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Federal Register

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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

Food and Nutrition Service

7 CFR Parts 271, 272 and 275

[FNS–2011–0035]

RIN 0584–AD86

Supplemental Nutrition Assistance Program: Review of Major Changes in Program Design and Management Evaluation Systems

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule.

SUMMARY: This rule finalizes provisions of the proposed rule entitled Review of Major Changes in Program Design and Management Evaluation Systems, which was published May 3, 2011. This final rule amends the Supplemental Nutrition Assistance Program (SNAP) (formerly the Food Stamp Program) regulations to implement section 4116 of the Food, Conservation and Energy Act of 2008 (FCEA). Section 4116 of the FCEA, Review of Major Changes in Program Design, requires the United States Department of Agriculture (the Department) to identify standards for major changes in operations of State agencies' administration of SNAP. The provision also requires State agencies to notify the Department if they implement a major change in operations and to collect and report data that can be used to identify and correct problems relating to integrity and access, particularly for certain vulnerable households.

This final rule establishes criteria for changes that would be considered ''major changes'' in program operations and identifies the data State agencies must report in order to identify problems relating to integrity and access. It also sets forth when and how State agencies must report on the implementation of a major change. This rule also amends Management Evaluation (ME) Review regulations by modifying the requirements for State reviews. The rule revises the definitions of large, medium and small project areas. Finally, it removes sections of the regulations pertaining to coupons and coupon storage since they are obsolete.

DATES: *Effective Date:* January 19, 2016.

Implementation date: This rule shall be implemented as follows: § 272.15 shall be implemented on March 21, 2016. Implementation of any major change that begins after that day must be reported to FNS. The changes in definitions in Part 271 that impact the requirements for State ME reviews in Part 275, shall be implemented October 1, 2016.

FOR FURTHER INFORMATION CONTACT: Mary Rose Conroy, Chief, Program Design Branch, Program Development Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2515; *Maryrose.Conroy@fns.usda.gov.* Questions regarding this rulemaking should be sent in writing to 3101 Park Center Drive, Alexandria, Virginia 22302, or by telephone at (703) 305–2803, or via email to *Maryrose.Conroy@fns.usda.gov.*

SUPPLEMENTARY INFORMATION: This action is needed to implement section 4116 of the FCEA. Section 4116, Review of Major Changes in Program Design, amends section 11 of the Food and Nutrition Act of 2008 (the Act) (7 U.S.C. 2020). Section 4116 requires the Department to develop standards for identifying major changes in the operations of State agencies that administer SNAP; State agencies to notify the Department upon implementing a major change in operations; and State agencies to collect any information required by the Department to identify and correct any adverse effects on program integrity or access, particularly access by vulnerable households. The provision identifies four major changes in operations for which standards for identifying changes must be developed: (1) Large or substantially-increased numbers of low-income households that do not live in reasonable proximity to a SNAP office; (2) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by merit system personnel; (3) changes that potentially increase the households' difficulty in reporting information to the State; and (4) changes that may disproportionately increase the burdens on specific vulnerable households. In addition, the provision gives the Department the discretion to identify other major changes that a State agency would be required to report, as well as to identify the types of data the State agencies would have to collect to identify and correct adverse effects on integrity and access. Finally, the Department is modifying requirements for State reviews to allow more efficient use of staff and resources.

I. Additional Information on Electronic Access

Electronic Access

You may view and download an electronic version of this final rule at *http://www.fns.usda.gov/snap/.*

II. Procedural Matters

Executive Order 12866 and 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). This final rule has been determined to be not significant under Executive Order 12866 and was not reviewed by the Office of Management and Budget.

Costs

The rule will have a minimal cost in fiscal year (FY) 2016 and over the 5 years FY 2016 through FY 2020. To estimate the cost impact, we multiplied the estimated total burden hours, as outlined in the Paperwork Reduction Act section of the preamble, by the hourly mean wage for functions performed by State agency and local education agency staff. The hourly mean wage is based upon the U.S. Department of Labor, Bureau of Labor Statistics, May 2014 National Occupational and Wage Statistics, Occupational Group (for education-related occupations), which is $25.10. FNS estimates a total of 8,460 burden hours to fulfill the reporting requirements. The annual cost is estimated at $212,364 or approximately $1,061,730 over the 5 years FY 2016 through FY 2020.

Benefits

This rule requires State agencies to report on the impacts of implementing major changes in State agency operations, and to identify and correct problems caused by implementing these changes. This rule will benefit State agencies by requiring them to fully evaluate changes and thereby reduce the potential for these changes to cause hardships for applicants, recipients or compromise the integrity of the program. This rule will benefit applicants, recipients or individuals otherwise eligible for SNAP by requiring State agencies to identify and correct adverse impacts. This rule modifies the requirements for State ME reviews of local office operations. It will benefit State agencies by allowing them more time to conduct higher quality reviews.

Executive Order 12372

SNAP is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V and related Notice (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). It has been certified that this rule will not have a significant economic impact on a substantial number of small entities. State welfare agencies will be the most affected to the extent that they administer the SNAP.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 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 Food and Nutrition Service (FNS) 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 FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost effective or least burdensome alternative that achieves the objectives of the rule. This 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 of $100 million or more in any one year. This rule is, therefore, not subject to the requirements of sections 202 and 205 of the UMRA.

Federalism Summary Impact Statement

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 E.O. 13132. FNS has considered this rule's impact on State and local agencies and has determined that it does not have federalism implications under E.O. 13132.

Civil Rights Impact Analysis

FNS has reviewed this rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis,'' to identify and address any major civil rights impacts that the rule might have on minorities, women and persons with disabilities. After a careful review of the rule's intent and provisions, FNS has determined that this rule has no intended impact on any of the protected classes. FNS specifically prohibits State and local government agencies that administer SNAP from engaging in actions that discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of benefits, the conduct of fair hearings, or the conduct of any other program service for reasons of age, race, color, sex, handicap, religious creed, national origin or political beliefs (SNAP nondiscrimination policy can be found at 7 CFR 272.6). Discrimination in any aspect of program administration is prohibited by these regulations, the Food and Nutrition Act of 2008, the Age Discrimination Act of 1975 (Pub. L. 94–135), the Rehabilitation Act of 1973 (Pub. L. 93–112, section 504) and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Enforcement action may be brought under any applicable Federal law. Title VI complaints shall be processed in accordance with 7 CFR part 15.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' 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.

FNS has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under EO 13175. On February 18, 2015 the agency held a webinar for tribal participation and comments. During the comment period, FNS did not receive any comments on the proposed rule. If a Tribe requests consultation, FNS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 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. The Notice of Proposed Rulemaking (NPRM) contained new requirements that are subject to review and approval by OMB. FNS sought public comments on the changes in the information collection burden that would result from adoption of the NPRM provisions.

Comments were 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 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, including

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments on the information collection pursuant to the proposed rule were minimal, but changes to provisions of the final rule have affected the reporting burden estimated from the NPRM.

Title: Review of Major Changes in Program Design.

OMB Number: [0584–NEW].

Expiration Date: Not Yet Determined.

Type of Request: New Collection.

Abstract: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), FNS is submitting a copy of this section to OMB for its review. Section 4116, Review of Major Changes in Program Design, amends section 11 of the Act (7 U.S.C. 2020). It requires the Department to develop standards for identifying major changes in the operations of State agencies that administer SNAP. Section 272.15, of this final rule requires State agencies to notify the Department when planning to implement a major change in operations and State agencies to collect any information required by the Department to identify and correct any adverse effects on program integrity or access, including access by vulnerable households. Since decisions to make major changes to program operations rest with each individual State agency, the frequency and timing of the changes can only be estimated. The final rule requires State agencies to provide descriptive information regarding the major change together with an analysis of its projected impacts on program operations. The final rule also includes ''automatic'' reporting requirements for any State reporting a major change and sets out requirements for the State to collect and report additional information. The reports will consist of monthly information, to be provided on a quarterly basis. Reporting would continue for at least a year after the change is completely implemented. It is not uncommon for a State to pilot a change prior to statewide implementation. FNS could require information from the pilot and information regarding the statewide impacts of the change after full implementation.

Respondents: The 53 State agencies that administer SNAP.

Estimated Number of Responses per Respondent: The rule identifies six categories of major changes; changes to the States automated system, changing the responsibilities of merit system personnel, office closings, reductions in State SNAP merit system personnel, changes that may make it more difficult for households to report and an undefined ''other'' category. Such changes in operations are made by States based upon a variety of interrelated factors. There is no evidence that the State's size (population) or regional location predict when or what type of changes States will make.

In examining the first of the above criterion in isolation, it would be reasonable to expect one or two States per year to replace automated systems and another four States to make modifications to their systems that would require a major change report. However, with so many States running older systems and the delays caused by budget difficulties, it is likely this will increase to three per year beginning in FY 2017, as States' budgets improve. It is also likely that we will see more States look into implementing call centers and developing online applications that will be used by a large proportion of SNAP applicants and participants. Since it appears that 45 States will have online applications in place and over 30 States will be using call centers in FY 2016, the number of additional States that might implement these systems in a year is most likely no more than four per year. Therefore we estimate a total of ten States per year would report major changes under this criterion.

With regard to the second criterion, one State exploring such a change every two years would be a reasonable estimate.

The third criterion, office closings, may become more common with the expanded use of call centers and online applications. We estimate three States per year would report major changes under this criterion.

The fourth criterion, staff reductions, tends to fluctuate with States' budgetary situations, caseloads and other changes States make to their program design. We estimate there would be three significant staff reductions per year.

The fifth criterion, changes that may make it more difficult for households to report, would occur in conjunction with or as a result of changes in the States administration of SNAP. This is the most difficult to predict, but as States continue to take advantage of new technology and streamlined processes, changes of this type may become more common. An estimate of five such changes per year would appear to be reasonable.

Since, by definition, the ''other'' category cannot be estimated, one such major change per year is estimated as a place holder.

Criterion	Responses per year
Replacement of automated system	10
Changing the responsibilities of merit system personnel	.5
Office closings	3
Significant reductions in SNAP staff	3
Changes that may make it more difficult for households to report	5
Other	1
Total	22.5

Once a State has triggered one of the six criteria, the State will be required to report the ''automatic'' information as required in § 272.15(b)(2)–(4) and FNS must determine what, if any, additional data the State will be required to collect and report as provided for in § 272.15(b)(5). FNS believes that most often, the automatic reporting requirements and its ongoing data collection tools it employs will be sufficient to provide the needed information on a major change. Additional data will occasionally need to be generated from States' automated eligibility systems or gathered by conducting additional case review surveys.

Estimated Total Annual Burden on Respondents:

Section 272.15(a)(3), requires States provide both descriptive and analytic information regarding the major change. FNS believes States will have completed the majority of the analysis in the normal course of their own planning and decision making. The descriptive information should also be readily available and require minimal data gathering since it is the State's decision to make the major change. We estimate it will take 8 hours to describe the change and 32 hours to repackage and complete the required analysis for a total of 40 hours per response. Thus, with 22.5 States reporting one major change per year, the initial reporting and analysis aspect of the rulemaking would be 22.5 annual responses × 40 hours per State = an estimated 900 burden hours per year (22.5 States × 1 response per respondent = 22.5 annual responses × 40 hours per respondent to respond = 900 annual burden hours).

FNS believes that for about seventy percent of the major changes States report, no additional reporting will be necessary beyond the automatic reporting requirements. Additional data collection will only be required for the remaining 30 percent of the reported major changes. Therefore, for about 15.75 of the major changes expected

each year there would be no additional reporting burden.

All 22.5 of the major changes expected each year will require some automated system reprogramming to generate the required automatic data reporting. At 48 hours per reprogramming effort, this would be 1080 hours per year (22.5 × 48). The reports themselves would be estimated to require 12 hours each.

Respondents	Estimated annual responses	Responses per year	Hours per response	Total hours per year
22.5 States quarterly	4	90	12	1080

The total for the 22.5 States would be 900 + 1,080 hours = 1,980 total hours for reporting (divided by the 22.5 states = 88 hours per State per year).

For the 6.75 States expected to require additional data collection, this requirement would be in addition to the 1,980 hours from above. Such data will generally be collected through a sample of case reviews. While the required sample sizes may vary based on the type of major change and the proportion of the State's SNAP caseload it may affect, 200 cases per quarter would likely be an upper limit on what FNS could ask of a State. At an estimated one hour to review and report on a case, this would require 800 hours per year per State. The 6.75 States times 800 hours yields 5,400 hours (6.75 State respondents × 1 response per respondent = 6.75 annual responses × 800 hours per respondent to respond = 5,400 annual burden hours). When the 1,980 hours are added for the automatic information, the total for these 6.75 States is 7,380 hours (1,093 hours per State per year).

With all 22.5 States reporting quarterly, there would be 90 responses annually. Twenty-seven of the 90 reports would contain additional information from sample data.

Section	Requirement	States responding per year	Responses per respondent	Number of responses	Hours per response	Total burden hours
272.15(a)(3)	Initial analysis of Major Change.	22.5	1	22.5	40	900
272.15(b)(2)–(4)	Reports required without additional data collection.	15.75	4	63	22	1,386
272.15(b)(5)	Reports required with additional data collection.	6.75	4	27	273.25	7,377.75
Totals		22.5	5 (average)	112.5	85.9 (average)	9,663.75

E-Government Act Compliance

FNS is committed to complying with the E-Government Act of 2002, 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.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Effective Date'' paragraph of the final rule. Prior to any judicial challenge to the provisions of this rule or to the application of its provisions, all applicable administrative procedures must be exhausted. In SNAP the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and § 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at § 276.7 or Part 283; (3) for retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR part 279.

What acronyms or abbreviations are used in this supplementary discussion of the proposed provisions? In the discussion of the provisions in this rule, the following acronyms or other abbreviations are used to stand in for certain words or phrases:

Phrase	Acronym, Abbreviation, or Symbol
Code of Federal Regulations.	CFR
Federal Register	FR
Federal Fiscal Year	FY
Food and Nutrition Act of 2008.	the Act
Food and Nutrition Service	FNS
Food, Conservation, and Energy Act of 2008.	FCEA
Management Evaluation	ME
Notice of Proposed Rulemaking.	NPRM
Supplemental Nutrition Assistance Program.	SNAP
U.S. Department of Agriculture.	the Department

III. Background

Section 4116 of the FCEA amended section 11 of the Act to require the Department to define ''major changes'' in SNAP operations, State agencies to notify the Department when they implement a major change in SNAP operations, and to collect data for use in identifying and correcting problems with SNAP integrity and access, particularly among vulnerable populations. Many State agencies have changed or are in the process of changing the way they operate SNAP. Some of these changes have been small and have predominately impacted internal State agency operations. However, some of the changes have also included major overhauls of State agency operations that affect how the State interacts with applicants and participants. While the goal of such changes is to improve the efficiency and the effectiveness of the States' operations, some of these changes have

adversely impacted the States' payment accuracy rates, and, critically, have impeded access to SNAP benefits. In recent years, States have faced rising caseloads and cut backs which in part have led many States to make use of new technologies that could help streamline their SNAP operations. Section 4116 of the FCEA anticipates this and provides the Department the authority to better provide States with technical assistance and to monitor implementation of major changes in their operation of SNAP. The proposed rule published May 3, 2011, at 76 FR 24820, provided a 60-day comment period. This final rule defines what changes to States' operations will be considered ''major,'' establishes the requirements for States to notify FNS of such changes and establishes reporting requirements for major changes. States' ME requirements have also been updated to allow States time to conduct more effective reviews. The changes will allow States to streamline operations while maintaining the integrity of SNAP.

Public Comments

The Department received 120 comments on the NPRM from various entities including: 95 individuals (many of whom are union members); 4 unions; 10 advocate organizations; 10 States; and an organization representing States. Following are the issues raised by commenters, paraphrased excerpts from the most illustrative comments, and recommendations they made for changes to this final rule. (Note: The May 3, 2011 NPRM proposed to add the Major Change provisions to a new § 272.12. However, this section now deals with Computer Matching Requirements. The provisions of this final rule are added in a new § 272.15. References in this preamble to provisions of the proposed rule have been converted from § 272.12 to § 272.15 to reduce confusion between the proposed and final rules.) General comments on the NPRM include:

General Comments

- We commend FNS for including application processing timelines at recertification (proposed § 272.15(b)(1)(iii)) as one of the measures it will examine in the event of a major change.
- SNAP is an entitlement program. Therefore, the processes related to SNAP eligibility determinations are inherently governmental functions and must be performed by public employees. The proposed rule also includes changes to the performance reporting system, including elimination of the Federal biennial review of the State ME system. The proposed changes weaken Federal oversight of SNAP, and we recommend that the current requirements be maintained.
- The proposed language creates the impression that States may be able to secure waivers or approval for the use of non-merit system personnel. We urge FNS to re-affirm its conclusions that it strongly disfavors the use of non-merit system personnel and not to change its position. The experience of our office and many other advocates is that all too often non-merit system personnel lack the training, supervision, experience and exposure to agency culture necessary to ensure maximum program access.
- The Preamble states that ''FNS has determined that the use of non-merit system personnel in these functions can have a detrimental impact on the efficient and effective operation of the program,'' but then proceeds to explain that FNS must approve the use of non-merit system personnel. It is contrary to good sense and effective public policy for the Department to authorize this model when the Department itself acknowledges that all available evidence to date documents costly failures.
- Section 4116 of the FCEA gives FNS the authority to identify ''major changes'' and to collect information on those changes, but it does not allow FNS to prevent or impair States' ability to implement administrative changes that otherwise meet legal and regulatory requirements. With this proposed regulation, FNS appears to go beyond its mandate under the law. FNS should take a proactive approach to assist States to quickly implement successful reengineering changes and to use existing SNAP performance data to measure outcomes rather than impose additional burdensome reporting requirements.
- If implemented as written, we believe this regulation could prevent, weaken or at the very least delay many administrative improvements that would otherwise quickly bring a new level of efficiency, integrity and customer service to SNAP.
- By not imposing any on-going data collection obligations under this provision, the proposed rule denies the Department a baseline. If data collection begins only after a problem has arisen, the Department will be ill-equipped to assess the severity of the problem and may be misled into believing that the problem has abated when measures of State performance rise even as the State's performance remains far below what it had been. At the same time, the proposed rule's failure to require all States to gather and submit basic data on application processing, case closures, and the like—and its failure to establish common definitions and formats for the collection and submission of that data to facilitate inter-state comparison—prevents meaningful cross-sectional comparison.
- We request that the Department reconsider the scope of the proposed regulation to more closely mirror the Federal law, and to minimize duplicative and unnecessary reporting requirements when existing performance measures can be used.
- While many of the regulatory changes were proposed to address legitimate issues, we are concerned that some of the proposed changes would negatively impact the ability for States to administer SNAP and the recipients that they serve. Many of the regulatory changes also appear to exceed the language and intent of the FCEA, and appear to run counter to recent Federal efforts to reduce, simplify and streamline regulations.
- The final regulation must be changed to ensure that nationally consistent and straightforward data collection from any state that makes a major change in their service delivery model is publically available.

As these general concerns indicate, commenters were divided with several believing that the proposed rule went too far, even beyond the FCEA provisions, in terms of its requirements and others suggesting that the final rule should impose additional requirements on States. The Department understands and appreciates these differing viewpoints, and seeks to provide proper balance in this final rule by allowing for effective oversight of SNAP operations while recognizing States' resource constraints.

States are charged with the administration of SNAP and have broad discretion in deciding how they operate the program. This rule does not restrict States' discretion at all; it simply requires States to inform FNS of significant changes and provide information on their impact. In FY 2014, SNAP issued over $69 billion in benefits to a monthly average of 46.5 million individuals in need. The Federal share of administrative costs for States to operate SNAP totaled another $4.13 billion in FY 2014. Given the importance of SNAP in helping struggling families and the level of Federal funding, the Department believes this provision of the Act is critical to FNS' meeting its oversight responsibilities.

There have been several situations in recent years where States made major changes to staffing, automated systems or business processes that had unintentional, adverse impacts on the accessibility and integrity of the program. FNS worked with these States to correct the problems, but these efforts were costly to the States in terms of time, additional administrative costs, business process modifications, and, in some cases, payments to the Department for benefits issued in error. If FNS had been aware of these changes earlier and had more detailed data, it is likely that some of the difficulties could have been minimized or even avoided. Implementation of this final rule is intended to provide FNS with the information it needs to fulfill its responsibilities to act as a steward of taxpayer funds, protect access to SNAP benefits for eligible individuals, and to provide States with technical assistance as necessary.

Many of the comments received from individuals, unions and advocacy organizations focused on what appears to be a misunderstanding of the intent of the provision of the proposed rule dealing with use of non-merit system personnel in the administration of SNAP. While this provision is discussed in more detail later in this preamble, it is important to note that the proposed rule included the use of non-merit system personnel as a major change to ensure that the Department is aware of States' plans in this area prior to implementation. There was no intent to identify the use of non-merit system personnel in the administration of SNAP as a State option that the Department would support. On the contrary, the Department opposes and has actively sought to limit use of such staff in the administration of SNAP due to the negative impacts this has had on SNAP households and State agencies. The Department also agrees with the comment that States' reports on the implementation of major changes should be made available to the public.

Discussion of Comments Grouped by Provision and Issue

Provision/Issues—§ 272.15(a)(1): State agencies shall notify FNS when they make major changes in their operation of SNAP. State agencies shall notify FNS when the plans for the change are approved by State leadership, but no less than 120 days prior to beginning implementation of the change.

Public Comments and Recommendations—Ten commenters addressed this provision of the proposed rule and their comments included the following:

- The lengthy timeframes by which FNS intends to manage change is unreasonable. A 120-day advance alert of a change and a 90-day response time for FNS chokes the State's ability to respond quickly and effectively to its customer's needs and changes in the political, financial and technological environments.
- The regulation allows FNS 90 days to respond to reports of major changes. Added to 120 days, this is over 7 months before a State could implement a change. This is unrealistic; FNS response time should be no more than 30 days from the date the report was submitted. The regulation also doesn't state what should happen if the FNS response is not received within 90 days. The regulation should state that implementation could proceed if that occurs.
- Because of the potential for additional significant reporting requirements (which State systems may not have been programmed to provide), and the apparent potential to disapprove of a ''major change'' or require a change in one or more aspects of implementation, States must have sufficient time to include such requirements in their implementation and be aware of FNS objections well before implementation. Otherwise, the proposed process can significantly delay or derail implementation.
- Under standard accounting and budget practices, this 120-day requirement would effectively reduce the State and counties' ability to implement major changes in the second half of the State's fiscal year, and would cause delays beyond the initial 120 days. For example, an online application may support new applications initially, and then later add additional client reporting functions, which are modified due to lessons learned.
- It appears that these proposed regulations greatly exceed what was originally specified in the bill. The regulations speak of notifying FNS 120 days before a major change, while the FCEA merely states that if a State implements a major change they must notify FNS and provide information as required. Having to submit information prior to implementation as opposed to at the point of implementation would be a major workload and barrier. There is a big distinction between notification and approval, and these regulations tread dangerously into having the Federal government require States to seek approval prior to making major changes.
- The level of detail that must be included in the initial report will potentially add 120 days of lead time to initiatives. Although States do conduct much of the analysis in the normal course of any policy change, the specific nature and the depth of the analysis requirements of the proposed regulations is overly burdensome. We recommend that FNS re-evaluate the proposed 120-day timeframe and create an evaluation system that is more flexible.
- The 120-day minimum notice requirement is a timeframe that the majority of States would be unable to meet. Twenty-six States enact new State legislation within 90 days of passage unless otherwise declared in the specific legislation. The proposed rule's assumption that, ''any properly planned major change would be approved by State leadership well in advance of implementation'' is inconsistent with the fast-paced, budget-driven environment that exists in today's economy. The advance notice requirement also presumes that FNS has authority to approve or deny a specific plan of operation beyond the limits of the act. The provision requires that States mitigate adverse impacts, but does not give FNS approval authority over State agency operations.
- The notification requirement is not sufficient. The final regulations should require not only that States notify FNS 120 days prior to implementation but also at least 120 days prior to entering into legal obligations to implement any proposed major changes.
- Both the requirement that States submit an initial report and the 120-day timeframe should be maintained in the final rule.
- Allow States to submit an annual report on major changes that were not previously identified thru an Advance Planning Document (APD) (*e.g.,* reductions in staffing levels or office closures). FNS will still be able to negotiate with States on the additional reporting requirements after they have received the annual report.
- FNS response time should be no more than 30 days from the date the report was submitted. The longer the time to implement, the less chance the change will be implemented.

Final Rule—To clarify, the provisions of this rule do not give FNS authority to approve or deny a reported major change. However, it is important to note that existing provisions of the SNAP regulations require FNS approval or waivers for a variety of operational and policy changes that may constitute or be related to a major change.

Significant changes to States' automated systems require submission of an APD for development and

procurement. For any major change that does not require waiver authority or approval outside of this rule, States need not wait for FNS approval of their major change notification or a response to their major change notification.

In response to comments that States sometimes are not aware of a major change 120 days in advance of implementation, the Department has modified the language in the final rule to account for these situations. However, by definition, major changes are significant and the Department generally believes that to be well planned and thought through, such changes require at least 120 days lead time. Therefore, the final rule maintains the 120-day reporting timeframe, but allows for rare instances when States cannot report with this amount of lead time. In such instances, States will be required to explain the lack of lead time.

Provision/Issues—§ 272.15(a)(2): Major changes shall include the following criteria (comments on individual criteria discussed below):

Public Comments and Recommendations—While almost all commenters offered their thoughts and recommendations on some aspect of the major change criteria in this section (as discussed below), a few comments were more general. General comments on this section include the following:

• The final rules should include a residual category for any other major changes in State administration that the Department or a State agency identifies as having the potential to adversely affect program integrity or access. Even the best program administrators would not likely have anticipated all of the challenges the program faces today had they attempted to compile a list like this one a decade or two ago.

• FNS should categorize major changes as being significant, medium or small, and require different reporting based on the scope of the change that the State is planning to make. FNS would retain discretion to require more reports in unusual circumstances, but this change would make the reporting requirements more predictable for States and for FNS. For significant changes, we recommend that FNS require States to report statewide information that will allow FNS and the State to assess whether the State's process is adequately providing access to eligible households, with enough detail on sub-state areas and sub-populations within the State that problems can be identified and corrected.

• FNS should offer States the option to report certain new measures on an ongoing, statewide basis as an alternative to reporting each separate major change with an initial report and the subsequent negotiated data reports. FNS should retain discretion to require additional reports if the need arises.

Final rule—The Department has included in the final rule the ability for the Department to define additional criterion under which States must report major changes at § 272.15(a)(2)(vi), to cover as yet unknown developments in State SNAP operations. The addition of this ''other'' criteria is based upon advocates' concerns that as time passes States could make innovative changes that are not enumerated in the regulations, and thus would not be required to be reported. The Department has not adopted the suggestion that major changes be categorized by ''size.'' After careful consideration, the Department believes that this approach would unnecessarily complicate the final rule by requiring the development of additional definitions and explanation with minor impacts on its implementation.

The Department has not adopted the recommendation that an option be provided that would allow States to begin reporting certain new measures on an ongoing, statewide basis as an alternative to reporting on each separate major change. Such an option would seem to offer States little incentive since they would incur the additional cost of ongoing data reporting that may not be needed. In addition, if a few States were to adopt this option, it is not clear what FNS would do on an ongoing basis with data reported by a limited number of States. On the other hand, States can always submit additional information to FNS even without a formal option to do so. Additional information might also be required, depending on the nature of the major change.

Provision/Issues—§ 272.15(a)(2)(i): Closure of one or more local offices that perform major functions for 500 or more SNAP households, and there is not another office available to serve the affected households within 25 miles or that can be reached via public transportation.

Public Comments and Recommendations—Twelve commenters addressed this provision of the proposed rule and their comments included the following:

• We agree that office closings are major changes. However, even if there is another office within 25 miles or that can be reached by public transportation, the change is unquestionably major if the nearest office takes more than an hour to get to or costs more than $10 round trip to reach by public transportation. The final regulation should provide a limit on the travel time by public transportation of one-hour one-way.

• The final rule should make clear that households are at risk of hardship if the nearest office is *either* at least twenty-five miles away *or* not accessible via public transit. Of course, offices in some rural areas inevitably will not be on public transit lines because none exist. This rule does not prohibit such situations; it merely calls for monitoring of their impacts. The final rule should make clear that the closure of *any* office that takes applications requires scrutiny; of course, if another nearby office remains available nearby, the closure would not be a major systems change.

• The proposed triggers are unrealistic in many States, including a closure that would require clients to travel more than 25 miles; there are many areas where households already do not live within 25 miles of a local office.

• We recommend that this section be rewritten to require States to report when an office is closed that serves five percent of their caseload.

• The opportunity for face-to-face contact for all clients in a conveniently located physical setting might be desirable, but it is not realistic in today's highly constrained fiscal environment. Services for clients will not necessarily suffer if staff is reduced or offices are closed. Interactions through electronic and automated means allow clients to choose a contact time that is best for them and allows them to do so from their home or other location with computer access (as is the case with numerous community organizations). Accompanied by the appropriate alternative methods and technology, not only can office closures be done without negative effects, but they can be done while improving program access and integrity. The proposed standards of 25 miles and 500 households are ridiculously low, and do not even remotely reflect the realities of the way business currently is being done by the States.

• This definition may inadvertently include certain part-time or temporary eligibility worker locations, such as mobile vans or out-stationed workers and a change in schedule or termination of these placements should not be included as a major change. These types of temporary office locations are developed as a result of caseload or administrative funding decisions that may vary from year to year, and should not be considered a major change.

• The harsh financial realities that States are facing may leave no choice other than to consolidate their offices.

However, given the opportunities that clients will have for telephonic contact with State agencies, we do not believe that such consolidations will result in negative effects, but will likely improve access and integrity. In our opinion, office consolidation should not be considered a major change.

• Rural States have many areas with more than 25 miles between towns. The miles should be increased to 100 or more. Also the number of households served should be increased from 500 to 1000.

• In general, the office closure standard should be retained in the final rule. The regulation's standard of office closures that affect 500 households or more is reasonable and allows States to consolidate very small offices where they can achieve administrative efficiencies, while still protecting households' ability to appear in person to apply and get assistance. The final regulation should be revised to clarify that an office closure would count toward the State meeting the criterion only if there is another office within 25 miles or that can be reached *easily* via public transportation.

• The final regulation should provide that, to qualify as an office that ''performs major functions'', the office must be a place where households can file an application *and receive* assistance *in filling* out the *application from* a State *employee.*

Final Rule—It is important to clarify that the Department does not assume that local office closures are always negative, but they do reduce program access for some households. As some commenters point out, the actions States take to offset such closure may benefit many other households. While keeping office closures as a major change criterion is necessary to provide FNS with information regarding the impact of the closures and what a State is doing to offset the impact of the closure, the Department modified this criterion in the final rule in response to commenter's concerns. The Department has increased the number of SNAP households affected by a local office closure from 500 to 750 households and changed the distance to another office available to serve the affected households from 25 to 35 miles. To balance these changes, the Department has also modified the final rule by setting the threshold that an office closing that represent the lower of 750 households or at least 5 percent of a State's caseload will be considered a major change. Thus, for example, if a State had a caseload of 14,000 and an office with 701 households is being closed, this would require a report because it would be more than 5 percent of the State's caseload.

The reference to public transportation has been eliminated to simplify the criteria and because the cost of public transportation beyond 35 miles is generally prohibitive for SNAP households. The Department has also specified that an ''office performing major function'' is an office where households can file an application for SNAP in person and receive assistance from merit system personnel. Closing a ''temporary'' office or changing the location of a mobile unit would not be considered a major change.

Provision/Issues—§ 272.15(a)(2)(ii): Substantial increased reliance on automated systems for the performance of responsibilities previously performed by State merit personnel (as described in section 11(e)(6)(B) of the Act) or changes in the way that applicants and participants interact with the State's SNAP agency. Establishment of an online application process through the Internet or the use of call centers to accept applications would not be a major change unless one of these methods is expected to account for five percent or more of the State's SNAP application. Reporting a major change as required in this section does not relieve States of meeting the requirements for new system approvals in § 277.18.

Public Comments and Recommendations—Twelve commenters addressed this provision of the proposed rule and their comments included the following:

• State systems are regulated under § 277.18. This section requires States to obtain prior approval from FNS for automated data processing equipment used in the administration of SNAP. Requiring States to complete another detailed document to notify FNS of change is duplicative, inefficient and unnecessary. The information in the APD could be expanded to include the analysis that would have been required with the 120-day advance notice.

• Business rules of eligibility determination and benefit calculation are already built into the systems that workers use. The business rules, design and function of these systems are tested and approved by merit system employees.

• Discussion under this criterion again reveals an assumption that changes such as call centers will almost by definition jeopardize customer service and access. This contradicts the experience of many State systems that have dramatically improved client service and access by the use of call centers.

• The final rule should make all new or expanded online application systems and call center arrangements subject to review as major systems changes.

• Document imaging systems should be included as a major change. In our experience, the introduction of a document imaging system is in fact a major change in office operations which has the potential to greatly enhance or undermine program administration and client access to benefits.

• The proposed rule identifies the ''replacement'' of the State's certification system as an example of a systems change. Recommend that the final rule be changed to include significant changes to automated systems that fall short of ''replacement,'' such as adding major new functions or a web-based tool that feeds into an older system.

• The proposed regulation makes clear that the reporting requirements for major changes under the proposed rule do not remove the separate APD approval requirements under § 277.18. This is an important clarification and should be retained in the final rule.

• Recommend the final regulation provide that online and telephone applications *will* be considered a major change unless a State can demonstrate to FNS' satisfaction that such applications will not account for more than five percent of applications once the new application is fully implemented.

Final Rule—The Department has made several changes to clarify this provision based upon the above comments and recommendations. The Department has clarified that a State must report the replacement of an automated system, adding functionality to an existing automated system and changes that impact the way applicants and participants interact with SNAP unless the State documents that less than five percent of the caseload will be affected by the change. Examples of changes that increased reliance on automation that would likely affect five percent or more of a State's caseload include, linking a portal (a computer Web site that allows greater access and functionality) to the State's SNAP eligibility system, introducing online applications, call centers, and finger imaging. The Department recognizes that technologies are evolving and the major changes that will be reported under this criterion may evolve as States find new practices that will improve efficiency and customer service.

Provision/Issues—§ 272.15(a)(2)(iii): Changes in operations that potentially increase the difficulty of households reporting required information. This

includes implementation of a call center for change reporting, a major modification to any forms that households use to report changes, or the discontinuation of an existing avenue for reporting changes, (*e.g.,* households can no longer call the local office to report a change). Modifying selected change reporting policy options or the implementation of policy waivers would not be major changes.

Public Comments and Recommendations—Nine commenters addressed this provision of the proposed rule and their comments included the following:

• To ensure that changes in reporting practices and technologies do not harm households, it is important that this criterion be retained in the final regulation. There are two places where the proposed regulation needs to be changed in light of the other proposed rule that was published in the **Federal Register** on the same day regarding change reporting rules. First, this proposed regulation at § 272.15(a)(2)(iii) uses the example that States might ''[discontinue] an existing avenue for reporting changes, *e.g.,* households [could] no longer call the local office to report a change.'' This example should be removed or refined. In addition, FNS should remove the clause that suggests that policy waivers could be needed to implement a change reporting policy option.

• The final rule should treat as a major systems change any change in the systems that households must use for reporting changes except a simple switch between the reporting options allowed under section 6(c) of the Act.

• Discussion under this criterion appears to assume that changes such as call centers will almost by definition jeopardize customer service and access. This contradicts the experience of many State systems that have dramatically improved client service and access by the use of call centers.

• This section should be rewritten so that States are required to report only when reducing reporting options or requiring one specific process. Likewise, changing a form does not rise to the level of change intended by the Act.

• Considering a modification to, or even a complete redesign of, a form for reporting to be a ''major'' change represents an unwarranted and unnecessary level of intrusion into the States' administration of the program.

• This seems to presuppose that portals built by States for change reporting will automatically derive a negative impact. Today, customers can contact the agency in a wide variety of ways, *e.g.,* via the telephone at multiple locations, through Web sites and in person at community partners and service locations.

Final Rule—Based upon comments, the Department has revised the final rule to: (1) Add as a major change the adoption of internet portals to report changes in household circumstances; (2) clarify the example from the proposed rule to focus attention on a change that would limit participants' reporting avenues; and (3) clarify that States selecting reporting options allowed under the rules or obtaining a waiver from FNS are separate actions, but that neither would be considered a major change.

Provision/Issues—§ 272.15(a)(2)(iv): Use of non-merit pay staff to perform functions previously performed by merit personnel. While the interview and the eligibility decision functions must be performed by merit personnel (unless FNS approves a waiver request under Section 17 of the Act), other functions including obtaining verification of household circumstances, accepting reports of changes in household circumstances, accepting applications and screening households for expedited service may be performed by non-merit personnel (although FNS must approve a State's use of non-merit pay staff before matching funds will be provided for the performance of these functions). Functions such as data entry and document imaging do not involve interaction with households, and consequently, the use of non-merit pay staff in activities of this type would not constitute a major change.

Public Comments and Recommendations—This proposed provision received attention from 105 commenters (10 advocacy/legal aid groups, the American Public Human Services Association (APHSA), 5 States, 4 unions, and 85 individuals, many, who appeared to be case workers/union members that submitted form letters). Except for APHSA and the States, the commenters overwhelmingly opposed inclusion of this criterion as a major change. The reason most often cited is that including use of non-merit system personnel in the definition of a major change gave the appearance that the Department accepted such a change as an allowable State choice. Many commenters acknowledged that the preamble to the proposed rule expressed the Department's opposition to using non-merit system personnel, outlined the limitations in the Act on the functions such staff may perform, and explained that, without approval, FNS may not match funding for non-merit system personnel working in SNAP operations. However, several commenters felt that any use of non-merit system personnel should be prohibited in the rule. There was also a recommendation that any significant increase in reliance on other agencies, including ''community partners'' and other non-profit or local government entities, should be considered a major systems change. The primary recommendation from commenters is to remove this criterion from the definition of a major change. Some commenters suggested that information on use of non-merit system personnel could be obtained by amending § 272.15(a)(2)(v) on decreases in staffing levels to accomplish the same goal. If that criterion were amended to say that cuts in *merit systems* staff triggered the report, then any State that tried to replace merit systems personnel with private employees would meet the trigger criterion. APHSA and the States that commented on this provision generally objected to the Department's position that use of non-merit system personnel will result in poor program administration. They felt that the Department's position reduces States' ability to be innovative in improving program operations and respond to reduced budgets and increased caseloads. They felt it is inappropriate to prejudge based upon the experience in a couple of States. Specific comments included the following:

• The final rule should explicitly identify all functions that may require discretion or professional judgment as ''eligibility decision functions'' that may not be privatized.

• Further clarification is requested on the issue of the specific functions that non-merit system personnel may perform. Any significant increase in reliance on other agencies, including ''community partners'' and other non-profit or local government entities, should be considered a major systems change.

• While the statute names this criterion as one that FNS can examine, it does not allow the agency to prejudge the impact of using non-merit system personnel.

• The final regulation must be changed to ensure privatization is not codified and legitimized in Federal regulations as an allowable option.

• The preamble to the proposed rule acknowledges that privatization of work currently performed by public employees constitutes a major change and that States would be required to report this change to FNS. The Department acknowledges that non-merit system personnel interacting directly with households has the potential of increasing the burden on

households applying for and participating in SNAP. It is contrary to good sense and effective public policy for the Department to authorize this model when the Department itself acknowledges that all available evidence to date documents costly failures.

• We are very much opposed to the apparent legitimization of the use of non-merit system personnel to perform critical SNAP functions. In our experience, private entities do a poor job of executing traditional State functions. Even well-meaning nonprofit organizations are unable to maintain timeliness, statewide uniformity and accuracy when they take over activities that have traditionally been done by merit system personnel. For-profit entities have even greater incentive to cut corners, regardless of the consequences for households. We urge FNS to strike proposed § 272.15(a)(2)(iv).

• Many States have instituted fundamental delivery system changes hastily, such as closing offices and opening call centers. Privatized call center operations in two States proved to be disastrous for SNAP beneficiaries and applicants.

• There is no reason to codify a practice that the Administration opposes and would not allow in the future.

• The proposed language creates the impression that States may be able to secure waivers or approval for the use of non-merit system personnel. If FNS's position remains that it is not likely to grant a waiver to use non-merit system personnel for interviews and certification, and that it has determined that Federal financial participation (FFP) is not appropriate for use of non-merit system personnel in other client contacts, we recommend that the final regulation specify this policy so as not to encourage States to go down this path.

• We strongly oppose the provisions in the proposed regulation that would allow the privatization of the SNAP certification process and the waiver of the merit system requirements. The Department previously advised States that it did not support privatization of portions of the SNAP certification process. The preamble to the proposed regulation notes these same concerns.

Final Rule—Many comments on this provision of the proposed rule reflected a lack of clarity regarding the Department's intent. It is important to clarify that it was never the Department's intent to condone the use of non-merit system personnel in SNAP. On the contrary, the intent was to require States to report to FNS if they planned to begin using such staff in the administration of the program. The preamble to the proposed rule stated that, ''In addition, FNS has determined that use of non-merit system personnel in these functions can have a detrimental impact on the efficient and effective operation of the program and, as a consequence, must approve States' use of such staff before sharing in the costs of non-merit staff in the performance of the above functions.'' The Department continues to believe that the use of non-merit system personnel can be detrimental to program performance and service to participants and in April 2013, reiterated its concerns and policy regarding outsourcing in a letter to all States' Governors. In response to the significant number of comments, the Department has modified this provision in the final rule. The final rule requires States to report on any reduction or change of the functions or responsibilities currently assigned to SNAP merit system personnel staff. This will include, but not be limited to, relieving or supplementing merit system personnel's duties performed in the SNAP certification process, handling reported changes, responding to inquiries, handling complaints, collecting claims, investigating program violations or conducting SNAP related reviews. With this change in the final rule, a State will be required to notify FNS if it intends to change the role of its merit system personnel in any way that could impact SNAP operations, including the increased reliance on automated systems.

Provision/Issues—§ 272.15(a)(2)(v): Any decrease in staffing levels from one year to the next of more than five percent in the number of State or local staff involved in the certification of SNAP households. This would include decreases resulting from State budget cuts or hiring freezes, but not include loss of staff through resignation, retirement or release when the State is seeking to replace the staff.

Public Comments and Recommendations—Fourteen commenters addressed this provision of the proposed rule and their comments included the following:

• Delete the language requiring States to notify FNS of office closures or reductions in staffing levels as it goes beyond the authority of the statute.

• We strongly support including large decreases in staffing levels as one of the types of State changes that would trigger a State to report to FNS. This criterion should be retained in the final regulation. Also recommend that FNS: Add a staff cut of more than ten percent over three years as another measure of a decrease in staffing levels that would need to be reported; clarify that a decrease in merit system personnel would need to be reported; provide that cuts in State staff would not count ''losses of staff that occur through resignation, retirement or release when the State is seeking to replace the staff''; and strengthen the final rule to clarify that the State must be seeking to replace the staff within the year to not warrant a report.

• We suggest that FNS identify an additional baseline for staffing that would also trigger the application of this regulation. For example, a measure of cases per certification worker might be appropriate, so that States that have relatively few workers for the size of their caseload would be subject to this regulation in the event of staffing reductions, even if the five percent threshold were not met.

• Support the recognition that adequate staffing is critical if States are to provide adequate service. However, the proposed regulations should be modified to recognize that ''staffing levels'' are not a measure of the absolute number of full-time equivalents, but rather a measure of the ratio of staff to the number of cases. If the ratio of staff to SNAP cases decreases either because of staff reductions *or* because of an increase in the caseload, the staffing level has declined even if the number of staff is constant.

• The final rule should make clear that it refers to full-time equivalent (FTE) staff working on SNAP. The final rule should require States to report, on a county or regional basis, the FTE staff administering the program each month.

• This proposal ignores scenarios in which staff reductions could be accompanied by well-known efficiency measures such as adoption of broader categorical eligibility rules, the six-month reporting option, or the implementation of an efficient new method of using electronic tools for verification of income. The proposed rule could also have an unusually severe impact on locally administered offices; if the five percent trigger is applied to them as well, some are so small that they might have to report the elimination of a single employee or even reductions in one employee's hours.

• A prescribed reduction reporting threshold of five percent would be difficult for States to track. This is true especially if States must include loss of staff to budget cuts and temporary hiring freezes. This requirement should be removed from the proposed rule.

• As written, it is unclear how the proposed rule would be applied to those States that are State-supervised but locally-administered. We urge FNS to consider only requiring the States to report aggregate, statewide reductions in State and local staffing, not reductions at each local office.

