

requirements for notice and comment and delay in effective date.

**List of Subjects in 42 CFR Part 457**

Administrative practice and procedure, Grant programs-health, Health insurance, Reporting and recordkeeping requirements.

Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendment to part 457:

**PART 457—ALLOTMENTS AND GRANTS TO STATES**

■ 1. The authority citation for part 457 continues to read as follows:

**Authority:** Section 1102 of the Social Security Act (42 U.S.C. 1302).

■ 2. Section 457.10 is amended by adding the definition of “Federally Qualified HMO” in alphabetical order to read as follows:

**§ 457.10 Definitions and use of terms.**

\* \* \* \* \*

*Federally qualified HMO* means an HMO that CMS has determined is a qualified HMO under section 2791(b)(3) of the Public Health Service Act.

\* \* \* \* \*

Dated: July 14, 2016.

**Madhura Valverde,**

*Executive Secretary to the Department, Department of Health and Human Services.*

[FR Doc. 2016-17157 Filed 7-18-16; 4:15 pm]

BILLING CODE 4120-01-P

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**48 CFR Part 752**

RIN 0412-AA82

**Agency for International Development Acquisition Regulation (AIDAR): Preference for Privately Owned U.S.-Flag Commercial Vessels.**

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Agency for International Development (USAID) is revising the Agency for International Development Acquisition Regulation (AIDAR) clause to conform to the current requirements of the Cargo Preference Act of 1954 and provide up-to-date submission instructions to the Maritime Administration (MARAD).

**DATES:** This rule is effective October 18, 2016 without further action, unless adverse comments are received by September 19, 2016. If adverse comments are received, USAID will

publish a timely withdrawal of this rule in the **Federal Register**. Submit comments on or before September 19, 2016.

**ADDRESSES:** Address all comments concerning this notice to Lyudmila Bond, Bureau for Management, Office of Acquisition and Assistance, Policy Division (M/OAA/P), Room 867J, SA-44, Washington, DC 20523-2052. Submit comments, identified by title of the action and Regulation Identifier Number (RIN) by any of the following methods:

1. Through the Federal eRulemaking Portal at <http://www.regulations.gov> by following the instructions for submitting comments.

2. By Email: Submit electronic comments to [lbond@usaid.gov](mailto:lbond@usaid.gov). See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

3. By Mail addressed to: USAID, Bureau for Management, Office of Acquisition & Assistance, Policy Division, Room 867J, SA-44, 1300 Pennsylvania Ave. NW., Washington, DC 20523-2052.

**FOR FURTHER INFORMATION CONTACT:** Lyudmila Bond, Telephone: 202-567-4753 or Email: [lbond@usaid.gov](mailto:lbond@usaid.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Instructions**

All comments must be in writing and submitted through one of the methods specified in the **ADDRESSES** section above. All submissions must include the title of the action and RIN for this rulemaking. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message.

Comments submitted by email must be included in the text of the email or attached as a PDF file. Please avoid using special characters and any form of encryption. Please note that USAID recommends sending all comments to the Federal eRulemaking Portal because security screening precautions have slowed the delivery and dependability of surface mail to USAID/Washington.

After receipt of a comment and until finalization of the action, all comments will be made available at <http://www.regulations.gov> for public review without change, including any personal information provided. We recommend you do not submit information that you consider Confidential Business Information (CBI) or any information that is otherwise protected from disclosure by statute.

USAID is publishing this revision as a direct final rule as the Agency views this as a conforming and administrative

amendment and does not anticipate any adverse comments. This rule will be effective on the date specified in the **DATES** section above without further notice unless adverse comment(s) are received by the date specified in the **DATES** section above.

USAID will only address substantive comments on the rule. Comments that are insubstantial or outside the scope of the rule may not be considered.

If adverse comments are received on the direct final rule, USAID will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect. If no adverse comments are received, this final rule will become final after the designated period. Additionally, USAID is publishing a separate document in the “Proposed Rules” section of this **Federal Register** that will serve as the proposal to approve these AIDAR revisions if adverse comments are received.

USAID will address all public comments in a subsequent final rule based on the proposed rule. USAID will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**B. Background**

USAID is revising AIDAR section 752.247-70, Preference for privately owned U.S.-flag commercial vessels to conform to the current requirements of the Cargo Preference Act of 1954. The Act mandates that at least 50 percent of the gross tonnage of all Government generated cargo be transported on privately owned, U.S.-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates. Other changes to the clause include up-to-date submission requirements to the Maritime Administration (MARAD). The changes will not impose any additional requirements on contractors.

**C. Impact assessment**

*(1) Regulatory Planning and Review*

Under E.O. 12866, USAID must determine whether a regulatory action is “significant” and therefore subject to the requirements of the E.O. and subject to review by the Office of Management and Budget (OMB). USAID has determined that this Rule is not an “economically significant regulatory action” under Section 3(f)(1) of E.O. 12866. This rule is not a major rule under 5 U.S.C. 804.

