, the State agency may withhold Program payments in whole or in part, to any school food authority which has failed to comply with the provisions of this part. Program payments shall be withheld until the school food authority takes corrective action satisfactory to the State agency, or gives evidence that such corrective actions will be taken, or until the State agency terminates the grant in accordance with § 215.16. Subsequent to the State agency's acceptance of the corrective actions, payments will be released for any milk served in accordance with the provisions of this part during the period the payments were withheld.

(b) *Assessments.* (1) The State agency may establish an assessment against any school food authority, school under its agreement, or child care institution when it has determined that the school food authority or child care institution has:

(i) Failed to correct severe mismanagement of the Program;

(ii) Disregarded a Program requirement of which the school food authority, school, or child care institution had been informed; or

(iii) Failed to correct repeated violations of Program requirements.

(2) FNS may direct the State agency to establish an assessment against any school food authority or child care institution when it has determined that the school food authority, school, or child care institution has committed one or more acts the under paragraph (b)(1) of this section.

(3) Funds used to pay an assessment established under this paragraph must be derived from non-federal sources. In calculating an assessment, the State agency must base the amount of the assessment on the reimbursement earned by the school food authority, school, or child care institution for this Program for the most recent fiscal year for which closeout data are available, provided that the assessment does not exceed the equivalent of:

(i) For the first assessment, 1 percent of the amount of reimbursement earned for the fiscal year;

(ii) For the second assessment, 5 percent of the amount of reimbursement earned for the fiscal year; and

(iii) For the third or subsequent assessment, 10 percent of the amount of reimbursement earned for the fiscal year.

(4) The State agency must inform the FNSRO at least 30 days prior to establishing an assessment under this paragraph. The State agency must send the school food authority or child care institution written notification of the assessment established under this paragraph and provide a copy of the notification to the FNSRO. The notification must:

(i) Specify the violations or actions which constitute the basis for the assessment and indicate the amount of the assessment;

(ii) Inform the school food authority or child care institution that it may appeal the assessment and advise the school food authority or child care institution of the appeal procedures established under § 210.18(q) of this chapter;

(iii) Indicate the effective date and payment procedures should the school food authority or child care institution not exercise its right to appeal within the specified timeframe.

(5) Any school food authority or child care institution subject to an assessment under paragraph (b)(1) of this section may appeal the State agency's determination. In appealing an assessment, the school food authority or child care institution must submit to the State agency any pertinent information, explanation, or evidence addressing the Program violations identified by the State agency. Any school food authority or child care institution seeking to appeal the State agency determination must follow State agency appeal procedures.

(6) The decision of the State agency review official is final and not subject to further administrative or judicial review. Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

(7) Money received by the State agency as a result of an assessment established under this paragraph against a school food authority and any interest charged in the collection of these assessments must be remitted to FNS.

PART 220—SCHOOL BREAKFAST PROGRAM

■ 13. The authority citation for part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

■ 14. In § 220.7, add paragraph (h) to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(h) *Terminations or disqualifications.*

(1) *General.* The State agency may not approve any school food authority or school to participate in or administer the Program if the school food authority, school or its officials:

(i) Have been terminated for cause from any program authorized under this part or parts 210, 215, 225 and 226 of this chapter; or

(ii) Are currently included on the National disqualified lists under §§ 225.11 or 226.6 of this chapter.

(2) *Duration.* State agencies must ensure that school food authorities or schools described in paragraph (h)(1) of this section do not participate in or administer the Program until the State agency, in consultation with FNS, determines that the deficiency(ies) has(ve) been corrected, or until seven years have elapsed since they were terminated or disqualified. However, if a school food authority, school or official has failed to repay debts owed under the Program, they will remain ineligible until the debt has been repaid.

(3) *State actions.* The State agency's decision not to approve a school food authority or school to participate in or administer the Program as required by paragraph (h)(1) of this section is final and not subject to further administrative or judicial review. For school food authorities and schools administering the Program, the State agency must suspend or terminate the Program in accordance with the procedures set forth in § 220.19.

(4) *Process for identifying terminations and disqualifications.* State agencies must develop a process to share information on school food authorities, schools and individuals not approved to administer or participate in the programs as described under paragraph (h)(1) of this section. The process must be approved by the FNSRO and must ensure the State agency works closely with any other State agency within the State administering the programs under parts 210, 215, 225, 226, 246 and 248 of this chapter to ensure information is shared for program purposes and on a timely basis.

■ 15. Revise § 220.18 to read as follows:

§ 220.18 Withholding payments and assessments.

(a) *Withholding payments.* In accordance with Departmental regulations 2 CFR part 400, the State agency may withhold Program payments, in whole or in part, to any school food authority which has failed to comply with the provisions of this part. Program payments shall be withheld until the school food authority takes corrective action satisfactory to the State agency, or gives evidence that such corrective actions will be taken, or until the State agency terminates the grant in accordance with § 220.19. Subsequent to the State agency's acceptance of the corrective actions, payments will be released for any breakfasts served in accordance with the provisions of this part during the period the payments were withheld.

(b) *Assessments.* (1) The State agency may establish an assessment against any school food authority or school under its agreement when it has determined that the school food authority has:

(i) Failed to correct severe mismanagement of the Program;

(ii) Disregarded a Program requirement of which the school food authority or school had been informed; or

(iii) Failed to correct repeated violations of Program requirements.

(2) FNS may direct the State agency to establish an assessment against any school food authority when it has determined that the school food authority or school has committed one or more acts the under paragraph (b)(1) of this section.

(3) Funds used to pay an assessment established under this paragraph must be derived from non-federal sources. In calculating an assessment, the State agency must base the amount of the assessment on the reimbursement earned by the school food authority or school for this Program for the most recent fiscal year for which closeout data are available, provided that the assessment does not exceed the equivalent of:

(i) For the first assessment, 1 percent of the amount of meal reimbursement earned for the fiscal year;

(ii) For the second assessment, 5 percent of the amount of meal reimbursement earned for the fiscal year; and

(iii) For the third or subsequent assessment, 10 percent of the amount of meal reimbursement earned for the fiscal year.

(4) The State agency must inform the FNSRO at least 30 days prior to establishing an assessment under this paragraph. The State agency must send the school food authority written notification of the assessment established under this paragraph and provide a copy of the notification to the FNSRO. The notification must:

(i) Specify the violations or actions which constitute the basis for the assessment and indicate the amount of the assessment;

(ii) Inform the school food authority that it may appeal the assessment and advise the school food authority of the appeal procedures established under § 210.18(q) of this chapter;

(iii) Indicate the effective date and payment procedures should the school food authority not exercise its right to appeal within the specified timeframe.

(5) Any school food authority subject to an assessment under paragraph (b)(1) of this section may appeal the State agency's determination. In appealing an assessment, the school food authority must submit to the State agency any pertinent information, explanation, or evidence addressing the Program violations identified by the State agency. Any school food authority seeking to appeal the State agency determination must follow State agency appeal procedures.

(6) The decision of the State agency review official is final and not subject to further administrative or judicial review. Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

(7) Money received by the State agency as a result of an assessment established under this paragraph against a school food authority and any interest charged in the collection of these assessments must be remitted to FNS.

PART 225—SUMMER FOOD SERVICE PROGRAM

■ 16. The authority citation for part 225 continues to read as follows:

Authority: Secs. 9, 13, and 14, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a).

■ 17. In § 225.2, add new definitions ''*Administrative review*'', ''*Administrative review official*'', ''*National disqualified list*'', ''*Responsible principal or responsible individual*'', ''*Seriously deficient*'' and ''*State agency list*'' in alphabetical order to read as follows:

§ 225.2 Definitions.

* * * * *

Administrative review means the fair hearing provided upon request to:

(a) A sponsor that has been given notice by the State agency of any action that will affect their participation or reimbursement under the Program, in accordance with § 225.13; and

(b) A principal or individual responsible for a sponsor's serious deficiency after the responsible principal or responsible individual has been given a notice of intent to disqualify them from the Program.

Administrative review official means the independent and impartial official who conducts the administrative review held in accordance with § 225.13.