• Reductions in staffing levels or the imposition of hiring freezes are budget actions that may not be known to or determined by the State or local agencies until after a budget action has occurred, and it may be impossible to notify FNS 120 days in advance. This definition of a five percent decrease in staff is not explicitly identified in the FCEA, and imposition of this requirement goes beyond the intent of the legislation.

• This will be difficult to administer. Staff reductions are controlled by the Governor and the Legislature, not State agencies. Also, five percent is unreasonable. The five percent should be increased to at least ten percent at a minimum. This rule should be changed to state that if staff reductions of greater than ten percent are mandated, FNS should be notified of the change and how the State is handling the change.

• The final rule should require States to report, on a county/regional basis, the FTE staff administering the program by month.

Final Rule

The final rule retains the basic requirement that a decrease of more than five percent in the number of State or local merit system personnel involved in the certification process of SNAP households from one year to the next will be considered a major change. In addition, the Department agreed with commenters that cumulative decreases beyond a single year can have a significant impact. Consequently, the final provision has been modified to also make a decrease of more than eight percent in the number of State or local merit system personnel involved in the certification process of SNAP households over a two year period a major change.

Also in response to commenters' suggestions, the language of this provision has been clarified and strengthened. A reference to decreases across the State was added since this criterion is intended to apply to the total number of merit personnel in States rather than in each individual local office or county within a State. Major changes include decreases resulting from State budget cuts or hiring freezes, but do not include loss of staff through resignation, retirement or release when the State is seeking to replace the staff within a 6-month timeframe. Evidence of the intent to replace staff includes advertising to fill positions and having sufficient funding in the personnel budget for the new hires.

It is important to note that this criterion defines when States are to report to FNS. The notification and accompanying analysis will allow FNS to determine whether there is a need for additional information.

Provision/Issues—§ 272.15(a)(3): When a State initially reports a major change to FNS, as required in § 272.15(a)(1), an analysis of the expected impact of the major change shall accompany the report. The initial report to FNS that the State is making one of the major changes identified in § 272.15(a)(2) shall include a description of the change and an analysis of its anticipated impacts on program performance.

Public Comments and Recommendations—Seven commenters addressed this provision of the proposed rule and their comments included the following:

• FNS is correct to require States in the initial report to describe the features and timing of the planned major change, what it is intended to accomplish, how it will be tested, piloted, and monitored and the expected effects on eligibility workers and recipients. All of these elements should be maintained in the final rule.

• The word *disproportionately* should be deleted from proposed § 272.15(a)(3)(ii)(E). Also, the two ''ands'' in the paragraph should be changed to *''ors''*. Not all of these types of households need to be affected or features of the certification process need to be more difficult. If one is true, then the clause should apply.

• FNS should add one additional item to the list of items in the initial report: A discussion of the budgetary effects of the change. This item should include the estimated cost of any systems change, as well as the expected overall budgetary impact of the change for State and Federal SNAP costs, including benefit costs and administrative costs.

• The five general analysis requirements are well-rounded, pulled from existing data, and should be sufficient to meet the intentions of the Act.

• The final rule should require States to explain any stages in implementation, either as the change is fully implemented in one area or as it rolls out across multiple areas (whether or not it eventually becomes statewide).

• The final rule should require the State to disclose what testing it has undertaken prior to implementing the change.

• Several of the factors listed in proposed § 272.15(a)(3)(ii) are not so much measures as they are aspects of program performance. It should also include: The State's participation rate; share of households leaving the program at the conclusion of their certification periods; and the percentage of applications (divided by expedited initial applications, non-expedited initial applications, and applications for recertification) that are approved, are denied for substantive ineligibility (or eligibility for zero benefits), and are denied for procedural reasons.

• We support proposed § 272.15(a)(3), which details the type of information that States must provide to FNS in connection with a planned major change. However, we suggest the regulation require States to analyze the impact of the change on timely processing of recertifications. The final rule should also require States to have a meaningful process for consulting with stakeholders (including program beneficiaries, advocates, community organizations and anti-hunger groups).

• The regulations should require States intending to implement major changes to submit to FNS copies of procedures and other documents demonstrating that the State has taken steps to minimize the potential negative impact of the proposed change on individuals with disabilities.

• FNS has quite sensibly acknowledged that the data collection requirements mandated by section 4116 of FCEA, as far as possible, should use data and reports already provided or available to meet these requirements.

• Much of the data in question will be a normal part of any APD request in any event. The potential requirement for county-level impact data will be particularly difficult to implement, and that caseload sizes in many counties are low enough that the validity of data will be highly questionable.

• The data collection mandates in this regulation would largely duplicate existing information that FNS has, and create increasingly burdensome data collection and report preparation.

• FNS does an excellent job summing up what the Act requires in the opening paragraph. The remaining information is overly detailed, rigid and so burdensome to States that it will stall innovations, and prevent access and program integrity improvements in the SNAP program.

• States do not have the time or resources to address every issue required to be reported.

Final Rule

The final rule retains the basic requirement that States' reports of major changes include a description of the change to be implemented and an analysis of its expected impacts on SNAP. In addition, the Department agreed with commenters that additional data items are necessary. Consequently, the final provision has been modified to add the following:

- The projected administrative cost of the major change in the year it is implemented and the subsequent year;
- A description of any consultation with stakeholders/advocacy groups or public comment obtained regarding the planned changes; and
- Procedures the State will put in place to minimize the burdens on people with disabilities and other populations relative to the change.

Also, in response to commenters' suggestions, the language of § 272.15(a)(3)(ii)(E) as amended by the final rule has been clarified to replace the use of the word ''and'' in two places with the word ''or''. While seemingly minor, this change is important in examining the potential effect of major changes in SNAP on vulnerable populations.

Some suggestions made for additional data to be reported were not adopted because the Department could not determine how the data would be used in making its determination or what, if any, data would be needed from the State beyond the automatic reporting requirements discussed below.

Provision/Issues—§ 272.15(b)(1)–(5): § 272.15(b)(1) FNS will evaluate the initial report provided by a State to determine if it agrees that the change is, in fact, major and, if so, will propose what information it will require from the State. While FNS reserves the right to require the information it needs to determine the impact of a major change on integrity and access in SNAP, FNS will work with States to determine what information is practicable, and require only the data that is necessary and not otherwise available from ongoing reporting mechanisms. Depending upon the nature of the major change, FNS will require more specific or timely information concerning the impact of the major change (Please see the NPRM for full text of the proposed provision).

§ 272.15(b)(2): Additional data that States could be required to provide, depending upon the type of major change being implemented. (The rule goes on to give specific examples of the types of data that may be required relative to different types of major changes. Please see the NPRM for full text of the proposed provision).

§ 272.15(b)(3): Depending on the type of major change, its implementation schedule and negotiations with FNS, States shall submit reports on their major changes either monthly or quarterly.

§ 272.15(b)(4): States shall submit reports for one year after the major change is fully in place. FNS may extend this timeframe as it deems necessary.

§ 272.15(b)(5): If FNS becomes aware that a State appeared to be implementing a major change that had not been formally reported, FNS would work with the State to determine if it is a major change, and if so proceed as required by this section.

These provisions are closely related and commenters' thoughts and recommendations are best examined together.

Public Comments and Recommendations—Fifteen commenters addressed these provisions of the proposed rule and their comments included the following:

- Collecting detailed data with case reviews is particularly burdensome for State and local staff during transition periods, and could negatively impact customer service.
- Support the proposed regulation's detailed discussion of the types of information that FNS will require from the State as to the impact of the change. We commend FNS for its careful identification of the types of information needed to assess the effects of major changes, especially as they pertain to the effects on beneficiaries.
- The proposed regulation at § 272.15(b)(2)(iii)(B) through (b)(2)(iii)(D) on call centers requires information on ''hold time,'' ''wait time'' and ''abandoned calls''. The final rule should be amended to also include instances when a caller cannot get through (*e.g.,* busy signals or dropped calls).
- Particularly troubling is the emphasis of the proposed rules on potentially requiring county level impact data for changes deemed to be ''major''. Again, such a requirement does not reflect the reality of the way many States operate. Even in those States that have county project areas, caseload size and case activity volumes in a given county often can make the gathering of the representative samples necessary to evaluate the effect of a change on that county difficult, and the confidence level of short term evaluations questionable.
- FNS should categorize major changes as being small, medium or significant and require different reporting based on the scope of the change that the State is planning to make. FNS would retain discretion to require more reports in unusual circumstances, but this change would make the reporting requirements more predictable for States and for FNS.
- FNS should offer States the option to report certain new measures on an ongoing, statewide basis as an alternative to reporting each separate major change with an initial report and the subsequent negotiated data reports.
- The final rule should sort major systems changes into categories based on their likely risk. More data should be required for riskier changes.
- We recommend that the exact measures be made more explicit in the final regulation and that FNS' discretion to introduce new measures and enter into negotiations with States be narrowed. These measures include sub-state information or case reviews to gather more detailed information on measures FNS already has at the State level, such as payment accuracy, negative error rates and timeliness.
- States should have an ongoing data collection system for monitoring their monthly performance in processing of applications and recertifications. FNS should require all States to have such a data collection system, regardless of whether the State is embarking on a major system change.
- To the extent that the final rule continues to rely upon case-by-case negotiated data requests rather than a stronger baseline of data provided on an on-going basis by all States, it also should specify in greater detail the data that the Department is likely to desire and indicate that the Department will attempt to avoid seeking more data than those elements except for the riskier categories of changes.
- FNS should use the extensive data already collected in SNAP except in the most unusual situations.
- The level of detailed data reporting that is being proposed may not be appropriate for all major changes, unless the scope of major changes is significantly narrowed. While the proposed Federal regulations specify that FNS will negotiate with the States on the reporting requirements and that FNS will utilize available data (*e.g.,* quality control data), the amount of information that is required would be administratively onerous and costly given the potentially high degree of frequency that such changes could occur, conflicts with the Paperwork Reduction Act, and neither the counties nor the States have the additional staff resources.
- A State implementing a major change should submit data regarding

individuals with disabilities including the numbers of individuals who requested and received accommodations in the application, interview, or recertification process for disabilities, and the types of accommodations requested and provided (some State benefit agencies already have policies requiring the agency to track this information).

• The final rule should provide for careful evaluation of the sufficiency of the State agency's fallback plan, including the availability of the resources necessary to carry it out. The final rule should provide that returning to the prior method of administration should presumptively be one of the elements of the State agency's fallback plan unless the State agency presents compelling reasons why it should not be.

• The break-out of negative errors is important, but needs to be augmented. It also should include break-outs of denials between substantive and procedural. Moreover, it should be broken-out to identify problems affecting specific types of households, such as elderly persons who may have less comfort with technology or limited English proficient households who may have difficulties with online systems not in their language.

• The proposed regulations reflect a common sense approach to analyzing the effects of a major change. States with effective administration should already be collecting and analyzing the types of data specified in § 272.15(b)(3) regardless of Federal regulations.

• Nowhere in the Act is FNS given the authority to approve or deny a change a State intends to make, and yet throughout the proposed rule this authority is not only implied, but is assumed.

• One commenter recommended that States be required to submit the data for each month on a quarterly basis for two years after the change is implemented (unless States have adopted the recommended ongoing reporting option).

Final Rule

The final rule retains the requirement that States will be required to report on the impact of major changes. However, the most significant modification to this final rule is the adoption of the suggestion from commenters that key ''automatic'' reporting requirements be established for all major changes. This is in response to commenters' suggestions that the regulations prescribe basic data that FNS will require for all major changes, as certain data elements would be useful in examining the impact of any major change in a State's operation. While the final rule retains FNS' ability to require additional information on a case-by-case basis (§ 272.15(b)(5)), the final rule establishes minimum data reporting requirements for all major changes, which will also enable States to build these requirements into their plans and systems when making major changes.

This change has required some reorganization of the provisions as they appeared in the proposed rule. § 272.15(b)(1), (2) and (3) identify the data elements that shall be reported for all major changes, as well as those that must be broken out specifically for households with elderly and disabled members and those that are to be reported at the sub-State level (*e.g.,* counties or local offices). Reporting this information for the most vulnerable SNAP households is consistent with the Act and the need to identify and address adverse impacts on program access for households that may struggle with change more than others. The Department agrees with the comments regarding local level reporting that sub-state information is generally necessary for States and FNS to understand, monitor, and address adverse impacts of a major change. The impacts can be uneven across urban and rural areas, for example, and can vary based upon the how and when a major change is rolled out in different jurisdictions. This is particularly true in county administered/state supervised situations. Since States generally collect sub-state information for their own management purposes, the Department expects the required inclusion of this information in reports to FNS should require minimal additional effort for most States. Therefore, § 272.15(b)(3) as amended by this final rule requires the majority of the key ''automatic'' reporting requirements be disaggregated to provide sub-state information. Because States utilize different units of analysis for management and other purposes, the regulation allows sub-state data to be provided by individual districts, counties, project areas, or local offices, subject to consultation with and approval by FNS. Section 272.15(b)(4) as amended by this final rule retains the provisions from the proposed rule that FNS will evaluate the major change to determine what reporting requirements will be necessary. In light of the ''automatic'' requirements for all major changes discussed above, this determination will focus on what, if any, *additional* reporting requirements will be necessary.

The recommendation that reporting requirements be applied to all certification activities that are carried out using other telephonic methods has not been adopted since States have been using telephones in their operation of SNAP for decades. However, using telephonic technology to accept applications or relying upon an interactive voice response system to provide case status information to participants would be a major change under § 275.15(a)(2)(ii) as amended by this final rule.

Some comments reflected misunderstandings of the proposed rule. As noted earlier, this final rule does not provide FNS with approval authority over States' plans to make a major change. Nor does the Act give the Department the authority to require additional ongoing reporting on State performance and operations beyond the context of major changes.

Some comments suggested that requiring additional reporting indicates an assumption that major changes are detrimental to SNAP participants. On the contrary, FNS has long supported States' efforts to modernize and agrees that many State innovations have improved operations. Nevertheless, there have been times when well-intentioned changes have had adverse impacts on program access or integrity and FNS, not fully informed of States' plans, was unable to work with the State and help mitigate these impacts. Furthermore, certain changes have a greater inherent potential to adversely affect SNAP operations if they are not compensated for appropriately, *e.g.,* office closings or staff reductions.

With regard to the suggestion that the final rule categorize major changes as being small, medium or significant, and require different reporting based on the scope, the Department has not adopted this suggestion because it would complicate the rule and limit FNS' discretion without significantly streamlining the process for States or FNS. This rule is intended to provide FNS with the ability to examine major changes individually and require additional information beyond the automatic reporting requirements. For all major changes, FNS will also look to the data it already collects on an ongoing basis, *i.e.,* quality control data. While FNS is interested in knowing what contingency plans a State may have, the suggestion that FNS should require States to have specific fall back plans is beyond the scope of the Act.

The recommendation that the provisions of the final rule be applied to major changes made prior to its effective date has not been adopted for several reasons. First, States would have to obtain historical data on the impact of

the change and such data is typically more difficult to obtain. Secondly, States' reports received on the impact of these older changes would be out of date and therefore less useful to FNS in monitoring their impact. Finally, the Department only requires retroactive implementation of final rules when it is both practical and there is a compelling need; neither of which apply to this rule. The recommendation for two years of monthly reports would exceed the Departments needs and place an unnecessary burden upon States. The suggestion that States be required to submit the monthly data on a quarterly basis has been adopted in the restructured final rule in § 272.15(b)(5). While the one year requirement is retained from the NPRM in this final rule at § 272.15(b)(6), FNS may extend this timeframe if necessary. The provision from § 272.15(b)(5) in the NPRM is retained in this final rule at § 272.15(b)(7).

Provision/Issues—§ 272.15(b)(6): If the data a State submits regarding its major change or other information FNS obtains indicates an adverse impact on SNAP access or integrity, FNS would work with the State to correct the cause of the problem and provide whatever technical assistance it can. Depending upon the severity of the problem, FNS may require a formal corrective action plan as identified in § 275.16 and § 275.17.

Public Comments and Recommendations—Three commenters addressed these provisions of the proposed rule and their comments included the following:

- Strongly recommend that the final regulation be strengthened to identify the full range of action that FNS is authorized to initiate in response to information from the State about planned major systems changes.
- Although requiring correction of problems that have arisen is sensible and appropriate, it puts the Department and the State agency in the all-too-familiar position of playing catch-up after a problem has occurred. The final rule should restructure this paragraph to focus on the implementation of the State agency's fallback plan or plans.
- ''Adverse impact'' is not defined, which could lead to subjective and inconsistent results among regions regarding when a corrective action plan is imposed. Existing performance measures already have standards that States must meet, and corrective action plans can be required for failure to meet those standards. At best, the new process is duplicative; at worst, it opens up an avenue for corrective action plans for anything that FNS may decide has an ''adverse impact.''

Final Rule

As explained earlier, the Department has neither the authority to approve or deny (unless a State's plans violate a provision of the Act or SNAP regulations) a State's plans, nor can it require that States develop fallback plans. With regard to when a State would be required to submit a corrective action plan due to an adverse impact, the Department agrees that the provisions of this rule could open another avenue for identification and correction of deficiencies in a State's operation; this is the intent of the Act. Therefore, the provision (now at § 272.15(b)(8)) as amended by this final rule remains unchanged from the NPRM.

Provision/Issues—§ 275.3(a): FNS shall conduct management evaluation reviews of certain functions performed at the State agency level in the administration/operation of the program. FNS will designate specific areas required to be reviewed each fiscal year.

Public Comments and Recommendations—Thirteen commenters addressed these provisions of the proposed rule and their comments included the following:

- FNS and States should be engaging in additional monitoring activities of local service delivery, not fewer. The changes FNS proposes to ME reviews have no basis in statute -the 2008 FCEA made no changes to reduce FNS's oversight role. ME reviews are also the primary way that FNS monitors civil rights compliance. The final rule must not back away from FNS's commitment in these areas.
- Caseloads have increased dramatically in recent years while, at the same time, the number of staff to process cases has not kept pace. This development points to the need for more, not less frequent, reviews because of the risk of access barriers. We recommend that the final rule reject these changes to the ME regulations and keep the current requirements.
- The proposed regulation will weaken the longstanding requirement for ME reviews of State certification operations, and fails to require straightforward, publically available and nationally consistent data collection from States making major changes in their service delivery model. The proposal eviscerates a decades-old requirement that States and FNS conduct ME reviews of State certification operations. Such ME reviews are the cornerstone of FNS oversight of client access and program integrity.
- The solution to staffing shortages is to prioritize. Reducing oversight of the largest program in the Department is not a sensible means of prioritizing. If the problem is an insufficient Federal Program Administration appropriation, the Department should realign staffing of the various food assistance programs to be more proportional to the taxpayers' dollars at stake in each.
- Oppose the proposed changes that eliminate the requirement for an annual review of certain functions performed at the State agency level and the elimination of the requirement for a biennial review of the State's ME system. The proposed regulation, which lacks any specified frequency for reviews, could lead to FNS's abdication of these reviews for all practical purposes, now or in the future. The requirement that FNS designate specific areas for review each year does not necessarily mean that FNS must in fact conduct such reviews.
- FNS should define what qualifies as ''at-risk'' to provide for consistency in the different regions. Providing the data for these ''off-site'' activities is more time-consuming for the States unless Federal reviewers are given total access to State systems.
- We agree with the increased flexibility given to FNS in the conduct of MEs under the proposed rule and encourage that similar flexibility and ability to target reviews be given to the States in the conduct of their annual MEs.
- We appreciate FNS' targeted approach and suggest that the reviews be less targeted by frequency and size, but more by performance and need.
- We disagree with FNS removing its own burdens in the ME process while keeping the States' current requirements basically unchanged.
- The term ''at-risk'' is vague. Recommend keeping the current requirement of a biennial review of the State's ME system. Having scheduled Federal reviews on a biennial basis would allow States to plan accordingly.
- State and Federal ME requirements should not be changed. Proposals to weaken them should not be included in the final rule.

Final Rule

Based upon comments received, the Department is withdrawing the changes to this provision from the final rule. The Department agrees that monitoring SNAP is a high priority responsibility for FNS and supports the goal of maintaining sufficient resources to

enable proper oversight of SNAP operations.

Provision/Issues—§ 271.2: Amend the definitions of Large, Medium, and Small project areas for ME review purposes.

Public Comments and Recommendations—Five commenters addressed these provisions of the proposed rule and their comments included the following:

- These changes in the definitions of project areas are likely to have significant negative impacts on civil rights compliance within SNAP. Reducing the frequency or intensity of ME reviews will have the effect of reducing efforts to identify and correct civil rights violations.
- We recommend that the final rule reject these changes to the ME regulations and keep the current requirements.
- We agree with the need for a modification to the definitions of large and medium project areas but contend that the revised definitions do not reflect the reality of the larger States. We recommend further review of these proposed standards and even higher caseload thresholds in order to reflect the project areas of the large States.
- These were the definitions that were in effect for California until FY 2011. Given the limitation of staff and resources, this new definition would create a workload issue in California. We recommend redefine project areas as follows:
  - Large—those with an average monthly caseload of more than 50,000 cases.
  - Medium—those with an average monthly caseload of between 25,000 and 50,000 cases.
  - Small—those with an average monthly caseload up to 24,999 cases.

Final Rule

Comments on this provision of the rule were mixed with some commenters believing that the provision of the proposed rule did not go far enough in reducing the frequency with which States are required to review their project areas. The Department acknowledges that while more monitoring of SNAP is generally more desirable than less monitoring, the quality of the monitoring must also be a factor. Reductions in States' budgets have put pressure on staffing for SNAP and this provision allows States to do a better job in the ME reviews that are conducted. Furthermore, the project area sizes in the current rules were set when the program was less than half its current size in terms of participation. Therefore, this provision of the final rule remains unchanged from the proposed rule.

List of Subjects

7 CFR Part 271

Food stamps, Grant programs-social program, Reporting and recordkeeping.

7 CFR Part 272

Alaska, Civil rights, SNAP, Grant programs-social programs, Penalties, Reporting and recordkeeping requirements, Unemployment compensation, Wages.

7 CFR Part 275

Administrative practice and procedure, SNAP, Reporting, and recordkeeping requirements.

Accordingly, 7 CFR parts 271, 272 and 275 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

■ 1. The authority citation for Part 271 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

§ 271.2 [Amended]

■ 2. In § 271.2:

■ a. Amend the definition of *Large project area* by removing the number ''15,000'' and adding in its place the number ''25,000''.

■ b. Amend the definition of *Medium project area* by removing the numbers ''2,001 to 15,000'' and adding in their place the numbers ''5,000 to 25,000''.

■ c. Amend the definition of *Small project area* by removing the number ''2,000'' and adding in its place the number ''4,999''.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

■ 3. The authority citation for Part 272 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 4. Add § 272.15 to read as follows:

§ 272.15 Major changes in program design.

(a) *States' reporting of major changes.* (1) State agencies shall notify FNS when they make major changes in their operation of SNAP. State agencies shall notify FNS when the plans for the change are approved by State leadership, but no less than 120 days prior to beginning implementation of the change or entering into contractual obligations to implement any proposed major changes. If it is not possible for a State to provide notification 120 days in advance, the State shall provide notification as soon as it is aware of the major change and explain why it could not meet the 120-day requirement. No approval from FNS is necessary for a State to proceed with implementation of the major change.

(2) Major changes shall include the following:

(i) Closure of any local office that performs major functions for 750 or more SNAP households or 5 percent of the State's total SNAP monthly caseload, whichever is less, and there is not another office available to serve the affected households within 35 miles. An office performing major functions is an office where households can file an application for SNAP in person and receive assistance from merit system personnel staff.

(ii) Substantial increased reliance on automated systems for the performance of responsibilities previously performed by State merit system personnel (as described in section 11(e)(6)(B) of the Act) or changes in the way that applicants and participants interact with the State's SNAP agency. This includes the replacement of the State's automated systems used in the certification process, adding functionality to the existing automated systems used in the certification process, or changes in the way applicants and participants interact with SNAP. For example, adding an overlay on an existing legacy automated system used by eligibility workers, adding online portals to an existing automated system for use by SNAP applicants, participants or community partners, establishment of an online application, use of telephonic technology to accept applications, relying upon an interactive voice response system to provide case status information to participants or implementation of finger imaging shall be considered major changes. Under this criterion, if the State documents that the change is expected to impact less than five percent of the State's SNAP applicants or participants, it will not be considered a major change. Reporting a major change as required in this section does not relieve States of meeting the requirements for new system approvals in § 277.18 of this chapter.

(iii) Changes in operations that potentially increase the difficulty of households reporting required information. This could include implementation of a call center or internet web portal for change reporting, a major modification to forms that households use to report changes or the discontinuation of an existing avenue for reporting changes (*e.g.,* households can no longer contact the local office because all changes must be reported to

a unit that handles change reports). Selecting a different change reporting policy option as allowed in § 273.12 of this chapter, or the implementation of a policy waiver related to change reporting would not be a major change.

(iv) Any reduction or change of the functions or responsibilities currently assigned to SNAP merit system personnel.

(v) A decrease of more than 5 percent in the total number of merit system personnel involved in the SNAP certification process in the State from one year to the next. In addition, a decrease of more than eight percent in the total number of merit system personnel involved in the SNAP certification process in the State over a two year period would be a major change. These decreases would include those resulting from State budget cuts or hiring freezes, but not include loss of personnel through resignation, retirement or release when the State is seeking to replace the personnel within 6 months. Evidence of the intent to replace personnel shall include advertising to fill positions and having sufficient funding in the personnel budget for the new hires.

(vi) Other major changes identified by FNS.

(3) When a State initially reports a major change to FNS as required in paragraph (a)(1) of this section, an analysis of the expected impact of the major change shall accompany the report. The initial report to FNS that the State is making one of the major changes identified in paragraph (a)(2) of this section, shall include a description of the change and an analysis of its anticipated impacts on program performance.

(i) The description of the change shall include the following:

(A) Identification of the major change the State is implementing;

(B) An explanation of what the change is intended to accomplish;

(C) The schedule for implementation;

(D) How the change will be tested and whether it will be piloted;

(E) Whether the change is statewide or identification of the jurisdictions it will encompass;

(F) How the major change is expected to affect applicants and/or participants and how they will be informed;

(G) How the change will affect caseworkers and, as applicable, how they will be trained;

(H) The projected administrative cost of the major change in the year it is implemented and the subsequent year;

(I) How the impact of the major change will be monitored;

(J) How the major change will affect operation of the State automated system;

(K) The State's backup plans if the major change creates significant problems in one or more of the program measures in paragraph (a)(3)(ii) of this section;

(L) A description of any consultation with stakeholders/advocacy groups or public comment obtained regarding the planned changes; and

(M) Procedures the State will put in place to minimize the burdens on people with disabilities and other populations (as identified in paragraph (a)(3)(ii)(E) of this section) relative to the change.

(ii) The analysis portion of the State's initial report shall include the projected impact of the major change on:

(A) The State's payment error rate;

(B) Program access, including the impact on applicants filing initial applications and recertification applications;

(C) The State's negative error rate;

(D) Application processing timeliness including both the households entitled to 7-day expedited service and those subject to the 30-day processing standards;

(E) Whether the major change will increase the difficulty elderly households, households living in rural areas, households containing a disabled member, homeless households, non-English speaking households, or households living on a reservation will have obtaining SNAP information, filing an initial application, providing verification, being interviewed, reporting changes or reapplying for benefits;

(F) Customer service including the time it takes for a household to contact the State, be interviewed, report changes and any other parameter defined by the State agency; and

(G) Timeliness of recertification actions.

(b) *FNS and State action on reports.* (1) FNS will evaluate the initial report provided by a State to determine if the change is, in fact, a major change as described in paragraph (a)(2) of this section and notify the State of its determination. States implementing a major change shall report the following monthly State-level information to FNS on a quarterly basis beginning with the quarter prior to implementation of the major change:

(i) The number of initial applications received;

(ii) Of the number of initial applications received in paragraph (b)(1)(i) of this section, the number subject to expedited service;

(iii) Of the number of initial applications received in paragraph (b)(1)(i) of this section, the number broken out by method of application (*i.e.,* in-person, online, telephone, mail, fax);

(iv) The number of initial applications that are approved timely;

(v) Of the number of initial applications approved timely in paragraph (b)(1)(iv) of this section, the number subject to expedited service processed within the 7-day processing requirement;

(vi) The number of initial applications that are approved untimely;

(vii) Of the number of initial applications approved untimely in paragraph (b)(1)(vi) of this section, the number subject to expedited service processed outside the 7-day processing requirement;

(viii) The number of initial applications that are denied;

(ix) Of the number of initial applications that were denied in paragraph (b)(1)(viii) of this section, the number broken out by those denied due to ineligibility and those denied because the State agency was unable to determine eligibility;

(x) The total number of households due for recertification;

(xi) The number of recertification applications received;

(xii) Of the number of recertification applications received in paragraph (b)(1)(xi) of this section, the number broken out by method of application (*i.e.,* in-person, online, telephone, mail, fax);

(xiii) The number of households that were recertified without a delay or break in benefits;

(xiv) The number of households that the State recertifies with a delay or break in benefits of less than one month;

(xv) Of the total number of households due for recertification in paragraph (b)(1)(x) of this section, the number of households that fail to reapply for recertification by the required deadline;

(xvi) The number of recertification applications that are denied; and

(xvii) Of the number of recertification applications that were denied in paragraph (b)(1)(xvi) of this section, the number broken out by those denied due to ineligibility and those denied because the State agency was unable to determine eligibility.

(2) The information required by paragraph (b)(1)(1) of this section shall be reported separately for households with elderly members and households with members that have a disability.

(3) At a minimum, the information required by paragraphs (b)(1)(i), (iv),

(vi), (viii), (x), (xi), (xiii), (xiv), (xv), and (xvi) of this section shall be disaggregated to provide sub-state information. FNS will require the State to disaggregate all the information in paragraph (b)(2) if FNS determines that such data are necessary to evaluate the impact of the change. FNS will consult with States on a case-by-case basis to determine if this information shall be reported by: Local offices, call centers, county, project areas, or by other administrative structures within the State. FNS' determination will be based upon the type of major change and the State's SNAP organization.

(4) In addition the information required in paragraphs (b)(1), (2) and (3) of this section, FNS may require additional information to be included in a State's quarterly report. FNS reserves the right to require the information it needs to determine the impact of a major change on integrity and access in SNAP. FNS will work with States to determine what additional information is practicable and require only the data that is necessary and not otherwise available from ongoing reporting mechanisms. While the data elements outlined in paragraph (b)(2) of this section will generally be required to be reported on a statewide basis and at a sub-state level, major changes that are limited to localized areas, such as a county or project area, may only require localized reporting. Depending upon the nature of the major change, States will be required to report more specific or timely information concerning the impact of the major change within the following areas:

(i) *Payment accuracy.* FNS will use Quality Control (QC) data when possible, but may require data from case reviews focused on households with specific characteristics, to obtain greater local reliability, or to provide more timely data.

(ii) *Negative error rates.* FNS will use QC data when possible, but may require data from case reviews focused on households with specific characteristics, to obtain greater local reliability or to provide more timely data on the causes of incorrect denials.

(iii) *Impact on households with specific characteristics.* In addition to the information required by paragraph (b)(2) of this section, a major change that could disproportionately impact the households identified at paragraph (a)(3)(ii)(E) of this section may require additional information on the impact of the change on the participation of these households. The nature of the change and its potential impact would dictate how this information would need to be reported.

(iv) *Impact of certain major changes on customer service.* Some major changes may require specific information that is not typically available from a States automated SNAP system. For example, if a State implements a major change that allowed (or required) households to report changes in their individual circumstances through a change center or allows applicants to apply or reapply for SNAP through the use of call center, the following data may be required:

(A) The total number of calls made to the center;

(B) The average time a caller has to wait to talk to a SNAP worker (includes hold time for transfers);

(C) Based upon the call centers standards and negotiation with FNS, the percentage of calls with excessive wait times;

(D) The percentage of calls abandoned by callers prior to and after being answered by the call center;

(E) The total number of calls dropped by the call center system and the number of callers that received a busy signal; and

(F) Customer satisfaction (based upon survey results).

(5) States shall submit reports containing monthly data on a quarterly basis. As practicable, and based upon consultation with the State, FNS may require any additional information under paragraph (b)(4) of this section regarding the State's operation to be reported for the quarter just prior to implementation of the major change.

(6) States shall submit reports for one year after the major change is fully in place. FNS may extend this timeframe as it deems necessary.

(7) If FNS becomes aware that a State appeared to be implementing a major change that had not been formally reported, FNS would work with the State to determine if it is a major change, and if so proceed as required by this section.

(8) If the data a State submits regarding its major change or other information FNS obtains indicates an adverse impact on SNAP access or integrity, FNS would work with the State to correct the cause of the problem and provide relevant technical assistance, and will require the State to provide additional information as it deems appropriate. Depending upon the severity of the problem, FNS may also require a formal corrective action plan as identified in § 275.16 and § 275.17 of this chapter. States agencies that fail to comply with reporting requirements may be subject to the suspension or disallowance of Federal Financial Participation administrative funds per § 276.4 of this chapter.

PART 275—PERFORMANCE REPORTING SYSTEM

■ 5. The authority citation for Part 275 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 6. In § 275.7:

■ a. Revise paragraph (a) to read as set forth below.

■ c. Remove paragraphs (b), (c) and (d).

■ d. Redesignate paragraph (e) as paragraph (b).

■ e. Amend newly redesignated paragraph (b) by removing the word ''on-site''.

§ 275.7 Selection of sub-units for review.

(a) *Definition of sub-units.* Sub-units are the physical locations of organizational entities within project areas responsible for operating various aspects of SNAP and include but are not limited to certification offices, call centers, and employment and training offices.

* * * * *

■ 7. In § 275.9:

■ a. Revise paragraph (b)(1)(iii) to read as set forth below.

■ b. Amend paragraph (b)(1)(iv) by removing the first sentence.

§ 275.9 Review process.

* * * * *

(b) * * *

(1) * * *

(iii) Identification of the sub-units selected for review and the techniques used to select them;

* * * * *

■ 8. In § 275.16 revise paragraph (b)(3) to read as follows:

§ 275.16 Corrective action planning.

* * * * *

(b) * * *

(3) Are identified by FNS reviews, GAO audits, contract audits, reports to FNS regarding the implementation of major changes (as discussed in § 272.15) or USDA audits or investigations at the State agency or project area level (except deficiencies in isolated cases as indicated by FNS); and,

* * * * *

Dated: December 10, 2015.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2016–00674 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–30–P

FEDERAL TRADE COMMISSION

16 CFR Part 1

Administrative Debt Collection Procedures

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule.

SUMMARY: The FTC is publishing procedures for the administrative collection of debts, including those arising under judgments and orders of the Commission. These procedures, where applicable, will allow the use of administrative offset and tax refund offset to satisfy such debts. The use of these tools is expected to enhance the FTC's enforcement and collection efforts. The FTC is also making a technical revision to its existing rule for administrative garnishment of non-Federal wages to update the name of the Treasury Department agency responsible for cross-servicing debts.

DATES: This rule is effective on January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Stephen Dowdell, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Stop CC–9528, Washington, DC 20580, (202) 326–2814.

SUPPLEMENTARY INFORMATION: The FTC is issuing final rules to publish procedures to use debt collection tools authorized by Government-wide Federal Claims Collection Standards (''FCCS'') and applicable Federal debt collection statutes for amounts owed to the United States. These rules supplement and complement the Commission's existing administrative wage garnishment rule for non-Federal wages, 16 CFR 1.100, to collect amounts that may be owed to the FTC, including amounts owed under Commission orders and judgments. These additional procedures, where applicable, will enable the use of administrative offset against other Federal payments that may be due to the debtor, including a tax refund offset, to satisfy such debts. These rules are not intended to, and do not create, any separate or additional rights to notice or opportunity to challenge the amount or validity of debts that have already been reduced to judgment or are otherwise legally final and binding, such as debts arising from judgments or orders entered upon the consent or agreement of the debtor. (In addition, the FTC is updating 16 CFR 1.100 to substitute the ''Bureau of the Fiscal Service'' for the former name of that agency, the ''Financial Management Service.'') These rules do not require notice and public comment under the Administrative Procedure Act, because they are agency rules of practice and adopt applicable Government-wide regulations without material change. *See* 5 U.S.C. 553(b)(A) & (B). Similarly, the Commission also finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. 5 U.S.C. 553(d). No hardship will be imposed on debtors by the rules' immediate implementation. Rather, the public will benefit because the rule revisions codify procedures governing the use of debt collection tools authorized by the FCCS and applicable Federal debt collection statutes.

The rules have two parts. Under Subpart P, the Commission's administrative debt collection activities shall be conducted in accordance with applicable Government-wide debt collection regulations, including the Federal Claims Collection Standards (FCCS), 31 CFR parts 900–904, jointly promulgated by the Departments of Justice and Treasury, and related Treasury debt collection regulations, 31 CFR part 285, utilized when the Commission refers a debt to Treasury for collection, including the centralized offset of Federal payments by Treasury. Furthermore, consistent with 31 U.S.C. 3716(b)(1), Subpart P expressly adopts, without change, applicable FCCS provisions governing the use of administrative offset in Federal debt collection activities. Subpart Q applies to tax refund offsets, and sets forth the procedures that shall apply when the Commission refers a debt to Treasury for collection by such means, consistent with the Federal statutes governing administrative offset generally (31 U.S.C. 3716) and tax refund offset specifically (31 U.S.C. 3720A), and the corresponding provisions of the FCCS and Treasury part 285 regulations, *supra.*

List of Subjects in 16 CFR Part 1

Administrative practice and procedure, Claims, Debts, Garnishment of wages, Hearing and appeal procedures, Pay administration, Salaries, Wages.

For the reasons stated in the preamble, the Federal Trade Commission amends part 1, title 16, Code of Federal Regulations, as follows:

PART 1—GENERAL PROCEDURES

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

Authority: Sec. 6, 38 Stat. 721 (15 U.S.C. 46), unless otherwise noted.

§ 1.100 [Amended]

■ 2. Amend § 1.100 by removing from paragraph (a) the phrase ''Financial Management Service'' and adding in its place the phrase ''Bureau of the Fiscal Service''.

§ 1.102–1.109 [Added and Reserved]

■ 3. In subpart O, add and reserve §§ 1.102–1.109.

■ 4. Add new subparts P and Q to read as follows:

Subpart P—Administrative Debt Collection, Including Administrative Offset

Sec.
1.110 Application of Government-wide administrative claims collections standards and adoption of administrative offset regulations.
1.111–1.119 [Reserved]

Subpart Q—Tax Refund Offset

1.120 Purpose.
1.121 Notification of intent to collect.
1.122 Commission action as a result of consideration of evidence submitted in response to the notice of intent.
1.123 Change in notification to Bureau of the Fiscal Service.
1.124 Interest, penalties, and costs.

Subpart P—Administrative Debt Collection, Including Administrative Offset

Authority: 31 U.S.C. 3701 *et seq.*

§ 1.110 Application of Government-wide administrative claims collections standards and adoption of administrative offset regulations.

(a) The Commission shall apply the Federal Claims Collection Standards (FCCS), 31 CFR parts 900–904, in the administrative collection, offset, compromise, suspension, termination, and referral of collection activity for civil claims for money, funds, or property, as defined by 31 U.S.C. 3701(b), unless specific Federal agency statutes or regulations apply to such activities or, as provided for by Title 11 of the United States Code, when the claims involve bankruptcy. The Commission shall also follow Department of Treasury regulations set forth at 31 CFR part 285, as applicable, for administrative debt collection, including centralized offset of federal payments to collect non-tax debts that may be owed to the Commission, 31 CFR 285.5. Nothing in this subpart shall be construed to supersede or require the Commission to provide additional notice or other procedures that may have already been provided or afforded to a debtor in the course of administrative or judicial litigation or otherwise.

(b) For purposes of 31 U.S.C. 3716(b)(1), the Commission adopts without change the regulations on collection by administrative offset set forth at 31 CFR 901.3 and other relevant sections of the FCCS applicable to such offset.

§§ 1.111–1.119 [Reserved]

Subpart Q—Tax Refund Offset

Authority: 31 U.S.C. 3716 and 3720A, 31 CFR 285.2(c).

§ 1.120 Purpose.

This subpart establishes procedures for the Commission's referral of past-due legally enforceable debts to the Department of the Treasury's Bureau of the Fiscal Service (Fiscal Service) for offset against the tax refund payments of the debtor, consistent with applicable Fiscal Service regulations and definitions set forth in 31 CFR 285.2 and 285.5.

§ 1.121 Notification of intent to collect.

(a) *Notification before tax refund offset.* Reduction of a tax refund payment will be made only after the Commission makes a determination that an amount is owed and past-due and gives or makes a reasonable attempt to give the debtor 60 days written notice of the intent to collect by tax refund offset.

(b) *Contents of notice.* The Commission's notice of intent to collect by tax refund offset will state:

(1) The amount of the debt;

(2) That unless the debt is repaid within 60 days from the date of the notice, the Commission intends to collect the debt by requesting a reduction of any amounts payable to the debtor as a Federal tax refund payment by an amount equal to the amount of the debt and all accumulated interest and other charges;

(3) That the debtor, within 60 days from the date of the notice, has an opportunity to make a written agreement to repay the amount of the debt, unless such opportunity has previously been provided;

(4) A mailing address for forwarding any written correspondence and a contact name and a telephone number for any questions; and

(5) That the debtor may present evidence to the Commission that all or part of the debt is not past due or legally enforceable by:

(i) Sending a written request for a review of the evidence to the address provided in the notice;

(ii) Stating in the request the amount disputed and the reasons why the debtor believes that the debt is not past due or is not legally enforceable; and

(iii) Including in the request any documents that the debtor wishes to be considered or stating that the additional information will be submitted within the remainder of the 60-day period.

(c) A debtor may dispute the existence or amount of the debt or the terms of repayment, except with respect to debts established by a judicial or administrative order. In those cases, the debtor may not dispute matters or issues already settled, litigated, or otherwise established by such order, including the amount of the debt or the debtor's liability for that debt, except to the extent that the debtor alleges that the amount of the debt does not reflect payments already made to repay the debt in whole or part.

§ 1.122 Commission action as a result of consideration of evidence submitted in response to the notice of intent.

(a) *Consideration of evidence.* If, in response to the notice provided to the debtor under § 1.121, the Commission is notified that the debtor will submit additional evidence, or the Commission receives additional evidence from the debtor within the prescribed time, tax refund offset will be stayed until the Commission can:

(1) Consider the evidence presented by the debtor;

(2) Determine whether all or a portion of the debt is still past due and legally enforceable; and

(3) Notify the debtor of its determination, as set forth in paragraph (b) of this section.

(b) *Commission action on the debt.* (1) If, after considering any additional evidence from the debtor, the Commission determines that the debt remains past-due and legally enforceable, the Commission will notify the debtor of its intent to refer the debt to the Fiscal Service for offset against the debtor's Federal tax refund payment, including whether the amount of the debt remains the same or is modified; or

(2) If, after considering any additional evidence from the debtor, the Commission determines that no part of the debt remains past-due and legally enforceable, the Commission will so notify the debtor and will not refer the debt to the Fiscal Service for offset against the debtor's Federal tax refund payment.

§ 1.123 Change in notification to Bureau of the Fiscal Service.

After the Commission sends the Fiscal Service notification of a debtor's liability for a debt, the Commission will promptly notify the Fiscal Service if the Commission:

(a) Determines that there is a material error or other material change in the information contained in the notification, including in the amount of the debt, subject to any additional due process requirements, where applicable, under this subpart or the Federal Claims Collection Standards, if the amount of debt has increased;

(b) Receives a payment or credits a payment to the account of the debtor named in the notification that reduces the amount of the debt referred to Fiscal Service for offset; or

(c) Otherwise concludes that such notification is appropriate or necessary.

§ 1.124 Interest, penalties, and costs.

To the extent permitted or required by 31 U.S.C. 3717 or other law, regulation, or order, all interest, penalties, and costs applicable to the debt or incurred in connection with its referral for collection by tax refund offset will be assessed on the debt and thus increase the amount of the offset.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2016–00313 Filed 1–15–16; 8:45 am]

BILLING CODE 6750–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR PARTS 229 and 239

[Release No. 33–10003; File No. S7–01–16]

RIN 3235–AL88

Simplification of Disclosure Requirements for Emerging Growth Companies and Forward Incorporation by Reference on Form S–1 for Smaller Reporting Companies

AGENCY: Securities and Exchange Commission.

