

Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) (Pub. L. 111–203, 124 Stat. 1376 (2010)), 12 U.S.C. 3335, 3338 (a)(4)(B)).

(b) *Purpose.* The purpose of this subpart is to implement section 1109 (a)(4)(B) of Title XI, 12 U.S.C. 3338.

(c) *Scope.* This subpart applies to States that elect to register and supervise appraisal management companies pursuant to 12 U.S.C. 3353 and the regulations promulgated thereunder.

#### § 1102.401 Definitions.

For purposes of this subpart:

(a) *AMC Registry* means the national registry maintained by the ASC of those AMCs that meet the Federal definition of AMC, as defined in 12 U.S.C. 3350(11), are registered by a State or are Federally regulated, and have paid the annual AMC registry fee.

(b) *AMC Rule* means the interagency final rule on minimum requirements for AMCs, 12 CFR 34.210–34.216; 12 CFR 225.190–225.196; 12 CFR 323.8–323.14; 12 CFR 1222.20–1222.26 (2015).

(c) *ASC* means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council established under section 1102 (12 U.S.C. 3310) as it amended the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 *et seq.*) by adding section 1011.

(d) *Performance of an appraisal* means the appraisal service requested of an appraiser by the AMC was provided to the AMC.

(e) *State* means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.

(f) *Terms incorporated by reference.* Definitions of: Appraisal management company (AMC); appraisal management services; appraisal panel; consumer credit; covered transaction; dwelling; Federally regulated AMC are incorporated from the AMC Rule by reference.

#### § 1102.402 Annual AMC registry fee.

The annual AMC registry fee to be applied by States that elect to register and supervise AMCs is established as follows:

(a) In the case of an AMC that has been in existence for more than a year, \$25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State during the previous year; and

(b) In the case of an AMC that has not been in existence for more than a year,

\$25 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such State since the AMC commenced doing business.

#### § 1102.403 Collection and transmission of annual AMC registry fees.

(a) *Collection of annual AMC registry fees.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall collect an annual registry fee as established in § 1102.402 (a) from AMCs eligible to be on the AMC Registry.

(b) *Transmission of annual AMC registry fee.* States that elect to register and supervise AMCs pursuant to the AMC Rule shall transmit AMC registry fees as established in § 1102.402 (a) to the ASC on an annual basis. Only those AMCs whose registry fees have been transmitted to the ASC will be eligible to be on the AMC Registry for the 12-month period subsequent to payment of the fee.

By the Appraisal Subcommittee.

Dated: May 16, 2016.

**James R. Park,**

*Executive Director.*

[FR Doc. 2016–11914 Filed 5–19–16; 8:45 am]

**BILLING CODE P**

## TENNESSEE VALLEY AUTHORITY

### 18 CFR Part 1312

#### Protection of Archaeological Resources

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Proposed rule.

**SUMMARY:** The Tennessee Valley Authority (TVA) proposes to amend its regulations for the protection of archaeological resources by providing for the issuance of petty offense citations for violations of the Archaeological Resources Protection Act (ARPA) and the Antiquities Act of 1906 (AA). Amending the regulations such that TVA law enforcement agents are authorized to issue citations will help prevent loss and destruction of these resources resulting from unlawful excavations and pillage.

**DATES:** Written comments must be received on or before June 20, 2016.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Mail/Hand Delivery:* Ralph E.

Majors, Supervisor, Investigation Unit, TVA Police & Emergency Management, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 2D–K, Knoxville, Tennessee 37902–1401.

- *Email:* remajors@tva.gov.

#### FOR FURTHER INFORMATION CONTACT:

Ralph E. Majors, 865–632–4176.

#### SUPPLEMENTARY INFORMATION:

##### I. Legal Authority

These proposed amendments are promulgated under the authority of the TVA Act, as amended, 16 U.S.C. 831–831ee, the Archaeological Resources Protection Act, 16 U.S.C. 470aa–470mm, and the Antiquities Act of 1906, 16 U.S.C. 431, 432 & 433.

##### II. Background and Proposed Amendments

This proposed rule amends TVA's regulations implementing the Archaeological Resources Protection Act of 1979 (Pub. L. 96–95, as amended by Pub. L. 100–555, Pub. L. 100–588; 93 Stat. 721; 102 Stat. 2983; 16 U.S.C. 470aa–mm) to provide for the issuance of petty offense citations by TVA's law enforcement agents for violations of ARPA or AA.