* * * * *

National disqualified list means the list, maintained by the Department, of sponsors, responsible principals, and responsible individuals disqualified from participation in the Program.

* * * * *

Responsible principal or responsible individual means:

(a) A principal, whether compensated or uncompensated, who the State agency or FNS determines to be responsible for a sponsor's serious deficiency;

(b) Any other individual employed by, or under contract with, a sponsor who the State agency or FNS determines to be responsible for the sponsor's serious deficiency; or

(c) An individual not compensated by the sponsor who the State agency or FNS determines to be responsible for a sponsor's serious deficiency.

* * * * *

Seriously deficient means the status of a sponsor that has been determined to be non-compliant in one or more aspects of its operation of the Program; such noncompliance is also referred to as a serious deficiency.

* * * * *

State agency list means an actual paper or electronic list, or the retrievable paper records, maintained by the State agency, which includes a synopsis of information concerning seriously deficient sponsors in that State. The list must be made available to FNS upon request, and must include the following information:

(a) Sponsors determined to be seriously deficient by the State agency, including the names and mailing addresses of the sponsors, the basis for each serious deficiency determination, and the status of the sponsors as they move through the possible subsequent stages of corrective action, agreement termination, and/or disqualification, as applicable;

(b) Responsible principals and responsible individuals determined by the State agency to be associated with the serious deficiency, including their full legal names, and any other names previously used, mailing addresses, and dates of birth.

* * * * *

■ 18. In § 225.5, add paragraph (g) to read as follows:

§ 225.5 Payments to State agencies and use of Program funds.

* * * * *

(g) FNS may establish an assessment against any State agency administering the Program, consistent with the provisions set forth in § 235.11(c) of this chapter.

■ 19. In § 225.6,

■ a. Revise paragraph (b)(9);

■ b. Add paragraph (b)(12);

■ c. Amend paragraph (c)(1) by revising the third sentence;

■ d. Add paragraph (c)(2)(ii)(E);

■ e. Add paragraph (c)(3)(ii)(D);

■ f. Add paragraph (d)(1)(v);

■ g. Revise paragraph (e) introductory text;

The revisions and additions read as follows:

§ 225.6 State agency responsibilities.

* * * * *

(b) * * *

(9) The State agency shall not approve the application of any applicant sponsor identifiable through its organization or principals as a sponsor which has been determined to be seriously deficient as described in § 225.11(c). However, the State agency may approve the application of a sponsor which has been determined to be seriously deficient in prior years in accordance with this paragraph if the applicant demonstrates to the satisfaction of the State agency that it has taken appropriate corrective actions to prevent recurrence of the deficiencies. The State agency must develop policies and procedures to confirm that serious deficiencies have been fully and permanently corrected. This confirmation must address the circumstances that led to the serious deficiency, the responsible parties, the timeframe for corrective action and policies and/or procedures that are in place to avoid recurrence of the serious deficiency within the same Program year or in subsequent Program years.

* * * * *

(12) *Terminations or disqualifications.*

(i) *General.* The State agency may not approve any sponsor or site to participate in or administer the Program if the sponsor, site or its responsible principals or individuals:

(A) Have been terminated for cause from any program authorized under this part, parts 210, 215, 220, or 226 of this chapter; or

(B) Are currently included on the National disqualified lists under this part or § 226.6 of this chapter.

(ii) *Duration.* State agencies must ensure that sponsor or sites described in paragraph (b)(12)(i) of this section do not participate in or administer the Program until the State agency, in consultation with FNS, determines that the deficiency(ies) has(ve) been corrected, or until seven years have elapsed since they were terminated or disqualified. However, if a sponsor, site or its responsible principals or individuals has failed to repay debts owed under the Program, they will

remain ineligible until the debt has been repaid.

(iii) *State actions.* The State agency's decision not to approve a sponsor or site to participate in or administer the Program as required by paragraph (b)(12)(i) of this section is final and not subject to further administrative or judicial review.

(c) * * *

(1) * * * The State agency may use the application form developed by FNS, or it may develop an application form, for use in the Program; provided that such form requests the full legal name, any previously used names; mailing address; date of birth of the sponsor's principals which includes the Executive Director and Chairman of the Board; and the sponsor's Federal Employer Identification Number (FEIN) and/or Dun and Bradstreet Data Universal Numbering System (DUNS) number.

* * *

(2) * * *

(ii) * * *

(E) Sponsors must submit a certification of the following information:

(*1*) That all information on the application is true and correct;

(*2*) That serious deficiencies identified during the previous year have been fully and permanently corrected;

(*3*) That the sponsor, sites under its jurisdiction or any responsible principals have not been terminated for cause from any program authorized under this part, parts 210, 215 220, and 226 of this chapter during the past seven years or are not currently included on the National disqualified lists under this part or § 226.6 of this chapter. Or, if the sponsor has been terminated for cause from any program authorized under this part, parts 210, 215 220, and 226 of this chapter during the past seven years, the sponsor has been reinstated in, or determined eligible for, that program, including the payment of any debts owed; and

(*4*) That the sponsor, sites under its jurisdiction or any responsible principals have not been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency.

(3) * * *

(ii) * * *

(D) Certification that all information on the application is true and correct.

* * * * *

(d) * * *

(1) * * *

(v) The site and its responsible individuals are not currently on the National disqualified lists under this part or 226.6 of this chapter and have not been terminated for cause from any program authorized under this part, parts 210, 215, and 220 of this chapter as specified in § 225.6(b)(12).

* * * * *

(e) *State-Sponsor Agreement.* A sponsor approved for participation in the Program must enter into a permanent written agreement with the State agency. The existence of a valid permanent agreement does not limit the State agency's ability to terminate the agreement, as provided under § 225.11(g). The State agency must terminate the sponsor's agreement whenever a sponsor's participation in the Program ends. The State agency must terminate the agreement for cause under § 225.6(b)(12)(i), or if the sponsor or its responsible principal or responsible individual are on the National disqualified lists under this part or § 226.6 of this chapter, as required under § 225.11(i). The State agency or sponsor may terminate the agreement at its convenience for considerations unrelated to the institution's performance of Program responsibilities under the agreement. All sponsors must agree in writing to:

* * *

* * * * *

■ 20. Revise § 225.11 to read as follows:

§ 225.11 Administrative actions for program violations.

(a) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. The State agency shall maintain on file all evidence relating to such investigations and actions. The State agency shall inform the appropriate FNSRO of any suspected fraud or criminal abuse in the Program which would result in a loss or misuse of Federal funds. The Department may make investigations at the request of the State agency, or where the Department determines investigations are appropriate.

(b) *Meal disallowances.* (1) If the State agency determines that a sponsor has failed to plan, prepare, or order meals with the objective of providing only one meal per child at each meal service at a site, the State agency shall disallow the number of children's meals prepared or ordered in excess of the number of children served.

(2) If the State agency observes meal service violations during the conduct of a site review, the State agency shall disallow all of the meals observed to be in violation.

(3) The State agency shall also disallow children's meals which are in excess of a site's approved level established under § 225.6(d)(2).

(c) *List of serious deficiencies.* The list of serious deficiencies is not identical for each category of sponsor (new, renewing, participating) because the type of information likely to be available to the State agency is different, depending on whether the State agency is reviewing a new or renewing sponsor's application or is conducting a review of a participating sponsor. The State agency shall afford a sponsor an opportunity not greater than 10 days, unless approved by the FNSRO, to correct problems before terminating the sponsor for being seriously deficient. Serious deficiencies which are not fully and permanently corrected will result in the sponsor's termination from the program. Serious deficiencies which are grounds for termination or disapproval of application include, but are not limited to, any of the following:

(1) Noncompliance with the applicable bid procedures and contract requirements of Federal child nutrition program regulations;

(2) The submission of false information to the State agency, including but not limited to a determination that the sponsor has concealed a conviction for any activity that occurred during the past seven years and that indicates a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency;

(3) Failure to return to the State agency any start-up or advance payments which exceeded the amount earned for serving meals in accordance with this part, or failure to submit all claims for reimbursement in any prior year, provided that failure to return any advance payments for months for which claims for reimbursement are under dispute from any prior year shall not be grounds for disapproval in accordance with this paragraph;

(4) Significant number of Program violations at a site, or Program

violations at a significant proportion of the sponsor's sites. Such violations include, but are not limited to, the following:

(i) Noncompliance with the meal service requirements;

(ii) Failure to maintain adequate records;

(iii) Failure to adjust meal orders to conform to variations in the number of participating children;

(iv) The simultaneous service of more than one meal to any child;

(v) The claiming of Program payments for meals not served to participating children;

(vi) Service of a significant number of meals which did not include required quantities of all meal components;

(vii) Excessive instances of off-site meal consumption; and

(viii) Continued use of food service management companies that are in violation of health codes.