ACTION: Interim final rule; request for comment.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting interim final amendments to its rules and forms to implement Sections 71003 and 84001 of the Fixing America's Surface Transportation (''FAST'') Act, which require that the Commission revise Forms S–1 and F–1 to permit emerging growth companies to omit financial information for certain historical periods and revise Form S–1 to permit forward incorporation by reference for smaller reporting companies.

DATES: *Effective date:* The interim final rule is effective on January 19, 2016.

Comment date: Comments on the interim final rules should be received on or before February 18, 2016.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–01–16 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–01–16. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/proposed.shtml*). Comments are also 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. All comments 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: Peggy Kim, Attorney-Adviser, Office of Rulemaking, Division of Corporation Finance, at (202) 551–3430, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: We are adopting interim final amendments to Forms S–1 [1] and F–1 [2] under the Securities Act of 1933 [3] and Item 512 of Regulation S–K.[4]

I. Discussion of Amendments

Form S–1 is the form used by domestic issuers to register the offer and sale of securities under the Securities Act of 1933 when no other form is authorized or prescribed, and Form F–1 is the corresponding form used by foreign private issuers.[5] Item 512 of Regulation S–K describes the undertakings that an issuer must include in a registration statement.

Section 71003 of the FAST Act [6] amends Section 102 of the Jumpstart Our Business Startups (''JOBS'') Act [7] to allow an emerging growth company [8] that is filing a registration statement (or submitting a draft registration statement [9] for confidential review) under Section 6 of the Securities Act on Form S–1 or Form F–1 to omit financial information [10] for historical periods [11] otherwise required by Regulation S–X [12] if it reasonably believes the omitted information will not be required to be included in the filing at the time of the contemplated offering, so long as the issuer amends the registration statement prior to distributing a preliminary prospectus to include all financial information required by Regulation S–X at the time of the amendment. This provision takes effect 30 days after the date of enactment of the FAST Act. In addition, Section 71003 directs the Commission to revise the general instructions to Form S–1 and Form F–1 to reflect this self-executing change.

Section 84001 of the FAST Act requires the Commission to revise Form S–1 to permit a smaller reporting company [13] to incorporate by reference into its registration statement any documents filed by the issuer subsequent to the effective date of the registration statement. We are adding a new paragraph to Item 12 of Form S–1 to effect this provision.[14]

Currently, there are eligibility requirements for any issuer to use historical incorporation by reference on Form S–1 for documents filed before the effective date of the registration statement. These requirements will not be affected as a result of these amendments.[15] Smaller reporting companies must meet each of these existing eligibility requirements and conditions to use forward incorporation by reference on Form S–1.[16] For example, to be eligible to use forward incorporation by reference, smaller reporting companies will be required to be current by having filed (a) an annual report for its most recently completed fiscal year and (b) all required Exchange Act reports and materials during the 12 months immediately preceding filing of the Form S–1 (or such shorter period that the smaller reporting company was required to file such reports and materials). Smaller reporting companies that are blank check companies, shell companies (other than business combination related shell companies) or issuers for offerings of penny stocks will not be permitted to forward incorporate by reference into a Form S–1. In addition, the ability to forward

[1] 17 CFR 239.11.

[2] 17 CFR 239.31.

[3] 15 U.S.C. 77a *et seq.*

[4] 17 CFR 229.512.

[5] A ''foreign private issuer'' is defined in Rule 405 [17 CFR 230.405] under the Securities Act to mean any foreign issuer other than a foreign government, except for an issuer that has more than 50% of its outstanding voting securities held of record by U.S. residents and any of the following: A majority of its officers and directors are citizens or residents of the United States, more than 50 percent of its assets are located in the United States, or its business is principally administered in the United States.

[6] Pub. L. 114–94 (Dec. 4, 2015).

[7] Pub. L. 112–106, 126 Stat. 306 (Apr. 5, 2012).

[8] An ''emerging growth company'' is defined in Section 2(a)(19) of the Securities Act [15 U.S.C. 77b(a)(19)] to mean an issuer with less than $1 billion in total annual gross revenues during its most recently completed fiscal year. If an issuer qualifies as an emerging growth company on the first day of its fiscal year, it maintains that status until the earliest of the last day of the fiscal year of the issuer during which it has total annual gross revenues of $1 billion or more; the last day of its fiscal year following the fifth anniversary of the first sale of its common equity securities pursuant to an effective registration statement; the date on which the issuer has, during the previous 3-year period, issued more than $1 billion in non-convertible debt; or the date on which the issuer is deemed to be a ''large accelerated filer'' (as defined in Exchange Act Rule 12b–2 [17 CFR 240.12b–2]). Section 71002 of the FAST Act amends Section 6(e)(1) of the Securities Act [15 U.S.C. 77f(e)(1)] to provide that an issuer that qualifies as an emerging growth company at the time it initiates the registration process, either by submitting a draft registration statement or by filing it publicly, but which subsequently ceases to be an emerging growth company, will continue to be treated as an emerging growth company until the earlier of the date on which the issuer consummates its initial public offering pursuant to that registration statement or the end of the 1-year period beginning on the date the company ceases to be an emerging growth company. Section 71002 became effective upon enactment.

[9] Prior to filing a Form S–1 or F–1 for an initial public offering, emerging growth companies can submit draft registration statements to the Commission for confidential review.

[10] The historical financial statements that may be omitted are not limited to the financial statements of the emerging growth company. For example, an emerging growth company may also omit the historical financial statements of an acquired business from its filing or submission if the company reasonably believes those financial statements will not be required at the time of the offering.

[11] Emerging growth companies must include two years of audited financial statements in a registration statement for an initial public offering of common equity securities. [15 U.S.C. 77g (a)(2)(A)]

[12] Form F–1 filers are subject to the financial reporting requirements of Regulation S–X and Form 20–F. Item 8.A. of Form 20–F [17 CFR 249.220f] contains the requirements for the historical periods applicable to foreign private issuers filing on Form F–1.

[13] A ''smaller reporting company'' is defined in Rule 405 under the Securities Act to mean an issuer that had a public float of less than $75 million as of the last business day of its most recently completed second fiscal quarter or had annual revenues of less than $50 million during the most recently completed fiscal year for which audited financial statements are available.

[14] New paragraph (b) to Item 12 of Form S–1.

[15] General Instruction VII to Form S–1 sets forth the eligibility requirements for incorporation by reference.

[16] Currently, forward incorporation by reference is not permitted for any issuers on Form S–1.

incorporate by reference will be conditioned on the smaller reporting company making its incorporated Exchange Act reports and other materials readily available and accessible on a Web site maintained by or for the issuer and disclosing in the prospectus that such materials will be provided upon request.

Finally, we are making a conforming change to Item 512(a) of Regulation S–K to provide for forward incorporation by reference of Exchange Act reports filed or furnished after the effective date of the registration statement on Form S–1.[17] Our revised forms will be effective for disclosure made on or after January 19, 2016.[18]

II. Request for Comment

We invite comment on whether the interim final rules should be extended to other registrants or forms. In addition, we request and encourage any interested person to submit comments on any aspect of our interim final rules, other matters that might have an impact on the rules, and any suggestions for additional changes. With respect to any comments, we note that they are of greatest assistance if accompanied by supporting data and analysis of the issues addressed in those comments.

III. Procedural and Other Matters

Under the Administrative Procedure Act (''APA''), a notice of proposed rulemaking is not required when the agency, for good cause, finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[19] Because these amendments merely conform the specified forms to the requirements of a newly enacted statute, the FAST Act, the Commission finds that notice and public comment are unnecessary.[20] These amendments revise the Commission's forms to make them consistent with the provisions of the FAST Act pertaining to simplified disclosure requirements for emerging growth companies and forward incorporation by reference for smaller reporting companies on Form S–1 and therefore do not involve the exercise of Commission discretion.

The APA generally requires publication of a rule at least 30 days before its effective date.[21] The Commission finds there is good cause for the amendments to take effect on January 19, 2016 because without the amendments the Commission's applicable forms do not conform to the requirements of Section 102 of the JOBS Act, as amended by Section 71003 of the FAST Act and Section 84001 of the FAST Act.[22] Additionally, the Commission finds that the amendments relieve restrictions in the Commission's forms.

The amendments to Form S–1, Form F–1, and Item 512 of Regulation S–K will have an effect on existing ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995.[23] We estimate the total annual decrease in the paperwork burden for all affected companies to comply with the collection of information requirements in these amendments is approximately 70,214 hours of company personnel time and approximately $84,256,400 for the services of outside professionals.[24]

IV. Economic Analysis

We are mindful of the costs imposed by and the benefits obtained from our rules and amendments.[25] The Commission is adopting amendments to implement the specific statutory mandates of Sections 71003 and 84001 of the FAST Act. Accordingly, the costs and benefits of these amendments stem entirely from the statutory mandates of Sections 71003 and 84001.[26]

A. Baseline

The baseline for our economic analysis is the filing requirements prior to passage of the FAST Act and the amendments being adopted today. The amendments will impact disclosure requirements for emerging growth companies (''EGCs'') that file Forms S–1 and F–1 and smaller reporting companies (''SRCs'') that file Form S–1 for conducting a registered public securities offering and elect to use forward incorporation by reference. Investors who rely on issuer disclosures for making investment decisions will also be affected by the amendments mandated by Sections 71003 and 84001 of the FAST Act.

Prior to the effectiveness of Section 71003, EGCs were required, when filing or submitting Form S–1 or Form F–1 with the Commission prior to an initial public offering (''IPO''), to provide all financial statements for historical periods required by Regulation S–X at the time of the filing or submission, even though information for some historical periods may not be required to be included in the prospectus contained in the registration statement at the time of the contemplated offering. For example, prior to the effectiveness of Section 71003, an EGC that intended to conduct an IPO during early 2016 and that submitted or filed its registration statement in December 2015 would need to include audited financial statements for 2013 and 2014 in that registration statement to comply with the rules, even though at the time the issuer intended to market the offering only 2014 and 2015 audited financial statements would be required.

The amendment pursuant to Section 71003 of the FAST Act will impact Form S–1 and F–1 filings and draft registration statement submissions by domestic and foreign EGCs that conduct initial public offerings. An analysis of EDGAR filings indicates that 504 EGCs filed Form S–1 for an IPO during calendar year 2014, compared to 363 EGCs that filed a Form S–1 during calendar year 2015, through December 28th. The number of Form F–1 filings

[17] The undertakings in Item 512(b) of Regulation S–K will also be required in Form S–1 registration statements filed by smaller reporting companies that use forward incorporation by reference.

[18] The amendments being adopted today apply to emerging growth companies omitting financial information from Form S–1 or Form F–1 and to smaller reporting companies using forward incorporation by reference in Form S–1. The staff will consider whether the amendments discussed in this release should be made available to a larger group of registrants, and for additional form types. Any future rulemaking proposal that may stem from the staff's consideration would be subject to notice and public comment.

[19] 5 U.S.C. 553(b).

[20] This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the rule amendment to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a federal agency finds that notice and public comment are impractical, unnecessary or contrary to the public interest, a rule shall take effect at such time as the federal agency promulgating the rule determines). The amendments also do not require analysis under the Regulatory Flexibility Act. *See* 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment).

[21] *See* 5 U.S.C. 553(d)(3).

[22] Section 71003 of the FAST Act takes effect 30 days after enactment, and Section 84001 of the FAST Act requires the Commission to revise Form S–1 within 45 days of enactment.

[23] 44 U.S.C. 3501 *et seq.*

[24] We are seeking emergency approval from the Office of Management and Budget for the revised burden estimates associated with the final rule amendments to Forms S–1 and F–1 in accordance with the procedures of the Paperwork Reduction Act of 1995. In a separate notice, we are seeking public comment on the revised burden estimates as well as a three-year extension of the same collections of information.

[25] Section 2(b) of the Securities Act [15 U.S.C. 77b(b)] requires the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition and capital formation.

[26] As the intent of this rulemaking is to implement the specific regulatory changes mandated by Congress, this analysis focuses on the economic effects arising from those changes. We recognize that these amendments could be made available to a larger group of registrants, and for additional form types. However, such discretionary amendments would be beyond the scope of this rulemaking. *See supra* note 18.

for an IPO by EGCs totaled 65 and 51 for calendar years 2014 and 2015, respectively (Table 1).[27] Additionally, 299 and 133 EGCs submitted a draft registration statement during 2014 and 2015, respectively, for confidential Commission review.[28]

TABLE 1—EGCS SUBMISSIONS OF DRAFT REGISTRATION STATEMENTS, AND FILINGS OF FORMS S–1 AND F–1 FOR INITIAL PUBLIC OFFERINGS, 2012–2015

	Number of EGCs submitting draft registration statement	Number of EGCs filing Form S–1	Number of EGCs filing Form F–1
2012	41	295	25
2013	231	404	31
2014	299	504	65
2015	133	363	51

Currently, forward incorporation by reference is not permitted for any issuers on Form S–1,[29] and issuers are required to file a post-effective amendment to disclose material information, including updates required as a result of Section 10(a)(3) of the Securities Act,[30] that may have occurred prior to the completion of the offering. Forward incorporation by reference is available under Form S–3,[31] the short-form registration statement for a follow-on offering, but only issuers that meet specific registrant and transaction requirements can utilize that form. Because many SRCs are ineligible to use Form S–3, they are required to use Form S–1 for conducting a registered securities offering.[32] As Table 2 presents, approximately 448 SRCs filed Form S–1 for conducting a follow-on offering while 150 SRCs filed Form S–3 during calendar year 2014.[33]

TABLE 2—SRC FILINGS OF FORMS S–1 AND S–3 FOR FOLLOW-ON OFFERINGS, 2012–2015

	Number of Form 10–Ks indicating SRC status	Number of SRCs filing Form S–1	Number of SRCs filing Form S–3
2012	4,062	394	106
2013	3,773	432	116
2014	3,508	448	150
2015	3,107	269	112

The amendment pursuant to Section 84001 of the FAST Act will impact the number and disclosure content of post-effective amendments filed by eligible SRCs. Analysis of EDGAR filings indicates that approximately 204 SRCs filed 379 post-effective amendments during 2014, while another 217 filed 404 such amendments during calendar year 2015, through December 15th.[34] Some SRCs could have avoided at least some post-effective amendment filings if forward incorporation had been available.

B. Analysis of the Amendments

The statutory change to Section 102 of the JOBS Act and the corresponding amendment to our forms pursuant to Section 71003 of the FAST Act allow EGCs to omit certain historical financial statements required under Regulation S–X from their pre-initial public offering registration statement, which simplifies and reduces disclosure requirements for those EGCs. As Table 1 shows, up to 569 EGCs filing Form S–1 or F–1 and 299 EGCs submitting draft registration statements during calendar year 2014 could possibly have benefitted from such scaled down disclosure requirements. These amendments to the statute and our forms will ease the filing requirements for EGCs, which could promote small business capital formation through initial public offerings.

The amendments that implement Section 71003 will enable EGCs to provide only information that they reasonably expect will be required at the time they are marketing their initial public offerings. This will lower the regulatory burden and thereby reduce the registration costs for EGCs. The amendments may also shorten the time necessary to complete the initial

[27] The Commission staff derived these estimates by analyzing filings made with the Commission during calendar years. Data for 2015 is for the period January 1 to December 28, 2015. The Forms S–1 and F–1 filings include filings for offerings that were later withdrawn or abandoned. Until October 2012, a significant number of EGCs submitted draft registration statements through email and as a result are not included in EDGAR filings for that year.

[28] Some of the issuers that submitted a draft registration statement may have also filed a Form S–1 or F–1.

[29] Forward incorporation by reference allows an issuer to automatically incorporate by reference reports filed pursuant to the Exchange Act, such as reports on Forms 10–K, 10–Q and 8–K, subsequent to the effectiveness of the registration statement.

[30] 15 U.S.C. 77j(a)(3). When a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein cannot be dated more than sixteen months prior to such use.

[31] 17 CFR 239.13.

[32] SRCs may be eligible to use Form S–3 for secondary offerings if the securities are listed on a national securities exchange or are quoted on the automated quotation system of a national securities association. *See* Instruction I.B.3 of Form S–3. In addition, SRCs may be eligible to use Form S–3 for limited primary offerings if the SRC has at least one class of common equity securities listed on a national securities exchange. *See* Instruction I.B.6. of Form S–3.

[33] The Commission staff derived these estimates by analyzing filings made with the Commission during calendar years. SRCs status was determined based on the filer status checked on the cover page of Form 10–K filed during the year.

[34] Some of these filings may relate to non-Section 10(a)(3) updates, such as for deregistering securities. These filings will not be affected by an SRC's new ability to forward incorporate by reference. Additionally, some filings may comprise Section 10(a)(3) updates, as well as updates that will continue to be required as post-effective amendments.

registration statement of an IPO, which could improve an issuer's ability to raise capital in a timely manner. To the extent issuers have sensitive material in their historical financial information, the amendments may also enable EGCs to protect their competitive position by not publicly disseminating information beyond what is required when the securities offering is conducted.[35] Such benefits are more likely to accrue to EGCs that have higher proprietary costs of disclosure.[36]

At the same time, the amendments may reduce the amount and quality of public information, thereby potentially increasing the level of information asymmetry and adversely impacting the informational efficiency of the securities market.[37] As a result, investors could become more risk averse and require a higher rate of return to compensate for such loss in disclosure. This would lower the amount of potential issuer proceeds, which would offset the lower disclosure costs stemming from the simplified disclosure requirements.[38] We believe, however, that the amendment's potential adverse impact on investors would be marginal because such omitted financial information is not expected to be used by issuers in marketing their offering and also because investors will have access to more recent and updated information.

The amendment pursuant to Section 84001 of the FAST Act to permit forward incorporation by reference by SRCs in Form S–1 will further integrate disclosures under the Securities Act and the Exchange Act and increase regulatory simplification. Forward incorporation by reference will eliminate the need to update information in a filing that has become stale or is incomplete. The amendment should decrease the existing filing burdens by reducing multiple disclosure filings, thereby allowing SRCs to satisfy Form S–1 disclosure requirements and access capital markets at a lower cost. As discussed above, during 2014 almost half of the SRCs that filed a Form S–1 also filed a post-effective amendment to update information in that form. In addition to the reduced audit and legal costs of not having to file post-effective amendments, cost savings could also result from lower printing and delivery costs for a smaller sized prospectus. Such reduction in costs could be offset, to some extent, by ongoing costs related to the issuer's new obligations to make the incorporated Exchange Act reports and other materials readily available and accessible to investors on a Web site maintained by or for the issuer, or provided upon request.

The revision to Form S–1 will make its requirements more consistent with those of Form S–3, which will particularly benefit SRCs that cannot use Form S–3 and have to rely on the longer Form S–1 to register their securities offering. The amendment will be most effective for continuous offerings, and those involving resales of securities, that often require repeated informational updates. By avoiding the need to file certain post-effective amendments, SRCs may be able to move quickly to raise capital when a 'market window' is open. Easing the filing burden for such issuers may promote efficiency in SRC capital formation.

At the same time, revising Form S–1 to allow SRCs to forward incorporate by reference could increase the analytical burden and search costs for potential investors. Instead of having all the information available in one location, investors may need to separately access on a Web site or request the incorporated reports in order to price the offering security. As a result, costs to investors for assembling and assimilating necessary information could increase. We do not have data to assess if, and to what extent, the Form S–1 revision will be burdensome to investors. To the extent that investors previously benefitted from the Commission staff's selective review of post-effective amendment filings, allowing forward incorporation by reference may eliminate such reviews and, as a result, possibly increase the costs to investors.

As discussed above, the same eligibility requirements that currently apply to any issuer to use historical incorporation by reference on Form S–1 will apply to forward incorporation by reference by SRCs. Using these well-established eligibility requirements should provide certainty to issuers and investors about when forward incorporation by reference may be used. Requiring the SRCs to be current in their filing requirements will ensure that only issuers with a demonstrated ability to comply with Exchange Act reporting requirements are eligible to forward incorporate by reference, which will help to address concerns about investors being able to readily procure updated information through Exchange Act filings that would otherwise have been available through a post-effective amendment.

V. Statutory Basis

The amendments described in this release are made under the authority set forth in Sections 6, 7, 8, 10, and 19 of the Securities Act, Section 102 of the JOBS Act and Sections 71003 and 84001 of the FAST Act.

List of Subjects in 17 CFR Parts 229 and 239

Reporting and recordkeeping requirements, Securities.

In accordance with the foregoing, the Commission is amending Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

■ 1. The authority citation for part 229 is revised to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78j–3, 78*l,* 78m, 78n, 78n–1, 78o, 78u–5, 78w, 78*ll,* 78 mm, 80a–8, 80a–9, 80a–20, 80a–29, 80a–30, 80a–31(c), 80a–37, 80a–38(a), 80a–39, 80b–11 and 7201 *et seq.* 18 U.S.C. 1350; Sec. 953(b), Pub. L. 111–203, 124 Stat. 1904; Sec. 102(a)(3), Pub. L. 112–106, 126 Stat. 309; and Sec. 84001, Pub. L. 114–94, 129 Stat. 1312.

* * * * *

■ 2. Section 229.512 is amended by revising paragraph (a)(1)(iii)(B) to read as follows:

§ 229.512 (Item 512) Undertakings.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(B) Paragraphs (a)(1)(i), (ii), and (iii) of this section do not apply if the registration statement is on Form S–1 (§ 239.11 of this chapter), Form S–3 (§ 239.13 of this chapter), Form SF–3 (§ 239.45 of this chapter) or Form F–3 (§ 239.33 of this chapter) and the information required to be included in a post-effective amendment by those paragraphs is contained in reports filed

[35] For example, R&D-intensive firms may have competitive incentives to provide limited disclosure about their R&D investments, material agreements or acquisitions in previous years.

[36] *See* Jesse Ellis, C. Edward Fee & Shawn Thomas, *Proprietary Costs and the Disclosure of Information about Customers,* 50 J. ACCT. RES. 685–727 (2012).

[37] Market participants also can obtain information from Commission staff comment letters (publicly available after the IPO) sent in connection with the staff's review of a draft or filed registration statement. To the extent the lower level of disclosure affects the information content of Commission staff comment letters, the post-IPO liquidity and stock price volatility outcomes of EGCs could also be impacted.

[38] *See* Susan Chaplinsky, Kathleen Weiss Hanley & S. Katie Moon, *The JOBS Act and the Costs of Going Public* (Working Paper, Oct. 2015), available at *http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2492241.*

with or furnished to the Commission by the registrant pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)) that are incorporated by reference in the registration statement, or, as to a registration statement on Form S–3, Form SF–3 or Form F–3, is contained in a form of prospectus filed pursuant to § 230.424(b) of this chapter that is part of the registration statement.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

■ 3. The general authority citation for part 239 is revised to read as follows:

Authority: 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77sss, 78c, 78*l,* 78m, 78n, 78o(d), 78o–7 note, 78u–5, 78w(a), 78*ll,* 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–29, 80a–30, 80a–37, and Sec. 71003 and Sec. 84001, Pub. L. 114–94, 129 Stat. 1312, unless otherwise noted.

* * * * *

■ 4. Form S–1 (referenced in § 239.11) is amended by adding General Instructions II.C., re-designating paragraph (b) to Item 12 as paragraph (c), re-designating the Note to Item 12(b)(1) as the Note to Item 12(c)(1), and adding new paragraph (b) to Item 12 to read as follows:

Note: The text of Form S–1 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form S–1

Registration Statement Under the Securities Act of 1933

* * * * *

General Instructions

* * * * *

II. Application of General Rules and Regulations

* * * * *

C. A registration statement filed (or submitted for confidential review) under Section 6 of the Securities Act (15 U.S.C. 77f) by an emerging growth company, defined in Section 2(a)(19) of the Securities Act (15 U.S.C. 77b(a)(19)), prior to an initial public offering may omit financial information for historical periods otherwise required by Regulation S–X (17 CFR part 210) as of the time of filing (or confidential submission) of the registration statement, provided that:

1. The omitted financial information relates to a historical period that the registrant reasonably believes will not be required to be included in this Form at the time of the contemplated offering; and

2. Prior to the registrant distributing a preliminary prospectus to investors, the registration statement is amended to include all financial information required by Regulation S–X at the date of the amendment.

* * * * *

Item 12. Incorporation of Certain Information by Reference

* * * * *

(b) In addition to the incorporation by reference permitted pursuant to paragraph (a) of this Item, a smaller reporting company, as defined in Rule 405 (17 CFR 230.405), may elect to incorporate by reference information filed after the effective date of the registration statement. A smaller reporting company making this election must state in the prospectus contained in the registration statement that all documents subsequently filed by the registrant pursuant to Sections 13(a), 13(c), 14 or 15(d) of the Exchange Act, prior to the termination of the offering shall be deemed to be incorporated by reference into the prospectus.

* * * * *

■ 5. Form F–1 (referenced in § 239.31) is amended by adding General Instruction II.E. to read as follows:

Note: The text of Form F–1 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–1

Registration Statement Under the Securities Act of 1933

* * * * *

General Instructions

* * * * *

II. * * *

E. A registration statement filed (or submitted for confidential review) under Section 6 of the Securities Act (15 U.S.C. 77f) by an emerging growth company, defined in Section 2(a)(19) of the Securities Act (15 U.S.C. 77b(a)(19)), prior to an initial public offering may omit financial information for historical periods otherwise required by Regulation S–X (17 CFR part 210) and Item 8.A. of Form 20–F (17 CFR 249.220f) as of the time of filing (or confidential submission) of the registration statement, provided that:

1. The omitted financial information relates to a historical period that the registrant reasonably believes will not be required to be included in this Form at the time of the contemplated offering; and

2. Prior to the registrant distributing a preliminary prospectus to investors, the registration statement is amended to include all financial information required by Regulation S–X at the date of the amendment.

* * * * *

By the Commission.

Dated: January 13, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–00872 Filed 1–13–16; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM16–2–000]

Annual Update of Filing Fees

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; annual update of Commission filing fees.

SUMMARY: In accordance with the Commission's regulations, the Commission issues this update of its filing fees. This document provides the yearly update using data in the Commission's Financial System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 2015.

DATES: *Effective Date:* February 18, 2016.

FOR FURTHER INFORMATION CONTACT: Raymond D. Johnson Jr., Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Room 42–66, Washington, DC 20426, 202–502–8402.

SUPPLEMENTARY INFORMATION:

Document Availability: In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington DC 20426.

From FERC's Web site on the Internet, this information is available in the eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

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Annual Update of Filing Fees

(Issued January 12, 2016)

The Federal Energy Regulatory Commission (Commission) is issuing this document to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2015 costs. The adjusted fees announced in this document are effective February 18, 2016. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this final rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this final rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

Fees Applicable to the Natural Gas Policy Act	
1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403)	$12,430
Fees Applicable to General Activities	
1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a))	$24,980
2. Review of a Department of Energy remedial order:	
Amount in controversy	
$0–9,999. (18 CFR 381.303(b))	$100
$10,000–29,999. (18 CFR 381.303(b))	$600
$30,000 or more. (18 CFR 381.303(a))	$36,460
3. Review of a Department of Energy denial of adjustment:	
Amount in controversy	
$0–9,999. (18 CFR 381.304(b))	$100
$10,000–29,999. (18 CFR 381.304(b))	$600
$30,000 or more. (18 CFR 381.304(a))	$19,120
4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a))	$7,160
Fees Applicable to Natural Gas Pipelines	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b))	* $1,000
Fees Applicable to Cogenerators and Small Power Producers	
1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a))	$21,480
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a))	$24,310

* This fee has not been changed.

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, reporting and recordkeeping requirements.

Issued: January 12, 2016.

Anton C. Porter,

Executive Director.

In consideration of the foregoing, the Commission amends part 381, chapter I, title 18, Code of Federal Regulations, as set forth below.

PART 381—FEES

■ 1. The authority citation for part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 381.302 [Amended]

■ 2. In § 381.302, paragraph (a) is amended by removing ''$24,730'' and adding ''$24,980'' in its place.

§ 381.303 [Amended]

■ 3. In § 381.303, paragraph (a) is amended by removing ''$36,100'' and adding ''$36,460'' in its place.

§ 381.304 [Amended]

■ 4. In § 381.304, paragraph (a) is amended by removing ''$18,920'' and adding ''$19,120'' in its place.

§ 381.305 [Amended]

■ 5. In § 381.305, paragraph (a) is amended by removing ''$7,090'' and adding ''$7,160'' in its place.

§ 381.403 [Amended]

■ 6. Section 381.403 is amended by removing ''$12,310'' and adding ''$12,430'' in its place.

§ 381.505 [Amended]

■ 7. In § 381.505, paragraph (a) is amended by removing ''$21,260'' and adding ''$21,480'' in its place and by removing ''$24,070'' and adding ''$24,310'' in its place.

[FR Doc. 2016–00842 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–1101]

RIN 1625–AA00

Safety Zone; RICHLAND, Apra Harbor/Philippine Sea, GU

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone for navigable waters within a 1000-yards ahead of the Dry-Dock RICHLAND and its towing vessel and 500 yards abeam and 500 yards astern of the dry-dock. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the movement of the drydock from Guam waters. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Guam.

DATES: This rule is effective without actual notice from January 19, 2016

through 6:00 p.m. January 31, 2016. For the purposes of enforcement, actual notice will be used from 8:00 a.m. December 30, 2015 through January 19, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–1101 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 Chief Kristina Gauthier, Waterways Management Office, Sector Guam, U.S. Coast Guard; telephone 671–355–4866, email *Kristina.M.Gauthier@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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details for this removal of this dry-dock were not known to the Coast Guard until there was insufficient time remaining before the operation to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect vessels and waterway users from the hazards associated with this operation.

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**. For the same reasons discussed in the preceding paragraph, waiting for a 30 day notice period to run would be impracticable.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Guam (COTP) has determined that potential hazards associated with the movement of the Dry-Dock RICHLAND starting 8:00 a.m. December 30, 2015 will be a safety concern for anyone within 1000-yards ahead of the Dry-Dock RICHLAND and its towing vessel and 500 yards abeam and 500 yards astern while transiting Guam waters. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the Dry-Dock RICHLAND and its towing vessel are in transit in Guam waters.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:00 a.m. December 30, 2015 through 6:00 p.m. January 31, 2016. The safety zone will cover all navigable waters within 1000 yards ahead of the Dry-Dock RICHLAND and its towing vessel and 500 yards abeam and 500 yards astern while transiting Guam waters. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the Dry-Dock RICHLAND and its towing vessel are in transit. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, 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, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone during the majority of this evolution which will impact a small designated area of Apra Harbor, Guam and the Philippine Sea for less than 24 hours. The transit through the mouth of the entrance to Apra Harbor will be the most restricted portion due to the limited space for maneuvering. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

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 E.O. 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 E.O. 13132.

Also, this rule does not have tribal implications under E.O. 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 above.

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 an 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 to be enforced for less than 24 hours that will prohibit entry within 1000 yards ahead of the Dry-Dock RICHLAND and its towing vessel and 500 yards abeam and 500 yards astern. It 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**.

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 § 165.T14–1101 to read as follows:

§ 165. T14–1101 Safety Zone; RICHLAND, Apra Harbor/Philippine Sea, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, is a moving safety zone: All navigable waters within 1000 yards ahead of the Dry-Dock RICHLAND and its towing vessel and 500 yards abeam and 500 yards astern from departure from Wharf ''P'' to 12 miles from Orote Point, Guam.

(b) *Effective period.* This section is effective from 8 a.m. on December 30, 2015 through 6 p.m. on January 31, 2016.

(c) *Enforcement period.* This section is enforced from the time the vessel departs Wharf ''P'' until it is 12 miles from Orote Point, Guam.

(d) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply. No vessels may enter or transit the safety zone unless authorized by the COTP or a designated representative thereof.

(e) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce these temporary safety zones.

(f) *Waiver.* The COTP may waive any of the requirements of this section for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(g) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: December 23, 2015.

James B. Pruett,

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

[FR Doc. 2016–00863 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–249; FCC 15–142]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopted a number of procedures and procedural changes designed to assist AM broadcasters to better serve the public, thereby advancing the Commission's fundamental goals of localism, competition, and diversity in broadcast media.

DATES: Effective February 18, 2016, except for the amendment to 47 CFR 73.1560, which contains new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and which will become effective after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

FOR FURTHER INFORMATION CONTACT: Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418–2700 or *Peter.Doyle@fcc.gov;* Thomas Nessinger, Senior Counsel, Media Bureau, Audio Division, (202) 418–2700 or *Thomas.Nessinger@fcc.gov.* For additional information concerning the Paperwork Reduction Act information

collection requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's First Report and Order (First R&O), FCC 15–142, adopted October 21, 2015, and released October 23, 2015. The full text of the First R&O is available for inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street SW., Room CY–A257, Portals II, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This First Report and Order (First R&O) adopts new or revised information collection requirements, subject to the Paperwork Reduction Act of 1995 (PRA) (Pub. L. 104–13, 109 Stat 163 (1995) (codified in 44 U.S.C. 3501–3520)). These information collection requirements were submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. The Commission received OMB preapproval for the information collection requirements on January 28, 2014. The information collection requirements were adopted as proposed. The Commission will activate the burden hours in OMB's inventory. These information collection requirements are preapproved under OMB control number 3060–1194, Section 73.1560(a)(1) and FCC Form 338. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Synopsis of Order

1. With this First R&O, the Commission addresses the proposals set forth in the Notice of Proposed Rule Making in this proceeding, FCC 13–139, 28 FCC Rcd 15221 (2013) (NPRM). The Commission proposed in the NPRM to open a one-time filing window, open to AM licensees and permittees only, to apply for and receive authorizations for one new FM translator station per AM station, for the sole and limited purpose of re-broadcasting the AM signal to provide fill-in and/or nighttime service. The Commission further proposed that such translator stations must strictly comply with the existing fill-in coverage area technical restrictions on FM translators re-broadcasting AM stations, that any translator acquired through this one-time window could be used only to re-broadcast the signal of the AM station acquiring it, and that such a translator could not be assigned or transferred except in conjunction with the commonly owned AM primary station. The Commission sought comment on this proposal and its limitations. The Commission opted to continue allowing so-called ''Mattoon waivers,'' which allow broadcasters to relocate FM translators intended to rebroadcast AM stations farther than would be allowed under the Commission's rules for minor modifications of translator stations.

2. Although there was strong support for the AM-only new FM translator auction filing window proposed in the NPRM, the Commission found that there are issues that call into question whether it should limit the approach to opening such a window as proposed. Chief among its concerns was the time it would take for such a window to open. Commenters in this proceeding discuss the need for immediate relief, but given other auction commitments, the Commission determined that it is not possible at this time to provide such relief in the short term with a new FM translator station auction filing window. However, it is possible to provide short-term relief to AM broadcasters by providing a window where AM stations would be provided greater flexibility to move FM translators. This window would take advantage of the availability of existing FM translators that can be obtained by many AM broadcasters seeking to enhance their local service. Based upon a staff analysis of applications available in the Media Bureau's Consolidated Data Base System (CDBS), since 2003 the number of FM translator stations has increased by 65 percent (from approximately 3,800 to approximately 6,300). This number is likely to grow in the next 12 to 18 months, as more FM translator permits are awarded from the Auction 83 filing window, to the point where there could be up to twice the number of translators that existed in 2003. Further, the secondary market for FM translator stations is robust: Since the Commission's 2009 decision to allow AM stations to be rebroadcast over FM translators, almost 4,000 translators have changed hands, of which over 600 were sold to AM stations for use as cross-service fill-in translators. A staff review of ''stand alone'' FM translator assignment applications granted over the past year has determined that the vast majority of stations have sold for under $100,000, and a substantial majority of those for less than $50,000. Providing AM broadcasters with a greater opportunity to benefit from this secondary market will provide them with tangible and immediate relief. Accordingly, the Commission adopted a two-pronged approach to enable more AM stations to acquire FM translators. First, the Commission directed the Media Bureau to administer in 2016 a process where an AM licensee or permittee seeking to rebroadcast on an FM translator may acquire and relocate one and only one authorized non-reserved band FM translator station up to 250 miles, and specify any rule-compliant non-reserved band FM channel, as a minor modification application. Second, the Commission directed the Media Bureau, in conjunction with the Wireless Telecommunications Bureau (Bureaus), to open new FM translator application auction windows, beginning in 2017, for AM stations that do not file a modification application in 2016. Class C and D stations will be able to take advantage of the modification window and the auction window first, prior to second windows that will be available to all classes.

3. The Commission also asked in the NPRM whether, between expanding the number of FM translators eligible to re-broadcast AM stations and opening the window proposed in this proceeding, there would continue to be a need for so-called Mattoon waivers and, if not, when the policy of granting such waivers should be eliminated. Most commenters favored retention of Mattoon waivers, adoption of the proposed Tell City waivers and, for some cases, codifying the Mattoon waiver policy in our Rules. Although there has been and will likely continue to be an expansion of the number of FM translator stations available to rebroadcast AM stations, the decision to delay opening an exclusive AM-new FM translator window in favor of opening a modification window may limit FM translator acquisition options for some AM licensees. Because of this, some flexibility in relocating such fill-in FM translators will continue to be necessary. The Mattoon waiver policy requires satisfaction of three criteria: (1) The applicant does not have a history of filing serial minor modification applications; (2) the proposed site is mutually exclusive with the licensed translator facility; and (3) the translator

will rebroadcast the proposed AM primary station for a period of four years of on-air operation, exclusive of silent periods, commencing with the initiation of on-air service at the new location. Under the circumstances, the Commission directed the Media Bureau to continue granting Mattoon waivers, including the four-year operating condition, in appropriate cases. Until and unless a different procedure is announced on review of the pending Tell City waiver case (*Way Media, Inc.,* Letter, 29 FCC Rcd 11287, 11287 (MB 2014), *review pending*), however, the Mattoon waiver policy will not be extended beyond its current limits as described above, including as proposed by the Tell City applicant, except as discussed below for the limited purpose of the modification window adopted in this First R&O.

4. Although the availability of existing and to-be-authorized FM translator stations and the use of Mattoon waivers should provide an ample supply of translators for fill-in use by many AM stations, the Commission recognized that the availability of such translator stations may not, in many cases, completely satisfy demand. Some AM broadcasters might enjoy a sufficient supply of translators that conform with Commission siting rules, while others may have more difficulty in locating potentially rule-compliant translators. Still other AM broadcasters, particularly those whose stations have limited power (Class C) or lack protected nighttime service (Class D), might need additional time to arrange the financing necessary to enter the market for an FM translator station. For this reason, the Commission directed the Media Bureau to announce, by Public Notice, two modification windows during which an AM licensee or permittee seeking to rebroadcast on an FM translator may, on a first-come, first-served basis, acquire and relocate one and only one authorized non-reserved band FM translator station up to 250 miles, and specify any rule-compliant non-reserved band FM channel, as a minor modification application, notwithstanding 47 CFR 74.1233(a)(1), which defines major and minor modifications of FM translator facilities. This distance limitation is designed to substantially expand purchase options for AM stations, particularly those serving smaller markets and rural areas. It is also designed to not disrupt the current secondary market for translator authorizations.[1] In this regard the Commission noted that spectrum congestion in the largest markets will significantly limit opportunities for translator station relocations. The Commission will accept applications to modify authorized FM translator stations that the AM station licensee or permittee either owns, for which it is the proposed assignee or transferee in a pending application (a proposed assignee or transferee may file in its own name an application to modify the subject translator authorization. See 47 CFR 73.3517(a)), or for which it has a rebroadcasting agreement. The Commission further directed the Bureau to open the first modification window for six months, and to make the first window available only to applications to modify and/or relocate FM translator stations rebroadcasting Class C and D AM stations, on a one translator per AM station basis. Class C and D stations, because of their limited power or lack of protected nighttime service, will benefit most from the acquisition of a cross-service translator, and thus should be afforded the first opportunity to obtain one. The second window, to open at the end of the initial six-month window, would be open for an additional three-month period, and would be available to applications to modify and/or relocate FM translator stations rebroadcasting any AM station of any class, including Class C and D stations that did not file an application in the initial window, also on a one translator per AM station basis. In return for this one-time rule waiver, the Media Bureau was directed to impose on translators relocated and/or modified using the waiver the same four-year operating condition currently attached to FM translators relocated using Mattoon waivers. Thus, the modified FM translator must rebroadcast the FM translator modification applicant's specified AM primary station for a period of four years of on-air operation, exclusive of silent periods, commencing with the initiation of on-air service at the new location. The Commission also directed the Media Bureau to expeditiously initiate a three-month outreach effort to promote Class C and Class D participation in this modification window filing process; to develop, as practicable, technical tools similar to those created for the LPFM window to assess spectrum availability and potential FM translator acquisition options; and to establish streamlined procedures for handling inquiries from the AM and FM translator broadcast community. The modification windows are to be opened upon completion of this outreach.[2]

5. The modification windows, as noted above, can provide near-term relief to AM broadcasters. However, some AM stations may not be successful in locating translators, notwithstanding the availability of rule-compliant FM translator channels in their communities. Therefore, to further promote the long-term viability of the AM service, the Commission also directed the Bureaus to open two new FM translator application auction windows, beginning in 2017,[3] for those AM licensees and permittees that do not participate, *i.e.,* file an application, in one of the modification windows.[4] The first FM translator auction window, as with the initial modification window, shall be limited to Class C and D AM

[1] A substantial majority of the approximately 1300 outstanding Auction 83 construction permits are scheduled to expire in 2016. Modification applicants in one of these two modification windows may seek waivers of these construction deadlines. See 47 CFR 1.3. Waivers can expand cross-service broadcasting opportunities for AM stations, will allow AM licensees to realize service improvements quickly, will incentivize FM translator permittee participation in the modification window process, and will provide a means to avoid the delays and administrative burdens of re-auctioning this spectrum. Accordingly, the Commission found that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations.

[2] The pending Tell City waiver request could likely qualify for processing under the waiver procedures announced herein. However, in order to promote a fair process for all AM stations in reallocating FM translator spectrum, including to spectrum limited markets, the Commission will not afford that proposal cut-off rights over other filings. The Commission also directed the Media Bureau to dismiss, without further consideration, waiver requests filed prior to and in anticipation of the opening of the modification application filing windows.

[3] In order to ensure the efficient processing of these auction applications, the Commission directed the Bureaus to undertake and complete all revisions to Form 175 necessary to collect the FM translator technical specifications, and also directed the Bureaus to hold an auction for all remaining mutually exclusive commercial Auction 83 applications following the completion of the Incentive Auction, Auction 1000, and prior to the first FM translator auction window.

[4] The NPRM proposed a ''one-to-a-customer'' FM translator window to provide limited, targeted relief to AM stations. See NPRM, 28 FCC Rcd at 15228. Thus, the Commission declined to permit one class of eligible applicants to double the number of FM translator authorizations that they could acquire under these window procedures. Given the supply of translator authorizations, the palpable demand for FM translator licensees by other stakeholders, and the relief afforded by the modification windows, AM licensees and permittees will be eligible to participate in either one modification or one auction window, but not both. AM station assignments or transfers during the multi-window process will not create an opportunity for new owners to participate in an auction window when the former licensee participated in a modification window.

permittees and licensees that have not participated in either modification window. The second FM translator auction window, to be opened as soon as possible after the first window has closed and applicants in the first window have had an opportunity to resolve mutual exclusivity through settlement or technical resolution, will be open to all AM permittees and licensees that have not participated in any of the prior modification or auction windows. The Commission believed that the threshold qualification of affording relief first to Class C and D stations, with limited power or no protected nighttime service, represented the best approach among the many proposed by commenters. The FM translator auction windows will otherwise follow the NPRM proposal, insofar as participation will be limited to AM permittees and licensees, each applicant may apply for one and only one translator station that must comply with Commission siting rules for FM fill-in translators rebroadcasting AM stations, and any translator acquired through the FM translator auction windows will be permanently linked to the AM primary station acquiring it. See NPRM, 28 FCC Rcd at 15227. Just as in FM Translator Auction 83, these new FM translator auction windows will include opportunities for mutually exclusive applicants to resolve their mutual exclusivity through settlements or technical resolutions. See *FM Translator Auction 83 Mutually Exclusive Applications Subject to Auction,* Public Notice, 28 FCC Rcd 9716 (MB 2013); 47 CFR 73.5002(c), (d).

6. The Commission also adopted the NPRM proposal to modify the daytime community coverage requirement contained in 47 CFR 73.24(i), for existing licensed AM facilities only, to require that the daytime 5 mV/m contour encompasses either 50 percent of the area, or 50 percent of the population of the principal community to be served. This rule modification is intended to provide relief to existing broadcasters—some of which have held AM licenses for many decades—that may find themselves lacking the flexibility to relocate their transmission facilities in order to meet the rule's community coverage requirements, due to expansion of community boundaries and/or lack of available land to which to relocate antennas. However, in order to preserve the limited intent of this rule modification, the Commission authorized the Media Bureau to inquire into the facts justifying any modification that would reduce the percentage of community population or area coverage within the first four years of licensed on-air operation of the applicant station, exclusive of any periods of reduced operations or silence pursuant to special temporary authorizations. Should the Bureau find there is no compelling reason warranting reduced community coverage during this period, it may dismiss the modification application.