Section 10(a) of ARPA requires the Departments of Interior, Agriculture and Defense and the Tennessee Valley Authority to promulgate such uniform rules and regulations as may be necessary to carry out the purposes of ARPA. The first purpose of ARPA is “to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands.” 16 U.S.C. 470aa(b). The uniform regulations for ARPA originally were published on January 6, 1984 to implement the Act of 1979. The uniform regulations were then revised on January 26, 1995 to incorporate the amendments to ARPA promulgated by Congress in 1988.

Section 10(b) of ARPA requires each Federal land manager (FLM) to promulgate such regulations, consistent with the uniform regulations under Section 10(a), as may be appropriate for the carrying out of the FLM's functions and authorities under the Act. Thus, Section 10(b) allows individual Federal agencies to tailor the uniform regulations to suit their own particular needs with a view to effectively implementing the authorities under the Act. TVA has adopted the uniform regulations as its own. See 18 CFR part 1312 (1984 and 1995). This proposed rule amends TVA's ARPA regulations by enabling TVA's law enforcement agents to issue petty offense citations for

violations of ARPA<sup>1</sup> or AA<sup>2</sup> occurring on lands owned by the United States that are entrusted to TVA.<sup>3</sup> The issuance of such petty offense citations would be consistent with the authority granted to TVA's law enforcement agents under the TVA Act, and advance the effective prosecution of violations of ARPA and AA.

Under the TVA Act, the TVA Board of Directors "may designate employees of the Corporation to act as law enforcement agents" to "make arrests without warrant for any offense against the United States committed in the agent's presence" that occurs "on any lands or facilities owned or leased by the Corporation." See 16 U.S.C. 831c-3. Based on this authority, the proposed rule amends TVA's regulations for protection of archaeological resources to authorize certain TVA law enforcement agents to issue petty offense citations for the violation of any provision of 16 U.S.C. 470ee or 16 U.S.C. 433. Those TVA law enforcement agents that are designated by the Director of TVA Police and Emergency Management for the purpose of conducting archaeological investigations shall have the authority to issue petty offense citations for ARPA or AA violations committed in the agent's presence on lands owned by the United States that are entrusted to TVA. For any such petty offense committed on lands entrusted to TVA, the citation may be issued at the site of the offense, or on non-TVA land (a) when the person committing the offense is in the process of fleeing the site of the offense to avoid arrest, or (b) to protect the archaeological artifacts involved in the commission of the offense.<sup>4</sup> The citation

<sup>1</sup> The prohibitions under ARPA are set out in Sections 6(a), 6(b) and 6(c) of the Act. See 16 U.S.C. 470ee(a), (b) & (c). Any violation of these prohibitions is subject to the criminal sanctions prescribed in Section 6(d). See 16 U.S.C. 470ee(d). TVA's regulations implementing ARPA replicate these prohibitions and criminal sanctions. See 18 CFR 1312.4.

<sup>2</sup> The AA prohibits, among other things, the excavation, destruction or appropriation of an object of antiquity situated on federal lands without the permission of the head of the agency having jurisdiction over those lands. See 16 U.S.C. 433. Any violation of these provisions is subject to criminal sanctions. *Id.*

<sup>3</sup> Under Section 21(a) of the TVA Act, "[a]ll general penal statutes relating to larceny, embezzlement, conversion, or to the improper handling, retention, use or disposal of—property of the United States, shall apply to the—property of the Corporation and to—properties of the United States entrusted to the Corporation." 16 U.S.C. 831t(a) (emphasis added).

