

Terminals, Inc., Kinder Morgan Services, LLC, Kinder Morgan Southeast Terminals, LLC, Kinder Morgan Virginia Liquids Terminals LLC, Kinder Morgan Materials Services, LLC, Kinder Morgan G.P., Inc., Kinder Morgan Operating L.P. "A", Kinder Morgan Operating L.P. "C", Kinder Morgan Operating L.P. "D", Kinder Morgan Transmix Company LLC, Kinder Morgan Energy Partners, Nassau Terminals, LLC, Kinder Morgan Terminals, and Kinder Morgan, Inc., hereinafter "Respondents."

Complainant states that it is a business engaged in providing ship's agency services to vessel owners, operators and charterers. Complainant alleges that Respondents are operators of marine terminals.

Complainant alleges that by banning Complainant from entering on or coordinating port calls at all marine terminals owned or operated by Respondents, as well as informing Complainant's customers that as of July 1, 2016 Complainant has been banned from coordinating port calls at all marine terminals owned or operated by Respondents, Respondents have violated the Shipping Act, 46 U.S.C. 41106, which states that marine terminal operators "may not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person; or unreasonably refuse to deal or negotiate."

Complainant requests that the Commission enter an order declaring the "Blacklist Notice" and/or Respondents' actions described in their complaint violate 46 U.S.C. 41106 and are unlawful and unenforceable, and further declaring that Complainant may continue to provide vessel agency services at Respondents' terminals as it currently does, and that Respondent be required to answer the charges made in the Complaint. Complainant also requests that after taking evidence and conducting a hearing, the Commission order Respondents to cease and desist from violation of the Shipping Act; to put in place lawful and reasonable practices to insure no continuing similar violations of the Shipping Act; to pay Complainant's reasonable attorney fees pursuant to 46 U.S.C. 41305(e); to pay monetary penalties for violating the Shipping Act pursuant to 46 U.S.C. 41107; and that the Commission make any further orders as it determines to be just and proper.

The full text of the complaint can be found in the Commission's Electronic Reading Room at [www.fmc.gov/16-14](http://www.fmc.gov/16-14).

This proceeding has been assigned to the Office of Administrative Law Judges.

The initial decision of the presiding officer in this proceeding shall be issued by June 29, 2017, and the final decision of the Commission shall be issued by January 12, 2018.

**Karen V. Gregory,**  
Secretary.

[FR Doc. 2016-16012 Filed 7-6-16; 8:45 am]

**BILLING CODE 6731-AA-P**

## GENERAL SERVICES ADMINISTRATION

[Notice-FAS-2016-01; Docket No. 2016-0001; Sequence 15]

### Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting

**AGENCY:** Federal Acquisition Service (FAS), General Services Administration (GSA).

**ACTION:** Notice.

**SUMMARY:** FAS is publishing this notice to solicit comments regarding the public release of transactional data reported in accordance with the General Services Administration Acquisition Regulation (GSAR) Transactional Data Reporting clauses. GSA FAS will consider comments received in establishing its final position on which Transactional Data Reporting (TDR) data elements are releasable under the Freedom of Information Act (FOIA) and which elements will therefore be released to the general public via a public data extract.

**DATES:** Submit comments on or before August 29, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Adam Jones, Procurement Analyst, FAS Office of Acquisition Management, at [adam.jones@gsa.gov](mailto:adam.jones@gsa.gov), or 571-289-0164.

**ADDRESSES:** Submit comments identified by "Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting" by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected through Transactional Data Reporting" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "submit a Comment" that corresponds with "Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting". Following the instructions provided at the "Submit a Comment" screen. Please

include your name, company name (if any), and "Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting.