7. Likewise, the Commission adopted the NPRM proposal to eliminate the nighttime community coverage requirement for existing licensed AM stations, and modify the nighttime community coverage requirement in 47 CFR 73.24(i) to require that applicants for new AM stations and those AM stations seeking a change to their communities of license cover either 50 percent of the population or 50 percent of the area of the communities of license with a nighttime 5 mV/m signal or a nighttime interference-free contour, whichever value is higher. It declined to eliminate completely nighttime community of license coverage requirements for new AM stations and those changing community of license, as well as for permittees of unbuilt stations seeking to modify their authorizations, in the interest of striking the appropriate balance between the need to provide relief to AM broadcasters with few siting options (amplified by the added complexity of AM nighttime skywave signal propagation and concomitant signal restrictions), and the need to provide the community of license with some kind of service at night. As with the change to daytime community coverage requirements, the Commission instructed the Media Bureau to examine closely any request by a station to reduce nighttime community coverage during its first four years of licensed on-air operation, and granted the Bureau discretion to dismiss any such application absent a compelling reason warranting reduced nighttime service.

8. The Commission proposed in the NPRM to delete the so-called ''ratchet rule,'' which effectively requires that a Class A or B AM broadcaster, seeking to make facility changes that modify its AM signal, demonstrate that the improvements will result in an overall reduction in the amount of skywave interference that it causes to certain other AM stations (primarily by ''ratcheting back'' radiation in the direction of certain other AM stations). 47 CFR 73.182(q) n.1. Two engineering firms filed a 2009 petition to eliminate the ratchet rule, contending that the rule's practical effect was to discourage station improvements, because compliance with the rule more often than not required the modifying station to reduce power to the point that net nighttime interference-free (NIF) service was reduced. Most commenters supported this proposal. Accordingly, the Commission deleted the ratchet rule, as proposed in the NPRM, agreeing with the commenters that confirmed the rule's negative consequences recited in the NPRM, as well as with long- and short-term benefits identified by commenters, including cost reduction to AM broadcasters making station improvements, economic benefits to local AM stations and their communities served through expanded nighttime broadcasting and consequent expansion to local advertising platforms, and the ability of communities served by AM stations affected by the ratchet rule to receive information concerning local events, or emergencies at night, among others.

9. In the NPRM, the Commission also proposed modifications to the rules affecting AM stations using Modulation Dependent Carrier Level (MDCL) control technologies. MDCL control technologies vary either the carrier or the carrier and sideband power levels as a function of the modulation level, thus allowing the licensee to reduce transmitter power consumption while maintaining audio quality and signal coverage. Both basic types of MDCL control technologies and various systems reduce the station's antenna input power to levels not permitted by 47 CFR 73.1560(a). The Commission proposed to: (1) Amend 47 CFR 73.1560(a) of the Rules to provide that an AM station may commence MDCL control operation without prior Commission authority, provided that the AM station licensee notifies the Commission of the station's MDCL control operation within 10 days after commencement of such operation using the Media Bureau's Consolidated Database System (CDBS) Electronic Filing System; (2) require, regardless of the MDCL control technology employed, that the AM station's transmitter must achieve full licensed power at some audio input level, or when the MDCL control technology is disabled; and (3) require an AM station using MDCL control technology to disable it before field strength measurements on the station are taken by the licensee or others. Most commenters supported these proposals, although some noted that MDCL control technologies generally benefit only those AM stations using newer transmitters, which are the only ones with which MDCL control technologies are compatible. The Commission adopted the proposals as set forth in the NPRM. AM stations must electronically notify the Media Bureau

of the station's MDCL control operation within 10 days after commencement of such operation using FCC Form 338—AM Station MDCL Notification, available in the CDBS Electronic Filing System. The Commission declined to impose additional requirements regarding certification of third-party MDCL products, or any other rule changes with regard to MDCL operation. The Commission continues to hold broadcasters responsible for their signals, and for any interference resulting from those signals (interference that has not to this point been reported from those broadcasters currently employing MDCL control technologies). The Commission stated it would revisit this position if interference from third-party MDCL products were to become a problem, but noted that it would be up to the broadcaster employing such a product to remedy the situation should interference arise.

10. In the NPRM the Commission discussed a proposal by the Multicultural Media, Telecom, and Internet Council (MMTC), in which MMTC argued for the elimination of the Commission's minimum efficiency standards for AM transmission systems (found in 47 CFR 73.182 and 73.189), replacing them with a ''minimum radiation'' standard. In MMTC's view, the minimum efficiency standards hindered AM broadcasters, because they require a certain height antenna and length of ground radials for a station at a given frequency, causing difficulties in finding compliant sites for towers and ground systems. MMTC argued that an AM broadcaster should be able to use a less efficient—but also less space-intensive—transmission system, driving the system with more power to offset the lack of efficiency. The Commission observed in the NPRM that MMTC's proposal lacked specifics as to the appropriate replacement ''minimum radiation'' standard, noting that the Rules contained similar provisions for applicants seeking to avoid the minimum antenna efficiency standards. The Commission also stated that it did not believe the record was sufficiently developed to propose wholesale rule changes to the minimum antenna efficiency standards. In order to provide some relief to AM broadcasters finding it increasingly difficult to locate rule-compliant antenna sites, however, the Commission proposed to reduce the AM antenna efficiency standards by 25 percent. The Commission also encouraged commenters to provide specifics as to any proposed replacement or alternative standard for AM transmission systems. Commenters, for the most part, expressed support for relaxing the AM efficiency standards, but did not provide the specificity requested in the NPRM. Additionally, several commenters offered cautions regarding potential problems with shorter, less efficient radiators, including decreased signal stability and increased skywave interference. The Commission therefore adopted the proposal as set forth in the NPRM, reducing the existing AM antenna efficiency standards by 25 percent as a means to provide relief to AM broadcasters. The Commission did, however, agree with some commenters who suggested that it should collect more real-world data on alternative and less-efficient AM transmission systems. Accordingly, the Commission also directed the Media Bureau to entertain requests by existing AM broadcasters for experimental authorizations to operate with antenna systems that do not meet the modified antenna efficiency rules, provided that they can establish that such operation will not increase interference to other domestic or international AM stations and can demonstrate the stability of such systems. Such applications may be made by informal application pursuant to 47 CFR 5.203, and shall be subject to the monitoring and reporting requirements in that section and such other conditions as the Media Bureau may require.

Final Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM to this proceeding (24 FCC Rcd 5239 (2009)). The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Commission received no comments on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA (5 U.S.C. 604).

Need for, and Objectives of, the First Report and Order

12. This First Report and Order (First R&O) adopts changes to certain technical rules and processes relating to the AM broadcast radio service. In the First R&O, the Commission modified daytime and nighttime community coverage requirements for certain AM stations; eliminated the so-called AM Ratchet Rule; adopted a new form notification procedure for stations implementing Modulation Dependent Carrier Level Control Technologies; and modified the rules relating to AM antenna system efficiency.

13. In the First R&O, the Commission addressed issues raised in the NPRM. The Commission, in the NPRM, explained that it had not done a comprehensive review of the AM service in almost 25 years. Moreover, in the years since the last comprehensive review of the AM service, listenership had declined due to several factors, including: The introduction of new media with higher audio fidelity, such as CDs, digital media players, and FM digital radio; increased interference among AM stations; and increased interference from non-broadcast sources, such as computers, LED light bulbs, power supplies, and utility lines. Based in part on separate pleadings and petitions for rule making filed by stakeholders, the Commission in the NPRM outlined six proposals designed to offer assistance to AM broadcasters in light of the various difficulties surrounding the AM service.

14. After considering the comments filed in response to the NPRM, the Commission determined that there were impediments to the immediate opening of a filing window limited to AM licensees and permittees wishing to obtain FM translator stations, including the time it would take to open such a window, and the wide availability of FM translator stations including the number expected to be authorized in the near future. It concluded that the correct approach, to offer near-term relief to AM broadcasters, was to open two windows allowing the modification and/or relocation of FM translators to rebroadcast AM stations. These windows would be preceded by a three-month period of outreach by the Media Bureau to AM stations with limited power and/or no protected nighttime service (Class C and D stations). Following this period of outreach, the Media Bureau will open a six-month window in which an AM station seeking to rebroadcast on an FM translator may, on a first-come, first-served basis, apply to acquire and relocate one and only one authorized non-reserved band FM translator station up to 250 miles, and specify any rule-compliant non-reserved band FM channel, as a minor modification application notwithstanding 47 CFR 74.1233(a)(1), which defines major and minor modifications of FM translators. This first modification window will be available only to applications to modify and/or relocate an FM translator station rebroadcasting a Class C or D AM station, on a one translator per AM station basis. The first modification window will be followed by a second,

three-month modification window, open for applications to modify and/or relocate an FM translator rebroadcasting any AM station of any class, including a Class C or D station that did not participate (*i.e.,* file an application) in the initial modification window, also on a one translator per AM station basis. FM translator stations modified and/or relocated during these modification windows will be subject to the same four-year operating condition currently attached to FM translators relocated using Mattoon waivers.

15. To further promote the long-term viability of the AM service, the Commission also directed the Bureaus to open, in 2017 after completion of the Incentive Auction, Auction 1000, two auction windows for new FM translator stations to rebroadcast AM stations, open to AM licensees and permittees that did not file applications in either of the modification windows. As with the modification windows, the first new FM translator auction window will be limited to applications filed by licensees or permittees of Class C and D AM stations, on a one translator per station basis, that did not file applications in the modification windows. After close of the first new FM translator auction window, and after applicants in that window have had the opportunity to resolve mutual exclusivity through settlement or technical resolution, the Bureaus will open a second new FM translator auction window, which will be open to all AM licensees and permittees, of any class, that did not participate in either of the modification windows or the first auction window. The new FM translator auction windows will otherwise follow the proposal in the NPRM: Participation will be limited to AM licensees and permittees, each applicant may apply for one and only one translator station that must comply with our siting rules for FM fill-in translators rebroadcasting AM stations, and any translator acquired through the FM translator auction windows will be permanently linked to the AM primary station acquiring it. Both new FM translator auction windows will include opportunities for mutually exclusive applicants to resolve their mutual exclusivity through settlements or technical resolutions.

16. In the NPRM, the Commission also proposed to change the daytime and nighttime community coverage requirements for AM stations. It noted that MMTC had filed a 2009 petition for rule making, which it styled a ''Radio Rescue Petition,'' in which among other things it sought some flexibility in transmitter siting for AM stations. MMTC's reasoning was that some existing stations were unable to comply with the requirements that an AM station place a 5 mV/m daytime signal over at least 80 percent of its community of license, and that at least 80 percent of the community of license be encompassed by either a 5 mV/m nighttime signal or an NIF signal (except in the case of Class D stations, which have no protected nighttime service). MMTC argued that, as communities grow and boundaries expand farther from an AM transmitter site, it becomes impossible for the station to comply with the community coverage rules, and further argued that scarcity of land suitable for AM transmission systems makes it difficult or impossible for such stations to find rule-compliant transmitter sites. MMTC thus suggested, and the Commission proposed, that the rule be changed to allow an existing AM station to cover only 50 percent of either the population or the area of its community of license with a 5 mV/m signal during the day, and to eliminate the community of license coverage requirement at night. Additionally, the Commission proposed to allow a new AM station or one changing its community of license to encompass only 50 percent of either the population or area of the community of license within its nighttime 5 mV/m contour or its NIF contour, whichever value is higher. Based on substantially favorable commenter support, the Commission adopted these proposals, adding the proviso that any request to utilize the new community coverage standards within the first four years of on-air operations, exclusive of any periods of reduced operation or silence, would be met with increased scrutiny and granted only upon a compelling showing.

17. The Commission also proposed, in the NPRM, to eliminate the so-called ''ratchet rule.'' This rule required a Class A or B AM station proposing signal modifications to demonstrate an overall reduction in the amount of skywave interference it caused to other AM stations; in other words, the modifying station was required to ''ratchet back'' radiation in the direction of certain other AM stations. Two engineering firms filed a 2009 petition for rulemaking to eliminate the ratchet rule, claiming that the rule's practical effect was not, as intended, to reduce nighttime skywave interference, but rather to discourage station improvements and NIF service by the modifying station. The Commission adopted this proposal after near-universal approval by commenters. Likewise, there was little opposition in the comments to the NPRM proposal to allow AM stations to initiate MDCL control technologies by simply notifying the Commission, rather than seeking authorization to do so, as had been the procedure. MDCL control technologies vary a station's radiated power with carrier modulation, enabling power savings. The Commission adopted this proposal.

18. The last of the proposals set forth in the NPRM was to modify the AM antenna efficiency standards set forth in the Commission's Rules. MMTC had, in its 2009 Radio Rescue Petition, argued that the Commission's long-standing rules mandating minimum lengths for AM radiators and ground systems, to assure efficient transmission, were outdated and limited AM stations' flexibility in choosing transmission system sites in an era of diminished property availability for such sites. MMTC suggested replacing the minimum efficiency standards with a ''minimum radiation'' standard, its contention being that a station should be allowed to choose to operate a less efficient, less space-intensive transmission system, making up for the lack of system efficiency by using more input power to the system to yield the same amount of radiated power. The Commission questioned some of the assumptions underlying MMTC's proposal, but agreed that some reduction in the antenna efficiency standards might provide some relief to AM broadcasters. Accordingly, the Commission proposed a 25 percent reduction in the antenna efficiency standards, and requested comment on the technical underpinnings to any further reduction in, or elimination of, those standards.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

19. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

20. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted herein. 5 U.S.C. 603(b)(3). The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' small organization,'' and ''small government jurisdiction.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under

the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

21. The subject rules and policies potentially will apply to all AM radio broadcasting licensees and potential licensees. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. 15 U.S.C. 632. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another NAICS number. The SBA has established a small business size standard for this category, which is: Firms having $38.5 million or less in annual receipts. 13 CFR 121.201, NAICS code 515112 (updated for inflation in 2008). According to the BIA/Kelsey, MEDIA Access Pro Database on October 15, 2015, 4,691 (99.94%) of 4,694 AM radio stations have revenue of $38.5 million or less. Therefore, the majority of such entities are small entities. The Commission noted, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. 13 CFR 121.103(a)(1). Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

22. The proposed policies could affect licensees of FM translator stations, as well as potential licensees in this radio service. The same SBA definition that applies to radio broadcast licensees would apply to these stations. The SBA defines a radio broadcast station as a small business if such station has no more than $38.5 million in annual receipts. Currently, there are approximately 6,312 licensed FM translator and booster stations. In addition, there are approximately 225 applicants with pending applications filed in the 2003 translator filing window. Given the nature of these services, the Commission will presume that all of these licensees and applicants qualify as small entities under the SBA definition.

Description of Projected Reporting, Record Keeping and Other Compliance Requirements

23. As described, certain rules and procedures will change, although the changes will not result in substantial increases in burdens on applicants. The Commission has added a new form, FCC Form 338, which an AM station must use to notify the Commission that it is initiating operation using MDCL control technologies. Use of FCC Form 338, however, replaces the current procedure whereby an AM station makes a request to use MDCL control technologies. Use of the form is not only less burdensome than the previous request process, but enables the applicant to initiate MDCL operation immediately, rather than waiting for Commission approval. The remaining rule changes adopted in the First R&O are substantive and do not involve application changes, reporting requirements, or record keeping requirements beyond what is already required. For example, currently applicants for AM construction permits or modifications are required only to certify that they comply with the community coverage requirements of 47 CFR 73.24(i). Such applicants will continue to do so, but under a less stringent rule standard in some cases.

Steps Taken To Minimize Significant Impact of Small Entities, and Significant Alternatives Considered

24. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c)(1)–(c)(4).

25. With regard to the proposals in the NPRM, the Commission received many comments proposing different plans for an FM translator window limited to applicants that hold AM station authorizations. Most of these comments centered around whether the window could be limited to certain AM broadcasters, and to whom it should be limited. Ultimately, while recognizing that an exclusive window limited to some or all AM station licensees and permittees would assist those entities, the Commission concluded that immediately opening such a window would be impractical, and could disrupt the robust secondary market in FM translators. It decided instead to implement, first, a period of outreach to Class C and D AM station licensees and permittees, which have lower power and/or no protected nighttime service, to assist them in locating existing translators that could meet their needs. Immediately following a three-month outreach period, the Commission will open two windows in which applicants may propose to relocate an existing FM translator up to 250 miles, and/or modify a translator to specify any rule-compliant non-reserved FM channel. This procedure is expected to lower prices for FM fill-in translators for AM stations by opening up the available market, thus benefiting AM station owners, and would also benefit small businesses owning FM translator stations. The first, six-month modification window would be open only to applicants proposing to modify FM translators rebroadcasting Class C and D AM stations, followed by a second, three-month window open to applicants to modify translators to rebroadcast any class of AM station, including for Class C and D stations for which there were no applications in the first window. All modification applications filed in the windows will be on a one translator-per-AM station basis, and any translator stations modified pursuant to modification window applications will be subject to the same four-year operating condition currently attached to translators modified pursuant to Mattoon waivers. The modification windows will provide short-term relief to AM broadcasters. They will be followed, upon completion of the Commission's Incentive Auction proceeding, by two auction windows for AM licensees and permittees seeking to obtain new FM translator stations. The two new FM translator auction windows will follow a similar pattern to the modification windows: the first will be open only to Class C and D AM licensees and permittees whose stations were not participants in either modification window, while the second will be open to all AM licensees and permittees whose stations were not participants in either modification window or the first auction window. The new FM translator auction windows will otherwise be subject to the same conditions set forth in the NPRM, including the limitation of one and only one application per applicant,

for an FM translator station that must comply with our siting rules for FM fill-in translators rebroadcasting AM stations, which will be permanently linked to the AM primary station acquiring it. Both new FM translator auction windows will include opportunities for mutually exclusive applicants to resolve their mutual exclusivity through settlements or technical resolutions. In adopting this process of modification windows followed by new translator auction windows, the Commission intends to provide immediate relief through a modified secondary translator market for AM broadcasters that are small businesses, while providing some of those businesses an opportunity to acquire a new fill-in FM translator at a later time, if that better comports with their situation.

26. With regard to the other, more technical proposals in the NPRM, the Commission's proposals were in most cases supported by a majority of commenters, giving little reason to consider alternatives. The proposals to reduce community coverage requirements for existing AM broadcasters were grounded in the idea that such broadcasters, small businesses that in some cases had occupied their transmitter sites for decades, could not easily change transmitter sites because their communities of license had grown, and land had become increasingly expensive, thus making it difficult or impossible to locate new, rule-compliant sites. Relaxing the community coverage standards for existing AM stations reduces burdens on such businesses by relieving them of the obligation to locate other, more expensive transmitter sites or upgrading their equipment to meet those standards. Some commenters suggested that the Commission abandon community coverage rules altogether, or re-define ''community'' to mean something other than geographic boundaries. While such re-definitions would provide further relief to AM broadcasters, the Commission rejected them in part because 47 U.S.C. 307(b) requires that radio stations be assigned fairly and equitably among the several States and communities, and that any re-definition of ''community'' would run counter to the Commission's historic expectation that a radio station meet its local service obligations, that is, provide service to the designated community, and adapt its programming to the shifting needs of that community. The principle of broadcast localism, which derives from Section 307(b), requires that there be certain minimum service requirements. Additionally, it is not necessarily a burden on radio stations to require that they cover as much population as possible, because increased listenership typically translates into increased advertising revenue. Thus, while the Commission considered these alternatives, it concluded that the proposals as adopted provided the most relief to AM broadcasters while still adhering to the requirements of the Communications Act and the expectation that a station will provide local service.

27. As for the proposed repeal of the ratchet rule, the vast majority of commenters favored that repeal because of the burdens the rule placed on broadcasters seeking to improve their facilities and, thus, their signal coverage. There were no significant alternatives to consider other than leaving the rule in effect, which was only favored by a few commenters. Those favoring retention of the rule did so in order to retain the interference reduction benefits for which it was designed. The Commission, however, agreed with those commenters, including many broadcasters, who argued that the benefits of increased flexibility in facility improvement outweighed the minimal interference reduction resulting from the ratchet rule's application.

28. The Commission's proposal regarding notification procedures for MDCL control technology use by AM broadcasters did not involve a substantive change in the rules, merely a procedural change whereby AM broadcasters wishing to use such technologies would no longer have to seek leave to do so, but would notify the Commission of the fact. Those commenters opposed to the proposal did not oppose it as much as question the benefits of MDCL control technologies, observing that they are only available to stations with newer transmitters, that in some cases the power savings are minimal, and that the fluctuations in signal power could result in decreased listenability. These objections, however, do not go to the Commission's proposal, which merely makes it easier for those AM stations opting to use MDCL control technologies to do so. Although the proposal does introduce a new notification form, this form replaces the former system of requesting leave to use MDCL control technologies, and should result in an overall decrease in the burden on AM stations electing to use the technologies. The Commission thus decided that adoption of the proposal should be favored over retention of the prior procedure.

29. The Commission also received many comments on its proposal to relax, but not eliminate, AM antenna system efficiency rules. The Commission proposed a 25 percent reduction in the minimum standards for radiators. The most significant alternative to this proposal, put forward by many commenters, was to eliminate the efficiency standards for AM transmission systems altogether, leaving it to the individual broadcaster to decide how much power to feed into the system in order to achieve the level of signal radiation needed to provide rule-compliant coverage. Such a proposal, while power-intensive, would allow AM broadcasters to install less-efficient transmission systems in smaller plots of land, using radiators (towers) short enough to avoid zoning or FAA strictures. In considering this alternative, however, the Commission was also informed by those commenters pointing out that inefficient AM transmission systems, with short towers and/or ground systems, tend to be unstable, and might also result in greater levels of high-angle skywave interference to other stations. The Commission seeks to reduce burdens on AM broadcasters, but must also protect the integrity of the service, including minimizing inter-station interference. After considering the alternatives, the Commission concluded that adopting its proposed 25 percent reduction of AM antenna system efficiency standards represented the best accommodation between those considerations. It also decided, however, that more real-world data on inefficient AM transmission systems was called for, and therefore indicated that it would be willing to allow the installation of alternative or inefficient systems on an experimental basis, upon a showing that such systems are stable and will not cause excessive interference to other AM stations, and subject to the monitoring and reporting requirements in Part 5 of the Commission's Rules. Data gleaned from such experimental operations, it is hoped, will allow the Commission to consider, in the future, whether the AM antenna system efficiency rules could be relaxed further or eliminated.

Report to Congress

30. The Commission will send a copy of the First R&O, including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the First R&O, including the FRFA, to the Chief Counsel for Advocacy of the Small

Business Administration. A copy of the First R&O and FRFA (or summaries thereof) will also be published in the **Federal Register**. (See 5 U.S.C. 604(b)).

Ordering Clauses

31. Accordingly, *it is ordered* that pursuant to the authority contained in Sections 1, 2, 4(i), 303, 307, and 309(j) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, 307, and 309(j), that this First Report and Order *is adopted.*

32. *It is further ordered* that, pursuant to the authority found in Sections 1, 2, 4(i), 303, 307, and 309(j) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, 307, and 309(j), the Commission's Rules *are hereby amended* as set forth herein and in Appendix A to the First R&O.

33. *It is further ordered* that the rules adopted herein *will become effective* February 18, 2016, except for 47 CFR 73.1560, which contains new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and which *will become effective* after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

List of Subjects in 47 CFR Part 73

Communications equipment, Radio, Reporting and recordkeeping requirements, Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

■ 2. Section 73.14 is amended by adding in alphabetical order the definition for ''Modulation dependent carrier level (MDCL) control technologies'' to read as follows:

§ 73.14 AM broadcast definitions.

* * * * *

Modulation dependent carrier level (MDCL) control technologies. Transmitter control techniques that vary either the carrier power level or both the carrier and sideband power levels as a function of the modulation level.

* * * * *

■ 3. In § 73.21 revise paragraphs (a)(2) and (3) to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

(a) * * *

(2) *Class B station.* Class B stations are authorized to operate with a minimum power of 0.25 kW (or, if less than 0.25 kW, an equivalent RMS antenna field of at least 107.5 mV/m at 1 kilometer) and a maximum power of 50 kW, or 10 kW for stations that are authorized to operate in the 1605–1705 kHz band.

(3) *Class D station.* A Class D station operates either daytime, limited time or unlimited time with nighttime power less than 0.25 kW and an equivalent RMS antenna field of less than 107.5 mV/m at 1 kilometer. Class D stations shall operate with daytime powers not less than 0.25 kW nor more than 50 kW. Nighttime operations of Class D stations are not afforded protection and must protect all Class A and Class B operations during nighttime hours. New Class D stations that had not been previously licensed as Class B will not be authorized.

* * * * *

■ 4. In § 73.24 revise paragraph (i) to read as follows:

§ 73.24 Broadcast facilities; showing required.

* * * * *

(i) That, for all proposals for new stations, applications to modify a construction permit for an unlicensed station, and all applications to change a station's community of license, the daytime 5 mV/m contour encompasses the entire principal community to be served. That, for all other applications for modification of licensed stations, the daytime 5 mV/m contour encompasses either 50 percent of the area, or 50 percent of the population, of the principal community to be served. That, for all proposals for new stations in the 535–1605 kHz band, applications to modify a construction permit for an unlicensed station, or applications to change a station's community of license, either 50 percent of the area, or 50 percent of the population of the principal community is encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher. That, for stations in the 1605–1705 kHz band, 50 percent of the principal community is encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher. That Class D stations with nighttime authorizations need not demonstrate such coverage during nighttime operation.

* * * * *

■ 5. In § 73.182 revise the first sentence in paragraph (a)(1)(ii) introductory text; revise paragraph (a)(4); revise the second sentence in paragraph (m), the table, and Note (2) to paragraph (m); and revise paragraph (q) to read as follows:

§ 73.182 Engineering standards of allocation.

(a) * * *

(1) * * *

(ii) Class A stations in Alaska operate on the channels allocated by § 73.25 with a minimum power of 10 kW, a maximum power of 50 kW and an antenna efficiency of 215 mV/m/kW at 1 kilometer. * * *

* * * * *

(4) Class D stations operate on clear and regional channels with daytime powers of not less than 0.25 kW (or equivalent RMS field of 107.5 mV/m at 1 kilometer if less than 0.25 kW) and not more than 50 kW. Class D stations that have previously received nighttime authority to operate with powers of less 0.25 kW (or equivalent RMS fields of less than 107.5 mV/m at 1 kilometer) are not required to provide nighttime coverage in accordance with § 73.24(i) and are not protected from interference during nighttime hours. Such nighttime authority is permitted on the basis of full nighttime protection being afforded to all Class A and Class B stations.

* * * * *

(m) * * * Certain approximations, based on the curve or other appropriate theory, may be made when other than such antennas and ground systems are employed, but in any event the effective field to be employed shall not be less than the following:

Class of station	Effective field (at 1 km)
All Class A (except Alaskan)	275 mV/m.
Class A (Alaskan), B and D	215 mV/m.
Class C	180 mV/m.

* * * * *

Note (2): For Class B stations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands, 180 mV/m shall be used.

* * * * *

(q) Normally protected service contours and permissible interference signals for broadcast stations are as follows (for Class A stations, see also paragraph (a) of this section):

Class of station	Class of channel used	Signal strength contour of area protected from objectionable interference [remove footnote reference] (μV/m)		Permissible interfering signal (μV/m)	
		Day [1]	Night	Day [1]	Night [2]
A	Clear	SC 100	SC 500 50% SW	SC 5	SC 25.
		AC 500	AC 500 GW	AC 250	AC 250.
A (Alaskan)	.....do	SC 100	SC 100 50% SW	SC 5	SC 5.
		AC 500	AC 500 GW	AC 250	AC 250.
B	Clear	500	2000 [1]	25	25.
	Regional			AC 250	250.
C	Local	500	No presc.[3]	SC 25	Not presc.
D	Clear	500	Not presc.	SC 25	Not presc.
	Regional			AC 250.	

[1] Groundwave.
[2] Skywave field strength for 10 percent or more of the time.
[3] During nighttime hours, Class C stations in the contiguous 48 States may treat all Class B stations assigned to 1230, 1240, 1340, 1400, 1450, and 1490 kHz in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands as if they were Class C stations.

Note: SC = Same channel; AC = Adjacent channel; SW = Skywave; GW = Groundwave

* * * * *

■ 6. In § 73.189 revise paragraph (b)(2) to read as follows:

§ 73.189 Minimum antenna heights or field strength requirements.

* * * * *

(b) * * *

(2) These minimum actual physical vertical heights of antennas permitted to be installed are shown by curves A, B, and C of Figure 7 of § 73.190 as follows:

(i) Class C stations, and stations in Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands on 1230, 1240, 1340, 1400, 1450 and 1490 kHz that were formerly Class C and were redesignated as Class B pursuant to § 73.26(b), 45 meters or a minimum effective field strength of 180 mV/m for 1 kW at 1 kilometer (90 mV/m for 0.25 kW at 1 kilometer). (This height applies to a Class C station on a local channel only. Curve A shall apply to any Class C stations in the 48 conterminous States that are assigned to Regional channels.)

(ii) Class A (Alaska), Class B and Class D stations other than those covered in § 73.189(b)(2)(i), a minimum effective field strength of 215 mV/m for 1 kW at 1 kilometer.

(iii) Class A stations, a minimum effective field strength of 275 mV/m for 1 kW at 1 kilometer.

* * * * *

■ 5. In § 73.1560 revise paragraph (a)(1) to read as follows:

§ 73.1560 Operating power and mode tolerances.

(a) *AM stations.* (1) Except for AM stations using modulation dependent carrier level (MDCL) control technology, or as provided for in paragraph (d) of this section, the antenna input power of an AM station, as determined by the procedures specified in § 73.51, must be maintained as near as practicable to the authorized antenna input power and may not be less than 90 percent nor greater than 105 percent of the authorized power. AM stations may, without prior Commission authority, commence MDCL control technology use, provided that within 10 days after commencing such operation, the licensee submits an electronic notification of commencement of MDCL control operation using FCC Form 338. The transmitter of an AM station operating using MDCL control technology, regardless of the MDCL control technology employed, must achieve full licensed power at some audio input level or when the MDCL control technology is disabled. MDCL control operation must be disabled before field strength measurements on the station are taken.

[FR Doc. 2015–31950 Filed 1–15–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE TREASURY

48 CFR Parts 1022 and 1052

Department of the Treasury Acquisition Regulation; Correction

AGENCY: Office of the Procurement Executive, Treasury.

ACTION: Correcting amendments.

SUMMARY: On March 20, 2014 and March 4, 2015, the Department of the Treasury published in the **Federal Register** amendments to the Department of the Treasury Acquisition Regulation (DTAR). This document includes correcting amendments to address inadvertent errors.

DATES: *Effective date:* January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Thomas O'Linn, Procurement Analyst, Office of the Procurement Executive, at (202) 622–2092.

SUPPLEMENTARY INFORMATION: The DTAR, which supplement the Federal Acquisition Regulation, are codified at 48 CFR chapter 10. In order to update certain elements in 48 CFR chapter 10, the Department issued final rules on March 20, 2014 (79 FR 15551) and March 4, 2015 (80 FR 11595). In the final rules, a correction to the heading of section 1052.201–70 and paragraph (f) of the section were inadvertently omitted. In addition, section 1052.222–70 was not incorporated and the heading for subpart 1022.70 was incorrectly listed as subpart 1022.7. These items are corrected in this document.

List of Subjects in 48 CFR Parts 1022 and 1052

Government procurement.

Accordingly, the Department of the Treasury amends 48 CFR chapter 10 as follows:

PART 1022—MINORITY AND WOMEN INCLUSION

■ 1. The authority citation for part 1022 continues to read as follows:

Authority: 12 U.S.C. 5452.

Subpart 1022.7 [Redesignated as subpart 1022.70]

■ 2. Redesignte subpart 1022.7 as subpart 1022.70.

PART 1052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1052 continues to read as follows:

Authority: 41 U.S.C. 1707.

■ 4. In section 1052.201–70, revise the section heading and add paragraph (f) to read as follows:

1052.201–70 Contracting Officer's Representative (COR) appointment and authority.

* * * * *

(f) Failure of the Contractor and the Contracting Officer to agree that technical direction is within the scope of the contract shall be subject to the terms of the clause entitled ''Disputes.''

■ 5. Add § 1052.222–70 to read as follows:

1052.222–70 Minority and Women Inclusion.

As prescribed in 1022.7000, insert the following clause:

Minority and Women Inclusion (Jan 2016)

(a) Contractor confirms its commitment to equal opportunity in employment and contracting. To implement this commitment, the Contractor shall ensure, to the maximum extent possible consistent with applicable law, the fair inclusion of minorities and women in its workforce. The Contractor shall insert the substance of this clause in all subcontracts awarded under this contract whose dollar value exceeds $150,000. Within ten business days of a written request from the Contracting Officer, or such longer time as the Contracting Officer determines, and without any additional consideration required from the Agency, the Contractor shall provide documentation, satisfactory to the Agency, of the actions it (and as applicable, its subcontractors) has undertaken to demonstrate its good faith effort to comply with the aforementioned provisions. For purposes of this contract, ''good faith effort'' may include actions by the Contractor intended to identify and, if present, remove barriers to minority and women employment or expansion of employment opportunities for minorities and women within its workforce. Efforts to remove such barriers may include, but are not limited to, recruiting minorities and women, providing job-related training, or other activity that could lead to those results.

(b) The documentation requested by the Contracting Officer to demonstrate ''good faith effort'' may include, but is not limited to, one or more of the following—

(1) The total number of Contractor's employees, and the number of minority and women employees, by race, ethnicity, and gender (*e.g.,* an EEO–1);

(2) A list of subcontract awards under the contract that includes: Dollar amount, date of award, and subcontractor's race, ethnicity, and/or gender ownership status;

(3) Information similar to that required in paragraph (b)(1) of this clause, with respect to each subcontractor; and/or

(4) The Contractor's plan to ensure that minorities and women have appropriate opportunities to enter and advance within its workforce, including outreach efforts.

(c) Consistent with Section 342(c)(3) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203) (Dodd-Frank Act), a failure to demonstrate to the Director of the Agency's Office of Minority and Women Inclusion such good faith efforts to include minorities and women in the Contractor's workforce (and as applicable, the workforce of its subcontractors), may result in termination of the contract for default, other contractual remedies, or referral to the Office of Federal Contract Compliance Programs (OFCCP). Compliance with this clause does not, however, necessarily satisfy the requirements of Executive Order 11246, as amended, nor does it preclude OFCCP compliance evaluations and/or enforcement actions undertaken pursuant to that Executive Order.

(d) For purposes of this clause, the terms ''minority,'' ''minority-owned business,'' and ''women-owned business'' shall have the meanings set forth in Section 342(g) of the Dodd-Frank Act.

Iris Cooper,

Senior Procurement Executive.

[FR Doc. 2016–00853 Filed 1–15–16; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XE393

Pacific Island Fisheries; 2016 Northwestern Hawaiian Islands Lobster Harvest Guideline

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

ACTION: Notification of lobster harvest guideline.

SUMMARY: NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands for calendar year 2016 at zero lobsters.

DATES: January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR Sustainable Fisheries, tel 808–725–5170.

SUPPLEMENTARY INFORMATION: NMFS manages the Northwestern Hawaiian Islands (NWHI) commercial lobster fishery under the Fishery Ecosystem Plan for the Hawaiian Archipelago. The regulations at 50 CFR 665.252(b) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI.

Regulations governing the Papahanaumokuakea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (50 CFR 404.7), and establish a zero annual harvest guideline for lobsters (50 CFR 404.10(a)). Accordingly, NMFS establishes the harvest guideline for the NWHI commercial lobster fishery for calendar year 2016 at zero lobsters. Harvest of NWHI lobster resources is not allowed.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 12, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–00770 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 81, No. 11

Tuesday, January 19, 2016

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

9 CFR Part 121

[Docket No. APHIS–2014–0095]

RIN 0579–AE08

Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In accordance with the Agricultural Bioterrorism Protection Act of 2002, we are proposing to amend and republish the list of select agents and toxins that have the potential to pose a severe threat to animal or plant health, or to animal or plant products. The Act requires the biennial review and republication of the list of select agents and toxins and the revision of the list as necessary. This action would implement the findings of the fourth biennial review of the list. In addition, we are proposing several amendments to the regulations, including the addition of provisions to address the inactivation of select agents, provisions addressing biocontainment and biosafety, and clarification of regulatory language concerning security, training, incident response, and records. These changes would increase the usability of the select agent regulations as well as provide for enhanced program oversight.

DATES: We will consider all comments that we receive on or before March 21, 2016.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2014-0095.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0095, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0095* or 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.

FOR FURTHER INFORMATION CONTACT: Dr. Freeda Isaac, National Director, Agriculture Select Agent Services, APHIS, 4700 River Road Unit 2, Riverdale, MD 20737–1231; (301) 851–3300, Option 3.

SUPPLEMENTARY INFORMATION: The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (referred to below as the Bioterrorism Response Act) provides for the regulation of certain biological agents that have the potential to pose a severe threat to both human and animal health, to animal health, to plant health, or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Act within the United States Department of Agriculture (USDA). Veterinary Services (VS) select agents and toxins are those that have been determined to have the potential to pose a severe threat to animal health or animal products. Plant Protection and Quarantine (PPQ) select agents and toxins are those that have the potential to pose a severe threat to plant health or plant products. Overlap select agents and toxins are those that have been determined to pose a severe threat to both human and animal health or to human health and animal products. Overlap select agents are subject to regulation by both APHIS and the Centers for Disease Control and Prevention (CDC), which has the primary responsibility for implementing the provisions of the Bioterrorism Response Act for the Department of Health and Human Services (HHS).

Subtitle B (which is cited as the ''Agricultural Bioterrorism Protection Act of 2002'' and referred to below as the Act), section 212(a), provides, in part, that the Secretary of Agriculture (the Secretary) must establish by regulation a list of each biological agent and each toxin that the Secretary determines has the potential to pose a severe threat to animal or plant health, or to animal or plant products. Paragraph (a)(2) of section 212 requires the Secretary to review and republish the list every 2 years and to revise the list as necessary. In this document, we are proposing to amend and republish the list of select agents and toxins based on the findings of our fourth biennial review of the list.

In determining whether to include an agent or toxin on the list, the Act requires that the following criteria be considered:

- The effect of exposure to the agent or the toxin on animal and plant health, and on the production and marketability of animal or plant products;
- The pathogenicity of the agent or the toxin and the methods by which the agent or toxin is transferred to animals or plants;
- The availability and effectiveness of pharmacotherapies and prophylaxis to treat and prevent any illness caused by the agent or toxin; and
- Any other criteria that the Secretary considers appropriate to protect animal or plant health, or animal or plant products.

We use the term ''select agents and toxins'' throughout the preamble of this proposed rule. Unless otherwise specified, the term ''select agents and toxins'' will refer to all agents or toxins listed by APHIS. When it is necessary to specify the type of select agent or toxin, we will use the following terms: ''PPQ select agents and toxins'' (for the plant agents and toxins listed in 7 CFR 331.3), ''VS select agents and toxins'' (for the animal agents and toxins listed in 9 CFR 121.3), or ''overlap select agents and toxins'' (for the overlap agents and toxins listed in both 9 CFR 121.4 and 42 CFR 73.4).

On February 27, 2015, we published in the **Federal Register** (80 FR 10627, Docket No. APHIS–2014–0095) an advance notice of proposed rulemaking

and request for comments (ANPR)[1] in order to announce our intention to review the select agent list. We solicited comments regarding potential additions and deletions from the list of select agents and toxins for 60 days ending April 28, 2015. We received 20 comments by that date. They were from scientists, scientific organizations, a State government, private individuals, and industry groups. Suggestions in these comments were used in order to inform our discussions on the content of the select agent list.

PPQ Select Agents and Toxins

APHIS's PPQ program convened an interagency working group to review the list of PPQ select agents and toxins and develop recommendations regarding possible changes to that list. Using the four criteria for listing found in the Act, economic crop data, current Federal quarantine notices, and new scientific information, the working group revisited the currently listed PPQ select agents and toxins and evaluated a number of new plant pathogens for inclusion on the list. Based on this review, APHIS is proposing to amend the list of PPQ select agents and toxins listed in 7 CFR 331.3 by removing three PPQ select agents and toxins from the list. Specifically, we are proposing to remove the following:

• *Peronosclerospora philippinensis* (*Peronosclerospora sacchari*) and *Sclerophthora rayssiae:* There are no viable cultures of these corn pathogens currently held in U.S. laboratories, they are difficult to grow or maintain, difficult to keep viable during transport, and would require a large amount of inoculum to infect fields by artificial means due to the fact that they must spread via infected plant material; and

• *Phoma glycinicola* (formerly *Pyrenochaeta glycines*): This soybean pathogen's natural distribution is limited to two countries in Africa, it does not spread rapidly in the field, soybean importation pathways into the United States by which the pathogen might enter are limited, and while no U.S. soybean variety is immune to this pathogen, Environmental Protection Agency-approved fungicides are available to treat any infestation.

VS Select Agents and Toxins

APHIS' VS program also convened an interagency working group to review the list of VS select agents and toxins and the list of overlap select agents and toxins in 9 CFR part 121 in order to consider changes to the lists. Based on the review, APHIS is proposing to remove three overlap select agents and toxins from the list set out in § 121.4(b):

• *Bacillus anthracis* (Pasteur strain): Historically, the *B. anthracis* Pasteur strain has been retained as a select agent to allow for continued oversight of laboratories in which the accidental (or intentional) combination of this strain with the excluded Sterne strain could occur to produce the wild type phenotype *B. anthracis* de novo. However, a recent study[2] indicates that bacterial transformation of *B. subtilis* with plasmid DNA is inefficient; indicating that transformation with bacteria such as *B. anthracis* (e.g., pXO1 into *B. anthracis* Pasteur strain) would also be inefficient. Given that *B. anthracis* Pasteur strain does not encode the plasmid which carries the pathogenic toxin genes, analogous to the Sterne strain which was excluded from Select Agent oversight in 2003, we believe there is no potential for high animal mortality rates or for misuse that might result in social or economic disruption. Therefore, we are proposing that the Pasteur strain be removed from the overlap select agent list.

• *Brucella abortus* and *Brucella suis:* While both of these organisms have been eradicated from the domestic livestock industry, they are currently endemic in wildlife and feral swine populations in the United States. However, there is an extensive regulatory control program in place for *B. abortus* in the remaining affected Designated Surveillance Area. APHIS has also recently enacted a national program to control feral swine that will include surveillance and disease monitoring for swine brucellosis. Therefore, we believe the effect of exposure to these agents on animal health and on the production and marketability of animal products is minimized. We are proposing that these two *Brucella* species be removed from the overlap select agent list. However, *Brucella melitensis,* as a foreign animal disease agent not currently found in the United States, would be kept as a VS select agent.

Accordingly, CDC will also be proposing a parallel change to its overlap select agent regulations.

Additional Changes

We are proposing to make several changes to the regulations, including the addition of provisions to address the inactivation of select agents, provisions addressing biocontainment and biosafety, and clarification of regulatory language concerning security, training, incident response, and records. These changes, which are described in detail below, would increase the usability of the select agent regulations as well as provide for enhanced program oversight.

Definitions

In 7 CFR 331.1 and 9 CFR 121.1, we are proposing to add definitions for *inactivation* and *kill curve.* We believe these definitions are necessary as they are included in the additional biocontainment and biosafety language we are proposing to add to the regulations.

The definition of *inactivation* would be established as ''a method to render a select agent non-viable but retain characteristic of interest for future use, or to render any nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use.'' This definition draws a distinction between inactivation for waste treatment and inactivation of regulated material for future purposes such as research. The definition of *kill curve* would be established as ''the results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.''

Exclusions and Inactivation

We are proposing to amend 7 CFR 331.3(d)(2), 9 CFR 121.3(d)(2), and 9 CFR 121.4(d)(2), which currently exclude nonviable select agents or nonfunctional toxins from the requirements of the regulations, in order to clarify our policy that an entity must use a validated method to render a select agent nonviable or regulated nucleic acids non-infectious for future use. This means that the method must be scientifically sound and that it will produce consistent results each time it is used.

We are proposing that inactivation include the use of one of the following: The exact conditions of a commonly accepted method that has been validated as applied (*e.g.,* autoclaving), a published method with adherence to the exact published conditions (*i.e.,* extrapolations or deductions are to be avoided), or in-house methods, only if validation testing includes the specific conditions used and appropriate controls.