(5) Termination or disqualification from another Child Nutrition Program, in accordance with § 225.6(b)(12)(i); and

(6) Any action affecting the sponsor's ability to administer the Program in accordance with Program requirements.

(d) *Serious deficiency procedures.* (1) If the State agency determines that a sponsor has committed one or more serious deficiencies listed in paragraph (c) of this section, the State agency must declare the sponsor to be seriously deficient.

(2) If the State agency determines that a responsible principal or individual has committed one or more serious deficiencies listed in paragraph (c) of this section, the State agency must declare the responsible principal or individual to be seriously deficient.

(3) If the State agency holds an agreement with a sponsor whose principal FNS determines to be seriously deficient and subsequently disqualified, the State agency must determine the sponsor to be seriously deficient and initiate action to terminate and disqualify the sponsor. The State agency must initiate these actions no later than 10 days after the date of the principal's disqualification by FNS.

(4) If the State agency determines a sponsor, responsible principal or individual to be seriously deficient, the State agency must notify the sponsor's Executive Director and Chairman of the Board of Directors. The notice must identify the responsible principals and responsible individuals (*e.g.,* for new sponsor, the person who signed the application) and must be sent to those persons as well. The State agency may specify in the notice different corrective action, and time periods for completing the corrective action for the sponsor, the responsible principals and responsible individuals. The notice must also specify:

(i) The serious deficiency(ies);

(ii) The actions to be taken to correct the serious deficiency(ies);

(iii) The time allotted to correct the serious deficiency(ies);

(iv) That the serious deficiency determination is not subject to administrative review;

(v) For new sponsors, that failure to fully and permanently correct the serious deficiency(ies) within the allotted time will result in either the denial of a new sponsor's application and the disqualification of the sponsor and the responsible principals and responsible individuals;

(vi) For renewing and participating sponsors, that failure to fully and permanently correct the serious deficiency(ies) within the allotted time will result in the State agency's denial of the renewing sponsor's application, the termination of the sponsor's agreement, and the disqualification of the sponsor and the responsible principals and responsible individuals;

(vii) That the State agency will not pay any claims for reimbursement or allowable administrative expenses incurred until the State agency has approved any sponsor's application and the sponsor has signed a Program agreement;

(viii) For renewing and participating sponsors, that the sponsor's withdrawal of its application, after having been notified that it is seriously deficient, will still result in the sponsor's formal termination by the State agency and placement of the sponsor and its responsible principals and individuals on the National disqualified list;

(ix) That, if the sponsor voluntarily terminates its agreement after receiving the notice of serious deficiency, the sponsor and the responsible principals and responsible individuals will be disqualified; and

(x) That, if the State agency does not possess the date of birth for any individual named as a ''responsible principal or individual'' in the serious deficiency notice, the submission of that person's date of birth is a condition of corrective action for the sponsor and/or individual.

(5) *State agency list.* At the same time the notice is issued, the State agency must add the sponsor, responsible principals and/or individuals to the State agency list, indicate that the notice of serious deficiency(ies) has(ve) been issued, include the basis for the serious deficiency determination, and provide a copy of the notice to the appropriate FNSRO.

(e) *Corrective action procedures.* (1) Whenever the State agency observes violations during the course of a site review, it shall require the sponsor to take corrective action within 10 days, unless approved by the FNSRO. If the State agency finds a high level of meal service violations, the State agency shall require a specific immediate corrective action plan to be followed by the sponsor and shall either conduct a follow-up visit or in some other manner verify that the specified corrective action has been taken.

(2) For serious deficiencies requiring the long-term revision of management systems or processes, the corrective action must be approved by the FNSRO and must include milestones and a definite completion date that the State agency will monitor. The determination of serious deficiency will remain in effect until the State agency determines that the serious deficiency(ies) has(ve) been fully and permanently corrected within the allotted time.

(3) At the same time the notice of serious deficiency is issued, the State agency must also update the State agency list to indicate that the corrective action plan has been issued and provide a copy of the corrective action plan to the appropriate FNSRO.

(f) *Successful corrective action.* If corrective action has been taken to fully and permanently correct the serious deficiency(ies) within the allotted time and to the State agency's satisfaction, the State agency must:

(1) Notify the sponsor's Executive Director and Chairman of the Board of Directors, and the responsible principals and responsible individuals, that the State agency has temporarily deferred its serious deficiency determination; and

(2) Offer the new or renewing sponsor the opportunity to resubmit its application. If the new or renewing sponsor resubmits its application, the State agency must complete its review of the application within 30 days after receiving a complete and correct application.

(3) If corrective action is complete for the sponsor but not for all of the responsible principals and responsible individuals (or vice versa), the State agency must continue with the actions against the remaining parties;

(4) At the same time the notice is issued as required under paragraph (f)(1), the State agency must also update the State agency list to indicate that the serious deficiency(ies) has(ve) been corrected and provide a copy of the notice to the appropriate FNSRO; and

(5) If the State agency initially determines that the sponsor's corrective

action is complete, but later determines that the serious deficiency(ies) has recurred, the State agency must move immediately to issue a notice of termination and proposed disqualification, in accordance with paragraph (g) of this section.

(g) *Termination procedures.* (1) If corrective action is not taken to fully and permanently correct the serious deficiency(ies) within the timeframe established in paragraph (e)(1) of this section, the State agency must immediately terminate the sponsor's agreement.

(2) The State agency shall terminate the participation of a sponsor's site if the site or sponsor fails to take action to correct the Program violations noted in a State agency review report within the timeframes established by the corrective action plan.

(3) The State agency shall immediately terminate the participation of a sponsor's site if during a review it determines that the health or safety of the participating children is imminently threatened.

(4) If the site is vended, the State agency shall within 48 hours notify the food service management company providing meals to the site of the site's termination.

(5) If the State agency holds an agreement with a sponsor that FNS determines to be seriously deficient and subsequently disqualifies, the State agency must terminate the institution's agreement effective no later than 10 days after the date of the sponsor's disqualification by FNS. As noted in § 225.13(f)(4), the disqualification is not subject to administrative review. At the same time the notice of disqualification is issued, the State agency must add the sponsor to the State agency list and provide a copy of the notice to the appropriate FNSRO.

(6) If the State agency holds an agreement with a sponsor operating in more than one State that another State determines to be seriously deficient and subsequently disqualifies, the State agency must terminate the institution's agreement effective no later than 10 days after the date of the sponsor's disqualification by FNS. As noted in § 225.13(f)(4), the disqualification is not subject to administrative review. At the same time the notice of disqualification is issued, the State agency must add the sponsor to the State agency list and provide a copy of the notice to the appropriate FNSRO.

(7) If the State agency terminates the sponsor's agreement for cause, the State agency must notify the sponsor's Executive Director and Chairman of the Board of Directors, and the responsible principals and responsible individuals, of the termination and disqualification. At the same time the notice is issued, the State agency also must update the State agency list and provide a copy of the notice to the appropriate FNSRO. The notice also must specify:

(i) That the State agency is terminating the sponsor's agreement and will disqualify the sponsor and the responsible principals and responsible individuals;

(ii) The basis for the actions; and

(iii) The procedures for seeking an administrative review of the application denial and/or termination as provided in § 225.13.

(8) If this action results in children not receiving meals under the Program, the State agency shall make reasonable effort to locate another source of meal service for these children.