*(2) Regulatory Flexibility Act*

The rule will not have an impact on a substantial number of small entities within the meaning of the Regulatory

Flexibility Act, 5 U.S.C. 601, *et seq.* Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

### (3) Paperwork Reduction Act

The rule does not establish a new collection of information that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

### List of Subjects in 48 CFR Part 752

Government procurement.

For the reasons discussed in the preamble, USAID amends 48 CFR part 752 as set forth below:

### PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 752 continues to read as follows:

**Authority:** Sec. 621, Pub. L. 87–195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; and 3 CFR 1979 Comp., p. 435.

■ 2. Amend 752.247–70:

■ i. In paragraph (a), by removing the words “46 U.S.C. 1241(b)” and adding in their place the words “46 U.S.C. 55305)” and removing the words “at least 75 percent” and adding in their place the words “at least 50 percent”;

■ ii. In paragraph (b), by removing the words “programs or activities” and adding in their place the word “program” and removing the words “50 or 75 percent” and adding in their place the words “50 percent”;

■ iii. In paragraph (c)(1) introductory text, by removing the words “the Division of National Cargo, Office of Cargo Preference, Maritime Administration, U.S. Department of Transportation, Washington, DC 20590” and adding in their place the words “Office of Cargo and Commercial Sealift, Maritime Administration (MARAD), U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590”; and

■ iv. By adding paragraph (c)(1)(iii).

The addition reads as follows:

#### 752.247–70 Preference for privately owned U.S.-flag commercial vessels.

\* \* \* \* \*

(c)(1) \* \* \*

(iii) For all shipments, scanned copies for MARAD must be sent to: [Cargo.MARAD@DOT.gov](mailto:Cargo.MARAD@DOT.gov).

\* \* \* \* \*

Dated: July 6, 2016.

**Mark Walter,**

*Acting Chief Acquisition Officer.*

[FR Doc. 2016–17137 Filed 7–19–16; 8:45 am]

**BILLING CODE 6116–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R2–ES–2016–0028; 4500030113]

RIN 1018–BB67

### Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken Removed from the List of Endangered and Threatened Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are issuing a final rule to comply with a court order that vacated the final rule listing the lesser prairie-chicken (*Tympanuchus pallidicinctus*) as a threatened species under the Endangered Species Act of 1973, as amended (Act). This final rule amends our regulations by removing the lesser prairie-chicken from the Federal List of Endangered and Threatened Wildlife and by removing the rule issued under section 4(d) of the Act for the lesser prairie-chicken.

**DATES:** This rule is effective July 20, 2016.

#### FOR FURTHER INFORMATION CONTACT:

Debra Bills, Field Supervisor, Arlington Ecological Services Field Office, 2005 NE. Green Oaks Blvd., Suite 140, Arlington, TX 76006; by telephone 817–277–1100; or by facsimile 817–277–1129. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

#### SUPPLEMENTARY INFORMATION:

#### Background

On April 10, 2014, we published in the *Federal Register* a final rule (79 FR 19974) listing the lesser prairie-chicken (*Tympanuchus pallidicinctus*) as a threatened species under the Act (16 U.S.C. 1531 *et seq.*) in part 17 of title 50 of the Code of Federal Regulations (50 CFR 17.11(h)). On the same day, we published a final rule under section 4(d) of the Act (“4(d) rule”) for the lesser prairie-chicken (79 FR 20074) at 50 CFR 17.41(d). Please see the April 10, 2014, final listing rule for a complete discussion of previous Federal actions.

On June 9, 2014, the Permian Basin Petroleum Association; Chaves County, New Mexico; Roosevelt County, New Mexico; Eddy County, New Mexico; and Lea County, New Mexico (plaintiffs) filed a lawsuit challenging the Service’s final rule to list the lesser prairie-chicken as a threatened species under the Act. On September 1, 2015, the U.S. District Court for the District of West Texas issued an order vacating the final listing rule for the lesser prairie-chicken. By invalidating the rule listing the species, the court decision also had the effect of invalidating the 4(d) rule.

#### Administrative Procedure

This rulemaking is necessary to comply with the September 1, 2015, court order. Therefore, under these circumstances, the Director has determined, pursuant to 5 U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are unnecessary. Because the court order had legal effect immediately upon being filed on September 1, 2015, the Director has further determined, pursuant to 5 U.S.C. 553(d)(3), that the agency has good cause to make this rule effective immediately upon publication.

#### Effects of the Rule

This rule is an administrative action to remove the lesser prairie-chicken from the Federal List of Endangered and Threatened Wildlife at 50 CFR 17.11(h) to reflect the court’s order to vacate the final rule listing this species. Consequently, this rule also removes the regulations specific to the lesser prairie-chicken at 50 CFR 17.41(d).

#### List of Subjects in 50 CFR Part 17

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

#### Regulation Promulgation

Accordingly, for the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below.

### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

#### § 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for “Prairie-chicken, lesser” from the List of Endangered and Threatened Wildlife.