[1] To view the ANPR and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0095.*

[2] C. Johnston, B. Martin, G. Fichant, P. Polard, and J.P. Claverys. ''Bacterial transformation: distribution, shared mechanisms and divergent control.'' *Nature Reviews Microbiology.* 2014. 12: 181–196.

We are also proposing that the entity develop a site-specific kill curve in order to define conditions of inactivation for each select agent or regulated nucleic acid. If there are strain-to-strain variations in the resistance of a select agent to the inactivation procedure, then a specific kill curve would have to be developed for each strain that undergoes the inactivation procedure. A new kill curve would have to be created upon any change in procedure or inactivation equipment. In addition, a validated sterility testing protocol would have to be conducted in order to ensure that the inactivation method has rendered a select agent nonviable or regulated nucleic acids non-infectious.

In addition, we are proposing that an entity be required to report any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol to APHIS or CDC.

We are also proposing to require that an entity review annually, and revise as necessary, the following: (1) The kill curve procedure and results; (2) site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent virus are inactivated by a safety margin; and (3) the validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent viruses non-infectious.

Finally, we are proposing that written records be kept for any select agent that has been rendered nonviable or regulated nucleic acids that have been rendered non-infectious. We are particularly requesting comments regarding whether there are more specific measures available to demonstrate that a select agent has been rendered nonviable, or a regulated infectious nucleic acid has been rendered non-infectious.

We are also proposing to add to 7 CFR 331.3(e), 9 CFR 121.3(e), and 9 CFR 121.4(e) a paragraph stating that an individual or entity may make a written request to the Administrator for reconsideration of a decision denying an exclusion application. The written request for reconsideration would have to state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The Administrator would grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision. This language was included in previous versions of the regulations and was erroneously removed by an earlier rulemaking.

Exemptions for Select Agents and Toxins

Sections 7 CFR 331.5, 9 CFR 121.5, and 9 CFR 121.6 concern conditions under which entities may be exempted from the requirements of the regulations. Paragraph (a) requires that the identification of the agent or toxin be reported to APHIS or CDC. Since select agents and toxins have the potential to pose a severe threat to both human and animal health, to animal health, to plant health, or to animal and plant products, clinical and diagnostic laboratories typically have their initial results confirmed by a registered or certified reference laboratory. We are proposing to require that in addition to notifying APHIS or CDC, the reference laboratory inform the specimen provider upon confirmation of the identification of a select agent or toxin. This change would clarify our expectations regarding communication and notification between the reference laboratory and the specimen provider.

We are also proposing to add language to paragraph (a) in sections 7 CFR 331.5, 9 CFR 121.5, and 9 CFR 121.6 that specifies that entities may be required to report identification of agents or toxins to other appropriate authorities when required by Federal, State, or local law. This language was added to the CDC select agent regulations in a previous rulemaking, but not to the APHIS regulations and this change is necessary in order to achieve uniformity across all regulations associated with the diagnosis and care for individuals infected with a select agent or toxin. Specifically, we are proposing to add provisions that state that we do not regulate material containing select agents or toxins when it is in a patient care setting and is not being collected or otherwise tested or retained, nor do we regulate waste generated during delivery of patient care. However, once delivery of patient care for the select agent or toxin infection has concluded, these specimens would become subject to the requirements of the regulations. If an entity cannot meet these requirements, then the material may be transferred to another entity according to the select agent regulations or destroyed using an approved method. The decision to retain, transfer, or destroy any specimens must be made within 7 calendar days of the conclusion of patient care. These requirements would be set out in new paragraphs 9 CFR 121.3(d)(4) and 9 CFR 121.4(d)(4).

Registration and Related Security Risk Assessments

The regulations in 7 CFR 331.7 and 9 CFR 121.7 set out registration requirements for those entities that wish to work with select agents and toxins and stipulates the individuals within those entities that must undergo a security risk assessment by the Attorney General.

We are proposing to state that an entity registered to possess, use, or transfer a select agent or toxin would have to meet the requirements of the regulations for those select agents and toxins listed on the entity's official registration regardless of whether the entity is in possession of those select agents or toxins and without regard to the amount of select agents or toxins in the entity's possession. This change would serve to codify existing policy and would be added as a new paragraph (b).

Responsible Official

The regulations in 7 CFR 331.9 and 9 CFR 121.9 set out requirements for entities requesting to work with select agents and toxins to designate a responsible official, who ensures that the entity continues to meet the requirements of the regulations.

Paragraph (a)(6) requires the responsible official to ensure that annual inspections are conducted for each location where select agents or toxins are stored or used in order to determine compliance with the regulations. The responsible official also must document the results of each inspection and identify and address any deficiencies.

We are proposing to require that any corrections of deficiencies found must also be documented. This change is necessary to improve recordkeeping practices and to provide a more complete account of facility containment and security procedures. We are also proposing to replace the word ''laboratory'' with the phrase ''registered space.'' This terminology is more accurate, as registered spaces are not always laboratories.

We are also proposing to add a new paragraph (a)(7), which would require the entity's responsible official to provide contact information for the USDA or HHS Office of Inspector General Hotline, so that employees and other individuals may anonymously report any containment or security concerns they may have. Although the select agent program has established a whistleblower portal on its Web site, there is currently no requirement for employees at registered entities to be

made aware of its existence or how to use it. Adding this requirement would allow for increased worker involvement in biosafety/biocontainment and security programs at registered entities and may also enhance the quality of Federal oversight in this area.

Security Risk Assessments

We are proposing to amend the regulations in 7 CFR 331.10 and 9 CFR 121.10. These regulations establish parameters for restricting access to select agents and toxins and the process by which individuals may be approved for access to select agents and toxins after the completion of a security risk assessment by the Attorney General.

Paragraph (e) states that a person with valid approval from the HHS Secretary or Administrator to have access to select agents or toxins may request, through his or her responsible official, that the HHS Secretary or APHIS Administrator provide their approved access status to another registered individual or entity for a specified period of time. We are proposing to also require that the responsible official at the visiting person's home entity notify the host entity if that person's approved access to select agents or toxins has been terminated. This would ensure that an individual whose permissions have been terminated would not be allowed further access to select agents and toxins.

Security, Biocontainment/Biosafety, and Incident Response Plans

The regulations require registered entities to develop and implement a number of plans in order to ensure the safety and security of the select agents they handle. These are:

- A security plan, as described by the regulations in 7 CFR 331.11 and 9 CFR 121.11, that provides for measures sufficient to safeguard the select agent or toxin against unauthorized access, theft, loss, or release;
- A biocontainment plan, in the case of PPQ select agents, or a biosafety plan, in the case of VS and overlap select agents, as described in the regulations in 7 CFR 331.12 and 9 CFR 121.12, that provides for measures sufficient to contain the select agent or toxin (*e.g.,* physical structure and features of the entity, and operational and procedural safeguards); and
- An incident response plan, as described in the regulations in 7 CFR 331.14 and 9 CFR 121.14, that provides for measures that the registered entity will implement in the event of theft, loss, or release of a select agent or toxin; inventory discrepancies; security breaches (including information systems); severe weather and other natural disasters; workplace violence; bomb threats and suspicious packages; and emergencies such as fire, gas leak, explosion, power outage, etc. The response procedures must account for hazards associated with the select agent or toxin and appropriate actions to contain such agent or toxin.

All of these plans require annual review and revision as necessary. Drills or exercises must also be conducted at least annually to test and evaluate the effectiveness of the plans. The plans must be reviewed and revised, as necessary, after any drill or exercise and after any incident. We are proposing to require that these drills or exercises be documented to include how the drill or exercise tested and evaluated the plan, any problems identified, any corrective action taken, and the names of the individuals who participated in the drill or exercise. This will provide a more thorough accounting of required activities as well as increasing the efficacy of the plans via testing and entity-directed improvements. We are proposing to add these requirements to 7 CFR 331.11(h), 331.12(e), 331.14(f), 9 CFR 121.11(h), 121.12(e), and 121.14(f).

We are also proposing to add a requirement that the biocontainment, biosafety, and incident response plans be submitted for initial registration, renewal of registration, or when requested. These additions would be located in 7 CFR 331.12(a), 331.14(a), 9 CFR 121.12(a), and 121.14(a). This change is necessary in order to bring the requirements for these plans in line with existing requirements for the security plan.

Details of the changes we are proposing to the security, biosecurity, and biosafety plans individually may be found below.

Security Plan

Paragraph (c)(5) of 7 CFR 331.11 and 9 CFR 121.11 requires that the security plan describe procedures for addressing loss or compromise of keys, passwords, combinations, etc. and protocols for changing access numbers or locks following staff changes. We are proposing to add keycards to that list as they are commonly used. We are also proposing to use the term ''access permissions'' instead of the term ''access numbers,'' as it covers a broader range of topics.

We are also proposing to add a new paragraph (c)(11) to the regulations in 7 CFR 331.11 and 9 CFR 121.11. This would require that the security plan contain a description of how the entity authorizes the means of entry into areas where select agents or toxins are stored or used, which would include a description of all centralized access control management systems (*e.g.,* keycards) and/or mechanical key management. This requirement would allow us to directly ascertain the way in which entities allow individuals entry to areas containing select agents and toxins and potentially identify any weaknesses in that process.

In the same sections, paragraphs (d)(7)(i) through (d)(7)(v) encompass a list of activities that individuals with access approval from the Administrator or the HHS Secretary must immediately report to the responsible official. We are proposing to add a new paragraph (d)(7)(vi) to require that the responsible official must be notified of any loss of computer, hard drive, or other data storage device containing information that can be used to gain access to select agents or toxins. Such notification will facilitate notification of the Federal Bureau of Investigation if deemed necessary by the responsible official as the loss of such equipment may be criminal in nature.

Biocontainment/Biosafety Plan

Paragraph (a) of 7 CFR 331.12 and 9 CFR 121.12 requires that the biocontainment or biosafety plan contain sufficient information and documentation to describe the biosafety and containment procedures for each select agent or toxin that the registered entity will possess. The plan must also include a description of the biosafety and containment procedures for any animals (including arthropods) or plants intentionally or accidentally exposed to or infected with a select agent. We are proposing to additionally require that laboratory-specific biocontainment and/or biosafety manuals must be accessible to individuals working in those laboratories. This change would help to foster an enhanced culture of responsibility by ensuring that appropriate biocontainment and/or biosafety resources are available to all staff with access to select agents and toxins within a select agent laboratory.

In the aftermath of recent biosafety incidents involving an unintentional release of potentially viable anthrax within the CDC's Roybal Campus, in Atlanta, GA, and the inadvertent cross-contamination and shipment of a laboratory specimen of low-pathogenic avian influenza virus with the VS select agent highly pathogenic avian influenza virus, we believe that the biocontainment and biosafety plans should be designed according to a site-specific risk assessment in accordance with the risk posed by a select agent or toxin. Therefore, we are proposing to

add specific provisions to the biocontainment and biosafety plans that would require completion of a written risk assessment for each procedure. This risk assessment would have to include the following elements: A description of the safeguards in place to protect entity personnel, the public, and the environment from exposure to the select agent or toxin; decontamination procedures; waste management procedures; and procedures for handling select agents and toxins in the same spaces as non-select agents and toxins in order to prevent unintentional cross-contamination.

We are specifically requesting comments regarding any specific biocontainment or biosafety measures to prevent laboratory acquired infections or accidental or intentional release of the select agents and toxins from an entity into the community.

Finally, paragraph (c)(2) of 9 CFR 121.12 requires that entities should consider the guidance found in the Occupational Safety and Health Administration regulations in 29 CFR 1910.1200 and 1910.1450. We are proposing to remove this reference as the information in those regulations is also contained in the CDC/National Institutes of Health publication, ''Biosafety in Microbiological and Biomedical Laboratories,'' which is referenced in paragraph (c)(1) and a second reference is therefore duplicative.

Training

We are proposing to amend the regulations in 7 CFR 331.15 and 9 CFR 121.15, which concern provision of mandatory training for staff and visitors who work in or visit areas where select agents or toxins are handled or stored. We are proposing to require that all individuals who have received approval to have access to select agents and toxins must undergo training regardless of whether they have access to those select agents or toxins. The training would have to be completed within a year of that individual's approval or prior to entry into an area where select agents and toxins are used or stored, whichever occurs first. This change is necessary in order to codify our position regarding which individuals at registered entities are required to receive training.

Transfers

We are proposing to amend the regulations in 7 CFR 331.16 and 9 CFR 121.16, which concern the transfer of select agents and toxins to a registered entity. Specifically, paragraph (b) states that select agents and toxins may need a permit issued in accordance with 7 CFR part 330 or 9 CFR part 122. We have determined that a permit for the importation or interstate movement of a select agent or toxin listed in 7 CFR 331.3, 9 CFR 121.3, or 121.4 is not required for such importation and/or interstate movement provided that the select agent or toxin is authorized for transfer in accordance with 7 CFR 331.16(b) or 9 CFR 121.16(b).

Records

The regulations in 7 CFR 331.17 and 9 CFR 121.17 concern required recordkeeping procedures for regulated entities as those records relate to select agents and toxins. Paragraph (a)(3)(x) requires that registered entities record the destruction of any toxins by specifically noting the quantity of toxin destroyed, the date of such action, and by whom. However, there is not an equivalent requirement regarding the destruction of select agents. We are proposing to add this requirement in order to ensure consistency with the toxin provisions and ensure proper tracking of select agents from acquisition to destruction. These requirements would be added in a new paragraph (a)(1)(ix).

We are also proposing to require that regulated entities maintain records concerning those select agents that have been rendered nonviable or regulated nucleic acids that have been rendered non-infectious. These records would specifically capture the activities detailed under the heading ''Exclusions and Inactivation'' above. Such recordkeeping is necessary in order to confirm that an entity has performed the procedures necessary. The select agent program would then have the ability to review those records in order to ensure that the entity is performing all procedures necessary for nonviability or inactivation. The requirements would be added in a new paragraph (a)(8) in 7 CFR 331.17 and 9 CFR 121.17.

We are also proposing to state that any records created that contain information related to an entity's registration or its select agents and toxins must be provided promptly upon request. This requirement would be added to revised paragraph (c). Given the wide variety of entities regulated under the Federal Select Agent Program, the scope of records readily available for program review will enhance the ability of the program to evaluate entity biosafety, biocontainment, security, and incident response programs. Paragraph (c) in both 7 CFR 331.17 and 9 CFR 121.17 would also be revised to specify that such records may include, but are not limited to, biocontainment certifications, laboratory notebooks, institutional biosafety and/or animal use committee minutes and approved protocols, and records associated with occupational health and suitability programs.

Finally, paragraph (b) in both 7 CFR 331.17 and 9 CFR 121.17 requires that regulated entities implement a system to ensure that all records and databases created under this part are accurate, have controlled access, and that their authenticity may be verified. To ensure the accuracy of handwritten records, we are proposing to specify that such records must be legible.

Records for Select Agents in Long-Term Storage

Paragraph (a)(1) in both 7 CFR 331.17 and 9 CFR 121.17 requires entities to maintain an accurate, current inventory for each select agent (including viral genetic elements, recombinant and/or synthetic nucleic acids, and organisms containing recombinant and/or synthetic nucleic acids) held in long-term storage. We continue to receive comments critical of that portion of the regulations. Criticism is typically focused on the belief that a container-based inventory requirement is not a useful mechanism to track inventory of biological agents, since small amounts could be stolen without detection and used to grow larger quantities.

However, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 obliges APHIS and CDC to include a requirement for ''the prompt notification of the Secretary, and appropriate Federal, State, and local law enforcement agencies, of the theft or loss of listed agents and toxins'' in the regulations. We are therefore soliciting comment regarding what regulatory requirement or requirements should be implemented such that a registered entity could quickly determine whether a select agent had been lost or stolen from long-term storage without that registered entity first having an accurate, current inventory for each select agent held in long-term storage. Additionally, we are soliciting ideas concerning ways in which the current regulations could be amended to address the possibility of theft of a select agent from a container held in long-term storage.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107–188) provides for the regulation of certain biological agents and toxins that have the potential to pose a severe threat to human, animal, or plant health, or to animal or plant products. APHIS has completed its fourth biennial review of select agent regulations and is proposing changes that would increase their usability as well as provide for enhanced program oversight. The proposed amendments include provisions to address the inactivation of select agents, provisions addressing biosafety, and clarification of regulatory language concerning security, training, incident response, and records.

The proposed rule would require that entities develop an agent-specific *kill curve* in order to define conditions of inactivation for each select agent or regulated infectious nucleic acid and maintain written records of having done so.[3] Costs of complying with this amendment are therefore expected to be modest.

Currently, there are 291 entities registered with APHIS and CDC. Of these entities, there are 240 registered to possess Tier 1 select agents and toxins, including 78 academic, 29 commercial, 80 State government, 37 Federal government, and 16 private (non-profit) institutions, most of which are considered to be small entities. Based on proposed record keeping and reporting requirements, an additional 10 to 20 hours per year may be required. At an imputed cost of $33.40 per hour (GS–12, step 2), this additional time requirement per entity would cost between $334 and $668 per year, or in total for all registered entities between $80,000 and $160,000.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

[3] The definition of *kill curve* would be ''the results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.''

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), we have determined that there is burden associated with this action. We will publish a separate document in the **Federal Register**, announcing our determination of burden and soliciting comments on it.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

List of Subjects

7 CFR Part 331

Agricultural research, Laboratories, Plant diseases and pests, Reporting and recordkeeping requirements.

9 CFR Part 121

Agricultural research, Animal diseases, Laboratories, Medical research, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 7 CFR part 331 and 9 CFR part 121 as follows:

TITLE 7—AGRICULTURE

PART 331—POSSESSION, USE, AND TRANSFER OF SELECT AGENTS AND TOXINS

■ 1. The authority citation for part 331 continues to read as follows:

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 331.1 is amended by adding, in alphabetical order, definitions of *inactivation* and *kill curve* to read as follows:

§ 331.1 Definitions.

* * * * *

Inactivation. A method to render a select agent non-viable but retain characteristic of interest for future use, or to render any nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use.

* * * * *

Kill curve. The results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable, or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.

* * * * *

■ 3. Section 331.3 is amended as follows:

■ a. In paragraph (b), by removing the words ''*Peronosclerospora philippinensis* (*Peronosclerospora sacchari*);'', ''*Phoma glycinicola* (formerly *Pyrenochaeta glycines*);'', and ''*Sclerophthora rayssiae;*''

■ b. By revising paragraph (d)(2).

■ c. By adding paragraph (e)(3).

The addition and revision read as follows:

§ 331.3 PPQ select agents and toxins.

* * * * *

(d) * * *

(2) Nonviable select agents or nonfunctional toxins.

(i) Unless waived by the Administrator, a select agent or regulated nucleic acids that can produce infectious forms of any select agent virus that has been subjected to a validated inactivation process to remove viability or infectious form (*i.e.,* the ability to reproduce or produce disease, while maintaining cellular structure) is not excluded from the requirements of this part until an individual or entity:

(A) Develops a site-specific kill curve to define conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms

of any select agent virus. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve must be developed for each strain that undergoes the inactivation procedure. A new kill curve must be created upon any change in procedure or inactivation equipment.

(B) Develops site-specific standard operating inactivation procedures to ensure that the material is inactivated by a safety margin determined by the kill curve.

(C) Subjects representative samples of inactivated select agents or any nucleic acids that can produce infectious forms of any select agent viruses to a validated sterility testing protocol to ensure that the inactivation method has rendered the select agent non-viable or regulated nucleic acids non-infectious.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol is reported to APHIS.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent virus are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus sample non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(i)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent viruses previously assessed as inactive.

(ii) Unless waived by the Administrator, an extract from a select agent is not excluded from the requirements of this part until an individual or entity meets the following requirements:

(A) Any extract is subjected to a process that removes all viable cells, spores, or virus particles.

(B) Any extract is subjected to a validated sterility testing protocol to ensure that the inactivation method has rendered the extract free of a select agent.

(C) Any viability of an extract that was subjected to a validated inactivation protocol is reported to the responsible official.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was previously assessed as inactive by their validated sterility testing protocol is reported to APHIS.

* * * * *

(e) * * *

(3) An individual or entity may make a written request to the Administrator for reconsideration of a decision denying an application for the exclusion of an attenuated strain of a select agent or a select toxin modified to be less potent or toxic. The written request for reconsideration must state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The Administrator will grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision.

* * * * *

■ 4. In § 331.5, paragraph (a)(3) is revised to read as follows:

§ 331.5 Exemptions.

(a) * * *

(3) The identification of the agent or toxin is reported to APHIS, the specimen provider, and to other appropriate authorities when required by Federal, State, or local law by telephone, facsimile, or email. This report must be followed by submission of APHIS/CDC Form 4 to APHIS within 7 calendar days after identification.

* * * * *

■ 5. Section 331.7 is amended as follows:

■ a. By redesignating paragraphs (b) through (k) as paragraphs (c) through (l), respectively.

■ b. By adding a new paragraph (b).

The addition reads as follows:

§ 331.7 Registration and related security risk assessments.

* * * * *

(b) As a condition of registration, each entity is required to be in compliance with the requirements of this part for select agents and toxins listed on the registration regardless of whether the entity is in actual possession of the select agent or toxin. In regard to toxins, the entity registered for possession, use, or transfer of toxins must be in compliance with the requirements of this part regardless of the amounts of toxins currently in possession.

* * * * *

■ 6. Section 331.9 is amended as follows:

■ a. In paragraph (a)(6), by removing the word ''laboratory'' and adding the words ''registered space'' in its place and by adding the words ''and the corrections documented'' at the end of the second sentence after the words ''must be corrected''.

■ b. By adding paragraph (a)(7).

The addition reads as follows:

§ 331.9 Responsible official.

(a) * * *

(7) Ensure that individuals are provided the contact information for the USDA or HHS Office of Inspector General Hotline so that they may anonymously report any biosafety/biocontainment or security concerns related to select agents and toxins.

* * * * *

■ 7. In § 331.10, paragraph (e) is amended by adding a sentence at the end of the paragraph to read as follows:

§ 331.10 Restricting access to select agents and toxins; security risk assessments.

* * * * *

(e) * * * A responsible official must immediately notify the responsible official of the visiting entity if the person's access to select agents or toxins has been terminated.

* * * * *

■ 8. Section 331.11 is amended as follows:

■ a. In paragraph (c)(5), by adding the word ''keycards,'' after the word ''keys,'' and by removing the word ''numbers'' and adding the word ''permissions'' in its place.

■ b. By adding paragraph (c)(11).

■ c. In paragraph (d)(7)(iv), by removing the word ''and''.

■ d. By adding paragraph (d)(7)(vi).

■ e. By adding a sentence at the end of paragraph (h).

The additions read as follows:

§ 331.11 Security.

* * * * *

(c) * * *

(11) Describe how the entity authorizes the means of entry into areas where select agents or toxins are stored or used to include centralized access control management systems (*e.g.,* keycards) and/or mechanical key management.

(d) * * *

(7) * * *

(vi) Any loss of computer, hard drive or other data storage device containing information that can be used to gain access to select agents or toxins.

* * * * *

(h) * * * Drills or exercises must be documented to include how the drill or

exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 9. Section 331.12 is amended as follows:

■ a. By revising paragraph (a).

■ b. By adding a sentence at the end of paragraph (e).

The addition and revision read as follows:

§ 331.12 Biocontainment.

(a) An individual or entity required to register under this part must develop and implement a written biocontainment plan that is commensurate with the risk of the select agent or toxin, given its intended use.[4] The biocontainment plan must contain sufficient information and documentation to describe the biocontainment procedures for the select agent or toxin, including any animals (including arthropods) or plants intentionally or accidentally exposed to or infected with a select agent. The biocontainment procedures specific to each registered laboratory must be available to each individual working in that laboratory. The current biocontainment plan must be submitted for initial registration, renewal of registration, or when requested. The biocontainment plan must include the following provisions:

(1) A written risk assessment for each prescribed procedure involving a select agent or toxin.

(i) The hazardous characteristics of the agent or toxin listed on the entity's registration, including probable routes of transmission in the laboratory and in the environment, infective dose (if known), stability in the environment, host range, contribution of any genetic manipulations, and endemicity.

(ii) Hazards associated with laboratory procedures related to the select agent or toxin.

(2) Safeguards in place with associated containment procedures to protect registered entity personnel, the public, and the environment from exposure to the select agent or toxin including, but not limited to: Safety training requirements for registered entity personnel performing the procedure; required personal protective equipment; required containment equipment including, but not limited to, biological safety cabinets, arthropod caging systems, and centrifuge safety containers; and required physical plant engineering controls.

(3) Written procedures for decontamination, with a validated method, of all contaminated or potentially contaminated materials including, but not limited to: Cultures and other materials related to the propagation of select agents or toxins, items related to the analysis of select agents or toxins, personal protective equipment, arthropod caging systems and extracted plant and/or arthropod tissues.

(4) Written procedures for decontamination, with a validated method, of laboratory surfaces and equipment using manufacturer's specification.

(5) Effluent decontamination procedures, with a validated method, that describe the treatment of effluent material contaminated with select agents or toxins.

(6) Procedures to respond to emergencies such as spills, sharps injury, or any other incident involving select agents and toxins.

(7) Procedures for handling of select agents and toxins in the same spaces as non-select agents and toxins in order to prevent unintentional contamination.

* * * * *

(e) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 10. Section 331.14 is amended as follows:

■ a. By adding a sentence at the end of paragraph (a).

■ b. By adding a sentence at the end of paragraph (f).

The additions read as follows:

§ 331.14 Incident response.[5]

(a) * * * The current incident response plan must be submitted for initial registration, renewal of registration, or when requested.

* * * * *

(f) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 11. Section 331.15 is amended as follows:

■ a. By revising paragraph (a), introductory text.

■ b. By revising paragraph (a)(1).

The revisions read as follows:

§ 331.15 Training.

(a) An individual or entity required to register under this part must provide information and training on biocontainment, security (including security awareness), incident response, and agent- and toxin-specific training to:

(1) Each individual with access approval from the Administrator, within 12 months of that individual's anniversary of receiving such approval or prior to his or her entry into an area where select agents or toxins are used or stored, whichever occurs first; and

* * * * *

■ 12. In § 331.16, paragraph (b), introductory text, is revised as follows:

§ 331.16 Transfers.

* * * * *

(b) A transfer may be authorized if:

* * * * *

■ 13. Section 331.17 is amended as follows:

■ a. In paragraph (a)(1)(iii), by adding the words ''or other storage container'' after the word ''freezer''.

■ b. By adding paragraph (a)(1)(ix).

■ c. In paragraph (a)(3)(v), by adding the words ''or other storage container'' after the word ''freezer''.

■ d. By adding paragraph (a)(8).

■ e. By adding a sentence at the end of paragraph (b).

■ f. By revising paragraph (c).

The additions and revision read as follows:

§ 331.17 Records.

(a) * * *

(1) * * *

(ix) If destroyed, the quantity (*e.g.,* containers, vials, tubes, etc.) of select agent destroyed, the date of such action, and by whom.

* * * * *

(8) For a select agent or an extract from a select agent that has been rendered nonviable or regulated nucleic acids that have been rendered non-infectious:

(i) A written description of the inactivation process used for rendering a select agent or an extract from a select agent nonviable or regulated nucleic acids non-infectious;

(ii) The sterility testing protocol used to verify nonviability of a select agent or an extract from a select agent or non-infectivity of regulated nucleic acids and the results of the test, including investigation, of any inactivation process failures and the corrective actions taken;

(iii) The name of each individual performing the inactivation method and sterility testing protocols;

(iv) The date(s) the inactivation method and sterility testing protocols were completed;

[4] Technical assistance and guidance may be obtained by contacting APHIS.

[5] Nothing in this section is meant to supersede or preempt incident response requirements imposed by other statutes or regulations.

(v) The location where the inactivated method and sterility testing protocols were performed; and

(vi) An inactivation certificate that includes the date of inactivation, method of inactivation, date of final sterility testing protocol result, and the name of the person performing the inactivation. A copy of the inactivation certificate must accompany any transfer of inactivated material.

(b) * * * All written records created under this part are legible.

(c) Any records that contain information related to the requirements of the regulations. Such records may include, but are not limited to, biocontainment certifications, laboratory notebooks, institutional biosafety and/or animal use committee minutes and approved protocols, and records associated with occupational health and suitability programs. All records created under this part must be maintained for 3 years.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

PART 121—POSSESSION, USE, AND TRANSFER OF SELECT AGENTS AND TOXINS

■ 14. The authority citation for part 121 continues to read as follows:

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, and 371.4.

■ 15. Section 121.1 is amended by adding, in alphabetical order, definitions of *inactivation* and *kill curve* to read as follows:

§ 121.1 Definitions.

* * * * *

Inactivation. A method to render a select agent non-viable but retain characteristic of interest for future use, or to render any nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use.

* * * * *

Kill curve. The results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable, or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.

* * * * *

■ 16. Section 121.3 is amended as follows:

■ a. By revising paragraphs (d)(2) and (d)(3).

■ b. By adding paragraph (d)(4).

■ c. By adding paragraph (e)(3).

The additions and revisions read as follows:

§ 121.3 VS select agents and toxins.

* * * * *

(d) * * *

(2) Nonviable VS select agents or nonfunctional VS toxins.[3]

(i) Unless waived by the Administrator, a select agent or regulated nucleic acids that can produce infectious forms of any select agent virus that has been subjected to a validated inactivation process to remove viability or infectious form (*i.e.,* the ability to reproduce or produce disease, while maintaining cellular structure) is not excluded from the requirements of this part until an entity:

(A) Develops a site-specific kill curve to define conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms of any select agent virus. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve must be developed for each strain that undergoes the inactivation procedure. A new kill curve must be created upon any change in procedure or inactivation equipment.

(B) Develops site-specific standard operating inactivation procedures to ensure that the material is inactivated by a safety margin determined by the kill curve.

(C) Subjects representative samples of inactivated select agents or any nucleic acids that can produce infectious forms of any select agent viruses to a validated sterility testing protocol to ensure that the inactivation method has rendered the select agent non-viable or regulated nucleic acids non-infectious.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol is reported to APHIS or CDC.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent virus are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent viruses non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(i)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent viruses previously assessed as inactive.

(ii) Unless waived by the Administrator, an extract from a select agent is not excluded from the requirements of this part until an individual or entity meets the following requirements:

(A) Any extract is subjected to a process that removes all viable cells, spores, or virus particles.

(B) Any extract is subjected to a validated sterility testing protocol to ensure that the inactivation method has rendered the extract free of a select agent.

(C) Any viability of an extract that was subjected to a validated inactivation protocol is reported to the responsible official.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was previously assessed as inactive by their validated sterility testing protocol is reported to APHIS or CDC.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent viruses are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent viruses non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(ii)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus previously assessed as inactive.

(3) Any low pathogenic strains of avian influenza virus, avian paramyxovirus serotype-1 (APMV–1) viruses which do not meet the criteria

[3] However, the importation and interstate movement of these nonviable select agents may be subject to the permit requirements under part 122 of this subchapter.

for Newcastle disease virus,[4] including those identified as pigeon paramyxovirus-12 [5] isolated from a non-poultry species, all subspecies *Mycoplasma capricolum* except subspecies *capripneumoniae* (contagious caprine pleuropneumonia), and all subspecies *Mycoplasma mycoides* except subspecies *mycoides* small colony (*Mmm* SC) (contagious bovine pleuropneumonia), provided that the individual or entity can identify that the agent is within the exclusion category.

(4) Waste generated during the delivery of patient care from a patient infected with a select agent that is decontaminated with a validated method within 7 calendar days of the conclusion of patient care.

(e) * * *

(3) An individual or entity may make a written request to the Administrator for reconsideration of a decision denying an application for the exclusion of an attenuated strain of a select agent or a select toxin modified to be less potent or toxic. The written request for reconsideration must state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The Administrator will grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision.

* * * * *

■ 17. Section 121.4 is amended as follows:

■ a. In paragraph (b), by removing the words ''*Bacillus anthracis* (Pasteur strain);'', ''*Brucella abortus*;'', and ''*Brucella suis*;''.

■ b. In paragraph (c)(1), by redesignating footnote 4 as footnote 6.

■ c. By revising paragraph (d)(2).

■ d. By adding paragraph (d)(4).

■ e. By adding paragraph (e)(3).

The additions and revision read as follows:

§ 121.4 Overlap select agents and toxins.

* * * * *

(d) * * *

(2) Nonviable overlap select agents or nonfunctional overlap toxins.[7]

(i) Unless waived by the APHIS Administrator or HHS Secretary, a select agent or regulated nucleic acids that can produce infectious forms of any select agent virus that has been subjected to a validated inactivation process to remove viability or infectious form (*i.e.,* the ability to reproduce or produce disease, while maintaining cellular structure) is not excluded from the requirements of this part until an individual or entity:

(A) Develops a site-specific kill curve to define conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms of any select agent virus. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve must be developed for each strain that undergoes the inactivation procedure. A new kill curve must be created upon any change in procedure or inactivation equipment.

(B) Develops site-specific standard operating inactivation procedures to ensure that the material is inactivated by a safety margin determined by the kill curve.

(C) Subjects representative samples of inactivated select agents or any regulated nucleic acids that can produce infectious forms of any select agent viruses to a validated sterility testing protocol to ensure that the inactivation method has rendered the select agent non-viable or regulated nucleic acids non-infectious.

(D) Reports any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol to the responsible official.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent virus are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent viruses non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(i)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus previously assessed as inactive.

(ii) Unless waived by the APHIS Administrator or HHS Secretary, an extract from a select agent is not excluded from the requirements of this part until an individual or entity meets the following requirements:

(A) Any extract is subjected to a process that removes all viable cells, spores, or virus particles.

(B) Any extract is subjected to a validated sterility testing protocol to ensure that the inactivation method has rendered the extract free of a select agent.

(C) Any viability of an extract that was subjected to a validated inactivation protocol is reported to the responsible official.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was previously assessed as inactive by the validated sterility testing protocol is reported to APHIS or CDC.

* * * * *

(4) Waste generated during the delivery of patient care from a patient infected with a select agent that is decontaminated with a validated method within 7 calendar days of the conclusion of patient care.

(e) * * *

(3) An individual or entity may make a written request to the Administrator or HHS Secretary for reconsideration of a decision denying an application for the exclusion of an attenuated strain of a select agent or a select toxin modified to be less potent or toxic. The written request for reconsideration must state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The Administrator or HHS Secretary will grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision.

* * * * *

■ 18. Section 121.5 is amended as follows:

■ a. By revising paragraphs (a)(2) and (a)(3).

■ b. By adding paragraph (a)(4).

The addition and revisions read as follows:

§ 121.5 Exemptions for VS select agents and toxins.

(a) * * *

[4] An APMV–1 virus isolated from poultry which has an intracerebral pathogenicity index in day-old chicks (*Gallus gallus*) of 0.7 or greater or has an amino acid sequence at the fusion (F) protein cleavage site that is consistent with virulent strains of Newcastle disease virus. A failure to detect a cleavage site that is consistent with virulent strains does not confirm the absence of a virulent virus.

[5] Pigeon paramyxovirus (PPMV–1) is a species-adapted APMV–1 virus which is endemic in pigeons and doves in the United States and can be identified through monoclonal antibody testing and demonstration of their characteristic amino acid signature at the fusion gene cleavage site.

[7] However, the importation and interstate movement of these nonviable overlap select agents may be subject to the permit requirements under part 122 of this subchapter.

(2) The agent or toxin is secured against theft, loss, or release during the period between identification of the agent or toxin and transfer or destruction of such agent or toxin, and any theft, loss, or release of such agent or toxin is reported;

(3) Unless directed otherwise by the Administrator, the clinical or diagnostic specimens collected from a patient infected with a select agent are transferred in accordance with § 121.16 or destroyed on-site by a recognized sterilization or inactivation process within 7 calendar days after delivery of patient care has concluded; and

(4) The identification of the agent or toxin is reported to APHIS or CDC, the specimen provider, and to other appropriate authorities when required by Federal, State, or local law by telephone, facsimile, or email. This report must be followed by submission of APHIS/CDC Form 4 to APHIS or CDC within 7 calendar days after identification.

* * * * *

■ 19. Section 121.6 is amended as follows:

■ a. In paragraph (a)(2), by removing the word ''and'' at the end of the paragraph.

■ b. By redesignating paragraph (a)(3) as paragraph (a)(4).

■ c. By adding new paragraph (a)(3).

■ d. By revising newly redesignated paragraph (a)(4).

The addition and revision read as follows:

§ 121.6 Exemptions for overlap select agents and toxins.

(a) * * *

(3) Unless directed otherwise by the Administrator or HHS Secretary, the clinical or diagnostic specimens collected from a patient infected with a select agent are transferred in accordance with § 121.16, or destroyed on-site by a recognized sterilization or inactivation process within 7 calendar days after delivery of patient care has concluded;

(4) The identification of the agent or toxin is reported to APHIS or CDC, the specimen provider, and to other appropriate authorities when required by Federal, State, or local law by telephone, facsimile, or email. This report must be followed by submission of APHIS/CDC Form 4 to APHIS within 7 calendar days after identification.

* * * * *

■ 20. Section 121.7 is amended as follows:

■ a. By redesignating paragraphs (b) through (k) as paragraphs (c) through (l), respectively.

■ b. By adding a new paragraph (b).

■ c. In paragraph (c)(3), introductory text, by redesignating footnote 6 as footnote 8.

■ d. In paragraph (h)(1), by redesignating footnote 7 as footnote 9.

The addition reads as follows:

§ 121.7 Registration and related security risk assessments.

* * * * *

(b) As a condition of registration, each entity is required to be in compliance with the requirements of this part for select agents and toxins listed on the registration regardless of whether the entity is in actual possession of the select agent or toxin. With regard to toxins, the entity registered for possession, use, or transfer of a toxin must be in compliance with the requirements of this part regardless of the amount of toxin currently in possession.

* * * * *

§ 121.8 [Amended]

■ 21. In § 121.8, footnote 8 is redesignated as footnote 10.

■ 22. Section 121.9 is amended as follows:

■ a. In paragraph (a)(6), by removing the word ''laboratory'' and adding the words ''registered space'' in its place and by adding the words ''and the corrections documented'' at the end of the second sentence after the words ''must be corrected''.

■ b. By adding paragraph (a)(7).

The addition reads as follows:

§ 121.9 Responsible official.

(a) * * *

(7) Ensure that individuals are provided the contact information for the USDA or HHS Office of Inspector General Hotline so that they may anonymously report any safety or security concerns related to select agents and toxins.

* * * * *

■ 23. In § 121.10, paragraph (e) is amended by adding a sentence at the end of the paragraph to read as follows:

§ 121.10 Restricting access to select agents and toxins; security risk assessments.

* * * * *

(e) * * * A responsible official must immediately notify the responsible official of the visited entity if the person's access to select agents and toxins has been terminated.

* * * * *

■ 24. Section 121.11 is amended as follows:

■ a. In paragraph (c)(5), by adding the word ''keycards,'' after the word ''keys,'' and by removing the word ''numbers'' and adding the word ''permissions'' in its place.

■ b. By adding paragraph (c)(11).

■ c. In paragraph (d)(7)(iv), by removing the word ''and''.

■ d. By adding paragraph (d)(7)(vi).

■ e. By adding a sentence at the end of paragraph (h).

The additions read as follows:

§ 121.11 Security.

* * * * *

(c) * * *

(11) Describe how the entity authorizes the means of entry into areas where select agents or toxins are stored or used to include centralized access control management systems (*e.g.,* keycards) and/or mechanical key management.

(d) * * *

(7) * * *

(vi) Any loss of computer, hard drive or other data storage device containing information that could be used to gain access to select agents or toxins.

* * * * *

(h) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 25. Section 121.12 is amended as follows:

■ a. By revising paragraph (a).

■ b. By removing paragraph (c)(2).

■ c. By redesignating paragraph (c)(3) as paragraph (c)(2), and removing the words ''NIH Guidelines for Research Involving Recombinant DNA Molecules'' and replacing them with the words ''NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules''.

■ d. By adding a sentence at the end of paragraph (e).

The addition and revision read as follows:

§ 121.12 Biosafety.

(a) An individual or entity required to register under this part must develop and implement a written biosafety plan that is commensurate with the risk of the select agent or toxin, given its intended use.[11] The biosafety plan must contain sufficient information and documentation to describe the biosafety and containment procedures for the select agent or toxin, including any animals (including arthropods) or plants intentionally or accidentally exposed to or infected with a select agent. Biosafety and containment procedures specific to

[11] Technical assistance and guidance may be obtained by contacting APHIS.

each registered laboratory must be available to each individual working in that laboratory. The current biosafety plan must be submitted for initial registration, renewal of registration, or when requested. The biosafety plan must include the following provisions:

(1) A written risk assessment for each procedure involving a select agent or toxin that addresses the hazards associated with the agent or toxin.

(i) The hazardous characteristics of each agent or toxin listed on the entity's registration, including probable routes of transmission in the laboratory and in the environment, infective dose (if known), stability in the environment, host range, contribution of any genetic manipulations, and endemicity.

(ii) Hazards associated with laboratory procedures related to the select agent or toxin.

(2) Safeguards in place with associated work practices to protect registered entity personnel, the public, and the environment from exposure to the select agent or toxin including, but not limited to: Safety training requirements for registered entity personnel performing the procedure; required personal protective equipment and other safety equipment; required containment equipment including, but not limited to, biological safety cabinets, animal caging systems, and centrifuge safety containers; and required engineering controls and other facility safeguards.

(3) Written procedures for decontamination, with a validated method, of all contaminated or potentially contaminated materials including, but not limited to: Cultures and other materials related to the propagation of select agents or toxins, items related to the analysis of select agents and toxins, personal protective equipment, animal caging systems and bedding, and animal carcasses or extracted tissues.

(4) Written procedures for decontamination, with a validated method, of laboratory surfaces and equipment using manufacturer's specification.

(5) Effluent decontamination procedures, with a validated method, that describe the treatment of effluent material contaminated with select agents and toxins.

(6) Procedures to respond to emergencies such as spills, sharps injury, or animal bites involving select agents and toxins.

(7) Procedures for the handling of select agents and toxins in the same spaces with non-select agents and toxins in order to prevent unintentional contamination.

* * * * *

(e) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems identified and corrective action(s) that were taken, and all individuals who participated in the drill or exercise.

■ 26. Section 121.14 is amended as follows:

■ a. In paragraph (a), by redesignating footnote 11 as footnote 13, and by adding a sentence at the end of the paragraph.

■ b. In paragraph (f), by adding a sentence at the end of the paragraph.

The additions read as follows:

§ 121.14 Incident response.[12]

(a) * * * The current incident response plan must be submitted for initial registration, renewal of registration, or when requested.

* * * * *

(f) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems identified and corrective action(s) that were taken, and all individuals who participated in the drill or exercise.

■ 27. Section 121.15 is amended as follows:

■ a. By revising paragraphs (a), introductory text, and (a)(1).

■ b. By adding paragraph (e).

The addition and revisions read as follows:

§ 121.15 Training.

(a) An individual or entity required to register under this part must provide information and training on biocontainment, biosafety, security (including security awareness), incident response, and agent- and toxin-specific training to:

(1) Each individual with access approval from the HHS Secretary or Administrator, within 12 months of that individual's anniversary of receiving such approval or prior to his or her entry into an area where select agents or toxins are used or stored, whichever occurs first; and

* * * * *

(e) The responsible official must ensure and document that individuals are provided the contact information of the HHS or USDA Office of Inspector General Hotline so that they may anonymously report any safety or security concerns related to select agents and toxins.

[12] Nothing in this section is meant to supersede or preempt incident response requirements imposed by other statutes or regulations.

■ 28. Section § 121.16 is amended as follows:

■ a. In paragraph (a), by redesignating footnote 12 as footnote 14.

■ b. By revising paragraph (b), introductory text.

■ c. By adding paragraph (l).

The addition and revision read as follows:

§ 121.16 Transfers.

* * * * *

(b) A transfer may be authorized if:

* * * * *

(l) Transfer the amounts only after the transferor uses due diligence and documents that the recipient has a legitimate need (*i.e.,* prophylactic, protective, bona fide research, or other peaceful purpose) to handle or use such toxins. Information to be documented includes, but is not limited, to the recipient information, toxin and amount transferred, and declaration that the recipient has legitimate purpose to store and use such toxins.

■ 29. Section 121.17 is amended as follows:

■ a. In paragraph (a)(1)(iii), by adding the words ''or other storage container'' after the word ''freezer''.

■ b. By adding paragraph (a)(1)(ix).

■ c. In paragraph (a)(3)(v), by adding the words ''or other storage container'' after the word ''freezer''.

■ d. By adding paragraph (a)(8).

■ e. By adding a sentence at the end of paragraph (b).