(h) *Disqualification procedures.* (1) When the time for requesting an administrative review expires or when the administrative review official upholds the State agency's denial of the sponsor's application or termination, the State agency must notify the sponsor's Executive Director and Chairman of the Board of Directors, and the responsible principals and responsible individuals that the sponsor and the responsible principal and responsible individuals have been disqualified.

(2) At the same time the notice of disqualification is issued, the State agency must update the State agency list. The State agency must provide a copy of the notice and the mailing address and date of birth for each responsible principal and responsible individual to the appropriate FNSRO to place the sponsor, responsible principal and/or responsible individuals on the National disqualified list. If the State agency does not administer all programs authorized under this part or parts 210, 215, 220 and 226 of this chapter, the State agency must develop a process to share information on sponsors, responsible principals and responsible individuals that were terminated and disqualified, with any other State agency in its State, administering a Child Nutrition Program. The State agency also must notify any State agency in its State, administering a program under parts 246 and 248 of this chapter, of the termination and disqualification of any sponsor, responsible principal, or responsible individual. The process must be approved by the FNSRO and must ensure the State agency works closely with any other State agency within the State administering the programs under parts 210, 215, 220, 226, 246, and 248 of this chapter to ensure information is shared for Program purposes and on a timely basis.

(i) *National disqualified list.* (1) FNS will maintain the National disqualified list and make it available to all State agencies. In addition:

(i) No sponsor, responsible principals or responsible individuals on the National disqualified lists under this part or § 226.6 of this chapter may participate in the Program as a sponsor or site. The State agency must not approve the application of a new or renewing sponsor if the sponsor, responsible principals or responsible individuals are on the National disqualified lists under this part or § 226.6 of this chapter. If the State agency holds an agreement with a sponsor that has been placed on the National disqualified lists under this part or § 226.6 of this chapter, the State agency must terminate the agreement.

(ii) No individual on the National disqualified lists under this part or § 226.6 of this chapter, may serve as a principal for any sponsor or as a site operator.

(2) Once included on the National disqualified list, a sponsor and responsible principals and responsible individuals remain on the National disqualified list until such time as FNS, in consultation with the appropriate State agency, determines that the serious deficiency(ies) that led to their placement on the list has(ve) been corrected, or until seven years have elapsed since they were disqualified from participation. However, if the sponsor, principal or individual has failed to repay debts owed under the Program, they will remain on the list until the debt has been repaid; and

(3) Within 10 days of disqualifying a sponsor, the State agency must provide the appropriate FNSRO the full legal name, previously used names, mailing address, and date of birth of each responsible party, which includes, but is not limited to, the Executive Director and Chairman of the Board of Directors. In addition, the sponsor's Federal Employer Identification Numbers (FEIN) and/or the Dun and Bradstreet Data Universal Numbering System (DUNS) numbers must be provided.

(4) A sponsor or a responsible principal or individual may only be removed from the National disqualified list based on the determination of the State agency with concurrence from FNS.

■ 21. In § 225.13,

■ a. Revise paragraph (a); and

■ b. Add paragraphs (e) and (f).

The revision and additions read as follows:

§ 225.13 Appeal procedures.

(a) Each State agency shall establish a procedure to be followed by an applicant appealing: A denial of an application for participation (except if the applicant has failed to complete a corrective action plan from the previous year); a denial of a sponsor's request for an advance payment; a denial of a sponsor's claim for reimbursement (except for late submission under § 225.9(d)(6)); a State agency's refusal to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim; a claim against a sponsor for remittance of a payment; an assessment established under § 225.18(k); the termination of the sponsor or a site; termination of a sponsor's agreement; a denial of a sponsor's application for a site; a denial of a food service management company's application for registration, if applicable; the revocation of a food service management company's registration, if applicable; or any other action of the State agency affecting a sponsor's participation, or its claim for reimbursement. Appeals shall not be allowed on decisions made by FNS with respect to late claims or upward adjustments under § 225.9(d)(6).

* * * * *

(e) The State agency's administrative review procedures must be provided:

(1) Annually to all sponsors;

(2) To a sponsor and to each responsible principal and responsible individual when the State agency takes any action subject to an administrative review; and

(3) Any other time upon request.

(f) The State agency is prohibited from offering administrative reviews of the following actions:

(1) A decision by FNS to deny an exception request by a sponsor for payment of a late claim, or for an upward adjustment to a claim;

(2) A determination that a sponsor is seriously deficient;

(3) A determination by the State agency that the corrective action taken by a sponsor does not completely and permanently correct a serious deficiency;

(4) Disqualification of a sponsor or a responsible principal or responsible individual, and the subsequent placement on the State agency list and the National disqualified list; or

(5) Termination of a sponsor or responsible principal or responsible individual under § 225.6(b)(12(i).

■ 22. In § 225.14, redesignate paragraphs (c)(3) through (c)(7) as paragraphs (c)(5), through (c)(9); and add new paragraphs (c)(3) and (c)(4).

The additions read as follows:

§ 225.14 Requirements for sponsor participation.

* * * * *

(c) * * *

(3) Has not been terminated from any program authorized under this part or parts 210, 215, 220 and 226 of this chapter during the past seven years unless reinstated in, or determined eligible for, that program, as specified in § 225.6(b)(12);

(4) Is not currently listed on the National disqualified lists under this part or § 226.6 of this chapter;

* * * * *

■ 23. In § 225.18,

■ a. Remove paragraph (b)(2) and redesignate paragraph (b)(3) as paragraph (b)(2);

■ b. Amend newly redesignated paragraph (b)(2) by removing the words ''any funds paid to the State agency or a sponsor or'' and ''or by the State agency from a sponsor'';

■ c. Add paragraph (k).

The addition reads as follows:

§ 225.18 Miscellaneous administrative provisions.

* * * * *

(k) *Assessments.*

(1) The State agency may establish an assessment against any sponsor when it has determined that the sponsor or site has:

(i) Failed to correct severe mismanagement of the Program;

(ii) Disregarded a Program requirement of which the sponsor or site had been informed; or

(iii) Failed to correct repeated violations of Program requirements.

(2) FNS may direct the State agency to establish an assessment against any sponsor when it has determined that the sponsor or site meets the criteria set forth under paragraph (k)(1) of this section.

(3) Funds used to pay an assessment established under this paragraph must be derived from non-federal sources. In calculating an assessment, the State agency must base the amount of the assessment on the reimbursement earned by the sponsor or site for this Program for the most recent fiscal year for which closeout data are available, provided that the assessment does not exceed the equivalent of:

(i) For the first assessment, 1 percent of the amount of meal reimbursement earned for the fiscal year;

(ii) For the second assessment, 5 percent of the amount of meal reimbursement earned for the fiscal year; and

(iii) For the third or subsequent assessment, 10 percent of the amount of meal reimbursement earned for the fiscal year.

(4) The State agency must inform the FNSRO at least 30 days prior to establishing an assessment under this paragraph. The State agency must send the sponsor written notification of the assessment established under this paragraph and provide a copy of the notification to the FNSRO. The notification must:

(i) Specify the violations or actions which constitute the basis for the assessment and indicate the amount of the assessment;

(ii) Inform the sponsor that it may appeal the assessment and advise the sponsor of the appeal procedures established under § 225.13; and

(iii) Indicate the effective date and payment procedures should the sponsor not exercise its right to appeal within the specified timeframe.

(5) Any sponsor subject to an assessment under paragraph (k)(1) of this section may appeal the State agency's determination. In appealing an assessment, the sponsor must submit to the State agency any pertinent information, explanation, or evidence addressing the Program violations identified by the State agency. Any sponsor seeking to appeal the State agency determination must follow State agency appeal procedures.

(6) The decision of the State agency review official is final and not subject to further administrative or judicial review. Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

(7) Money received by the State agency as a result of an assessment established under this paragraph against a sponsor and any interest charged in the collection of these assessments must be remitted to FNS.

PART 226—THE CHILD AND ADULT CARE FOOD PROGRAM

■ 24. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

■ 25. In § 226.2,

■ a. Amend the definition of ''*Facility*'' by removing the word ''family''; and

■ b. Revise the definitions of ''*State agency list*'' and ''*Termination for convenience*''.