<sup>4</sup> See 16 U.S.C. 831c-3(c)(2) (authorizing TVA's law enforcement agents to exercise their law enforcement duties and powers on non-TVA lands (1) when the person to be arrested is in the process of fleeing to avoid arrest or (2) in conjunction with the protection of TVA property.)

will require the person charged with the violation to appear before a United States Magistrate Judge within whose jurisdiction the affected archaeological resource is located.<sup>5</sup>

### III. Administrative Requirements

*A. Unfunded Mandates Reform Act and Various Executive Orders Including E.O. 12866, Regulatory Planning and Review; E.O. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13045, Protection of Children From Environmental Health Risks; E.O. 13132, Federalism; E.O. 13175, Consultation and Coordination With Indian Tribal Governments; and E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use; E.O. 12988, Civil Justice Reform Act*

This proposal would amend TVA's regulations for the protection of archaeological resources by providing for issuance of petty offense citations by TVA's law enforcement agents for violations of ARPA or AA. This proposal is not subject to Office of Management and Budget Review under Executive Order 12866. The proposal contains no Federal mandates for State, local, or tribal government or for the private sector. TVA has determined that these proposed amendments will not have a significant annual effect of \$100 million or more or result in expenditures of \$100 million in any one year by State, local, or tribal governments or by the private sector. Nor will the proposal have concerns for environmental health or safety risks that may disproportionately affect children, have significant effect on the supply, distribution, or use of energy, or disproportionately impact low-income or minority populations. Accordingly, the proposal has no implications for any of the referenced authorities. TVA will continue to appropriately review specific requests in accordance with applicable laws, regulations, and Executive Orders.

#### *B. Regulatory Flexibility Act*

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, TVA is required to prepare a regulatory flexibility analysis unless the head of the agency certifies that the proposal will not have a significant economic impact on a substantial number of small entities.

<sup>5</sup> Section 3401 of Title 18, United States Code, provides that "any United States magistrate judge shall have jurisdiction to try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial district." 18 U.S.C. 3401(a).

TVA's Chief Executive Officer has certified that this proposal will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This determination is based on the finding that the proposed amendments are directed toward Federal resource management to help prevent loss or destruction of archaeological resources, with no economic impact on the public.

*C. Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act.

#### List of Subjects in 18 CFR Part 1312

Administrative practice and procedure, Historic Preservation, Indians—lands, Penalties, Public lands, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, we propose to amend 18 CFR part 1312 as follows:

#### **PART 1312—PROTECTION OF ARCHAEOLOGICAL RESOURCES: UNIFORM REGULATIONS**

■ 1. The authority citation for part 1312 is revised to read as follows:

**Authority:** Pub. L. 96–95, 93 Stat. 721, amended, 102 Stat. 2983 (16 U.S.C. 470aa–mm)(Sec. 10(a) & (b)); *Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. 831–831ee (2012)*. Related Authority: Pub. L. 59–209, 34 Stat. 225 (16 U.S.C. 432, 433); Pub. L. 86–523, 74 Stat. 220, 221 (16 U.S.C. 469), as amended, 88 Stat. 174 (1974); Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470a–t), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978), 94 Stat. 2987 (1980); Pub. L. 95–341, 92 Stat. 469 (42 U.S.C. 1996);

■ 2. Amend § 1312.1 by adding a sentence at the end of paragraph (a) to read as follows:

#### **§ 1312.1 Purpose**

(a) \* \* \* These regulations also enable TVA's law enforcement agents to issue petty offense citations for violations of any provision of 16 U.S.C. 470ee or 16 U.S.C. 433.

\* \* \* \* \*

■ 3. Amend § 1312.2 by adding paragraph (c) to read as follows:

#### **§ 1312.2 Authority**

(c) Provisions pertaining to the issuance of petty offense citations are based on the duties and powers assigned to TVA's law enforcement agents under 16 U.S.C. 831–831ee.

■ 4. Amend § 1312.3 by adding paragraph (j) to read as follows:

**§ 1312.3 Definitions**

(j) “Director” means the Director of TVA Police and Emergency Management assigned the function and responsibility of supervising TVA employees designated as law enforcement agents under 16 U.S.C. 831c–3(a).

■ 5. Add § 1312.22, shown below, to Part 1312 to read as follows:

**§ 1312.22 Issuance of Citations for Petty Offenses**

Any person who violates any provision contained in 16 U.S.C. 470ee or 16 U.S.C. 433 in the presence of a TVA law enforcement agent may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Law enforcement agents designated by the Director for that purpose shall have the authority to issue a petty offense citation for any such violation, requiring any person charged with the violation to appear before a United States Magistrate Judge within whose jurisdiction the archaeological resource impacted by the violation is located. The term “petty offense” has the same meaning given that term under section 19 of Title 8, United States Code.