■ f. By revising paragraph (c).

The additions and revision read as follows:

§ 121.17 Records.

(a) * * *

(1) * * *

(ix) If destroyed, the quantity (*e.g.,* containers, vials, tubes, etc.) of select agent destroyed, the date of such action, and by whom.

* * * * *

(8) For a select agent or an extract from a select agent that has been rendered non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus that have been rendered non-infectious through inactivation:

(i) A written description of the inactivation process used for rendering a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus non-infectious;

(ii) The sterility testing protocol used to verify non-viability of a select agent or non-infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus and the results of the test, including investigation, of

any inactivation process failures and the corrective actions taken;

(iii) The name of each individual performing the inactivation method and sterility testing protocols;

(iv) The date(s) the inactivation method and sterility testing protocols were completed;

(v) The location where the inactivated method and sterility testing protocols were performed; and

(vi) An inactivation certificate that includes the date of inactivation, method of inactivation, date of final sterility testing protocol result, and the Principal Investigator. A copy of the inactivation certificate must accompany any transfer of inactivated material.

(b) * * * All written records created under this part are legible.

(c) Any records that contain information related to the requirements of the regulations. Such records may include, but are not limited to, certifications, laboratory notebooks, institutional biosafety and/or animal use committee minutes and approved protocols, and records associated with occupational health and suitability programs. All records created under this part must be maintained for 3 years.

Done in Washington, DC, this 8th day of January 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–00681 Filed 1–14–16; 4:15 pm]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 810

United States Standards for Sunflower Seed

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for information.

SUMMARY: The United States Department of Agriculture's (USDA) Grain Inspection, Packers, and Stockyards Administration (GIPSA) is seeking comment from the public regarding the United States (U.S.) Standards for Sunflower Seed under the United States Grain Standards Act (USGSA). To ensure that standards and official grading practices remain relevant, GIPSA invites interested parties to comment on whether the current sunflower seed standards and grading practices need to be changed.

DATES: We will consider comments we receive by April 18, 2016.

ADDRESSES: You may submit written or electronic comments on this proposed rule to:

- *Mail:* Irene Omade, GIPSA, USDA, STOP 3642, 1400 Independence Avenue SW., Room 2530–B, Washington, DC 20250–3604.
- *Fax:* (202) 690–2173
- *Internet:* Go to *http://www.regulations.gov* and follow the on-line instruction for submitting comments.

All comments will become a matter of public record and should be identified as ''U.S. Standards for Sunflower Seed request for information comments,'' making reference to the date and page number of this issue of the **Federal Register**. All comments received become the property of the Federal government, are a part of the public record, and will generally be posted to *www.regulations.gov* without change. If you send an email comment directly to GIPSA without going through *www.regulations.gov,* or you submit a comment to GIPSA via fax, the originating email address or telephone number will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Also, all personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic submissions should avoid the use of special characters, avoid any form of encryption, and be free of any defects or viruses, since these may prevent GIPSA from being able to read and understand, and thus consider your comment.

GIPSA will post a transcript or report summarizing each substantive oral comment that we receive. This would include comments made at any public meetings hosted by GIPSA during the comment period, unless GIPSA publically announces otherwise.

All comments will also be available for public inspection at the above address during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management and Budget Services support staff (202) 720–8479 for an appointment to view the comments.

FOR FURTHER INFORMATION CONTACT: Andrew Greenfield at GIPSA, USDA, 1400 Independence Avenue SW., Washington. DC 20250; Telephone (202) 720–0277; Fax Number (202) 720–1015; email *Andrew.S.Greenfield@usda.gov.*.

SUPPLEMENTARY INFORMATION: Under the authority of the USGSA (7 U.S.C. 76), GIPSA establishes standards for sunflower seed and other grains regarding kind, class, quality and condition. The sunflower seed standards, established by USDA on September 1, 1984, were last revised in 1988 and appear in the USGSA regulations at 7 CFR 810.1801 through 810.1804. The standards facilitate sunflower seed marketing and define U.S. sunflower seed quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; the basis of determination; and specify grades and grade requirements. Official procedures for determining grading factors are provided in GIPSA's Grain Inspection Handbook, Book II, Chapter 11, ''Sunflower Seed'' which also includes standardized procedures for additional quality attributes not used to determine grade, such as moisture content and official criteria. Together, the grading standards and testing procedures allow buyers and sellers to communicate quality requirements, compare sunflower seed quality using equivalent forms of measurement and assist in price discovery.

GIPSA's grading and inspection services are provided through a network of federal, state, and private laboratories that conduct tests to determine the quality and condition of sunflower seed. These tests are conducted in accordance with applicable standards using approved methodologies and can be applied at any point in the marketing chain. Furthermore, the tests yield rapid, reliable and consistent results. In addition, GIPSA-issued certificates describing the quality and condition of graded sunflower seed are accepted as *prima facie* evidence in all Federal courts. U.S. Standards for Sunflower Seed and the affiliated grading and testing services offered by GIPSA verify that a seller's sunflower seed meets specified requirements, and ensure that customers receive the quality of sunflower seed they purchased.

In order for U.S. standards and grading procedures for sunflower seed to remain relevant, GIPSA is issuing this request for information to invite interested parties to submit comments, ideas, and suggestions on all aspects of the U.S. Standards for Sunflower Seed and inspection procedures.

Authority: 7 U.S.C. 71–87K.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–00958 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 810

United States Standards for Oats

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for information.

SUMMARY: The United States Department of Agriculture's (USDA) Grain Inspection, Packers, and Stockyards Administration (GIPSA) is seeking comment from the public regarding the United States (U.S.) Standards for Oats under the United States Grain Standards Act (USGSA). To ensure that standards and official grading practices remain relevant, GIPSA invites interested parties to comment on whether the current oats standards and grading practices need to be changed.

DATES: We will consider comments we receive by April 18, 2016.

ADDRESSES: You may submit written or electronic comments on this proposed rule to:

- *Mail:* Irene Omade, GIPSA, USDA, STOP 3642, 1400 Independence Avenue SW., Room 2530–B, Washington, DC 20250–3604.
- *Fax:* (202) 690–2173
- *Internet:* Go to *http://www.regulations.gov* and follow the on-line instruction for submitting comments.

All comments will become a matter of public record and should be identified as ''U.S. Standards for Oats request for information comments,'' making reference to the date and page number of this issue of the **Federal Register**. All comments received become the property of the Federal government, are a part of the public record, and will generally be posted to *www.regulations.gov* without change. If you send an email comment directly to GIPSA without going through *www.regulations.gov,* or you submit a comment to GIPSA via fax, the originating email address or telephone number will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Also, all personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic submissions should avoid the use of special characters, avoid any form of encryption, and be free of any defects or viruses, since these may prevent GIPSA from being able to read and understand, and thus consider your comment.

GIPSA will post a transcript or report summarizing each substantive oral comment that we receive. This would include comments made at any public meetings hosted by GIPSA during the comment period, unless GIPSA publically announces otherwise.

All comments will also be available for public inspection at the above address during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management and Budget Services support staff (202) 720–8479 for an appointment to view the comments.

FOR FURTHER INFORMATION CONTACT: Greg Giese at GIPSA, USDA, 10383 N. Ambassador Drive, Kansas City, MO 64153; Telephone (816) 891–0460; Fax Number (816) 872–1258; email *Gregory.J.Giese@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the USGSA (7 U.S.C. 76), GIPSA establishes standards for oats and other grains regarding kind, class, quality and condition. The oats standards, established by USDA on June 16, 1919, were last revised in 1988 and appear in the USGSA regulations at 7 CFR 810.1001 through 810.1005. The standards facilitate oats marketing and define U.S. oats quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; the basis of determination; and specify grades and grade requirements. Official procedures for determining grading factors are provided in GIPSA's Grain Inspection Handbook, Book II, Chapter 7, ''Oats'' which also includes standardized procedures for additional quality attributes not used to determine grade, such as dockage and moisture content. Together, the grading standards and testing procedures allow buyers and sellers to communicate quality requirements, compare oats quality using equivalent forms of measurement and assist in price discovery.

GIPSA's grading and inspection services are provided through a network of federal, state, and private laboratories that conduct tests to determine the quality and condition of oats. These tests are conducted in accordance with applicable standards using approved methodologies and can be applied at any point in the marketing chain. Furthermore, the tests yield rapid, reliable and consistent results. In addition, GIPSA-issued certificates describing the quality and condition of graded oats are accepted as *prima facie* evidence in all Federal courts. U.S. Standards for Oats and the affiliated grading and testing services offered by GIPSA verify that a seller's oats meets specified requirements, and ensure that customers receive the quality of oats they purchased.

In order for U.S. standards and grading procedures for oats to remain relevant, GIPSA is issuing this request for information to invite interested parties to submit comments, ideas, and suggestions on all aspects of the U.S. Standards for Oats and inspection procedures.

Authority: 7 U.S.C. 71–87K

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–00848 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 996

[Doc. No. AMS–FV–15–0066; FV16–996–1 PR]

Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Change to the Quality and Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Peanut Standards Board (Board) to revise the minimum quality and handling standards for domestic and imported peanuts marketed in the United States (Standards). The Board advises the Secretary of Agriculture regarding potential changes to the Standards and is comprised of producers and industry representatives. This proposed rule would revise the minimum quality, positive lot identification, and reporting and recordkeeping requirements under the Standards. It would also make numerous other changes to better reflect

current industry practices and to revise outdated language. The Board believes these changes would make additional peanuts available for sale, help increase efficiencies, and reduce costs to the industry.

DATES: Comments must be received by March 21, 2016.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3775, Fax: (863) 291–8614, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

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

SUPPLEMENTARY INFORMATION: This proposed rule is issued under the Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States (Standards), as amended (7 CFR part 996), as established pursuant to Public Law 107–171, the Farm Security and Rural Investment Act of 2002 (Act). The Standards regulate the quality and handling of domestic and imported peanuts marketed in the United States.

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, reducing costs, harmonizing rules, and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect and shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but is intended that all such statutes shall remain in full force and effect except in so far as they are inconsistent herewith or repugnant hereto (7 U.S.C. 587).

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Act requires that USDA take several actions with regard to peanuts marketed in the United States. These include ensuring mandatory inspection on all peanuts marketed in the United States; developing and implementing peanut quality and handling requirements; establishing the Board comprised of producers and industry representatives to advise USDA regarding the quality and handling requirements under the Standards; and modifying those quality and handling requirements when needed. USDA is required by the Act to consult with the Board prior to making any changes to the Standards.

Pursuant to the Act, USDA has consulted with Board members in its review of the changes to the Standards included in this proposed rule. This proposed rule invites comments on revisions to the minimum quality, positive lot identification, and reporting and recordkeeping requirements under the Standards. This proposal would also make numerous other changes to the Standards to better reflect current industry practices and to revise outdated language. The Board believes these changes would make additional peanuts available for sale, increase efficiencies, and reduce industry costs. These changes were recommended by the Board at its meetings on June 24, 2015, and November 18, 2015.

The Standards establish minimum incoming and outgoing quality requirements for domestic and imported peanuts marketed in the United States. Mandatory inspection is required to ensure that the quality regulations are met. The Standards also require positive lot identification (PLI) of peanuts so they can be identified and tracked during processing and disposition. Finally, the Standards specify reporting and recordkeeping requirements for handlers and importers.

Sections 996.30 and 996.31 of the Standards outline the incoming and outgoing quality standards, respectively, for peanuts. The incoming standards currently prescribe specific requirements for segregation, moisture content, and foreign material (stones, dirt, sticks, etc.). The outgoing standards include specific requirements for damage, foreign material, and moisture for both shelled and inshell peanuts. The outgoing standards also require peanuts to be positive lot identified and tested and certified as negative for aflatoxin. Both the incoming and outgoing standards require inspection and certification by the Federal-State Inspection Service.

Section 996.15 establishes a definition for PLI. Section 996.31 requires PLI on all peanuts designated for human consumption as part of the outgoing standards. Section 996.40 establishes handling standards for peanuts and includes specifics on how PLI will be used throughout the handling process, from initial identification through the sampling and testing process. Section 996.50 outlines the process for reconditioning failing lots and establishes PLI requirements to track and identify the peanuts throughout the reconditioning process. Section 996.74 outlines the compliance requirements for the Standards and includes penalties for failing to maintain proper PLI.

Sections 996.71 and 996.73 establish the reporting and recordkeeping requirements under the Standards.

These sections specify, in part, the reports required and establish what records need to be maintained and for how long.

The Standards were last revised in 2005. In 2014, the American Peanut Shellers Association (APSA) started a review of the current Standards and developed a proposal to revise the Standards to reflect changes in the industry and to make other changes to bring the Standards up to date. These recommended revisions were shared with USDA and industry representatives and were then presented to the Board at its meeting on June 24, 2015. The Board voted to approve the recommendations from APSA in their entirety. In addition, a subcommittee was created to work with USDA to review and recommend any additional conforming changes to the Standards necessary to facilitate the revisions requested by the industry. At a meeting on November 18, 2015, the Board reviewed the modifications and conforming changes from the subcommittee and USDA, and approved them unanimously. Consequently, this proposed rule would make the following recommended changes.

This proposed rule would revise the minimum quality requirements under both the incoming and outgoing standards. The industry originally thought the presence of foreign material in incoming peanuts could promote the growth of aflatoxin. Therefore, a limit on the amount of foreign material in incoming peanuts was established. However, the industry no longer believes there to be a correlation between foreign material and aflatoxin. In addition, due to advances in technology, foreign material is easily removed from incoming peanuts, and handlers are able to remove foreign material from incoming peanuts to a level that is lower than the limit currently specified in the incoming standards. Further, most handlers are setting their own tolerances for the presence of foreign material. Eliminating the maximum amount of foreign material that incoming farmers stock peanuts may contain from the Standards would provide additional flexibility by allowing individual handlers to determine the amount of foreign material they would be willing to accept. As such, this proposal would remove the current limit of 10.49 percent on the amount of foreign material that incoming farmers stock peanuts may contain.

The outgoing quality standards include a table that outlines, in part, requirements for damage, minor defects, foreign material, and moisture. Two of the columns of the table deal with damage and defects. The first of these columns provides the allowance for major damage to unshelled peanuts and kernels, and the second column provides the allowance for minor defects. Currently, the allowance for major damage is 1.5 percent for lots excluding splits and 2 percent for lots of splits. The current allowance for minor defects is 2.5 percent, except for No. 2 Virginia peanuts, for which the allowance for minor defects is 3 percent.

Under the proposal from APSA, the two columns on damage would be merged into one column and would set one overall allowance for damage for unshelled peanuts, cleaned-inshell peanuts, and kernels of 3.5 percent. Over the years, the industry has found that growing practices such as no till farming and modern harvesting practices have increased the amount of damage to individual kernels. In addition, the shift to new peanut varieties that produce larger kernels has impacted the sampling of peanuts for damage. The larger kernels reduce the number of peanuts in the sample such that damaged kernels have a larger impact on the percentage of damage in the sample size. Increasing the allowable damage would allow additional peanuts to meet the Standards and be shipped for human consumption. In addition, relaxing the damage allowance would allow more lots of peanuts to move without being remilled, helping to reduce handling costs.

Peanuts are also used for many different products, including outlets where cosmetic damage is not as important, such as peanut butter, where the manufacturers are willing to purchase lots with a higher percentage of damage. Most manufacturers are setting their own tolerance levels for damage based on the products they manufacture. By increasing the amount of allowable damage, more peanuts would be available to be manufactured for human consumption, helping to maximize shipments and improving returns. Therefore, this proposed rule would relax the allowance for damage and defects to 3.5 percent for all unshelled peanuts, kernels, and for cleaned-inshell peanuts.

This rule would also make changes to the PLI requirements and the recordkeeping and reporting requirements under the Standards. In the Standards, the PLI requirements are used to help maintain the identity of peanuts throughout the handling process, thus maintaining the integrity of lots being shipped to human consumption outlets, lots that are subject to the reconditioning process, and lots that are disposed of in non-human consumption outlets. PLI also helps ensure that peanuts certified for human consumption meet the outgoing requirements for grade and aflatoxin. In addition, the PLI requirements are a useful tool in product traceability and helping to ensure compliance with the Standards.

The reporting and recordkeeping requirements also play a role in ensuring compliance. Handlers and importers are required to maintain all relevant documentation on the disposition of inedible peanuts. The documentation maintained must be sufficient to document and substantiate the proper disposition of all peanut lots failing grade or aflatoxin quality standards. Reports and records are used to track and document the disposition of peanuts and to substantiate handler and importer compliance with the Standards.

In 2009, the peanut industry began the process of completely restructuring its tracking and reporting systems under an industry-wide food safety system, utilizing industry experts as well as guidance from the Food and Drug Administration, the Grocery Manufacturers Association, and finished product manufacturers. The industry also decided to work toward meeting the Global Food Safety Initiative (GFSI) standards that were being mandated by many major food manufacturers. GFSI certification requires, in part, that a company shall be able to trace all raw material product lots, including packaging, from its suppliers through all stages of processing and dispatch to its customers. The industry reports that in 2010, the industry had its first audits performed against the GFSI standards, and many in the industry are now certified under a GFSI scheme.

The purpose of this effort was to reduce the need for multiple audits while providing ongoing assurance of compliance within the industry with food safety initiatives. Under these new industry procedures, all raw peanuts are lot coded, and there is a traceability system in place to track them throughout the handling process. Handlers currently trace all peanuts from the warehouse to final disposition, including edible, blanched, and oil stock. Further, lots are segregated throughout the handling process in order to maintain identity should there be a recall notice issued.

In reviewing the Standards, the APSA thought it is important to maintain PLI on all lots meeting outgoing requirements. This preserves the integrity of these lots and provides assurance to buyers that the peanuts

have met all requirements, have not been commingled with lower grade peanuts, and are ready to be utilized for human consumption. In addition, all peanut manufacturers require the official grade and aflatoxin certificate before taking possession of the peanuts to confirm that the analytical and physical tests required by law have been conducted.

However, given the industry's new requirements for tracking and traceability, the APSA found the remaining PLI requirements in the Standards to be redundant and no longer necessary. When the Standards were implemented in 2002, the current industry traceability systems had not yet been developed, and PLI was an important tool in maintaining compliance. The new traceability systems are used by the industry to help maintain the identity of peanuts throughout the handling process, the same way PLI is used. These systems are also used to track peanuts that are to be reconditioned or disposed of in non-human consumption outlets, such as for seed or animal feed. The industry reports that each peanut handler has designed a traceability system that is specifically integrated into their operations, and the industry believes that these systems largely perform all the same functions as PLI. Further, these systems were also designed to meet the new demands under food safety requirements, such as the Food Safety and Modernization Act, and the food safety and handling requirements set by the manufacturers. The industry believes having to utilize PLI in addition to its own tracking systems requires additional time and recordkeeping to follow peanuts that already have documented traceability.

The APSA proposal, as approved by the Board, recommends revision of the Standards to reflect current industry traceability programs. The industry believes that these changes would reduce handling and inspection costs and help improve the efficiency of handling operations. Consequently, this proposed rule would add language to § 996.73 of the Standards to define the necessary requirements for an industry-based traceability system and would provide allowances for systems meeting these requirements to be used in place of PLI prior to inspection and certification. The existing PLI system would also remain in place as a requirement for any handler who does not have a system in place that would meet the requirements for an industry-based traceability system and for any handler who would like to use PLI in conjunction with their own traceability system. However, PLI would still continue to be required for all peanuts meeting the outgoing standards.

This proposed rule would also revise the reporting and recordkeeping requirements under the Standards. All handlers and importers are currently required to submit to USDA a monthly report documenting their monthly farmers stock acquisitions. Under the proposed changes, the requirement to submit this monthly report would be eliminated. The industry stated that the information contained within the form was already being submitted to USDA on a daily basis as part of the farmers stock inspection process. Further, industry representatives stated that this data is maintained as part of the traceability systems now in place. Therefore, the industry supported the removal of this requirement.

Additional changes were recommended to recognize the reporting and recordkeeping done by the industry to meet the tracking and traceability requirements now required of the industry for food safety initiatives. In addition to records relating to peanuts meeting the outgoing standards, handlers and importers are required to maintain all relevant documentation on the disposition of inedible peanuts as part of their food safety traceability requirements. Given the traceability and recordkeeping requirements recommended to be added to the Standards and the recordkeeping requirements demanded under food safety requirements, the industry questioned the continued need for USDA to have access to all such records under the Standards. Industry representatives stated that they no longer saw a need for USDA to require regular access to records other than those pertaining to peanuts meeting the outgoing requirements. Consequently, pursuant to the Board-approved recommendation, this proposed rule would modify the reporting requirements to specify that USDA would be permitted to inspect any peanuts meeting outgoing requirements and any and all records pertaining to peanuts meeting outgoing quality regulations. However, pursuant to the Act, the Secretary shall work to provide adequate safeguards regarding all quality concerns related to peanuts. Therefore, this change would not preclude USDA from having access to all materials and records necessary should there be a situation necessitating an investigation or review to ensure compliance. The documentation maintained must still be sufficient to document and substantiate the proper disposition of all peanuts failing grade or aflatoxin quality standards.

The APSA proposal as approved by the Board also recommended revising the Standards to clarify that handlers and importers are not producing a finished product and that the peanuts would require further processing prior to human consumption. This would include amending the definition for peanuts in the Standards to indicate that the peanuts covered under the Standards are raw peanuts and intended for further processing by manufacturers prior to human consumption. The definitions for inshell and shelled peanuts would also be revised to reflect that the peanuts covered by the Standards are in their raw, natural state. The definition of peanuts would continue to provide that green peanuts, which are raw, for consumption as boiled peanuts are not subject to regulation under the Standards. However, these green peanuts are sold mostly by producers, not by handlers and importers, and make up a small share of the peanut market. The change to the definition for peanuts would also provide that peanuts intended for wildlife are also not subject to regulation under the Standards.

This change would also eliminate all references to roasting in the Standards to further clarify that handlers and importers are not producing a finished product. At one time, roasting was used to reduce levels of aflatoxin and was included in the Standards for that purpose. However, roasting is no longer used to treat aflatoxin. The Board supported these proposed changes to reduce any confusion that handlers and importers under the Standards are delivering a finished product ready for human consumption.

Finally, this proposed rule would also make numerous other changes throughout the Standards to update language and to reflect current industry practices and changes. Such changes include a change to the crop year, eliminating language relating to the old quota system, and updating outdated information, such as incorrect addresses, titles, and other contact information. It would also remove the requirement that peanuts testing at or above 301 ppb of aflatoxin can only be disposed of through crushing or export, as cleaning technology has improved to the point that peanuts testing at or above this level may possibly be cleaned to meet the outgoing standards.

The proposed changes approved by the Board also included a recommendation to remove the lot size limit of 200,000 pounds on peanuts presented for outgoing inspection.

However, the 200,000 pound limit is required by USDA and the inspection service to ensure an accurate sampling protocol. Therefore, the 200,000 pound lot limit would be maintained.

USDA is also adding an additional change under this proposed rule that would revise the requirements for imported peanuts under § 996.60(a). This change would modify how importers submit their entry information to USDA. This section currently references the ''stamp and fax'' entry process, which is being replaced by the International Trade Data System, a system that will automate the filing of import and export information. This proposed change would revise this section to reflect the new electronic entry process.

The Board believes these changes would bring the Standards closer in line with current industry practices, make additional peanuts available for sale, help reduce costs, and make operations more efficient. These proposed changes are consistent with the Standards and the Act.

Initial Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms, including handlers and importers, are defined as those having annual receipts of less than $7,000,000 (13 CFR 121.201).

There are approximately 7,500 peanut producers; 65 peanut handlers, operating approximately 70 shelling plants; and 25 importers subject to regulation under this peanut program.

An approximation of the number of peanut farms that could be considered small agricultural businesses under the SBA definition can be obtained from the 2012 Agricultural Census, which is the most recent information on the number of farms categorized by size. There were 3,066 peanut farms with annual agricultural sales valued at less than $500,000 in 2012, representing 47 percent of the total number of peanut farms in the U.S. (6,561). According to the National Agricultural Statistics Service (NASS), peanut production for the 2014 and 2015 crop years averaged 5.756 billion pounds. The average value of production for the two-year period was $1.088 billion. The average grower price over the two-year period was $0.25 per pound. Dividing the two-year average production value of $1.088 billion by the approximate number of peanut producers (7,500) results in an average revenue per producer of approximately $145,000, which is well below the SBA threshold for small producers. Based on information and reports received by USDA, more than 50 percent of handlers may be considered small entities. Further, the estimated value of peanuts imported into the United States in 2014 was approximately $64 million. Based on that number, the majority of importers would meet the SBA definition for small agricultural service firms. Consequently, a majority of handlers, importers and producers may be classified as small entities.

The current 10 custom blanchers, 4 custom remillers, 3 oil mill operators, and 1 USDA and 17 USDA-approved private chemical (aflatoxin) laboratories are subject to this rule to the extent that they must comply with reconditioning provisions under § 996.50 and reporting and recordkeeping requirements under § 996.71. These requirements are applied uniformly to these entities, whether large or small.

This proposed rule would revise the minimum quality, positive lot identification, and reporting and recordkeeping requirements under the Standards. This proposal would also make numerous other changes to the Standards to better reflect current industry practices and to revise outdated language. The Board believes these changes would make additional peanuts available for sale, help increase efficiencies, and reduce costs to the industry.

This proposed rule is issued under the Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States, as amended (7 CFR part 996), as established pursuant to Public Law 107–171, the Farm Security and Rural Investment Act of 2002.

It is not anticipated that this action would impose additional costs on handlers, producers, or importers, regardless of size. Rather, these changes should help the industry reduce costs by helping to increase efficiencies. The industry believes the requirement that they continue to use PLI in addition to its own internal traceability systems creates redundancy and additional costs. By recognizing its internal traceability programs as an alternative to PLI, this should improve efficiencies and reduce costs. In addition, this proposal should also make additional peanuts available for sale, helping to maximize shipments and improving industry returns.

This proposed rule is expected to benefit the industry. The effects of this rule are not expected to be disproportionately greater or less for small handlers, producers or importers than for larger entities.

USDA has considered alternatives to these changes. The Act requires USDA to consult with the Board on changes to the Standards. An alternative would be to continue the Standards in their current form. However, the industry believes the proposed changes would increase efficiencies, make additional peanuts available for sale, and help update the Standards. Therefore, because of the anticipated benefits of the recommended changes, this alternative was rejected. USDA has met with the Board, which is representative of the industry, and has included nearly all of its recommendations in this proposed rule.

The Act specifies in § 1601(c)(2)(A) that the Standards established pursuant to it may be implemented without regard to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). However, USDA has considered the reporting and recordkeeping burden on handlers and importers under this program. Handlers and importers are only required currently to complete one form, the monthly acquisition of farmers stock peanuts. Under this proposed rule, this requirement would be removed, reducing the reporting burden. Recordkeeping requirements would remain the same. Accordingly, this rule will not impose any additional reporting or recordkeeping requirements on either small or large handlers or importers.

Section 1601 of the Act also provides that amendments to the Standards may be implemented without extending interested parties an opportunity to comment. However, due to the nature of the proposed changes, interested parties are provided with a 60-day comment period.

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

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

The Board's meetings were widely publicized throughout the peanut industry, and all interested persons were invited to attend and participate in Board deliberations on all issues. Like all Board meetings, the June 26, 2015, and the November 18, 2015, meetings were public meetings, and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A 60-day comment period is provided to allow interested persons an opportunity to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 996

Food grades and standards, Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 996 is proposed to be amended as follows:

PART 996—MINIMUM QUALITY AND HANDLING STANDARDS FOR DOMESTIC AND IMPORTED PEANUTS MARKETED IN THE UNITED STATES

■ 1. The authority citation for 7 CFR part 996 continues to read as follows:

Authority: 7 U.S.C. 7958.

■ 2. Section 996.3 is revised to read as follows:

§ 996.3 Crop year.

Crop year means the calendar year in which the peanuts were planted as documented by the applicant for inspection.

■ 3. Section 996.9 is revised to read as follows:

§ 996.9 Inshell peanuts.

Inshell peanuts means peanuts, the kernel or edible portions of which are contained in the shell in their raw or natural state which are milled but unshelled.

■ 4. Section 996.10 is revised to read as follows:

§ 996.10 Inspection Service.

Inspection Service means the Federal Inspection Service, Specialty Crops Program, Agricultural Marketing Service, USDA, or the Federal-State Inspection Service.

■ 5. Section 996.12 is revised to read as follows:

§ 996.12 Outgoing inspection.

Outgoing inspection means the sampling, inspection, and certification of either: shelled peanuts which have been cleaned, sorted, sized, and otherwise prepared for further processing; or inshell peanuts which have been cleaned, sorted, and otherwise prepared for further processing.

■ 6. The introductory paragraph of § 996.13 is revised to read as follows:

§ 996.13 Peanuts.

Peanuts means the seeds of the legume *Arachis hypogaea* and includes both inshell and shelled peanuts produced in the United States or imported from foreign countries and intended for further processing prior to consumption by humans or animals, other than those intended for wildlife or those in green form for consumption as boiled peanuts.

* * * * *

■ 7. Section 996.15 is revised to read as follows:

§ 996.15 Positive lot identification.

Positive lot identification is a means of identifying those peanuts meeting outgoing quality regulations as defined in § 996.31 and relating the inspection certificate issued by the Inspection Service, as defined in § 996.10, to the lot covered so that there is no doubt that the peanuts in the lot are the same peanuts described on the inspection certificate.

§ 996.17 [Removed and reserved]

■ 8. Section 996.17 is removed and reserved.

■ 9. Section 996.19 is revised to read as follows:

§ 996.19 Shelled peanuts.

Shelled peanuts means the kernels or portions of kernels of peanuts in their raw or natural state after the shells are removed.

§ 996.30 [Amended]

■ 10. Section 996.30 is amended by removing paragraphs (c) and (d).

■ 11. Section 996.31 is amended by revising the table under paragraph (a), and paragraph (b)(2) to read as follows:

§ 996.31 Outgoing quality standards.

(a) * * *

MINIMUM QUALITY STANDARDS—PEANUTS FOR HUMAN CONSUMPTION

[Whole kernels and splits: Maximum limitations]

Type and grade category	Unshelled peanuts and damaged kernels and minor defects (percent)	*Total fall through* Sound whole kernels and/or sound split and broken kernels	Foreign materials (percent)	Moisture (percent)
Excluding Lots of "splits"				
Runner	3.50	6.00%; 17/64 inch round screen	.20	9.00
Virginia (except No. 2)	3.50	6.00%; 17/64 inch round screen	.20	9.00
Spanish and Valencia	3.50	6.00%; 16/64 inch round screen	.20	9.00
No. 2 Virginia	3.50	6.00%; 17/64 inch round screen	.20	9.00
Runner with splits (not more than 15% sound splits).	3.50	6.00%; 17/64 inch round screen	.20	9.00
Virginia with splits (not more than 15% sound splits).	3.50	6.00%; 17/64 inch round screen	.20	9.00
Spanish and Valencia with splits (not more than 15% sound splits).	3.50	6.00%; 16/64 inch round screen	.20	9.00
Lots of "splits"				
Runner (not less than 90% splits)	3.50	6.00%; 17/64 inch round screen	.20	9.00
Virginia (not less than 90% splits)	3.50	6.00%; 17/64 inch round screen	.20	9.00

MINIMUM QUALITY STANDARDS—PEANUTS FOR HUMAN CONSUMPTION—Continued

[Whole kernels and splits: Maximum limitations]

Type and grade category	Unshelled peanuts and damaged kernels and minor defects (percent)	*Total fall through* Sound whole kernels and/or sound split and broken kernels	Foreign materials (percent)	Moisture (percent)
Spanish and Valencia (not less than 90% splits).	3.50	6.00%; 16/64 inch round screen	.20	9.00

(b) * * *

(1) * * *

(2) Not more than 3.50 percent peanuts with damaged or defective kernels;

* * * * *

■ 12. In § 996.40, paragraph (a), the last sentence of paragraph (b)(2), and paragraphs (b)(5) and (b)(6) are revised to read as follows:

§ 996.40 Handling standards.

(a) *Identification:* Each lot of shelled or cleaned-inshell peanuts intended for human consumption shall be identified by positive lot identification prior to being shipped or otherwise disposed of. Positive lot identification (PLI) methods are tailored to the size and containerization of the lot, by warehouse storage or space requirements, or by necessary further movement of the lot prior to certification. Positive lot identification is established by the Inspection Service and includes the following methods of identification. For domestic lots and repackaged import lots, PLI includes PLI stickers, tags or seals applied to each individual package or container in such a manner that is acceptable to the Inspection Service and maintains the identity of the lot. For imported lots, PLI tape may be used to wrap bags or boxes on pallets, PLI stickers may be used to cover the shrink-wrap overlap, doors may be sealed to isolate the lot, bags or boxes may be stenciled with a lot number, or any other means that is acceptable to the Inspection Service. The crop year means the calendar year in which the peanuts were planted as documented by the applicant. All lots of shelled and cleaned-inshell peanuts shall be shipped under positive lot identification procedures. However, peanut lots failing to meet quality requirements may be moved from a handler's facility to another facility owned by the same handler or another handler without PLI so long as such handler maintains a satisfactory records system for traceability purposes as defined in § 996.73.

(b) * * *

(2) * * * Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling or grade certificate, signed by the inspector, containing, at least, identifying information as to the handler or importer, and the positive lot identification of the shelled peanuts.

* * * * *

(5) Handlers and importers may make arrangements for required inspection and certification by contacting the Inspection Service office closest to where the peanuts will be made available for sampling. For questions regarding inspection services, a list of Federal or Federal-State Inspection Service offices, or for further assistance, handlers and importers may contact: Specialty Crops Inspection Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room 1536–S, (STOP 0240), Washington, DC, 20250–0240; Telephone: (202) 720–5870; Fax: (202) 720–0393.

(6) Handlers and importers may make arrangements for required chemical analysis for aflatoxin content at the nearest USDA or USDA-approved laboratory. For further information concerning chemical analysis and a list of laboratories authorized to conduct such analysis contact: Science and Technology Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0270, Washington, DC 20250–0270; Telephone (202) 690–0621; Fax (202) 720–4631.

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■ 13. In § 996.50:

■ a. Revise paragraph (a);

■ b. Remove paragraph (b)(2);

■ c. Redesignate paragraph (b)(1) as new paragraph (b)(2); Redesignate paragraph (b) introductory text as (b)(1) and revise it;

■ d. Remove paragraph (e);

■ e. Redesignate paragraphs (f), (g), (h), and (i) as paragraphs (e), (f), (g), and (h), respectively; and

■ d. Revise newly redesignated paragraphs (e) and (f).

The revisions read as follows:

§ 996.50 Reconditioning failing quality peanuts.

(a) Lots of peanuts which have not been certified as meeting the requirements for disposition to human consumption outlets may be disposed for non-human consumption uses: *Provided,* That each such lot is positive lot identified using red tags, identified using a traceability system as defined in § 996.73, or other methods acceptable to the Inspection Service, and certified as to aflatoxin content (actual numerical count), unless they are designated for crushing. However, on the shipping papers covering the disposition of each such lot, the handler or importer shall cause the following statement to be shown: ''The peanuts covered by this bill of lading (or invoice, etc.) are not to be used for human consumption.''

(b)(1) Sheller oil stock residuals shall be positive lot identified using red tags, identified using a traceability system as defined in § 996.73, or other methods acceptable to the Inspection Service, and may be disposed of domestically or to the export market in bulk or bags or other suitable containers. Disposition to crushing may be to approved crushers. However, sheller oil stock residuals may be moved from a handler's facility to another facility owned by the same handler or another handler without PLI so long as such handler maintains a satisfactory records system for traceability purposes as defined in § 996.73.

* * * * *

(e) Lots of shelled peanuts moved for remilling or blanching shall be positive lot identified and accompanied by valid grade inspection certificate, *Except* That, a handler's shelled peanuts may be moved without PLI and grade inspection to the handler's blanching facility that blanches only the handler's peanuts. Lots of shelled peanuts may be moved for remilling or blanching to another handler without PLI if the handler uses a traceability system as defined in § 996.73, *Except* That, any grade inspection certificates associated with these lots would no longer be valid. The title of such peanuts shall be

retained by the handler or importer until the peanuts have been certified by the Inspection Service as meeting the outgoing quality standards specified in the table in § 996.31(a). Remilling or blanching under the provisions of this paragraph shall be performed only by those remillers and blanchers approved by USDA. Such approved entities must agree to comply with the handling standards in this part and to report dispositions of all failing peanuts and residual peanuts to USDA, unless they are designated for crushing.

(f) Residual peanuts resulting from remilling or blanching of peanuts shall be red tagged, identified using a traceability system as defined in § 996.73, or identified by other means acceptable to the Inspection Service, and returned directly to the handler for further disposition or, in the alternative, such residual peanuts shall be positive lot identified by the Inspection Service and shall be disposed of to handlers who are crushers, or to approved crushers, *Except* That, a handler may move the residual peanuts without PLI to a facility for crushing owned by the handler. Handlers who are crushers and crushers approved by USDA must agree to comply with the terms and conditions of this part.

* * * * *

■ 14. In § 996.60:

■ a. Revise paragraph (a);

■ b. Remove paragraphs (b) and (c); and

■ c. Redesignate paragraph (d) as paragraphs (b).

The revisions read as follows:

§ 996.60 Safeguard procedures for imported peanuts.

(a) Prior to arrival of a foreign-produced peanut lot at a port-of-entry, the importer, or customs broker acting on behalf of the importer, shall submit information electronically to the United States Customs and Border Protection, which includes the following: the Customs Service entry number; the container number(s) or other identification of the lot(s); the volume of the peanuts in each lot being entered; the inland shipment destination where the lot will be made available for inspection; and a contact name or telephone number at the destination.

* * * * *

■ 15. In § 996.71:

■ a. Remove paragraph (a);

■ b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively;

■ c. Revise newly redesignated paragraph (a); and

■ d. Revise the last sentence in newly redesignated paragraph (b).

The revisions read as follows:

§ 996.71 Reports and recordkeeping.

(a) Each handler and importer shall maintain a satisfactory records system for traceability purposes as defined in § 996.73.

(b) * * * USDA and USDA-approved laboratories shall file copies of all aflatoxin certificates completed by such laboratories with the Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1124 1st Street South, Winter Haven, Florida 33880; Telephone (863) 324–3375, Fax: (863) 291–8614, or other address as determined by USDA.

■ 16. Section 996.73 is revised to read as follows:

§ 996.73 Verification of reports.

(a) For the purpose of checking and verifying reports kept by handlers and importers and the operation of handlers and importers under the provisions of this Part, the officers, employees or duly authorized agents of USDA shall have access to any premises where peanuts may be held at any time during reasonable business hours and shall be permitted to inspect any peanuts that meet outgoing quality regulations, so held by such handler or importer and any and all records of such handler with respect to the acquisition, holding, or disposition of all peanuts meeting outgoing quality regulations, which may be held or which may have been disposed by handler.

(b) Reports shall be maintained by the handler for nonconforming products to assure traceability throughout the supply chain. The traceability system must include documented records, which enable a full product history to be produced in a timely manner and must ensure product can be traced forward (raw material to distribution) and backwards from distribution to the warehouse feeding the shelling plant, and ensure that all associated tests and all relevant records have been completed. The traceability system shall include identification of all raw materials, process parameters (for specific lot), packaging and final disposition. The handler shall be able to identify the warehouse in which the peanuts were stored immediately prior to shelling. Traceability must be maintained throughout production runs with specific lot codes, and there shall be complete linkage from raw material receipt through final disposition.

■ 17. In § 996.74:

■ a. Remove paragraph (a)(1);

■ b. Redesignate paragraphs (a)(2) through (7) as paragraphs (a)(1) through (6), respectively;

■ c. Revise newly redesignated paragraphs (a)(3) and (a)(5); and

■ d. Revise paragraph (b).

The revisions read as follows:

§ 996.74 Compliance.

(a) * * *

(3) Commingles failing quality peanuts with certified edible quality peanuts and ships the commingled lot for human consumption use without meeting outgoing quality regulations;

* * * * *

(5) Fails to maintain and provide access to records, pursuant to § 996.71, and the standards for traceability and nonconforming product disposition pursuant to § 996.73, on the reconditioning or disposition of peanuts acquired by such handler or importer; and on lots that meet outgoing quality standards; or

* * * * *

(b) Any peanut lot shipped which fails to meet the outgoing quality standards specified in § 996.31, and is not reconditioned to meet such standards, or is not disposed to non-human consumption outlets as specified in § 996.50, shall be reported by USDA to the Food and Drug Administration and listed on an Agricultural Marketing Service Web site.

■ 18. Section 996.75 is revised to read as follows:

§ 996.75 Effective time.

The provisions of this part, as well as any amendments, shall apply to current crop year peanuts, subsequent crop year peanuts, and prior crop year peanuts not yet inspected, or failing peanut lots that have not met disposition standards, and shall continue in force and effect until modified, suspended, or terminated.

Dated: January 13, 2016.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–00843 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8465; Directorate Identifier 2014–NM–239–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2001–12–18, for certain CASA Model CN–235 series airplanes. AD 2001–12–18 currently requires modification of the rigging of the engine control cable assembly and replacement of either the entire engine control cable assembly or a segment of the control cables. Since we issued AD 2001–12–18, we have received reports of new occurrences of cable disruption on a certain part number; the disruption is caused by microcracks along the cable surface. This proposed AD would retain the requirements of AD 2001–12–18. This proposed AD would also require repetitive replacements of each power lever and condition lever Teleflex cable with a new or serviceable part and would remove airplanes from the applicability. We are proposing this AD to prevent fatigue of the engine control cables, leading to breakage of the cables, which could result in reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by March 4, 2016.

ADDRESSES: You may send comments 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 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.

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–2015–8465; 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: 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:

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–2015–8465; Directorate Identifier 2014–NM–239–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

On June 11, 2001, we issued AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001). AD 2001–12–18 requires actions intended to address an unsafe condition on certain CASA Model CN–235 series airplanes.

Since we issued AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001), we have received reports of new occurrences of cable disruption on part number (P/N) 72830–20; the disruption is caused by microcracks along the cable surface.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0262, dated December 5, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Defense and Space S.A. Model CN–235–100 and –200 airplanes. The MCAI states:

> Three occurrences of cable disruption were reported in 1999. The failed parts, having a part number (P/N) 7–44728–20, were part of the engine control system assembly P/N 7–44728–12. Two cables were connected to the Power Lever and one cable to the Condition Lever control. Service records of the affected parts showed that each cable accumulated more than 14,000 flight cycles (FC).
>
> The subsequent investigation determined that the disruption was attributed to fatigue related crack.
>
> This condition, if not corrected, could lead to failure of the engine control system resulting in a loss of the affected engine control.
>
> Prompted by this unsafe condition, DGAC [Dirección General de Aviación Civil] Spain issued AD 03/00 [which corresponds to FAA AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001] to require rigging of the throttle stops, and one-time replacement of the affected engine control cable assembly (P/N 7–44728–12), or the affected cable (P/N 7–44728–20) before exceeding 12,000 FC.
>
> After that [DGAC Spain] AD was issued, a new occurrence of cable (P/N 72830–20) disruption was reported. In that case, the affected cable was part of the Condition Lever control and had accumulated 8,497 flight hours (FH) and 8,858 FC. Fractographic analysis of the affected cable identified that the fatigue nucleation seemed to have been induced by microcracks along the cable surface. Additionally, another case of control cable (P/N 72830–20) failure was reported, where the affected part accumulated 9,936 FH and 10,552 FC and was part of the Power Lever control. Investigation of the latter case identified again a fatigue nucleation to be the cause of the cable failure.
>
> To address this potentially unsafe condition, Airbus Military issued Alert Operators Transmission (AOT) AOT–CN235–76–0001 to provide a repetitive replacement interval and instructions.
>
> For the reasons described above, this [EASA] AD retains the requirements of DGAC Spain AD No. 03/00, which is superseded, but requires repetitive replacement [at reduced thresholds] of the affected Teleflex cables.

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–2015–8465.

Related Service Information Under 1 CFR Part 51

Airbus Defense and Space S.A. has issued Airbus Military Alert Operators Transmission, dated May 27, 2014. The service information describes repetitive replacements of each power lever and condition lever Teleflex cable with a new or serviceable part. 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 or Service Information

EASA Airworthiness Directive 2014–0262, dated December 5, 2014, specifies an applicability for Airbus Defense and Space S.A. Model CN–235–100 and –200 airplanes, serial numbers C–016 through C–073. This AD specifies an applicability for Model CN–235 airplanes, serial numbers C–001 through C–015 inclusive and serial number C–074; and Model CN–235–100 and –200 airplanes, serial numbers C–016 through C–073 inclusive. The retained one-time action in paragraph (g) of this proposed AD is also applicable to Model CN–235 airplanes, serial numbers C–001 through C–015 inclusive and serial number C–074, which are missing from EASA AD 2014–0262, dated December 5, 2014. We understand EASA considered Model CN–235 airplanes with these serial numbers that have already performed this one-time action. For this reason, Model CN–235 airplanes, serial numbers C–001 through C–015 inclusive and serial number C–074 are added to this proposed AD. This issue has been coordinated with EASA.