The revisions read as follows:

§ 226.2 Definitions.

* * * * *

State agency list means an actual paper or electronic list, or the

retrievable paper records, maintained by the State agency, that includes a synopsis of information concerning seriously deficient institutions and providers or unaffiliated centers terminated for cause in that State. The list must be made available to FNS upon request, and must include the following information:

(a) Institutions determined to be seriously deficient by the State agency, including the full legal names, and any other names previously used, and mailing addresses of the institutions, the basis for each serious deficiency determination, and the status of the institutions as they move through the possible subsequent stages of corrective action, proposed termination, suspension, agreement termination, and/or disqualification, as applicable;

(b) Responsible principals and responsible individuals who have been disqualified from participation by the State agency, including their full legal names, and any other names previously used, mailing addresses, and dates of birth; and

(c) Day care home providers or unaffiliated centers whose agreements have been terminated for cause by a sponsoring organization in the State, including their full legal names, and any other names previously used, mailing addresses, and dates of birth.

* * * * *

Termination for convenience means termination of a Program agreement due to considerations unrelated to either party's performance of Program responsibilities under the agreement between;

(a) A State agency and the sponsoring organization;

(b) A sponsoring organization and the unaffiliated center; or

(c) A sponsoring organization and the day care home.

* * * * *

■ 26. In § 226.4, revise paragraph (j) to read as follows:

§ 226.4 Payments to States and use of funds.

* * * * *

(j) *Audit funds.* For the expense of conducting audits and reviews under § 226.8, funds shall be made available to each State agency in an amount equal to one and one-half percent of the Program funds used by the State during the second fiscal year preceding the fiscal year for which these funds are to be made available. Beginning in fiscal year 2016 and each fiscal year thereafter, State agencies may request an increase in the amount of funds made available under this paragraph. FNS approval for increased funding will be based on criteria related to the effective use of funds to improve program management. The total amount of audit funds made available to any State agency under this paragraph may not exceed two percent of Program funds used by the State during the second fiscal year preceding the fiscal year for which the funds are made available. The amount of assistance provided to a State under this paragraph in any fiscal year may not exceed the State's expenditures under § 226.8 during the fiscal year in which funds are made available.

* * * * *

■ 27. In § 226.6,

■ a. Revise paragraph (b)(1)(xiii)(A);

■ b. Revise paragraph (b)(1)(xv);

■ c. Revise paragraph (b)(4)

■ d. Amend paragraph (c)(2)(ii)(H) by removing the words ''day care home'' and adding the phrase ''relating to day care homes and unaffiliated centers as'' after the word ''provisions'';

■ e. Amend paragraph (c)(3)(ii)(R) by removing the words ''day care home'' and adding the phrase ''relating to day care homes and unaffiliated centers as'' after the word ''provisions'';

■ f. Revise paragraphs (c)(7)(vi) and (c)(8);

■ g. Amend paragraph (k)(2)(xi) by removing 'and'

■ h. Redesignate paragraph (k)(2)(xii) as paragraph (k)(2)(xiii) and add new paragraph (k)(2)(xii);

■ i. Amend paragraph (k)(5)(ii) by adding a second sentence at the end of the paragraph;

■ j. Amend paragraph (k)(5)(ix) by adding the third sentence at the end of the paragraph;

■ k. Add paragraph (k)(11);

■ l. Amend paragraph (l) by revising the paragraph heading and by revising paragraph (l)(1);

■ m. Amend paragraph (l)(2) by adding the words ''and/or unaffiliated center'' after the word ''home'';

■ n. Amend paragraph (l)(4) by adding the words ''and unaffiliated centers'' after the word ''homes'' in the paragraph heading;

■ o. Amend paragraph (l)(4)(i) by adding the words ''and unaffiliated centers'' after the word ''homes'';

■ p. Amend paragraph (l)(4)(ii) by adding the words ''or an unaffiliated center'' after the word ''home'';

■ q. Amend paragraph (l)(5) by removing the words ''election pursuant'' and adding the words ''election(s) according'' in their place; by adding the words ''or unaffiliated centers'' after the word ''home'' in all instances it appears; and by adding the words ''or unaffiliated centers'' after the word ''homes'';

■ r. Revise paragraph (m)(3)(ix); and

■ s. Revise paragraphs (m)(6)(i) and (m)(6)(ii).

The additions and revisions read as follows:

§ 226.6 State agency administrative responsibilities.

* * * * *

(b) * * *

(1) * * *

(xiii) *Ineligibility for other publicly funded programs.*

(A) *General.* A State agency is prohibited from approving an institution's application if, during the past seven years, the institution or any of its principals have been declared ineligible for any other publicly funded program by reason of violating that program's requirements. This prohibition does not apply if the institution or the principal has been fully reinstated in, or determined eligible for, that program, including the payment of any debts owed.

(*1*) A State agency is prohibited from approving an institution's application if, during the past seven years, the institution, unaffiliated center, day care home provider, or any principals were terminated for cause from any program authorized under parts 210, 215, 220, 225 of this chapter; or any institution, unaffiliated center, day care home provider, or any principals are currently listed on the National disqualified lists under this part or § 225.11 of this chapter.

(*2)* State agencies must develop a process to share information on any institution, unaffiliated center, day care home provider, or principal terminated or disqualified under this part with any agency within the State administering a Child Nutrition Program under parts 210, 215, 220, and 225 of this chapter. State agencies also must notify any agency within the State administering a program under parts 246 and 248 of this chapter, of the termination and disqualification of any institution, unaffiliated center, day care home provider, or principal. The process must be approved by the FNSRO and must ensure the State agency works closely with any other State agency within the State administering the programs under parts 210, 215, 220, 225, 246 and 248 of this chapter to ensure information is shared for program purposes and on a timely basis.

* * * * *

(xv) *Certification of truth of applications and submission of names and addresses.* Institutions must submit a certification that all information on the application is true and correct, along with the name, mailing address, and

date of birth of the institution's executive director and chairman of the board of directors or, in the case of a for-profit center that does not have an executive director or is not required to have a board of directors, the owner of the for-profit center. In addition, the institution's Federal Employer Identification Numbers (FEIN) and/or the Dun and Bradstreet Data Universal Numbering System (DUNS) numbers must be provided;

* * * * *

(4) *Program agreements.*

(i) The State agency must require each institution that has been approved for participation in the Program to enter into a permanent agreement governing the rights and responsibilities of each party. The existence of a valid permanent agreement, however, does not eliminate the need for an institution to comply with the reapplication and related provisions at paragraphs (b) and (f) of this section.

(ii) The existence of a valid permanent agreement does not limit the State agency's ability to terminate the agreement, as provided under paragraph (c)(3) of this section. The State agency must terminate the institution's agreement whenever an institution's participation in the Program ends. The State agency must terminate the agreement for cause based on violations by the institution or its responsible principals in accordance with paragraph (c) of this section. The State agency or institution may terminate the agreement at its convenience for considerations unrelated to the institution's performance of Program responsibilities under the agreement.

* * * * *

(c) * * *

(7) * * *

(vi) *Removal of day care homes and unaffiliated centers or responsible principals and responsible individuals from the list.* Once included on the National disqualified list, a day care home, unaffiliated center, or responsible principals and responsible individuals will remain on the list until such time as the State agency, in concurrence with the appropriate FNSRO, determines that the serious deficiency(ies) that led to its placement on the list has(ve) been corrected, or until seven years have elapsed since its agreement was terminated for cause. However, if the day care home, unaffiliated center, or responsible principals and responsible individuals remain as failed to repay debts owed under the Program, it will remain on the list until the debt has been repaid.

(8) *State agency list.*

(i) *Maintenance of the State agency list.* The State agency must maintain a State agency list (in the form of an actual paper or electronic list or retrievable paper records). The list must be made available to FNS upon request, and must include the following information:

(A) Institutions determined to be seriously deficient by the State agency, including the full legal names, and any other names previously used, and mailing addresses of the institutions, the basis for each serious deficiency determination, and the status of the institutions as they move through the possible subsequent stages of corrective action, proposed termination, suspension, agreement termination, and/or disqualification, as applicable;

(B) Responsible principals and individuals who have been disqualified from participation by the State agency, including their full legal names, and any other names previously used, mailing addresses, and dates of birth; and

(C) Day care home providers and unaffiliated centers whose agreements have been terminated for cause by a sponsoring organization in the State, including their full legal names, and any other names previously used, mailing addresses, and dates of birth.