Dated: May 10, 2016.

**Rebecca C. Tolene,**

*Deputy General Counsel and Vice President, Natural Resources.*

[FR Doc. 2016–11688 Filed 5–19–16; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**19 CFR Part 351**

[Docket No. 160506400–6400–01]

RIN 0625–AB05

**Modification of Regulation Regarding Written Argument: Establishing Word Limits for Case and Rebuttal Briefs in Antidumping and Countervailing Duty Proceedings**

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

**ACTION:** Proposed rule and request for comments.

**SUMMARY:** The Department of Commerce (“the Department”) proposes to modify the regulation pertaining to written argument in antidumping and countervailing duty proceedings and is

seeking comments from parties. This modification, if adopted, is intended to establish word limits for submission of case and rebuttal briefs. This action is necessary to streamline the process contained in the current regulation, to better align with current Department practices and to reduce the strain on resources.

**DATES:** To be assured of consideration, written comments must be received no later than June 20, 2016.

**ADDRESSES:** All comments must be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>, Docket No. ITA–2016–0001, unless the commenter does not have access to the Internet. Commenters that do not have access to the internet may submit the original and one electronic copy of each set of comments by mail or hand delivery/courier. All comments should be addressed to Paul Piquado, Assistant Secretary for Enforcement & Compliance, Room 1870, Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230. Comments submitted to the Department will be uploaded to the eRulemaking Portal at [www.Regulations.gov](http://www.Regulations.gov).

The Department will consider all comments received before the close of the comment period. All comments responding to this notice will be a matter of public record and will be available on the Federal eRulemaking Portal at [www.Regulations.gov](http://www.Regulations.gov). The Department will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Moustapha Sylla, Enforcement and Compliance Webmaster, at (202) 482–4685, email address: [webmaster-support@ita.doc.gov](mailto:webmaster-support@ita.doc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Myrna Lobo at (202) 482–2371 or Michele Lynch at (202) 482–2879.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 351.309 of the Department’s regulations sets forth limits for the submission of case and rebuttal briefs and provides guidance on what should be contained in these documents. However, unlike other Federal Agencies (e.g., the International Trade Commission, Department of Labor, or the Internal Revenue Service Tax

Court),<sup>1</sup> the Department does not currently limit the length of such briefs. As a result, submissions may contain lengthy or duplicative arguments in antidumping and countervailing duty proceedings. The review and summarization of these lengthy submissions consumes considerable resources. To reduce the strain on limited resources and streamline the process, the Department proposes amending 19 CFR 351.309 to impose word limits on case and rebuttal briefs.

The proposed revision would set forth a limit of 25,000 words in total for each party’s case and rebuttal briefs. A party may decide on the number of words it chooses to allocate among its case brief and rebuttal brief, but the combined total between the two shall not exceed 25,000 words. Each case brief must contain a certification by the filing party or its representative, indicating the number of words used in the brief, and the number of unused words remaining for the rebuttal brief. Each rebuttal brief must contain a certification by the filing party or its representative indicating the number of words used and that the total combined word limit of 25,000 words has not been exceeded. The word limit will include all attachments, headings, footnotes, endnotes, and quotations used in the document; it will not include the table of contents, table of statutes, regulations and cases cited, and summary of arguments that preface the arguments in the brief, referenced in paragraphs (c)(2) and (d)(2) of the revised regulation below. In determining the word count, a party may rely on the software program used to prepare the brief. Briefs in excess of the word count shall be rejected and shall be considered untimely.

If an interested party challenges a party’s word count, such a filing must be made within 48 hours of the filing of the final version of the case or reply brief in ACCESS.<sup>2</sup> While parties may not be able to view another party’s business proprietary case brief in ACCESS and may have to rely on being served the brief by the filing party, we note that 19 CFR 351.303(f)(3)(i) contains specific rules for service of briefs. Case briefs must be served on persons on the service list<sup>3</sup> the same day that they are filed with the Department by personal service or by overnight mail or courier the next day

<sup>1</sup> The United States Court of International Trade and the United States Court of Appeals for the Federal Circuit also impose word limits on briefs.

<sup>2</sup> Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (“ACCESS”). ACCESS is available to registered users at <https://access.trade.gov>.

<sup>3</sup> 19 CFR 103(d)(2).