Costs of Compliance

We estimate that this proposed AD affects 3 airplanes of U.S. registry.

The rigging required by AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001), and retained in this proposed AD takes about 8 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the rigging required by AD 2001–12–18 is $680 per product.

The replacement required by AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001), and retained in this proposed AD takes about 47 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $1,444 per product. Based on these figures, the estimated cost of the replacement required by AD 2001–12–18 is $5,439 per product.

We also estimate that it would take about 47 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $6,480 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $31,425, or $10,475 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 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 removing Airworthiness Directive (AD) 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001) and adding the following new AD:

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2015–8465; Directorate Identifier 2014–NM–239–AD.

(a) Comments Due Date

We must receive comments by March 4, 2016.

(b) Affected ADs

This AD replaces AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001).

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Model CN–235 airplanes, serial numbers C–001 through C–015, inclusive and serial number C–074; and Model CN–235–100 and –200 airplanes, serial numbers C–001 through C–074, inclusive; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 76, Engine Controls.

(e) Reason

This AD was prompted by reports of new occurrences of cable disruption on a certain

part number; the disruption is caused by microcracks along the cable surface. We are issuing this AD to prevent fatigue of the engine control cables, leading to breakage of the cables, which could result in reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Action for the Power Lever and Condition Lever Control Stops, With No Changes

This paragraph restates the requirements of paragraph (a) of AD 2001–12–18, Amendment 39–12274 (66 FR 33014, June 20, 2001). Within 15 days after July 25, 2001 (the effective date of AD 2001–12–18): Rig the power lever and condition lever control stops, in accordance with CASA COM 235–140, Revision 01, dated March 21, 2000.

(h) New Requirement of This AD: Replacement

At the applicable compliance times specified in table 1 to paragraph (h) of this AD: Replace each power lever and condition lever Teleflex cable having part number (P/N) 72830–20 with a new or serviceable part, in accordance with Airbus Military Alert Operators Transmission AOT–CN235–76–0001, dated May 27, 2014. Repeat the replacement thereafter at intervals not to exceed an accumulation of 5,000 total flight cycles on each Teleflex cable having P/N 72830–20.

TABLE 1 TO PARAGRAPH (h) OF THIS AD—REPLACEMENT COMPLIANCE TIME

Total flight cycles accumulated on the Teleflex cable having P/N 72830–20 (since first installation on an airplane) as of the effective date of this AD	Compliance time
Fewer than 4,700 total flight cycles	Before accumulating 5,000 total flight cycles.
4,700 or more, but fewer than 6,000 total flight cycles	Within 300 flight cycles or 12 months after the effective date of this AD, whichever occurs first.
Equal to or more than 6,000 total flight cycles but fewer than 7,000 total flight cycles.	Within 200 flight cycles or 6 months after the effective date of this AD, whichever occurs first.
Equal to or more than 7,000 total flight cycles	Within 100 flight cycles or 3 months after the effective date of this AD, whichever occurs first.

(i) Parts Installation Limitations

As of the effective date of this AD, no person may install, on any airplane, a Teleflex cable having P/N 72830–20, unless the cable has accumulated fewer than 5,000 total flight cycles since its first installation on an airplane.

(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: 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:* As of the effective date of this AD, 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 EADS CASA's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0262, dated December 5, 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–2015–8465.

(2) 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.* 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 December 31, 2015.

Phil Forde,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–00377 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–8464; Directorate Identifier 2015–NM–050–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. 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 Bombardier, Inc. Model DHC–8–400 series airplanes. This proposed AD was prompted by a revision by the manufacturer to the Certification Maintenance Requirements (CMR) of the Airworthiness Limitation Items (ALI), in the Maintenance Requirement Manual (MRM), that introduces a new CMR task that requires repetitive operational checks of the propeller overspeed governor. This proposed AD would require revising the airplane maintenance program or inspection program, as applicable, to incorporate a new CMR task. We are proposing this AD to prevent dormant failure of the propeller overspeed governor, which may lead to a loss of propeller overspeed protection and result in high propeller drag in-flight.

DATES: We must receive comments on this proposed AD by March 4, 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.

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–2015–8464; 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: Mazdak Hobbi, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531.

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–2015–8464; Directorate Identifier 2015–NM–050–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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–43, dated December 18, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Bombardier, Inc. Model DHC–8–400 series airplanes. The MCAI states:

> Bombardier Inc. has revised the Maintenance Requirement Manual PSM–1–84–7, Airworthiness Limitation Items (ALI), Part 2, Section 1, Certification Maintenance Requirements (CMR). This revision introduces a new CMR task, task number 612000–109, for the Operational Check of the Propeller Overspeed Governor to be performed every 200 flight hours.
>
> This new task was introduced to minimize the probability of dormant failure of the propeller overspeed governor, which may lead to a loss of propeller overspeed protection and result in high propeller drag in-flight.
>
> This [Canadian] AD is issued to mandate the incorporation of a new CMR task for the Propeller Overspeed Governor.

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–2015–8464.

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.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (h)(1) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Costs of Compliance

We estimate that this proposed AD affects 82 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. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $6,970, or $85 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 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):

Bombardier, Inc.: Docket No. FAA–2015–8464; Directorate Identifier 2015–NM–050–AD.

(a) Comments Due Date

We must receive comments by March 4, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 61, Propellers/propulsors.

(e) Reason

This AD was prompted by a revision by the manufacturer to the Certification Maintenance Requirements (CMR) of the Airworthiness Limitation Items (ALI), in the Maintenance Requirement Manual (MRM), that introduces a new CMR task that requires repetitive operational checks of the propeller overspeed governor. We are issuing this AD to prevent dormant failure of the propeller overspeed governor, which may lead to a loss of propeller overspeed protection and result in high propeller drag in-flight.

(f) Compliance

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

(g) Maintenance Program or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance program or inspection program, as applicable, to incorporate an operational check of the propeller overspeed governor, CMR task number 612000–109, to be performed every 200 flight hours, using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA.

Note 1 to paragraph (g) of this AD: CMR task number 612000–109, Operational Check of the Propeller Overspeed Governor, in the MRM PSM–1–84–7, ALI, Part 2, Section 1, CMR, is an additional source of guidance for the operational check of the propeller overspeed governor specified in paragraph (g) of this AD.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE–170, 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 ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–43, dated December 18, 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–2015–8464.

Issued in Renton, Washington, on December 31, 2015.

Phil Forde,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–00375 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 30

RIN 1240–AA08

Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act

AGENCY: Office of Workers' Compensation Programs, Department of Labor.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Department of Labor is extending the comment period for the notice of proposed rulemaking it published on November 18, 2015 (80 FR 72296). The original deadline to submit comments on the proposed regulations was January 19, 2016. That comment period is being extended for an additional 30 days. The comment period for the information collection requirements in the proposed rule ended on December 18, 2015, and that period is not being extended.

DATES: The comment period for the notice of proposed rulemaking published on November 18, 2015 (80 FR 72296) is extended. Comments on the notice of proposed rulemaking must be received by February 18, 2016.

ADDRESSES: Parties may submit comments on the regulations in the proposed rule, identified by Regulatory Information Number (RIN) 1240–AA08, by any ONE of the following methods:

Federal e-Rulemaking Portal: The Internet address to submit comments on the regulations in the proposed rule is *www.regulations.gov.* Follow the Web site instructions for submitting comments. Comments will also be available for public inspection on the Web site.

Mail or Hand Delivery: Submit written comments by mail to Rachel P. Leiton, Director, Division of Energy Employees Occupational Illness Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, Room C–3321, 200 Constitution Avenue NW., Washington, DC 20210. The Department will only consider mailed comments that have been postmarked by the U.S. Postal Service or other delivery service on or before the deadline for comments.

Instructions: All comments must cite RIN 1240–AA08 that has been assigned to this rulemaking. Receipt of any comments, whether by Internet, mail or hand delivery, will not be acknowledged.

FOR FURTHER INFORMATION CONTACT: Rachel P. Leiton, Director, Division of Energy Employees Occupational Illness Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, Room C–3321, 200 Constitution Avenue NW., Washington, DC 20210, Telephone: 202–693–0081 (this is not a toll-free number).

Individuals with hearing or speech impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: In response to requests from members of the public, the Department has decided to extend the public comment period for the notice of proposed rulemaking it published on November 18, 2015 (80 FR 72296). The 60-day comment period that was originally scheduled to close on January 19, 2016 is being extended for another 30 days through February 18, 2016.

The notice of proposed rulemaking contains changes to the regulations governing the administration of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (EEOICPA or Act), 42 U.S.C. 7384 *et seq.,* which was originally enacted on October 30, 2000. The initial version of EEOICPA established a compensation program (known as Part B of the Act) to provide a uniform lump-sum payment of $150,000 and medical benefits as compensation to covered employees who had sustained designated illnesses due to their exposure to radiation, beryllium or silica while in the performance of duty for DOE and certain of its vendors, contractors and subcontractors. Part B of the Act also provides for payment of compensation to certain survivors of these covered employees, and for payment of a smaller uniform lump-sum ($50,000) to individuals (who would also receive medical benefits), or their survivors, who were determined to be eligible for compensation under section 5 of the Radiation Exposure Compensation Act (RECA), 42 U.S.C. 2210 note, by DOJ. Primary responsibility for the administration of Part B of the Act was assigned to DOL by Executive Order 13179 (''Providing Compensation to America's Nuclear Weapons Workers'') of December 7, 2000 (65 FR 77487).

The initial version of EEOICPA also created a second program (known as Part D of the Act) that required DOE to establish a system by which DOE contractor employees (and their eligible survivors) could seek assistance from DOE in obtaining state workers' compensation benefits if a Physicians Panel determined that the employee in question had sustained a covered illness as a result of work-related exposure to a toxic substance at a DOE facility. A positive panel finding that was accepted by DOE required DOE, to the extent permitted by law, to order its contractor not to contest the claim for state workers' compensation benefits. However, Congress amended EEOICPA in Subtitle E of Title XXXI of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375, 118 Stat. 1811, 2178 (October 28, 2004), by abolishing Part D of the Act and creating a new Part E (codified at 42 U.S.C. 7385s through 7385s–15) that it assigned to DOL for administration. Part E established a new system of variable federal payments for DOE contractor employees, uranium workers covered by section 5 of RECA, and eligible survivors of such employees.

Leonard J. Howie III,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2016–00835 Filed 1–15–16; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AD24

Prohibitions in Region 8, Southern Region

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Chattooga Wild and Scenic River is located in the Nantahala National Forest in North Carolina, the Sumter National Forest in South Carolina and the Chattahoochee National Forest in Georgia. Forest Service regulations generally prohibit floating activities on the Chattooga Wild and Scenic River unless authorized by a permit. On January 31, 2012, the U.S. Department of Agriculture (USDA), Forest Service issued decisions to change some of the locations where, and conditions under which, boating would be allowed. Consequently, the Forest Service proposes to amend the regulations to more accurately reflect the new management direction for the Chattooga Wild and Scenic River.

DATES: Comments on this proposed rule must be received in writing by March 21, 2016.

ADDRESSES: Send written comments to Proposed Rule Amendment, c/o USDA Forest Service, R8 Planning, 1720 Peachtree Street NW., Suite 811N, Atlanta, GA 30309. Electronic comments may be sent to *comments-southern-regional-office@fs.fed.us*; or by facsimile to 404–347–5401. If comments are sent electronically, do not duplicate via regular mail. Comments should only address issues relevant to this proposed regulation.

All comments, including names and addresses when provided, will be placed in the rulemaking record and will be available for public inspection and copying. The public may inspect comments received on this proposed rule in the USDA, Forest Service Regional Office, 1720 Peachtree Street, Suite 811N, Atlanta, GA, on business days between the hours of 8:30 a.m. and 4:30 p.m. Those wishing to inspect comments should call ahead at 404–347–4984 to schedule a time and to facilitate entry into the office.

FOR FURTHER INFORMATION CONTACT: Paul Arndt, Regional Planner, Planning Unit, Southern Region, 404–347–4984. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background and Purpose for the Amendment

In 1974, Congress designated the 57-mile Chattooga River (and its 15,432-acre corridor) as a component of the National Wild and Scenic River System. The uppermost portion of the Chattooga Wild and Scenic River is located in the Nantahala National Forest (NF) in North Carolina. The river then flows in a southerly, south-westerly direction to form the boundary between Georgia and South Carolina, and also the boundary between the Chattahoochee NF (in Georgia) and the Sumter NF (in South Carolina).

In the initial 1976 river management plan for the Chattooga River, the U.S. Forest Service used zoning to manage the upper and lower segments of the river for different recreational opportunities. As part of the initial zoning effort, management direction prohibited floating on the upper segment above GA/SC Highway 28 (which includes a section of the river in the Sumter NF in South Carolina, a section of the river in the Chattahoochee NF in Georgia, and all of the sections of the river in the Nantahala NF in North Carolina).

Under the authority of 36 CFR 261.70(a)(7), these prohibitions were codified at 36 CFR 261.77 (**Federal Register**, 43 FR 3706, January 27, 1978). In general terms, 36 CFR 261.77 prohibits floating activities on the Chattooga Wild and Scenic River unless authorized by a permit. Consistent with the river management plan that is incorporated into the forest plans, the original terms and conditions of the permits issued pursuant to 36 CFR 261.77 allowed floating on the Chattooga Wild and Scenic River but only on that portion of the river located downstream of GA/SC Highway 28. Therefore, due to the combination of 36 CFR 261.77 and the terms of the self-registration permit issued pursuant to that regulation, floating was allowed on that section of the river downstream of GA/SC Highway 28 and prohibited upstream from that location. However, that management direction has changed, allowing for an increase in boating opportunities upstream of GA/SC Highway 28. To be consistent with this new management direction, the agency proposes to amend 36 CFR 261.77.

On January 31, 2012, the Chattahoochee, Nantahala and Sumter National Forests issued Decision Notices that amended their Forest Plans to incorporate new management direction for the Chattooga Wild and Scenic River. These changes are based upon an Environmental Assessment titled ''Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor''. Generally, these new decisions allow floating above GA/SC Highway 28 with certain restrictions.

In the existing regulations at 36 CFR 261.77, the sections of the river that lie within the Nantahala NF in North Carolina are not addressed. This area is instead regulated by Forest Supervisor's closure order pursuant to subpart B of 36 CFR part 261. In the interest of efficiency and clarity, and to be consistent with the new management direction, the Forest Service proposes to amend 36 CFR 261.77 to include sections of the river that lie within the Nantahala NF. Consistent with the new management direction, the Forest Service also proposes to amend 36 CFR 261.77 to include the Sumter and Nantahala NFs in certain provisions that currently only include the Chattahoochee NF. In the interest of further consistency and clarity, and to better serve the public, the Forest Service also proposes to amend 36 CFR 261.77 by eliminating reference to specific locations where self-registration permits are made available to the public. Instead, the Agency will use other means to inform the public of the variety of places where it can go to obtain permits to float the Chattooga Wild and Scenic River. Lastly, in an effort to use more accurate and consistent terminology, the Forest Service proposes to replace the term ''special use permit'' with the term ''special use authorization.''

Section-by-Section Analysis of the Proposed Rule

Part 261, Subpart C—Prohibitions in Regions

§ 261.77 Prohibitions in Region 8, Southern Region.

Revisions to § 261.77(a)

Currently, § 261.77(a) applies to the Sumter National Forest and the Chattahoochee National Forest abutting the Chattooga River. However, this regulation is silent about that section of the Chattooga Wild and Scenic River Corridor that is located upstream of the Sumter and Chattahoochee NFs which lies within the Nantahala NF in North Carolina. The January 31, 2012, decision by the Forest Service allows for additional boating to occur under permit in the upper section of the Chattooga River which in-part is located in North Carolina on the Nantahala NF. Therefore, the regulation needs to be revised to include the Nantahala NF. The Agency proposes that § 261.77(a) now be applicable to ''any area of National Forest land abutting the Chattooga River.'' A parenthetical sentence will then be added to clarify that ''(The Chattooga River is located in the Nantahala National Forest in North Carolina, the Sumter National Forest in South Carolina and the Chattahoochee National Forest in Georgia.)''

Due to the allowance of additional floating on the Chattooga River, the Agency must be able to issue permits in a flexible and efficient manner that is consistent with the new management direction and in a manner that best serves the public. Rather than codifying the specific locations of self-registration permit stations in the regulations, these locations will be identified by the local Forest Service officials administering the different sections of the Chattooga River. Locations of the registration stations may need to be changed from time to time to better serve the public. In addition, the Forest Service may, in the future, develop an option where permits could be obtained online or through other more efficient and effective means. To achieve this need, the specific locations of the ''Forest Service Registration Stations'' are being removed and the regulation will simply state that the use will need to be ''authorized by permit or through a special use authorization''.

Revisions to § 261.77(b)

Similar to § 261.77(a), § 261.77(b) currently applies to ''. . . the Sumter National Forest and the Chattahoochee National Forest abutting the Chattooga River.'' However, this regulation is also silent about that section of the Chattooga Wild and Scenic River Corridor that lies within the Nantahala NF in North Carolina. Again, since the January 31, 2012, decision by the US Forest Service allows for additional boating to occur under permit in the upper section of the Chattooga River, the regulation needs to be revised to include the Nantahala NF. The agency proposes that § 261.77(b) now is applicable to ''any area of National Forest System land abutting the Chattooga River.'' As noted above, a parenthetical sentence will then be added to clarify that ''(The Chattooga River is located in the Nantahala National Forest in North Carolina, the Sumter National Forest in South Carolina and the Chattahoochee National Forest in Georgia.)'' Finally, the term ''unless authorized by special use permit'' is also being replaced with the term ''unless permitted under a special use authorization''.

Revisions to § 261.77(c)

Section 261.77(c) currently only applies to ''. . . the terms or conditions of any permit authorizing the occupancy and use . . .'' However, in § 261.77(a) and (b), a distinction is now being made between a ''permit'' and a ''special use authorization''. So proposed § 261.77(c) is revised to apply to ''. . .the terms or conditions of any special use authorization or permit authorizing the occupancy and use . . .''

Revisions to § 261.77(d)

Section 261.77(d) applies to ''. . . any portion or segment of the Chattooga River within the boundaries of the Chattahoochee National Forest . . .'' However, as stated above, the Chattooga Wild and Scenic River flows through all three forests; the Chattahoochee NF, the Sumter NF and the Nantahala NF. In addition, the new management direction applies to all three forests. Therefore, this provision needs to be revised to include all three forests. So, proposed § 261.77(d) is revised to apply to ''. . . any portion or segment of the Chattooga River within National Forest System land . . .''

In addition, as discussed above, in the interest of consistency, efficiency and clarity, to best serve the public, specific

locations to obtain self-registration permits will no longer be codified. Rather, these locations will be identified by the local Forest Service officials administering the different sections of the Chattooga River. The locations of the registration stations may need to be changed from time to time to better serve the public. It should also be recognized that the Forest Service may, in the future, develop an option where permits could be obtained online or in some other efficient manner that better serves the public. In order to address this, the specific locations of the ''Forest Service Registration Stations'' are being removed and the proposed regulation will simply state that the use will need to be ''authorized by permit or through a special use authorization.''

Revisions to § 261.77(e)

Similar to § 261.77(d), the scope of the commercial or business operation prohibitions currently in § 261.77(e) only applies to ''. . . any portion or segment of the Chattooga River within the boundaries of the Chattahoochee National Forest . . .'' As described above, the regulation needs to be revised to also include all three national forests. Therefore, § 261.77(e) is revised to read, ''Entering, going, riding, or floating . . . upon any portion or segment of the Chattooga River within National Forest System land . . .'' Finally, the term ''unless authorized by special use permit'' is also being replaced with the term ''unless permitted under a special use authorization.''

Revisions to § 261.77(f)

Section 261.77(f) currently only applies to ''. . . the terms or conditions of any permit authorizing the occupancy and use . . .'' However, in § 261.77(d) and (e), a distinction is now being made between a ''permit'' and a ''special use authorization''. So proposed § 261.77(f) is revised to apply to ''. . .the terms or conditions of any special use authorization or permit authorizing the occupancy and use . . .''

Regulatory Certifications

Environmental Impact

This proposed rule is to amend an existing regulation to make it consistent with a USDA, Forest Service decision on the management of the Chattooga Wild and Scenic River, which lies within the Chattahoochee, Nantahala and Sumter National Forests. The Decision Notices (one for each National Forest) were signed on January 31, 2012, which were based upon an Environmental Assessment (EA) titled ''Managing Recreation Uses in the Upper Segment of the Chattooga Wild and Scenic River Corridor.'' The social and environmental effects of this decision are documented in this EA. This proposed rule amendment is to update the Forest Service regulations to now be consistent with this new management decision.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on regulatory planning and review. It has been determined that this is not a significant proposed rule. This rulemaking will not have an annual effect of $100 million or more on the economy, nor will it adversely affect productivity, competition, jobs, the environment, public health and safety, or State or local governments. This rulemaking will not interfere with an action taken or planned by another agency, nor will it raise new legal or policy issues. Finally, this proposed rule will not alter the budgetary impact of entitlement, grant, user fee, or loan programs or the rights and obligations of beneficiaries of such programs. Accordingly, this rulemaking is not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

Regulatory Flexibility Act

This proposed rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). The proposed rule makes minor, technical changes to the Forest Service's regulations. This rulemaking will not have a significant economic impact on a substantial number of small entities as defined by the act because the rulemaking will not impose recordkeeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630. It has been determined that the rulemaking will not pose the risk of a taking of private property.

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988 on civil justice reform. After adoption of this proposed rule, (1) all State and local laws and regulations that conflict with this rulemaking or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Federalism and Consultation and Coordination With Indian Tribal Governments

The Department has considered this proposed rule under the requirements of Executive Order 13132 on federalism, and has determined that the rulemaking conforms with the federalism principles set out in this Executive Order; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Department has determined that no further assessment of federalism implications is necessary.

Moreover, this proposed rule is not expected to have Tribal implications as defined by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The Department does recognize that one or more Indian Tribes may have direct interest in the management of Chattooga Wild & Scenic River. Therefore, the Department will request consultation with all potentially affected Indian Tribes on this proposed rule. The tribal consultation will be held concurrently with the public comment period.

Energy Effects

This proposed rule has been reviewed under Executive Order 13211 of May 18, 2001, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. It has been determined that this proposed rule does not constitute a significant energy action as defined in the Executive Order.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the Department has assessed the effects of this proposed rule on State, local, and Tribal governments and the private sector. This rulemaking will not compel the expenditure of $100 million or more by any State, local, or Tribal government or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any recordkeeping or reporting requirements or other information

collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

List of Subjects in 36 CFR Part 261

Prohibitions, Law enforcement, National forests.

Therefore, for the reasons set out in the preamble, we propose to amend part 261 of title 36 of the Code of Federal Regulations as follows:

PART 261—PROHIBITIONS

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 7 U.S.C. 1011(f); 16 U.S.C. 4601–6d, 472, 551, 620(f), 1133(c)–(d)(1), 1246(i).

Subpart C—Prohibitions in Regions

■ 2. Revise § 261.77 to read as follows:

§ 261.77 Prohibitions in Region 8, Southern Region.

(a) Using or occupying any area of National Forest System land abutting the Chattooga River for the purpose of entering or going upon the River in, on, or upon any floatable object or craft of every kind or description, unless authorized by permit or through a special use authorization. (The Chattooga River is located in the Nantahala National Forest in North Carolina, the Sumter National Forest in South Carolina and the Chattahoochee National Forest in Georgia.)

(b) Using or occupying within the scope of any commercial operation or business any area of National Forest System land abutting the Chattooga River for the purpose of entering or going upon the River in, on, or upon any floatable object or craft of every kind or description, unless permitted under a special use authorization.

(c) Violating or failing to comply with any of the terms or conditions of any special use authorization or permit authorizing the occupancy and use specified in paragraph (a) or (b) of this section is prohibited.

(d) Entering, going, riding, or floating upon any portion or segment of the Chattooga River within National Forest System land in, on, or upon any floatable object or craft of every kind or description, unless authorized by a permit or through a special use authorization.

(e) Entering, going, riding, or floating within the scope of any commercial operation or business upon any portion or segment of the Chattooga River within National Forest System land in, on, or upon any floatable object or craft of every kind or description, unless permitted under a special use authorization.

(f) Violating or failing to comply with any of the terms or conditions of any special use authorization or permit authorizing the occupancy and use specified in paragraph (d) or (e) of this section is prohibited.

Dated: December 21, 2015.

Thomas L. Tidwell,

Chief, Forest Service.

[FR Doc. 2016–00888 Filed 1–15–16; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 130

[EPA–HQ–OW–2014–0622; FRL–9941–33–OW]

RIN 2040–AF52

Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In section 518(e) of the Clean Water Act (CWA), Congress authorized EPA to treat eligible federally recognized Indian tribes in a similar manner as states for purposes of administering section 303 and certain other provisions of the CWA, and directed the agency to promulgate regulations effectuating this authorization. EPA has issued regulations establishing a process for federally recognized tribes to obtain treatment in a similar manner as states (TAS) for several provisions of the CWA; 50 tribes, for example, have obtained TAS authority to issue water quality standards under CWA section 303(c). EPA, however, has not yet promulgated regulations expressly establishing a process for such tribes to obtain TAS authority to administer the water quality restoration provisions of CWA section 303(d), including issuing lists of impaired waters and developing total maximum daily loads (TMDLs) under CWA section 303(d), as states routinely do. EPA is now proposing to remedy this gap. By establishing regulatory procedures for eligible tribes to obtain TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program, the proposed rule would enable eligible tribes to obtain authority to identify impaired waters on their reservations and to establish TMDLs, which serve as plans for attaining and maintaining applicable water quality standards (WQS). The proposal is comparable to similar regulations that EPA issued in the 1990s for the CWA Section 303(c) WQS and CWA Section 402 and 404 Permitting Programs, and includes features designed to minimize paperwork and unnecessary reviews. EPA requests comments on all aspects of the proposed rule.

DATES: EPA must receive comments on or before March 21, 2016. EPA will discuss this proposed rule and answer questions about it in one or more webinars during the above comment period. If you are interested, see EPA's Web site at *http://www2.epa.gov/tmdl/tribal-consultation-rulemaking-provide-more-opportunities-tribes-engage-clean-water-act* for the date and time of the webinar(s) and instructions on how to register and participate. Additionally, under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before February 18, 2016.

ADDRESSES: Submit your comments, identified by Docket identification (ID) No. EPA–HQ–OW–2014–0622, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sarah Furtak, Assessment and Watershed Protection Division, Office of Wetlands, Oceans and Watersheds

(4503T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566–1167; fax number: (202) 566–1331; email address: *TASTMDL@epa.gov.*

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

I. General Information
A. Does this action apply to me?
B. Over what area may tribes apply for TAS for the CWA Section 303(d) impaired water listing and TMDL program?
C. What should I consider as i prepare my comments for EPA?
1. Resubmitting Relevant Comments From Consultations and Listening Sessions
2. Submitting CBI
3. Tips for Preparing Your Comments
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I. General Information

A. Does this action apply to me?

This proposed rule applies to federally recognized tribal governments with reservations interested in seeking TAS eligibility to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program. Although this proposed rule would not apply directly to any other entity, state and local governments or other Indian tribes, as well as other entities, may be interested to the extent they are adjacent to the Indian reservation[1] lands of TAS applicant tribes, share water bodies with such tribes, and/or discharge pollutants to waters of the United States located within or adjacent to such reservations. The table below provides examples of entities that could be affected by this action or have an interest in it.

Category	Examples of potentially affected or interested entities
Tribes	Federally recognized tribes with reservations that are interested in applying for TAS for CWA Section 303(d) impaired water listing and TMDL Program, and other interested tribes.
States	States adjacent to reservations of potential applicant tribes.
Industry dischargers	Industrial and other commercial entities discharging pollutants to waters within or adjacent to reservations of potential applicant tribes.
Municipal dischargers	Publicly owned treatment works or other facilities discharging pollutants to waters within or adjacent to reservations of potential applicant tribes.

If you have questions regarding the effect of this proposed rule on a particular entity, please consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Over what area may tribes apply for TAS for the CWA Section 303(d) impaired water listing and TMDL program?

Under section 518(e) of the CWA, 33 U.S.C. 1377(e), Indian tribes may seek TAS authorization to administer certain CWA programs pertaining to water resources of their reservations. Tribes are not eligible to administer CWA programs pertaining to any non-reservation Indian country[2] or any other type of non-reservation land. The term ''federal Indian reservation'' is defined at CWA section 518(h)(1) to include all land within the limits of any Indian reservation under the jurisdiction of the United States Government notwithstanding the issuance of any patent, and including rights-of-way running through the reservation. See CWA sections 518(e)(2), (h)(1); see also 40 CFR 131.3(k). EPA's longstanding position is that reservations include both formal reservations (*e.g.,* named reservations established through federal treaties with tribes, federal statutes, or Executive Orders of the President) as well as tribal trust lands that may not be formally designated as reservations, but that qualify as informal reservations. *See, e.g.,* 56 FR 64876, 64881 (December 12, 1991); *Arizona Public Service Co.* v. *EPA,* 211 F.3d 1280, 1292–1294 (D.C. Cir. 2000), *cert. denied sub nom., Michigan* v. *EPA,* 532 U.S. 970 (2001). Tribes may seek TAS authorization for both formal and informal reservations, and both types of lands are referred to herein as ''reservations.''

Although this proposal would facilitate eligible tribes' administration of an additional regulatory program, nothing in this proposed rule changes, expands, or contracts the geographic scope of potential tribal TAS eligibility under the CWA.

[1] See ''Over What Area May Tribes Apply for TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program?'' below.

[2] The term Indian country is defined at 18 U.S.C. 1151.

C. What should I consider as I prepare my comments for EPA?

1. *Resubmitting Relevant Comments from Consultations and Listening Sessions.* EPA held multiple consultations and listening sessions with tribes and states concerning TAS for CWA section 303(d) lists and TMDLs, and considered views and comments received from these sessions in developing this proposal. This proposed rule has evolved from the materials EPA shared at the time. Therefore, if you submitted comments based on these sessions and want EPA to consider them as part of the public comment opportunity for this proposed action, you must resubmit your comments to EPA in accordance with the instructions outlined in this document.

2. *Submitting CBI.* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disc that you mail to EPA, mark the outside of the disc as CBI and then identify electronically within the disc 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. EPA will not disclose information so marked except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

3. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the proposed action by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Explain why you agree or disagree, suggest alternatives, substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples that help to illustrate your concerns.
- Explain your views as clearly as possible.
- Submit your comments consistent with the **DATES** section of this document.

II. What is the statutory and regulatory history of TAS under the CWA?

A. Statutory History

Congress added section 518 to the CWA as part of amendments made in 1987. Section 518(e) authorizes EPA to treat eligible Indian tribes in the same manner as it treats states for a variety of purposes, including administering each of the principal CWA regulatory programs and receiving grants under several CWA funding authorities. Section 518(e) is commonly known as the ''TAS'' provision. Section 303 is expressly identified in section 518(e) as one of the provisions available for TAS.

Section 518(e) also requires EPA to promulgate regulations specifying the TAS process for applicant tribes. Section 518(h) defines ''Indian tribe'' to mean any Indian tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a federal Indian reservation.

B. Regulatory History

Pursuant to section 518(e), EPA promulgated several final regulations establishing TAS criteria and procedures for Indian tribes interested in administering programs under the Act. The relevant regulations addressing TAS requirements for the principal CWA regulatory programs are:

- 40 CFR 131.8 for section 303(c) water quality standards, published at 56 FR 64876 (December 12, 1991) (final rule);
- 40 CFR 131.4(c) for CWA section 401 water quality certification, published at 56 FR 64876 (December 12, 1991);
- 40 CFR 123.31–34 for CWA section 402 National Pollutant Discharge Elimination System (NPDES) permits and other provisions, and 40 CFR 501.22–25 for the sewage sludge management program. Final rule published December 22, 1993 (58 FR 67966); and
- 40 CFR 233.60–62 for CWA section 404 dredge or fill permits. Final rule published February 11, 1993 (58 FR 8172).

In 1994, EPA amended the above regulations to simplify the TAS process and eliminate unnecessary and duplicative procedural requirements. See 59 FR 64339 (December 14, 1994) (the ''Simplification Rule''). For example, the Simplification Rule eliminated the need for a tribe to prequalify for TAS before applying to administer the section 402 and section 404 permit programs. Instead, the rule provided that a tribe would seek to establish its TAS eligibility at the program approval stage (subject to notice and comment procedures in the **Federal Register**). However, the rule retained the separate TAS prequalification requirement (including local notice and comment procedures) for section 303(c) water quality standards and section 401 water quality certifications. *Id.; see also,* 40 CFR 131.8(c)(2), (3).[3] The TAS regulations for CWA regulatory programs have remained intact since promulgation of the Simplification Rule. EPA is now proposing to address a gap in its current TAS regulations, by proposing regulations that would specify how tribes may seek TAS for the Section 303(d) Impaired Water Listing and TMDL Program.

III. Why might a tribe be interested in seeking TAS authority for the CWA Section 303(d) Impaired Water Listing and TMDL Program?

TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program would provide a tribe with the opportunity to participate directly in restoring and protecting its reservation waters through implementing the Program, as Congress authorized under CWA section 518(e). In the rest of this document, EPA refers to the functions identified in CWA section 303(d) regarding listing of impaired waters and establishment of TMDLs as the ''Section 303(d) Impaired Water Listing and TMDL Program'' or ''303(d) Program.'' Section 303(d) provides for states and authorized tribes to: (1) Develop lists of impaired waters (and establish priority rankings for waters on the lists) and (2) establish TMDLs for these waters. By listing impaired waters, a state or authorized tribe identifies those waters in its territory that are not currently meeting EPA-approved or EPA-promulgated WQS (collectively referred to as ''applicable WQS''). A TMDL is a planning document intended to address impairment of waters, including the calculation and allocation to point and nonpoint sources of the maximum amount of a pollutant that a water body can receive and still meet applicable WQS, with a margin of safety.

By obtaining TAS for section 303(d), tribes can take the lead role in identifying and establishing a priority ranking for impaired water bodies on their reservations and in establishing

[3] Under the CWA and EPA's regulations, tribes may simultaneously (1) apply for TAS under CWA section 518 for the purpose of administering water quality standards and (2) submit actual standards for EPA review under section 303(c). Although they may proceed together, a determination of TAS eligibility and an approval of actual water quality standards are two distinct actions.

TMDLs and submitting them to EPA for approval. These are important informational and planning steps that tribes can take to restore and maintain the quality of reservation waters.

TMDLs must allocate the total pollutant load among contributing point sources (''waste load allocations'' or ''WLAs'') and nonpoint sources (''load allocations'' or ''LAs'') (40 CFR 130.2). Point source WLAs are addressed through the inclusion of water quality-based effluent limits in national pollutant discharge elimination system (NPDES) permits issued to such sources. Under EPA's regulations, NPDES permitting authorities shall ensure that ''[e]ffluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR 130.7.'' 40 CFR 122.44(d)(1)(vii)(B). WLAs under 40 CFR 122.44(d)(1)(vii)(B) would include WLAs developed by a tribe with TAS authorization and approved by EPA pursuant to 40 CFR 130.7. For water bodies impaired by pollutants from nonpoint sources, authorized tribes would not acquire new or additional implementation authorities when listing such impaired water bodies and establishing TMDLs. Instead, the mechanisms for implementing the nonpoint source pollutant reductions (LAs) identified in any tribal TMDLs would include existing tribal authorities, other federal agencies' policies and procedures, as well as voluntary and incentive-based programs.

This proposed rule would not require anything of tribes that are not interested in TAS for the 303(d) Program. Based on pre-proposal input, not all tribes will be interested in obtaining TAS for 303(d), and some may consider other approaches that might benefit their reservation waters. Clean Water Act section 319 watershed-based plans, for example, may help tribes protect and restore water resources threatened or impaired by nonpoint source pollution.[4]

IV. What program responsibilities would tribes have upon obtaining TAS for the CWA Section 303(d) impaired water listing and TMDL program?

The goal of the CWA is ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' CWA section 101(a). Identification of impaired waters and TMDLs are important tools for achieving that goal. After a tribe receives EPA approval of its eligibility to implement a CWA Section 303(d) Impaired Water Listing and TMDL Program, it is treated in a manner similar to a state and, for purposes of list and TMDL development, it would become an ''authorized tribe.'' Generally, the federal statutory and regulatory requirements for state 303(d) programs would be applicable to authorized tribes (see proposed § 130.16(c)(5)). The following paragraphs identify important 303(d) Program responsibilities that tribes with TAS would assume and implement.

A. Identification of Impaired Waters and Submission of Section 303(d) Lists

Under section 303(d) of the CWA, every two years authorized tribes would be required to develop lists of waters not meeting, or not expected to meet, applicable water quality standards. 40 CFR 130.7(d). These lists are commonly called ''impaired waters lists'' or ''303(d) lists.'' Impaired waters are waters for which technology-based limitations and other required controls are not stringent enough to meet applicable CWA water quality standards. Threatened waters are waters that currently attain applicable WQS, but for which existing and readily available data and information indicate that applicable WQS will likely not be met by the time the next list of impaired or threatened waters is due to EPA.[5] The authorized tribe's section 303(d) list would include all impaired and threatened waters. In this document, EPA uses the term ''impaired waters'' to refer to both impaired and threatened waters.[6] The authorized tribe would be required to ''assemble and evaluate all existing and readily available information'' in developing its section 303(d) list. 40 CFR 130.7(b)(5). EPA's regulations include a non-exhaustive list of water quality-related data and information to be considered. *Id.* The tribe would establish priorities for development of TMDLs for waters on its section 303(d) list based on the severity of the pollution and the uses to be made of the waters. 40 CFR 130.7(b)(4). The tribe would then submit its list of impaired waters to EPA for review and approval.

Like states, authorized tribes would be required to submit their ''303(d) lists'' to EPA for approval every two years on April 1 (lists are due April 1 of even-numbered years). As indicated in § 130.16(c)(5) of the proposed rule, a tribe gaining TAS status would be provided at least 24 months to submit its first impaired waters list to EPA. The tribe's first impaired waters list would be due to EPA the next listing cycle due date that is at least 24-months from the later of (1) the date the tribe's TAS application for 303(d) is approved, or (2) the date EPA-approved/promulgated WQS for the tribe's waters are effective. (See section VII for the procedure EPA would follow in reviewing a tribe's TAS application.). Thus, for example, if EPA approves a tribe's TAS application on March 15, 2016, and the tribe's WQS on June 30, 2016, the tribe's first list would be due on April 1, 2020. The tribe could submit its list to EPA prior to that date, if it chooses.

Most tribes that would be eligible for TAS authorization under today's proposed rule are likely to be recipients of CWA section 106 grants and would thus be required to submit section 106 grant work plans annually. If a tribe's CWA section 106 grant work plan includes ambient water quality monitoring activities, the tribe is also required to develop an assessment report pursuant to the CWA section 106 grant reporting requirements.[7] EPA encourages tribes that obtain TAS for the CWA Section 303(d) Program and also develop CWA section 106 assessment reports to combine their CWA section 303(d) impaired waters list with their CWA section 106 assessment report, and submit the combined report electronically through the Assessment TMDL Tracking and Implementation System (ATTAINS).[8] In this way such tribes could create a combined CWA 303(d)/106 report that is similar to a

[4] See *Handbook for Developing and Managing Tribal Nonpoint Source Pollution Programs under Section 319 of the Clean Water Act,* February 2010, available at *http://www2.epa.gov/sites/production/files/2015-09/documents/2010_02_19_nps_tribal_pdf_tribal_handbook2010.pdf.*

[5] *Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act,* July 29, 2005, available at *http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/2006irg-report.pdf.*

[6] Under EPA's regulations, ''water quality limited segments'' include both impaired waters and threatened waters, and are defined as ''any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b) and 306 of the Act.'' 40 CFR 130.2(j).

[7] See *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act* (*http://www2.epa.gov/sites/production/files/2014-09/documents/final-tribal-guidance.pdf*) at page 8–1.

[8] See ''Water Quality Assessment and TMDL Information,'' available at *http://ofmpub.epa.gov/waters10/attains_index.home.*

state's CWA 303(d)/305(b) [9] ''Integrated Report.'' [10]

B. Establishment and Submission of TMDLs

Under the CWA, each state and authorized tribe must, ''from time to time,'' establish and submit TMDLs for pollutants causing impairments in all the waters on its 303(d) list. CWA sections 303(d)(1)(C) and 303(d)(2). States and authorized tribes set priorities for developing TMDLs for their impaired and listed waters.

TMDLs must be established ''at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.'' CWA section 303(d)(1)(C). Where a TMDL makes allocation tradeoffs between point and nonpoint sources, the TMDL record must also demonstrate ''reasonable assurance'' that the nonpoint source allocations will be achieved. 40 CFR 130.2(i). Calculations to establish TMDLs must be subject to public review. 40 CFR 130.7(c)(1)(ii). Once established, the state or authorized tribe submits the TMDL to EPA for review.

C. EPA Review of Lists and TMDLs

Once EPA receives a list or TMDL, it must either approve or disapprove that list or TMDL within 30 days. CWA section 303(d)(2). If EPA disapproves the list or TMDL, EPA must establish a replacement list or TMDL within 30 days of disapproval. 40 CFR 130.7(d)(2).

V. What are EPA's proposed procedures for a tribe to seek TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program?

Consistent with the statutory requirement in section 518 of the CWA, the proposed rule would establish the procedures by which an Indian tribe may apply and qualify for TAS for purposes of the CWA Section 303(d) Impaired Water Listing and TMDL Program. Such procedures would be codified in a new section 130.16 of the water quality planning and management regulation. Section 130.16 would identify (1) the criteria an applicant tribe would be required to meet to be treated in a similar manner as states, (2) the information the tribe would be required to provide in its application to EPA, and (3) the procedure EPA would use to review the tribal application. Proposed section 130.16 is intended to ensure that tribes treated in a similar manner as states for the purposes of the CWA Section 303(d) Impaired Water Listing and TMDL Program are qualified, consistent with CWA requirements, to conduct a Listing and TMDL Program. The procedures are meant to provide more opportunities for tribes to engage fully in the Program and are not intended to act as a barrier to tribal assumption of the 303(d) Program.

The TAS procedures in this proposed rule are closely based on the existing TAS regulation at 40 CFR 131.8, which establishes the TAS process for the CWA Section 303(c) WQS Program. EPA established the TAS process for WQS in 1991, and that program has been the focus of the great majority of TAS activity for regulatory programs under the CWA as well as all of the other environmental statutes administered by the Agency. The WQS TAS rule has proven very effective in ensuring that applicant tribes satisfy statutory TAS criteria and are prepared to administer WQS programs under the Act. It thus served as a useful model for this proposed TAS rule.

The TAS criteria tribes would be required to meet for purposes of the CWA Section 303(d) Impaired Water Listing and TMDL Program originate in CWA section 518. As reflected in the proposed regulatory language, the tribe must: (1) Be federally recognized and meet the definitions in § 131.3(k) and (l); (2) carry out substantial governmental duties and powers; (3) have appropriate authority to regulate the quality of reservation waters; and (4) be reasonably expected to be capable of administering the Impaired Water Listing and TMDL Program. These criteria are discussed below.

The first criterion for TAS would require the tribe to be federally recognized by the U.S. Department of the Interior (DOI) and meet the definitions in § 131.3(k) and (l). The tribe may address the recognition requirement either by stating that it is included on the list of federally recognized tribes published periodically by DOI, or by submitting other appropriate documentation (*e.g.,* if the tribe is federally recognized but is not yet included on the DOI list). The definition of ''tribe'' in § 131.3(l), along with requiring federal recognition, additionally requires that the tribe is exercising governmental authority over a Federal Indian reservation. ''Federal Indian reservation'' is defined in § 131.3(k) as ''all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.'' (See further discussion of the term ''reservation'' in section I B. of this preamble.). The governmental authority and reservation aspects of these definitions would be addressed in the tribe's application, including as part of its descriptive statements that it currently carries out substantial governmental duties and powers over a defined area, and that it has authority to regulate water quality over a reservation.