(ii) *Referral of disqualified day care homes and unaffiliated centers to FNS.* Within 10 days of receiving a notice of termination and disqualification from a sponsoring organization, the State agency must provide the appropriate FNSRO the name, mailing address, and date of birth of each day care home provider, unaffiliated centers, or responsible principals and responsible individuals whose agreement is terminated for cause.

* * * * *

(k) * * *

(2) * * *

(xi) *Overpayment demand.* Demand for the remittance of an overpayment (see § 226.14(a));

(xii) *Assessment.* An assessment established by FNS or the State agency under § 226.25(i); and

* * * * *

(5) * * *

(ii) * * * The State agency must provide a copy of the written request for an administrative review, including the date of receipt of the request to the appropriate FNSRO within 10 days of its receipt of the request.

* * * * *

(ix) * * * State agencies failing to meet the timeframe set forth in this paragraph are liable for all valid claims for reimbursement to aggrieved institutions, as specified in paragraph (k)(11)(i) of this section.

* * * * *

(11) *State liability for payments.*

(i) A State agency that fails to meet the 60-day timeframe set forth in paragraph (k)(5)(ix) of this section must pay from non-Federal sources all valid claims for reimbursement to the institution during the period beginning on the 61st day and ending on the date on which the hearing determination is made.

(ii) FNS will notify the State agency of its liability for reimbursement at least 30 days before liability is imposed. The timeframe for written notice from FNS is an administrative requirement and may not be used to dispute the State's liability for reimbursement. The State agency may submit for FNS review information supporting a request for a reduction or reconsideration of the State's liability for reimbursement. After review, FNS will recover any improperly paid Federal funds.

(l) *Administrative reviews for day care homes and unaffiliated centers.*

(1) *General.* The State agency must ensure that, when a sponsoring organization proposes to terminate its Program agreement with a day care home or unaffiliated center for cause, the day care home or unaffiliated center and any responsible principals are provided an opportunity for an administrative review of the proposed termination. The State agency may do this either by electing to offer a State-level administrative review, or by electing to require the sponsoring organization to offer an administrative review. State agencies may make different elections with regard to who offers the administrative review for day care homes and for unaffiliated centers; however, the same election must apply to all day care homes and the same election must apply to all unaffiliated centers. The State agency must notify the appropriate FNSRO of its election under this option, or any change it later makes under this option within 30 days of any subsequent change under this option. The State agency or the sponsoring organization must develop procedures for offering and providing these administrative reviews, and these procedures must be consistent with this paragraph (l).

* * * * *

(m) * * *

(3) * * *

(ix) If a sponsoring organization of day care homes or unaffiliated centers, implementation of the serious deficiency and termination procedures for day care homes or unaffiliated

centers and, if such procedures have been delegated to sponsoring organizations in accordance with paragraph (l)(1) of this section, the administrative review procedures for day care homes and unaffiliated centers;

* * * * *

(6) * * *

(i) At least once every three years, independent centers and sponsoring organizations of 1 to 100 facilities must be reviewed. A review of such a sponsoring organization must include reviews of 10 percent of the sponsoring organization's facilities;

(ii) At least once every two years, sponsoring organizations with more than 100 facilities, sponsoring organizations that conduct activities other than CACFP with 1 to 100 facilities and independent centers and sponsoring organizations that have been identified during a previous review as having serious management problems or that are at risk of having serious management problems must be reviewed. These reviews must include reviews of 5 percent of the first 1,000 facilities and 2.5 percent of the facilities in excess of 1,000; and

* * * * *

■ 28. In § 226.7,

■ a. Revise paragraph (b); and

■ b. Remove paragraph (m).

The revision reads as follows:

§ 226.7 State agency responsibilities for financial management.

* * * * *

(b) *Financial management system.* Each State agency shall establish and maintain an acceptable financial management system, adhere to financial management standards and otherwise carry out financial management policies in accordance with 2 CFR parts 200, 400, 415, 416, 417, 418, 421, and FNS Instruction 796–2, as applicable, and related FNS guidance to identify allowable Program costs and establish standards for institutional recordkeeping and report. The State agency shall provide guidance on financial management requirements to each institution.

(1) State agencies shall also have a system in place for:

(i) Annually reviewing at least one month's bank account activity of all sponsoring organizations against documents adequate to support that the transactions meet program requirements. If the State agency identifies any expenditures that have the appearance of violating Program requirements, the State agency must refer the sponsoring organization's account activity to the appropriate State authorities for verification;

(ii) Annually reviewing actual expenditures reported of Program funds and the amount of meal reimbursement funds retained from centers (if any) for administrative costs for all sponsoring organizations of unaffiliated centers. State agencies shall reconcile reported expenditures with Program payments to ensure funds are fully accounted for, and use the reported actual expenditures as the basis for selecting a sample of expenditures for validation. If the State agency identifies any expenditures that have the appearance of violating Program requirements, the State agency must refer the sponsoring organization's account activity to the appropriate State authorities for verification: And

(iii) Monitoring and reviewing the institutions' documentation of their nonprofit status to ensure that all Program reimbursement funds are used:

(A) Solely for the conduct of the food service operation; or

(B) To improve such food service operations, principally for the benefit of the participants.

(2) The financial management system standards for institutional recordkeeping and reporting shall:

(i) Prohibit claiming reimbursement for meals provided by participant's family, except as authorized § 226.18(e); and

(ii) Allow the cost of meals served to adults who perform necessary food service labor under the Program, except in day care homes.

* * * * *

■ 29. In § 226.10, revise paragraph (c) to read as follows:

§ 226.10 Program payment procedures.

* * * * *

(c) Claims for Reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the final Report of the Child and Adult Care Food Program (FNS 44) required under § 226.7(d). In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim.

(1) Prior to submitting its consolidated monthly claim to the State agency, each sponsoring organization must perform edit checks on each facility's meal claim. At a minimum, the sponsoring organization's edit checks must:

(i) Verify that each facility has been approved to serve the types of meals claimed; and

(ii) Compare the number of children or eligible adults enrolled for care at each facility, multiplied by the number of days on which the facility is approved to serve meals, to the total number of meals claimed by the facility for that month. Discrepancies between the facility's meal claim and its enrollment must be subjected to more thorough review to determine if the claim is accurate.

(2) Sponsoring organizations of unaffiliated centers must submit an annual report detailing actual expenditures of Program funds and the amount of meal reimbursement funds retained from centers (if any) for administrative costs for the year to which the claims apply. The report shall use the same cost categories as the approved annual budget submitted by the sponsoring organization.

(3) Sponsoring organizations of for-profit child care centers or for-profit outside-school-hours care centers must submit the number and percentage of children in care (enrolled or licensed capacity, whichever is less) that documents that at least 25 percent are eligible for free or reduced-price meals or are title XX beneficiaries. Sponsoring organizations of such centers must not submit a claim for any for-profit center in which less than 25 percent of the children in care (enrolled or licensed capacity, whichever is less) during the claim month were eligible for free or reduced-price meals or were title XX beneficiaries.

(4) For each month in which independent for-profit child care centers and independent for-profit outside-school-hours care centers claim reimbursement, they must submit the number and percentage of children in care (enrolled or licensed capacity, whichever is less) that documents at least 25 percent are eligible for free or reduced-price meals or are title XX beneficiaries. However, children who only receive at-risk afterschool snacks and/or at-risk afterschool meals must not be considered in determining this eligibility.

(5) Independent for-profit adult day care centers shall submit the percentages of enrolled adult participants receiving title XIX or title XX benefits for the month claimed for months in which not less than 25 percent of enrolled adult participants were title XIX or title XX beneficiaries. Sponsoring organizations of such adult day care centers shall submit the percentage of enrolled adult participants receiving title XIX or title XX benefits for each center for the claim. Sponsoring organizations of such centers shall not submit claims for adult day care centers

in which less than 25 percent of enrolled adult participants were title XIX or title XX beneficiaries for the month claimed.