*Instructions:* Please submit comments only and cite Notice FAS-2016-01; Seeking Input on the Public Release of Data Collected Through Transactional Data Reporting, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

#### SUPPLEMENTARY INFORMATION:

*A. Background:* GSA published the Transactional Data Reporting final rule in the **Federal Register** at 81 FR 41103 on June 23, 2016. The rule amended the General Services Administration Acquisition Regulation (GSAR) to include clauses that require vendors to report transactional data from orders placed against select Federal Supply Schedule (FSS) contracts, Governmentwide Acquisition Contracts (GWACs), and Governmentwide Indefinite-Delivery, Indefinite-Quantity (IDIQ) contracts. The clause applicable to GWACs and Governmentwide IDIQs, GSAR clause 552.216-75, will be applied to new contracts in that class and may be applied to any existing contracts in this class that do not contain other transactional data clauses. For FSS contracts, the clause (GSAR clause 552.238-74 Alternate I) will be introduced in phases, beginning with a pilot for select Schedules or Special Item Numbers and will be paired with changes to existing requirements for Commercial Sales Practices disclosures and Price Reductions clause basis of award monitoring. The final rule does not apply to the Department of Veterans Affairs (VA) FSS contract holders.<sup>1</sup>

Contractors subject to Transactional Data Reporting will be required to report eleven standard data elements. Any data

<sup>1</sup> See GSAR Case 2013-G504; Docket 2014-0020; Sequence 1 (80 FR 11619 (Mar. 4, 2015)).

elements beyond the standard elements must be coordinated with the applicable category manager, and approved by the Head of Contracting Activity and GSA's Senior Procurement Executive in order for them to be included with a tailored version of the applicable clause. The determination regarding additional data elements will consider the benefits, alternatives, burden, and need for additional rulemaking.

GSA intends to share transactional data to the maximum extent allowable to promote transparency and

competition while respecting that some data could be exempt from disclosure. Accordingly, a public data extract, containing information that would otherwise be releasable under the Freedom of Information Act (FOIA) (5 U.S.C. 552), will be created for use by the general public.

The data released to the public will provide valuable market intelligence that can be used by vendors for crafting more efficient, targeted business development strategies that incur lower administrative costs. This will be

particularly beneficial for small businesses, which often do not have the resources to invest in dedicated business development staff or acquire business intelligence through third-parties.

*B. Standard Data Elements:* Both Transactional Data Reporting GSAR clauses 552.238–74, Alternate I and 552.216–75 require contractors to report the same eleven standard data elements. These data elements, along with their exemption status under FOIA, are listed in the table below.

Data element description	Exemption status
1. Contract or Blanket Purchase Agreement (BPA) Number .....	Not exempt under FOIA.
2. Delivery/Task Order Number/Procurement Instrument Identifier (PIID) .....	Not exempt under FOIA.
3. Non Federal Entity .....	Not exempt under FOIA.
4. Description of Deliverable .....	Not exempt under FOIA.
5. Manufacturer Name .....	Not exempt under FOIA.
6. Manufacturer Part Number .....	Not exempt under FOIA.
7. Unit Measure (each, hour, case, lot) .....	Not exempt under FOIA.
8. Quantity of Item Sold .....	Exempt—5 U.S.C. 552(b)(4). <sup>2</sup>
9. Universal Product Code .....	Not exempt under FOIA.
10. Price Paid Per Unit .....	Exempt—5 U.S.C. 552(b)(4).
11. Total Price .....	Not exempt under FOIA.

As described in Section A, GSA intends to share transactional data elements that are not exempt under the FOIA with the general public through a public data extract.

*C. Public Comments:* Public comments are invited on the FOIA exemption status of the eleven standard data elements identified in Section B. Comments must be submitted following the instructions above and must identify any data elements addressed by number and description.

Dated: June 23, 2016.

**Chiara A. McDowell,**

*Deputy Assistant Commissioner, Office of Acquisition Management, Federal Acquisition Service.*

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**BILLING CODE 6820–34–P**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000–0108; Docket 2016–0053; Sequence 20]

**Submission for OMB Review; Bankruptcy**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding the extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Bankruptcy. A notice was published in the **Federal Register** at 81 FR 24104 on April 25, 2016. No comments were received.

**DATES:** Submit comments on or before August 8, 2016.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention:

Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link “Submit a Comment” that corresponds with “Information Collection 9000–0108, Bankruptcy.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 9000–0108, Bankruptcy” on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC Information Collection 9000–0108, Bankruptcy.

*Instructions:* Please submit comments only and cite Information Collection 9000–0108, Bankruptcy, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

<sup>2</sup> Since the price paid per unit is exempt, GSA FAS will not release both the Total Price (data element #11) and Quantity of Item Sold (data element #8) as this may reveal the price paid per unit; therefore, Quantity of Item Sold is considered “exempt”.