* * * * *

■ 30. In § 226.16,

■ a. Amend paragraph (b)(2) and (b)(3) by removing the phrase ''child care and adult day care'';

■ b. Amend paragraph (b)(4) by removing the phrase ''on or after June 20, 2000'';

■ c. Amend paragraph (b)(6), by adding the phrase ''or unaffiliated center'' after the word ''home'' in the first sentence; and by adding the phrase ''or an unaffiliated center's'' after the word ''home's'' in the second sentence;

■ d. Amend paragraph (b)(8) by adding the phrase ''or unaffiliated centers'' after the word ''homes'';

■ e. Amend paragraph (c) by removing the phrase ''child care and adult day care'';

■ f. Amend paragraph (d)(1) by removing the phrase ''child care and adult day care'' after the word ''each'' and the phrase ''child care'' after the phrase ''capability of the'';

■ g. Revise paragraph (d)(3);

■ h. Amend paragraph (i) by removing the phrase ''child care and adult day care'';

■ i. Amend paragraph (l)(1) by adding the phrase ''or an unaffiliated center'' after the word ''home'' both times it appears in the text;

■ j. Amend paragraph (l)(2) by adding the phrase ''or unaffiliated centers'' after the word ''homes'' in the paragraph heading and in the introductory text;

■ k. Amend paragraph (1)(2)(vii) by adding the phrase '', unaffiliated center or responsible principle'' after the word ''home'';

■ l. Add paragraph (l)(2)(x);

■ m. Amend paragraph (l)(3) by adding the phrase ''or unaffiliated center'' after the word ''home'' each time it appears in the text;

■ n. Amend paragraph (l)(3)(i) by adding the phrase ''or unaffiliated center'' after the word ''home'';

■ o. Amend paragraph (l)(3)(i)(B) by adding the phrase ''or unaffiliated center'' after the word ''home'';

■ p. Amend paragraph (l)(3)(i)(E) by adding the phrase ''or unaffiliated center's'' after the word ''home's''; and removing the words ''and its'' and adding the words '', unaffiliated center or any responsible'' in their place;

■ q. Amend paragraph (l)(3)(i)(F) by adding the phrase ''or unaffiliated center's'' after the word ''home's'' both times it appears in the text; and removing the words ''and its'' and adding the words '', unaffiliated center, or any responsible'' in their place;

■ r. Revise paragraphs (l)(3)(ii) and (l)(3)(iii);

■ s. Amend paragraph (l)(3)(iv) by adding the phrase ''or unaffiliated center's'' after the word ''home's'';

■ t. Amend paragraph (l)(3)(v) by adding the phrase ''or unaffiliated center's'' after the word ''home's'' both times it appears and adding the phrase ''or unaffiliated center'' after the word ''home'';

■ u. Revise paragraph (l)(4); and

■ v. Revise paragraph (m).

The addition and revisions read as follows:

§ 226.16 Sponsoring organization provisions.

* * * * *

(d) * * *

(3) Additional mandatory training sessions, as defined by the State agency, for key staff from all sponsored facilities not less frequently than annually. At a minimum, such training must include instruction, appropriate to the level of staff experience and duties, on the Program's meal patterns, meal counts, claims submission and review procedures, recordkeeping requirements, and reimbursement system.

* * * * *

(l) * * *

(2) * * *

(x) For unaffiliated centers only:

(A) Use of a food service management company that is in violation of health codes;

(B) Failure to adjust meal orders to conform to variations in the number of participants;

(C) Claiming reimbursement for meals served by a for-profit child care center or a for-profit outside-school-hours case center during a calendar month in which less than 25 percent of the children in care (enrolled or licensed capacity, whichever is less) were eligible for free or reduced-price meals or were title XX beneficiaries;

(D) Claiming reimbursement for meals served by a for-profit adult day care center during a calendar month in which less than 25 percent of its enrolled adult participants were title XIX or title XX beneficiaries;

(E) Failure to perform any of the other financial and administrative responsibilities required by this part;

(F) The fact that the unaffiliated sponsored center or any of its responsible principals have been declared ineligible for any other publicly funded program by reason of violating that program's requirements during the past seven years unless reinstated in, or determined eligible for, that program, including the payment of any debts owed. However this prohibition does not apply if the unaffiliated center or any of its responsible principals have been fully reinstated in, or are now eligible to participate in, that program.

(3) * * *

(ii) *Successful corrective action.* If the day care home or unaffiliated center corrects the serious deficiency(ies) within the allotted time and to the sponsoring organization's satisfaction, the sponsoring organization must notify the day care home or unaffiliated center that it has temporarily deferred its determination of serious deficiency. The sponsoring organization must also provide a copy of the notice to the State agency. However, if the sponsoring organization accepts the day care home's or unaffiliated center's corrective action, but later determines that the corrective action was not permanent or complete, the sponsoring organization must then propose to terminate the day care home's or unaffiliated center's Program agreement and disqualify any responsible principals, as set forth in paragraph (l)(3)(iii) of this section.

(iii) *Proposed termination of agreement and proposed disqualification.* If timely corrective action is not taken to fully and permanently correct the serious deficiency(ies) cited, the sponsoring organization must issue a notice proposing to terminate the day care home's or unaffiliated center's agreement for cause. The notice must explain the day care home's or unaffiliated center's opportunity for an administrative review of the proposed termination in accordance with § 226.6(l). The sponsoring organization must provide a copy of the notice to the State agency. The notice must specify that:

(A) It may continue to participate and receive Program reimbursement for eligible meals served until its administrative review is concluded;

(B) Termination of the day care home's or unaffiliated center's agreement will result in termination for cause and disqualification; and

(C) If the day care home seeks to voluntarily terminate its agreement after receiving the notice of intent to terminate, the day care home or unaffiliated center or any responsible principals will still be placed on the National disqualified list.

* * * * *

(4) *Suspension of participation for day care homes or unaffiliated centers.*

(i) *General.* If State or local health or licensing officials have cited a day care

home or an unaffiliated center for serious health or safety violations, the sponsoring organization must immediately suspend the day care home's or unaffiliated center's CACFP participation prior to any formal action to revoke the day care home's or unaffiliated center's licensure or approval. If the sponsoring organization determines that there is an imminent threat to the health or safety of participants at a day care home or an unaffiliated center, or that the day care home or an unaffiliated center has engaged in activities that threaten the public health or safety, and the licensing agency cannot make an immediate onsite visit, the sponsoring organization must immediately notify the appropriate State or local licensing and health authorities and take action that is consistent with the recommendations and requirements of those authorities. An imminent threat to the health or safety of participants and engaging in activities that threaten the public health or safety constitute serious deficiencies; however, the sponsoring organization must use the procedures in this paragraph (l)(4) of this section (and not the procedures in paragraph (l)(3) of this section) to provide the day care home or an unaffiliated center notice of the suspension of participation, serious deficiency, and proposed termination of the day care home's or an unaffiliated center's agreement.

(ii) *Notice of suspension, serious deficiency, and proposed termination.* The sponsoring organization must notify the day care home or unaffiliated center that its participation has been suspended, that the day care home or unaffiliated center has been determined seriously deficient, and that the sponsoring organization proposes to terminate the agreement for cause, and must provide a copy of the notice to the State agency. The notice must specify that:

(A) The serious deficiency(ies) found and the day care home or unaffiliated center's opportunity for an administrative review of the proposed termination in accordance with § 226.6(l);

(B) Participation (including all Program payments) will remain suspended until the administrative review is concluded;

(C) If the administrative review official overturns the suspension, the day care home or unaffiliated center may claim reimbursement for eligible meals served during the suspension;

(D) Termination of the day care home's or unaffiliated center's agreement will result in the placement of the day care home or unaffiliated center on the National disqualified list; and

(E) If the day care home or unaffiliated center seeks to voluntarily terminate its agreement after receiving the notice of proposed termination, the day care home or unaffiliated center will still be terminated for cause and disqualified.

(iii) *Agreement termination and disqualification.* The sponsoring organization must immediately terminate the day care home's or unaffiliated center's agreement and disqualify the day care home or unaffiliated center when the administrative review official upholds the sponsoring organization's proposed termination, or when the day care home's or unaffiliated center's opportunity to request an administrative review expires.

(iv) *Program payments.* A sponsoring organization is prohibited from making any Program payments to a day care home or unaffiliated center that has been suspended until any administrative review of the proposed termination is completed. If the suspended day care home or unaffiliated center prevails in the administrative review of the proposed termination, the sponsoring organization must reimburse the day care home or unaffiliated center for eligible meals served during the suspension period.

(m) Sponsoring organizations of day care homes or unaffiliated centers must not make payments to employees or contractors solely on the basis of the number of homes or centers recruited. However, such employees or contractors may be paid or evaluated on the basis of recruitment activities accomplished.

§ 226.21 [Amended]

■ 31. In § 226.21, amend paragraph (a) by removing the text ''$10,000'' and adding in its place the words ''the small purchase threshold as defined by 2 CFR 200.88 and established by 41 U.S.C. 134, as applicable,''.

■ 32. In § 226.22,

■ a. Amend paragraph (i)(1) by removing the text ''$10,000'' and adding in its place the words ''the small purchase threshold as defined by 2 CFR 200.88 and established by 41 U.S.C. 134 as applicable'' both times it appears; and

■ b. Amend paragraph (l)(2) and (l)(3) by removing the text ''$10,000'' and adding in its place the words ''the small purchase threshold as defined by 2 CFR 200.88 and established by 41 U.S.C. 134, as applicable,'' both times it appears:

■ 33. In 226.25, add paragraph (i) to read as follows:

§ 226.25 Other provisions.

* * * * *

(i) *Assessments.*

(1) The State agency may establish an assessment against any institution when it has determined that the institution, unaffiliated center, or day care provider has:

(i) Failed to correct severe mismanagement of the Program;

(ii) Disregarded a Program requirement of which the institution, unaffiliated center, or day care provider had been informed; or

(iii) Failed to correct repeated violations of Program requirements.

(2) FNS may direct the State agency to establish an assessment against any institution when it has determined that the institution, unaffiliated center, or day care provider has committed one or more acts under paragraph (i)(1) of this section.

(3) Funds used to pay an assessment established under this paragraph must be derived from non-federal sources. In calculating an assessment, the State agency must base the amount of the assessment on the reimbursement earned by the institution, unaffiliated center, or day care provider for this Program for the most recent fiscal year for which closeout data are available, provided that the assessment does not exceed the equivalent of:

(i) For the first assessment, 1 percent of the amount of meal reimbursement earned for the fiscal year;

(ii) For the second assessment, 5 percent of the amount of meal reimbursement earned for the fiscal year; and

(iii) For the third or subsequent assessment, 10 percent of the amount of meal reimbursement earned for the fiscal year.

(4) The State agency must inform the FNSRO at least 30 days prior to establishing an assessment under this paragraph. The State agency must send the institution written notification of an assessment established under this paragraph and provide a copy of the notification to the FNSRO. The notification must:

(i) Specify the violations or actions which constitute the basis for the assessment and indicate the amount of the assessment;

(ii) Inform the institution that it may appeal the assessment and advise the institution of the appeal procedures established under § 226.6(k);

(iii) Indicate the effective date and payment procedures should the institution not exercise its right to appeal within the specified timeframe.

(5) Any institution subject to an assessment under paragraph (i)(1) of this

section may appeal the State agency's determination. In appealing an assessment, the institution must submit to the State agency any pertinent information, explanation, or evidence addressing the Program violations identified by the State agency. Any institution seeking to appeal the State agency determination must follow State agency appeal procedures.

(6) The decision of the State agency review official is final and not subject to further administrative or judicial review. Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

(7) Money received by the State agency as a result of an assessment established under this paragraph against an institution and any interest charged in the collection of these assessments must be remitted to FNS.

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

■ 34. The authority citation for part 235 continues to read as follows:

Authority: Secs. 7 and 10 of the Child Nutrition Act of 1966, 80 Stat. 888, 889, as amended (42 U.S.C. 1776, 1779).

■ 35. In § 235.11,

■ a. Redesignate paragraphs (c), (d), (e) and (f) as paragraphs (d), (e), (f) and (g); and add new paragraph (c);

■ b. Amend newly redesignated paragraph (e) by removing the phrase ''or (c)'' after the phrase ''paragraphs (b)'' and adding in its place the phrase '', (c) or (d)''; and

■ c. Amend newly redesignated paragraph (g) by adding in the first sentence ''and (c)'' after the words ''provisions of paragraph (b)''; and adding the words ''or assessment'' after the word ''sanction'' each time it appears.

The addition reads as follows:

§ 235.11 Other provisions.

* * * * *

(c) *Assessments.*

(1) FNS may establish an assessment against any State agency administering the programs under parts 210, 215, 220, 225 and 226 of this chapter and in part 250 of this chapter as it applies to the operation of the Food Distribution Program in schools and child and adult care institutions when it has determined that the State agency has:

(i) Failed to correct a State or local mismanagement of the programs;

(ii) Disregarded a program requirement of which the State has been informed; or

(iii) Failed to correct repeated violations of the program requirements.

(2) Funds used to pay an assessment established under paragraph (c)(1) must be derived from non-federal sources. The amount of the assessment will not exceed the equivalent of:

(i) For the first assessment, 1 percent of the funds made available under § 235.4 during the most recent fiscal year for which closeout data are available;

(ii) For the second assessment, 5 percent of the funds made available under § 235.4 during the most recent fiscal year for which closeout data are available; and

(iii) For the third or subsequent assessment, 10 percent of the funds made available under § 235.4 during the most recent fiscal year for which closeout data are available.

(3) State agencies seeking to appeal an assessment established under this paragraph must follow the procedures set forth in § 235.11(g). Failure to pay an assessment established under this paragraph may be grounds for suspension or termination.

* * * * *

Dated: March 22, 2016.

Kevin Concannon,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 2016–06801 Filed 3–28–16; 8:45 am]

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FEDERAL REGISTER

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No. 60 March 29, 2016

Part III

The President

Proclamation 9409—Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2016

Federal Register
Vol. 81, No. 60
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Presidential Documents

Title 3—

The President

Proclamation 9409 of March 24, 2016

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2016

By the President of the United States of America

A Proclamation

Inspired by ancient Greece's example, America's Founding Fathers drew on Hellenic principles to guide our democracy in its nascence. Nearly half a century after the Stars and Stripes first flew over our country, a flag was raised on a mountaintop in Greece, and a revolution spawned that would bring democracy back to its birthplace and lay the cornerstone of the close relationship enjoyed by our two nations. On the 195th anniversary of Greece's independence, we celebrate the friendship between our countries and honor the contributions that Greek Americans have made to our national character.

Our common histories are reflected in our shared values. Throughout our storied pasts, our peoples have upheld the fundamental ideals we cherish by working together to safeguard the foundation of democracy upon which both our nations are built. Greeks and Americans have long stood shoulder-to-shoulder in defense of freedom, and today, the Greek American community carries forward the legacy of past Greeks who enlightened our world by continuing to enrich our society in unique ways. Driving generations, the hope that incited both our revolutions still burns in the hearts of Greek Americans and in all those across our country who seek even greater opportunity for our children and grandchildren.

The Greek people have faced extraordinary challenges in recent years, yet they remain steadfast in their resilience and perseverance. In response to an ongoing refugee and migration crisis, Greece is providing humanitarian assistance to countless men, women, and children seeking freedom from persecution and violence. As Americans, we stand with Greece as partners, friends, and NATO allies, and the Greek American community serves as an important bridge that helps bring us together. At our core, we share deep ties of culture and family, and respect for the fundamental rights of democratic States. Through good times and bad, we share a common commitment to security and liberty for people around the world. On this day, let us reflect on nearly two centuries of strong bonds between our nations, and let us recommit to working together to strengthen our respective democracies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2016, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth 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.

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