The second criterion would require the tribe to have a governing body ''carrying out substantial governmental duties and powers.'' The Agency considers ''substantial governmental duties and powers'' to mean that the tribe is currently performing governmental functions to promote the health, safety, and welfare of the affected population within a defined geographical area. See 54 FR at 39101. Examples of such functions may include, but are not limited to, the power to tax, the power of eminent domain, and police power. Federal recognition by DOI would not, in and of itself, satisfy this criterion. EPA expects that most tribes should be able to meet this criterion without much difficulty. *Id.*

To address the second criterion, the tribe would be required to submit a descriptive statement demonstrating that the tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. The descriptive statement should: (1) Describe the form of tribal government; (2) describe the types of essential governmental functions currently performed, such as those listed above; and (3) identify the sources of authorities to perform these functions (*e.g.,* tribal constitutions and codes).

The third criterion, concerning tribal authority, means that a tribe seeking TAS for purposes of the CWA Section 303(d) Impaired Water Listing and TMDL Program must adequately demonstrate authority to manage and protect water resources within the borders of the tribe's reservation. To verify authority and satisfy the third criterion of the proposed rule, a tribe would be required to include a statement signed by the tribal legal counsel, or an equivalent official, explaining the legal basis for the tribe's

[9] CWA section 305(b) requires states to provide every two years an assessment of the quality of all their waters. EPA explicitly exempted tribes from the section 305(b) reporting requirement. See 40 CFR 130.4(a); 54 FR 14354, 14357 (April 11, 1989).

[10] *See Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act,* July 29, 2005, (available at *http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/2006irg-report.pdf)* for more information on the Integrated Report.

regulatory authority, and appropriate additional documentation (*e.g.,* maps, tribal codes and ordinances).

In promulgating prior CWA TAS regulations, EPA took an initial cautious approach that required tribes applying for eligibility to administer regulatory programs under the statute to demonstrate their inherent tribal authority over the relevant regulated activities on their reservations. *See, e.g.,* 56 FR at 64877–81. This included a demonstration of inherent regulatory authority over the activities of non-tribal members on lands they own in fee within a reservation under the principles of *Montana* v. *United States,* 450 U.S. 544 (1981), and its progeny. *Montana* held that, absent a federal grant of authority, tribes generally lack inherent jurisdiction over nonmember activities on nonmember fee land, but retain inherent civil jurisdiction over nonmember activities within the reservation where (i) nonmembers enter into ''consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements'' or (ii) ''. . . [nonmember] conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.'' *Montana, 450 U.S.* at 565–66.

In addressing the second exception of *Montana* regarding the effects of nonmember conduct, EPA has previously described the Agency's operating approach to require a showing that the potential impacts of regulated activities on the tribe are serious and substantial. 56 FR at 64878. EPA also explained that the activities regulated under the various environmental statutes, including the CWA, generally have serious and substantial potential impacts on human health and welfare. *Id.* EPA described the Agency's expert assessment regarding the critical importance of water quality management to self-government and also explained that because of the mobile nature of pollutants in surface waters and the relatively small size of water bodies on reservations, it would be very likely that any water quality impairment on non-Indian fee land within a reservation would also impair water quality on tribal lands. *Id.* at 64878–79. EPA stated that its generalized findings regarding the relationship of water quality to tribal health and welfare would supplement the factual showing tribes would make in applying for TAS. *Id.* EPA reiterates the generalized statutory and factual findings set forth in those prior TAS rulemakings and believes they apply equally to TAS applications for the CWA Section 303(d) Program. As discussed below, EPA has also separately proposed to revise its interpretation of the CWA tribal provision by conclusively determining that Congress intended to delegate authority to eligible tribes to regulate their entire reservations under the CWA irrespective of land ownership. If and when this revised interpretation is finalized, it will be applied in reviewing any TAS application submitted under the regulations proposed today. Unless and until that revised interpretation is finalized, however, EPA will continue to evaluate TAS applications consistent with the Agency's current approach and will continue to apply the generalized findings set forth in prior CWA TAS rulemakings in making case-by-case determinations regarding tribes' inherent regulatory authority.

In prior CWA TAS promulgations, EPA recognized that there was significant support for the view that Congress had intended to delegate authority to eligible Indian tribes to administer CWA regulatory programs over their entire reservations, irrespective of land ownership, and EPA expressly stated that the issue of tribal authority under the CWA remained open for further consideration in light of additional congressional or judicial guidance. *See, e.g.,* 56 FR at 64878–81. On August 7, 2015, EPA published in the **Federal Register** a proposed rule to reinterpret the CWA tribal provision as including such an express delegation of authority by Congress. 80 FR 47430. If EPA finalizes that reinterpretation, applicant Indian tribes would no longer be required to demonstrate inherent authority to regulate their reservation waters under the CWA. Among other things, tribes would thus no longer be required to meet the test established in *Montana* v. *United States,* 450 U.S. 544 (1981), and its progeny with regard to exercises of inherent tribal regulatory authority over nonmember activity. *Id.* Instead, a tribe would be able to rely on the congressional delegation of authority included in section 518 of the statute as the source of authority to administer CWA regulatory programs over its entire reservation as part of its legal statement.

The proposed TAS rule for the CWA Section 303(d) Impaired Water Listing and TMDL Program is intended to provide appropriate TAS application and review procedures irrespective of which interpretation of tribal authority under the Act applies. As explained in EPA's proposed reinterpretation, EPA's existing TAS regulations—including 40 CFR 131.8, upon which this proposed rule is modeled—accommodate either interpretation of tribal authority under the CWA and provide appropriate application procedures to ensure that relevant jurisdictional information is provided to EPA and made available for comment. 80 FR 47430. EPA thus proposes to establish the basic TAS application and review procedures proposed today notwithstanding that the proposed reinterpretation remains pending. Once these rules are finalized, EPA will review any TAS applications for the CWA Section 303(d) Program in accordance with the interpretation of CWA tribal jurisdiction that applies at the time.

The fourth criterion would require that the tribe, in the Regional Administrator's judgment, be reasonably expected to be capable of administering an effective CWA Section 303(d) Impaired Water Listing and TMDL Program. To meet this requirement, tribes would either: (1) show that they have the necessary management and technical skills, or (2) submit a plan detailing steps for acquiring the necessary management and technical skills. When considering tribal capability, EPA would also consider whether the tribe can demonstrate the existence of institutions that exercise executive, legislative, and judicial functions, and whether the tribe has a history of successful managerial performance of public health or environmental programs.

The specific information required for tribal applications to EPA is described in proposed § 130.16 (a) and (b). The application would be required, in general, to include a statement regarding federal recognition by DOI, documentation that the tribal governing body is exercising substantial duties and powers, documentation of tribal authority to regulate water quality on the reservation, a narrative statement of tribal capability to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program, and any other information requested by the Regional Administrator.

Consistent with EPA's other TAS regulations, the proposed rule also provides that where a tribe has previously qualified for TAS for purposes of a different EPA program, the tribe is only required to provide information that has not been submitted as part of a prior TAS application. To facilitate review of tribal applications, EPA would request that a tribal application inform EPA whether the tribe has been approved for TAS or deemed eligible to receive authorization for any other EPA program. See 59 FR at 64340.

The TAS application procedures and criteria for the CWA Sections 303(c) WQS and 303(d) Impaired Water Listing and TMDL Programs are similar in many respects, and a tribe interested in both programs may wish to streamline the application process by combining a request for TAS eligibility for 303(c) and 303(d) into a single application. Although a tribe would not be required to do so, EPA's proposed approach would allow a tribe to submit a combined application, which addresses the criteria and application requirements of § 131.8 and proposed § 130.16, to EPA if the tribe is interested in applying for TAS for both the CWA Section 303(c) and 303(d) Programs.

VI. What special circumstances may exist regarding qualification for TAS for the CWA Section 303(d) impaired water listing and TMDL program?

There could be rare instances where special circumstances limit or preclude a particular tribe's ability to be authorized to administer the 303(d) Program over its reservation. For example, there could be a separate federal statute establishing unique jurisdictional arrangements for a specific state or a specific reservation that could affect a tribe's ability to exercise authority under the CWA. It is also possible that provisions in particular treaties or tribal constitutions could limit a tribe's ability to exercise relevant authority.[11]

The application requirements of § 130.16 (a) and (b) would require tribes to submit a statement of their legal counsel (or equivalent official) describing the basis for their assertion of authority. The statement can include copies of documents such as tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and resolutions. If EPA finalizes this proposed action, the requirement for a legal counsel's statement would ensure that applicant tribes appropriately describe the bases of their authority and address any special circumstances regarding their assertion of authority to administer the 303(d) Program. The proposed rule would provide an appropriate opportunity for ''appropriate governmental entities'' (*i.e.,* states, tribes and other federal entities located contiguous to the reservation of the applicant tribe) to comment on an applicant tribe's assertion of authority and, among other things, inform EPA of any special circumstances that they believe could affect a tribe's ability to administer the 303(d) Program.

EPA is also aware that section 10211(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 (''SAFETEA''), Public Law 109–59, 119 Stat. 1144 (August 10, 2005) established a unique TAS requirement with respect to Indian tribes located in the State of Oklahoma. Under section 10211(b) of SAFETEA, tribes in Oklahoma seeking TAS under a statute administered by EPA for the purpose of administering an environmental regulatory program must, in addition to meeting applicable TAS requirements under the relevant EPA-administered environmental statute, enter into a cooperative agreement with the state that is subject to EPA approval and that provides for the tribe and state to jointly plan and administer program requirements. This requirement of SAFETEA applies apart from, and in addition to, existing TAS criteria, including the TAS criteria set forth in section 518 of the CWA. EPA's proposal relates solely to the CWA TAS requirement; it would thus have no effect on the separate requirement of section 10211(b) of SAFETEA.

VII. What procedure would EPA follow in reviewing a tribe's TAS application?

A. Notice to Appropriate Governmental Entities

The proposed EPA review procedure, included in § 130.16(c), specifies that the Regional Administrator, following receipt of tribal applications, would process such applications in a timely manner. EPA would promptly notify the tribe that the complete application has been received. Within 30 days after receipt of a tribe's complete TAS application for 303(d), EPA would provide notice to appropriate governmental entities (*i.e.,* states, tribes, and other federal entities located contiguous to the reservation of the applicant tribe) of the complete application and the substance of and basis for the tribe's assertion of authority over reservation waters, and would provide a 30 day opportunity to comment to EPA on the tribe's assertion of authority. *See, e.g.,* 56 FR at 64844. EPA would also provide, consistent with prior practice, sufficiently broad notice (*e.g.,* through local newspapers, electronic media, or other appropriate media) to inform other potentially interested entities of the applicant tribe's complete application and of the opportunity to provide relevant information regarding the tribe's assertion of authority. As described below, this aspect of EPA's review procedure would apply unless such process would be duplicative of a notice and comment process already performed in connection with the same tribe's prior application for TAS for another CWA regulatory program.

B. Avoidance of Duplicative Notice and Comment Procedures

EPA is proposing to include provisions intended to help avoid unnecessary and wasteful duplication of the notice and comment procedures described in VII A. Specifically, EPA proposes that, where a tribe has previously qualified for TAS for a CWA regulatory program[12] and EPA has provided notice and an opportunity to comment on the tribe's assertion of authority as part of its review of the prior application, no further notice would be provided with regard to the same tribe's application for the 303(d) Program, unless the section 303(d) TAS application presents different jurisdictional issues or significant new factual or legal information relevant to jurisdiction to the Regional Administrator. Proposed § 130.16(c)(4). This proposed approach would apply to all tribes that have previously obtained TAS for the CWA Section 303(c) WQS Program, CWA Section 402 NPDES Program or Sewage Sludge Management Program, or CWA Section 404 Dredge and Fill Permit Program.

Where different jurisdictional issues or information are not present, additional notice and comment are likely to be duplicative of the process already undertaken during EPA's review of the prior TAS application. Under these circumstances, the proposed rule would avoid such duplication of efforts by authorizing the relevant EPA Regional Administrator to process a TAS application for the 303(d) Program without a second notice and comment process.

Where different jurisdictional issues or new or changed information is present, the notice and comment process described in § 130.16(c)(2) would apply. For example, if the geographic reservation area over which

[11] EPA takes no position in this proposal regarding whether any particular tribe or Indian reservation is subject to any potential impediment relating to authority to take on the 303(d) Program. Any such issue would need to be addressed on a case-by-case basis and with the benefit of a full record of relevant information that would be developed during the processing of a particular TAS application. To the extent EPA is ever called upon to make a decision regarding this type of issue, such a decision would be rendered in the context of EPA's final action on a specific TAS application, and any judicial review of that decision would occur in that context.

[12] Specifically, the CWA Section 303(c) WQS Program, CWA Section 402 NPDES Program or Sewage Sludge Management Program, or CWA Section 404 Dredge and Fill Permit Program.

an applicant tribe asserts authority is different from the area covered by a prior TAS application or EPA approval, the process proposed in § 130.16(c)(2) would apply and would provide an appropriate opportunity for comment on the tribe's assertion of authority over the new area. In such circumstances, a tribe may find it appropriate and useful to update its prior TAS application at the same time it applies for TAS for 303(d). This would help ensure that the tribe's TAS eligibility for the various CWA programs covers the same geographic area. Such a combined TAS application would be subject to the § 130.16(c)(2) notice and comment process.

EPA requests comment on its proposed approach or alternative approaches. In addition, we request comment on whether the § 130.16(c)(4) notice and comment exemption should instead be available only prospectively—*i.e.,* only where the applicant tribe obtains TAS for the CWA Section 303(c) WQS Program, CWA Section 402 NPDES Program or Sewage Sludge Management Program, or CWA section 404 Dredge and Fill Permit Program *after* this proposed rule is finalized (and, again, only if different jurisdictional issues or significant new factual or legal information relevant to jurisdiction are not present in the tribe's 303(d) TAS application). One practical result of this alternative approach would be that if one of the 50 tribes that has previously obtained TAS for the CWA Section 303(c) WQS Program were to apply for TAS for the 303(d) Program after this proposed rule is finalized, the notice and comment process would be required.

C. Treatment of Competing or Conflicting Claims

Where a tribe's assertion of authority is subject to a competing or conflicting claim, the proposed procedures provide that the Regional Administrator, after due consideration and in consideration of any other comments received, would determine whether the tribe has adequately demonstrated authority to regulate water quality on the reservation for purposes of the 303(d) Program. Where the Regional Administrator concludes that a tribe has not adequately demonstrated its authority with respect to an area in dispute, then tribal assumption of the CWA Section 303(d) Impaired Water Listing and TMDL Program may be restricted accordingly. If a dispute is focused on a limited area, this would not necessarily delay EPA's decision to treat the tribe in a similar manner as a state for non-disputed areas.

This proposed procedure does not imply that states, tribes, other federal agencies, or any other entity have veto power over tribal TAS applications. Rather, it is intended to assist EPA in gathering information that may be relevant to the Agency's determination whether the applicant tribe has the necessary authority to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program. EPA would not rely solely on the assertions of a commenter who challenges a tribe's assertion of authority, but rather make an independent evaluation of the tribal showing.

D. EPA's Decision Process

The proposed rule requires EPA to process a tribe's TAS application in a timely manner, but does not specify a precise time frame for review of tribal TAS applications. Each TAS application will present its own set of legal and factual issues, and EPA anticipates that in some cases it may be necessary to request additional information when examining tribal TAS applications. Similarly, the Agency's experience with states applying for various EPA programs and with tribes applying for TAS for the WQS Program indicates that additional engagement between EPA and the applicant may be necessary before final decisions are made. EPA expects that similar exchanges with tribes will often be helpful and enhance EPA's processing of tribal TAS applications for the CWA Section 303(d) Impaired Water Listing and TMDL Program.

Where the Regional Administrator determines that a tribal TAS application satisfies the requirements of proposed § 130.16(a) and (b), the Regional Administrator would promptly notify the tribe that the tribe has qualified for TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. A decision by the Regional Administrator that a tribe does not meet the requirements for TAS for purposes of the CWA Section 303(d) Impaired Water Listing and TMDL Program would not preclude the tribe from resubmitting the application at a future date. If the Regional Administrator determines that a tribal application is deficient or incomplete, EPA will identify such deficiencies and gaps so the tribe can make changes as appropriate or necessary.

VIII. What is an example of a stepwise approach for tribes applying for TAS authority for CWA programs?

EPA expects that the tribes most likely to be interested in applying for TAS for the 303(d) Program will be those that also have TAS for CWA section 303(c) and have applicable WQS for their reservation waters. EPA has taken final action approving TAS for WQS for 50 tribes. Forty-two of those tribes have EPA-approved WQS, and one tribe without TAS for WQS has federally promulgated WQS.[13] By virtue of their involvement in the WQS Program, these tribes will already have demonstrated an interest in directly administering certain fundamental elements of the CWA as well as the resources and capacity to do so. Since applicable WQS are a foundation of the approach to protecting water quality under the CWA, establishing EPA-approved/EPA-promulgated WQS for reservation water bodies will be an important first step for tribes interested in protecting and restoring their reservation waters. As tribes gain experience developing and administering applicable WQS on their reservations, they may become interested in greater involvement in additional programs—such as the 303(d) Program—designed to ensure that applicable WQS are achieved. Obtaining TAS to implement a CWA Section 303(d) Impaired Water Listing and TMDL Program for its reservation waters is one potential next step for interested tribes. Under section 303(d), a tribe would use applicable WQS as the basis for identifying impaired waters and calculating TMDLs, which quantify the maximum amount of a pollutant that a water body can receive and still meet the WQS.

Table 1, below, is an example of one step-wise approach that tribes may follow in developing their water quality programs under the CWA and ultimately seeking TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. This is only one possible approach, and, under this approach, not all the identified steps would need to be taken sequentially (*e.g.,* some could be completed in parallel).

[13] A chart listing EPA approvals for tribes to administer a WQS program, and EPA's approvals of tribes' WQS is available at *http://water.epa.gov/scitech/swguidance/standards/wqslibrary/approvtable.cfm.*

TABLE 1—EXAMPLE OF A STEP-WISE APPROACH TO REGULATORY ACTIVITIES FOR TRIBES INTERESTED IN APPLYING FOR TAS AUTHORITY TO IMPLEMENT THE CWA SECTION 303(d) IMPAIRED WATER LISTING AND TMDL PROGRAM

Step 1: Tribe seeks TAS for CWA 303(c): WQS	• Tribe decides to evaluate and address water quality within its reservation by establishing WQS under the CWA. • Tribe identifies and inventories reservation water bodies. • Tribe applies for TAS for WQS.
Step 2: Tribe Adopts WQS	• Tribe develops its water quality goals. • Tribe drafts WQS for EPA approval. • EPA approves tribal WQS.
Step 3: Tribe seeks TAS for CWA Section 303(d): Impaired Water Listing and TMDL Program.	• Tribe decides to assess water quality conditions (*i.e.,* comparing water quality monitoring data and information against applicable WQS), identify impaired waters, and develop TMDLs. • Tribe applies for TAS to implement a 303(d) program under the CWA. • EPA approves TAS for 303(d).
Step 4: Tribe implements the CWA Section 303(d) Impaired Water Listing and TMDL Program.	Tribe conducts activities required by 40 CFR 130.7, including but not limited to: • Assembles and evaluates all existing and readily available water quality-related data and information on reservation water bodies (data may have been gathered by an established, comprehensive monitoring program). • Develops section 303(d) list of impaired waters (that is, reservation water bodies that do not meet or are not likely to meet applicable WQS). • Prioritizes list of impaired water bodies for TMDL development. • Submits section 303(d) list to EPA for approval. • Develops TMDLs for listed waters. • Submits TMDLs to EPA for approval.
Step 5: Tribe implements TMDLs (not required by 40 CFR 130.7).	• Carry out watershed-specific plans to implement TMDLs. • Monitors TMDL implementation and effectiveness.
Step 6: Tribe seeks other CWA regulatory programs.	Possibilities include: • CWA Section 402 NPDES Program. • CWA Section 405 Sewage Sludge Management Program. • CWA Section 404 Dredge and Fill Permit Program.

The proposed rule does not require tribes to have applicable WQS in place on their reservations prior to applying for TAS eligibility for the 303(d) Program. Under section 303(d), however, states and authorized tribes must develop lists of impaired waters and TMDLs based on applicable WQS. CWA sections 303(d)(1) and (2). Although EPA expects that the tribes most likely to be interested in administering the 303(d) Program are those that do have such WQS, the proposed rule would not preclude other tribes from obtaining TAS status for section 303(d) purposes and thus ensuring that TAS eligibility requirements are satisfactorily addressed prior to expending resources on developing WQS. This approach would also allow tribes, at their discretion, to streamline and minimize expenditures on TAS procedures by combining TAS requests for sections 303(c) and 303(d) into a single application. Since authorized tribes must list waters and develop TMDLs based on applicable WQS, however, EPA also specifically invites public comment on whether applicable WQS should instead be a prerequisite for obtaining TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program.

The proposed rule also does not require tribes seeking TAS eligibility for the 303(d) Program to have previously obtained EPA approval for TAS for the WQS Program. EPA specifically invites public comment on whether a tribe applying for TAS for the 303(d) Program should instead be required to have already received EPA approval—or at least simultaneously apply—for TAS for CWA Section 303(c) WQS Program.

IX. What financial and technical support is available from EPA to tribes as they choose to develop and implement a CWA Section 303(d) impaired water listing and TMDL program?

Pre-proposal input from tribes indicates that resources and funding available for TMDL development will be important considerations for tribes in deciding whether to apply for TAS for CWA section 303(d) purposes. The Impaired Water Listing and TMDL Program is not a grant program, and no federal grant funds are available directly from the Impaired Water Listing and TMDL Program. A tribe may be able to use its General Assistance Program (GAP) Grant under the Indian Environmental General Assistance Program Act to support development of a section 303(d) program and capacity to implement such a program, but GAP funds are not available for ongoing program implementation. Tribes interested in this approach would need to contact their Regional GAP Program coordinator. In addition, existing sources of tribal funding such as CWA section 319 grants and section 106 grants are already tightly constrained and may not be available to support additional work under section 303(d). Some tribes that receive CWA funding may be able to identify program activities that could also support 303(d) activities (*e.g.,* assessing water quality to develop impaired water lists, developing a nonpoint source watershed plan that would also implement the nonpoint source portions of a TMDL), but the availability of such opportunities is uncertain.

As resources allow, EPA may be able to work cooperatively with tribes, as appropriate, on impaired water listing and TMDL issues in Indian country. For example, EPA may develop training and/or provide other technical support to tribes interested in obtaining TAS for 303(d) and implementing a CWA Section 303(d) Impaired Water Listing and TMDL Program if EPA staff and other resources are available to do so. As a general matter, however, EPA cannot assure that funding will be available for a tribe developing or implementing the 303(d) Program, and a tribe considering whether to apply to administer the Program will need to carefully assess its priorities and the availability of EPA assistance or other resources.

X. 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 for review.

B. Paperwork Reduction Act (PRA)

EPA has submitted the information collection requirements in this proposed legislative rule to OMB for approval under the PRA. The Information Collection Request (ICR) document that EPA prepared has been assigned EPA ICR number 2515.01. You can find a copy of the ICR in the docket for this proposed rule, and it is briefly summarized here. If EPA finalizes the proposed rule, this ICR would supplement the current information collection requirements in EPA ICR number 1560.10 (National Water Quality Inventory Reports (Renewal)) and address the tribes' CWA Section 303(d) Impaired Water Listing and TMDL TAS application and 303(d) Program implementation burden, as well as EPA's burden for reviewing the tribes' applications and 303(d) Program submittals. OMB approved the existing ICR number 1560.10 in December 2012.

This proposed legislative rule would establish a process for tribes to obtain TAS for the 303(d) Program. As described in the ICR, EPA estimates the total burden on tribes to apply for TAS for the 303(d) Program would be 3,240 staff hours annually for an estimated 12 tribes that would apply for and receive TAS approval per year.

Tribes that receive TAS approval would then need to implement the requirements of section 303(d) to list impaired waters, set TMDL priorities, and develop TMDLs. EPA estimates that such 303(d) Program implementation burden would entail 86,664 staff hours for the estimated 12 tribes. ICR 1560.10 already includes the estimated burden for states to implement section 303(d), but does not include estimates for tribes. Therefore, the ICR for this proposed rule includes tribal section 303(d) implementation burden as well as the TAS application burden described in the previous paragraph.

As discussed in section V, EPA's regulations require that a tribe seeking to administer a CWA regulatory program must submit information to EPA demonstrating that the tribe meets the statutory criteria described in section V. EPA requires this information in order to determine that the tribe is eligible to administer the program. Similarly, EPA requires the information—in this case, the lists of impaired waters and the TMDLs—from the authorized tribes once they begin implementing the program.

Respondents/affected entities: Any federally recognized tribe with a reservation can potentially apply to administer a regulatory program under the CWA. Tribes with TAS for the 303(d) Program would then implement the Program, as described in section IV.

Respondent's obligation to respond: The information discussed in this proposed rule is required from a tribe only if the tribe seeks and is found eligible to administer a CWA Section 303(d) Impaired Water Listing and TMDL Program. See EPA's proposed regulations cited in section V of this document.

Estimated number of respondents: The total potential pool of respondents is the over 300 tribes with reservations. Although there are 566 federally recognized Indian tribes in the United States, the CWA allows only those tribes with reservations to apply for authority to administer programs. EPA estimates that an average of 12 tribes per year would apply under this proposed rule, and an average of 12 tribes per year would implement the 303(d) Program over the three year period of the ICR.

Frequency of response: Application by a tribe to be eligible to administer the 303(d) Program is a one-time collection of information. Tribes submit impaired water lists to EPA every two years, and submit TMDLs to EPA from time to time as described in section IV of this document.

Total estimated burden: 89,904 tribal staff hours per year for TAS for 303(d) Program application activities and 303(d) Program implementation activities. Burden is defined at 5 CFR 1320.3(b).

This estimate may overstate actual burden because EPA used a conservatively high estimate of the annual rate of tribal applications. This estimate was used to ensure that the ICR does not underestimate tribal burden, given that EPA used a simplifying steady-state assumption in estimating annualized tribal application costs. Also, EPA used conservatively high estimates of 303(d) implementation burden (*i.e.,* 303(d) listing and number of TMDLs that tribes would submit to EPA annually), as further described in the draft ICR number 2515.01.

Total estimated cost: $4,185,269, including staff salaries and the cost of support contractors for an annual average of 12 tribes to apply for TAS and implement the 303(d) Program. This action does not entail capital or operation and maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to EPA using the docket identified in the **ADDRESSES** section at the beginning of this proposed rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submissions@omb.eop.gov,* Attention: Desk Officer for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than February 18, 2016. EPA will respond to any ICR-related comments in the final rule.

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. This action will not impose any requirements on small entities. This action affects only Indian tribes that seek TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

This proposed action would only apply to tribal governments that seek eligibility to administer the 303(d) Program. Although it could be of interest to some state governments, it

would not apply directly to any state government or to any other entity.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and state and local governments, EPA consulted with state associations and representatives of state governments to obtain meaningful and timely input for consideration in this proposal. By letter dated September 19, 2014, EPA invited 10 national and regional state associations to an October 1, 2014, informational meeting at EPA in Washington, DC.[14] As a result of this meeting and other outreach, EPA participated in two follow-on meetings with a subset of these associations and their members as well as certain individual states during the month of October 2014. Records of these meetings and copies of written comments and questions submitted by states and state associations are included in the docket for this proposed rule.

Some participants expressed interest in: (1) the nature of comments received from tribes during the pre-proposal tribal consultation and coordination (April 8–June 6, 2014); (2) where they could find the list of tribes having TAS for the WQS Program; (3) whether the TAS process for CWA Section 303(d) Impaired Water Listing and TMDL Program would be consistent with other TAS processes; and (4) whether there is a process in place to consult with states where a tribe applies for TAS for 303(d). Some states also had questions about issues unique to their situations. EPA considered this input in developing the proposed rule, particularly in developing sections V to IX. EPA specifically solicits additional comment on this proposed action from state officials.

F. Executive Order 13175: Tribal Consultation and Coordination

This action has tribal implications because it will directly affect tribes interested in administering the CWA Section 303(d) Impaired Water Listing and TMDL Program. However, it would neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Tribes are not required to administer a 303(d) program. Where a tribe chooses to do so, the proposed rule will provide a regulatory process for the tribe to apply and for EPA to act on the tribe's application.

EPA consulted and coordinated with tribal officials under the EPA Policy on Consultation and Coordination with Indian Tribes early in the process of developing this proposed regulation to permit them to have meaningful and timely input into its development. A summary of that consultation and coordination follows.

EPA initiated a tribal consultation and coordination process for this action by sending a ''Notification of Consultation and Coordination'' letter on March 28, 2014, to all 566 federally-recognized tribes. The letter invited tribal leaders and designated consultation representative(s) to participate in the tribal consultation and coordination process. EPA held a webinar concerning this matter for tribal representatives on April 29, 2014. A total of 46 tribal representatives participated. Additionally, tribes and tribal organizations sent five comment letters to EPA. Records of this webinar and copies of written comments and questions submitted by tribes and intertribal consortia are included in the docket for this proposed rule.

Tribal comments generally supported EPA's plan to propose a TAS rule for the 303(d) Program. Some comments expressed the need for additional financial and technical support as tribes obtain TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. EPA considered the tribal comments in developing this proposal, and intends to remain sensitive to tribal resource issues in its budgeting and planning process. However, EPA cannot assure or assume that additional funding will be available for a tribe developing or implementing the 303(d) Program. A tribe choosing to administer such programs will need to carefully weigh its priorities and any available EPA assistance as described in section IX above.

EPA specifically solicits additional comment on this proposed action From tribal officials.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to think could 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 or safety risk.

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

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The proposed rule would not have potential to cause disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. This proposed rule would have no direct impacts on human health or the environment. The proposed rule would affect processes and information collection only. The proposed rule would put in place the procedures interested tribes would follow to seek TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. The action is likely to result in the collection of information or data that could be used to assess potential impacts on the health or environmental conditions in Indian country (see sections III and IV). As described in sections III and IV, above, under CWA section 303(d), authorized tribes would be required to develop lists of impaired waters, submit these lists to EPA, and develop TMDLs for pollutants causing impairments in the waters on the 303(d) lists. TAS for 303(d) would provide authorized tribes the opportunity to participate directly in protecting their reservation waters through the Section 303(d) Impaired Water Listing and TMDL Program, as Congress intended through CWA section 518(e). EPA also expects this proposed rule would advance the goals of the CWA as interested tribes apply for TAS to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program for reservation water bodies.

The action is likely to increase the availability of information to indigenous populations as interested tribes obtain TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program and begin implementing the Program. In short, tribes with TAS assume *the primary role* in deciding (1) what waters on their reservations are

[14] The ten associations were: the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the Western Governors' Association, the Southern Governors' Association, the Midwestern Governors Association, the Coalition of Northeastern Governors, the Environmental Council of the States, the Association of Clean Water Administrators, and the Western States Water Council.

impaired and in need of restoration, (2) the priority ranking for TMDL development, and (3) what the TMDLs and pollutant source allocations for those waters should look like.

EPA provided meaningful participation opportunities for tribes in the development of this proposed rule, as described in ''*F. Executive Order 13175: Tribal Consultation and Coordination,*'' above.

List of Subjects in 40 CFR Part 130

Environmental protection, Grant programs-environmental protection, Indians-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: January 6, 2016.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, the U.S. Environmental Protection Agency proposes to amend 40 CFR part 130 as follows:

PART 130—WATER QUALITY PLANNING AND MANAGEMENT

■ 1. The authority citation for part 130 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 2. Add § 130.16 to read as follows:

§ 130.16 Treatment of Indian Tribes in a similar manner as States for purposes of section 303(d) of the Clean Water Act.

(a) The Regional Administrator may accept and approve a tribal application for purposes of administering the Clean Water Act (CWA) Section 303(d) Impaired Water Listing and Total Maximum Daily Load (TMDL) Program if the tribe meets the following criteria:

(1) The Indian tribe is recognized by the Secretary of the Interior and meets the definitions in § 131.3 (k) and (l) of this chapter;

(2) The Indian tribe has a governing body carrying out substantial governmental duties and powers;

(3) The CWA Section 303(d) Impaired Water Listing and TMDL Program to be administered by the Indian tribe pertains to the management and protection of water resources that are within the borders of the Indian reservation and held by the Indian tribe, within the borders of the Indian reservation and held by the United States in trust for Indians, within the borders of the Indian reservation and held by a member of the Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of the Indian reservation; and

(4) The Indian tribe is reasonably expected to be capable, in the Regional Administrator's judgment, of carrying out the functions of an effective CWA Section 303(d) Impaired Water Listing and TMDL Program in a manner consistent with the terms and purposes of the Act and applicable regulations.

(b) Requests by Indian tribes for administration of the CWA Section 303(d) Impaired Waters Listing and TMDL Program should be submitted to the appropriate EPA Regional Administrator. The application shall include the following information, provided that where the tribe has previously qualified for eligibility or ''treatment as a state'' (TAS) under another EPA-administered program, the tribe need only provide the required information that has not been submitted in a previous application:

(1) A statement that the tribe is recognized by the Secretary of the Interior.

(2) A descriptive statement demonstrating that the tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. The statement should:

(i) Describe the form of the tribal government;

(ii) Describe the types of governmental functions currently performed by the tribal governing body such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population, taxation, and the exercise of the power of eminent domain; and

(iii) Identify the source of the tribal government's authority to carry out the governmental functions currently being performed.

(3) A descriptive statement of the tribe's authority to regulate water quality. The statement should include:

(i) A map or legal description of the area over which the tribe asserts authority to regulate surface water quality;

(ii) A statement by the tribe's legal counsel (or equivalent official) that describes the basis for the tribe's assertion of authority and may include a copy of documents such as tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and/or resolutions that support the tribe's assertion of authority; and

(iii) An identification of the surface waters that the tribe proposes to assess for potential impaired water listing and TMDL development.

(4) A narrative statement describing the capability of the Indian tribe to administer an effective CWA Section 303(d) Impaired Water Listing and TMDL Program. The narrative statement should include:

(i) A description of the Indian tribe's previous management experience that may include the administration of programs and services authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, *et seq.*), the Indian Mineral Development Act (25 U.S.C. 2101, *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(ii) A list of existing environmental or public health programs administered by the tribal governing body and copies of related tribal laws, policies, and regulations;

(iii) A description of the entity (or entities) that exercise the executive, legislative, and judicial functions of the tribal government;

(iv) A description of the existing, or proposed, agency of the Indian tribe that will assume primary responsibility for establishing, reviewing, implementing and revising impaired water lists and TMDLs;

(v) A description of the technical and administrative capabilities of the staff to administer and manage an effective CWA Section 303(d) Impaired Water Listing and TMDL Program or a plan that proposes how the tribe will acquire the needed administrative and technical expertise. The plan must address how the tribe will obtain the funds to acquire the administrative and technical expertise.

(5) Additional documentation required by the Regional Administrator that, in the judgment of the Regional Administrator, is necessary to support a tribal application.

(c) *Procedure for processing a tribe's application.* (1) The Regional Administrator shall process an application of a tribe submitted pursuant to paragraph (b) of this section in a timely manner. The Regional Administrator shall promptly notify the tribe of receipt of the application.

(2) Except as provided below in paragraph (c)(4) of this section, within 30 days after receipt of the tribe's application the Regional Administrator shall provide appropriate notice. Notice shall:

(i) Include information on the substance and basis of the tribe's assertion of authority to regulate the quality of reservation waters; and

(ii) Be provided to all appropriate governmental entities.

(iii) Provide 30 days for comments to be submitted on the tribal application. Comments shall be limited to the tribe's assertion of authority.

(3) If a tribe's asserted authority is subject to a competing or conflicting claim, the Regional Administrator, after due consideration, and in consideration of other comments received, shall determine whether the tribe has adequately demonstrated that it meets the requirements of paragraph (a)(3) of this section.

(4) Where EPA has previously determined that a tribe qualifies for TAS for the CWA Section 303(c) Water Quality Standards Program, CWA Section 402 National Pollutant Discharge Elimination System Program, or CWA Section 404 Dredge and Fill Permit Program, and EPA has provided notice and an opportunity to comment on the tribe's assertion of authority to appropriate governmental entities as part of its review of the prior application, no further notice to governmental entities, as described in paragraph (c)(2) of this section, shall be provided with regard to the same tribe's application for the CWA Section 303(d) Impaired Water Listing and TMDL Program, unless the application presents to the EPA Regional Administrator different jurisdictional issues or significant new factual or legal information relevant to jurisdiction.

(5) Where the Regional Administrator determines that a tribe meets the requirements of this section, he or she shall promptly provide written notification to the tribe that the tribe is authorized to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program. Such tribe shall be considered a ''State'' for purposes of CWA section 303(d) and its implementing regulations. With respect to the timing requirement for submittal of an authorized tribe's first list of impaired waters pursuant to § 130.7(d)(1), the tribe's first list is due on the next listing cycle due date that is 24 months after the later of either:

(i) The date EPA approves the tribe's TAS application pursuant to this section or

(ii) The date EPA-approved or EPA-promulgated water quality standards become effective for the tribe's reservation waters.

[FR Doc. 2016–00736 Filed 1–15–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0032; FRL–9939–32]

Withdrawal of Pesticide Petitions for Establishment or Modification of Pesticide Chemical Tolerances or Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of withdrawal of pesticide petitions.

SUMMARY: This document announces the withdrawal of pesticide petitions requesting the establishment or modification of tolerances or tolerance exemptions for residues of pesticide chemicals in or on various commodities. The petitions were either withdrawn voluntarily by the petitioners or by the Agency.

DATES: The pesticide petitions in this document are withdrawn as of January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Although this action only applies to the petitioners in question, it is directed to the public in general. Since various individuals or entities may be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding this action, please consult the person listed at the end of the withdrawal summary for the pesticide petition of interest.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0008, is available at *http://www.regulations.gov* or at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

EPA is announcing the withdrawal of pesticide petitions received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of tolerances or tolerance exemptions in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions covered by this document, prepared by the petitioner, was included in a docket EPA created for each rulemaking. The docket for each of the petitions is available online at *http://www.regulations.gov.*

Withdrawals by Petitioners

1. *PP 0E7820 (spirodiclofen).* EPA issued a notice in the **Federal Register** of February 4, 2010 (76 FR 17374) (EPA–HQ–OPP–2011–0087), which announced the filing of a pesticide petition (PP 0E7820) by Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish tolerances in 40 CFR part 180 for residues of the insecticide spirodiclofen, 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate, in or on sugar apple, cherimoya, atemoya, custard apple, ilama, soursop, biriba, guava, feijoa, jaboticaba, wax jambu, starfruit, passionfruit, persimmon and acerola at 0.45 ppm; and lychee, longan, Spanish lime, rambutan and pulasan at 3.5 ppm. On April 17, 2014, IR–4 notified EPA that it was withdrawing this petition.

2. *PP 9E7632 (spirodiclofen).* EPA issued a notice in the **Federal Register** of February 4, 2010 (75 FR 5790) (EPA–HQ–OPP–2009–0861), which announced the filing of a pesticide petition (PP 9E7632) by Interregional Research Project No. 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to amend the tolerances in 40 CFR 180.608 by revising the tolerance expression under paragraphs (a)(1) and (a)(2) to read as follows: (a)(1). Tolerances are established for residues

of the insecticide spirodiclofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate). (a)(2). Tolerances are established for residues of the insecticide spirodiclofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only the sum of spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate) and its metabolite 3-(2,4-dichlorophenyl)-4-hydroxy-1-oxaspiro[4,5]dec-3-en-2-one, calculated as the stoichiometric equivalent of spirodiclofen. On April 17, 2014, IR–4 notified EPA that it was withdrawing this petition.

3. *PP 4G8247 (flutriafol).* EPA issued a notice in the **Federal Register** of October 24, 2014 (79 FR 63594) (EPA–HQ–OPP–2014–0379), which announced the filing of a pesticide petition (PP 4G8247) by Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510. The petition proposed to establish tolerances in the 40 CFR part 180 for residues of the fungicide flutriafol, (±)-α-(2-fluorophenyl)-α-(4-fluorophenyl)-1 *H*-1,2,4-triazole-1-ethanol, including its metabolites and degradates, in or on corn, sweet, forage at 5 parts per million (ppm); corn, sweet, kernel plus cob with husks removed at 0.01 ppm; and corn, sweet, stover at 15 ppm. On February 25, 2015, Cheminova, Inc., notified EPA that it was withdrawing this petition.

4. *PP 1E7923 (clothianidin).* EPA issued a notice in the **Federal Register** of December 8, 2011 (76 FR 76674) (EPA–HQ–OPP–2011–0860), which announced the filing of a pesticide petition (PP 1E7923) by Interregional Research Project Number 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08450. The petition proposed to establish tolerances in 40 CFR part 180 for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on strawberry at 1.4 parts per million (ppm); citrus fruit group 10–10 at 0.5 ppm; citrus, dried pulp at 1 ppm; and pistachio at 0.01 ppm. On April 7, 2015, IR–4 notified EPA that it was withdrawing this petition.

5. *PP 3E8226 (gamma-cyhalothrin).* EPA issued a notice in the **Federal Register** of May 23, 2014 (79 FR 29729) (EPA–HQ–OPP–2014–0207), which announced the filing of a pesticide petition (PP 3E8226) by Cheminova A/S, 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510. The petition proposed to establish import tolerances in the 40 CFR part 180 for residues of the insecticide gamma-cyhalothrin, in or on fruit, citrus, group 10–10 at 0.07 ppm; citrus, dried pulp at 0.2 ppm; and citrus, oil at 3.5 ppm. On April 8, 2015, Cheminova A/S notified EPA that it was withdrawing this petition.

6. *PP 3E8183 (1,3-dichloropropene).* EPA issued a notice in the **Federal Register** of September 12, 2013 (78 FR 56185) (EPA–HQ–OPP–2013–0496), which announced the filing of a pesticide petition (PP 3E8183) by Interregional Research ProjectNumber 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish a tolerance in 40 CFR part 180 for the combined residues of the fungicide, *cis*- and *trans*-1,3-dichloropropene, including its metabolites and degradates, in or on pineapple at 0.02 ppm. It is proposed that compliance with the tolerance levels specified in § 180.636 is to be determined by measuring *cis*- and *trans*-1,3-dichloropropene and its metabolites *cis*- and *trans*-3-chloroacrylic acid, and *cis*-and *trans*-3-chloroallylalcohol, in or on the commodity. The proposed tolerances are to support post plant use in pineapple, similar to the established drip irrigation use of 1,3-dichloropropene in grapes. On May 20, 2015, IR–4 notified EPA that it was withdrawing this petition.

7. *PP 2F8008 (clothianidin).* EPA issued a notice in the **Federal Register** of September 28, 2012 (77 FR 59578) (EPA–HQ–OPP–2010–0217), which announced the filing of a pesticide petition (PP 2F8008) by Valent U.S.A. Corporation, P.O. Box 8025, Walnut Creek, CA 94596. The petition requested to establish tolerances in the 40 CFR part 180 for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on fruiting, vegetables, group 8–10, except pepper/eggplant subgroup 8–10B at 0.2 ppm; and pepper/eggplant subgroup 8–10B at 0.7 ppm. The petition also requested to amend the tolerance in 40 CFR 180.586 (a) by deleting the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on the vegetable, fruiting group 8 at 0.2 ppm, upon approval of fruiting, vegetables, group 8–10, except pepper/eggplant subgroup 8–10B at 0.2 ppm under ''New Tolerance'' for *PP 2F8008;* and replacing the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on fruit, pome at 1.0 ppm with fruit, pome group (11–10) at 1.0 ppm due to the expansion of crop groups. On June 24, 2015, Valent U.S.A. Corporation notified EPA that it was withdrawing this petition.

8. *PP 4E8311 (flubendiamide).* EPA issued a notice in the **Federal Register** of March 4, 2015 (80 FR 11611) (EPA–HQ–OPP–2014–0784), which announced the filing of a pesticide petition (PP 4E8311) by Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish a tolerance in 40 CFR part 180 for residues of the insecticide, flubendiamide, (*N*2–1,1-dimethyl-2-(methylsulfonyl)ethyl-3-iodo-*N*1-2-methyl-4-1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethylphenyl-1,2-benzenedicarboxamide) in or on the following: Bushberry subgroup 13–07B at 8.0 ppm; vegetable, fruiting group 8–10 at 0.60 ppm; fruit, pome, group 11–10 at 1.5 ppm; fruit, stone, group 12–12 at 1.6 ppm; nut, tree, group 14–12 at 0.06 ppm; and sunflower, subgroup 20B at 5.0 ppm. Upon the approval of the aforementioned tolerances, the petitioner requests to remove the established tolerances for flubendiamide in or on fruit, pome, group 11 at 1.5 ppm; fruit, stone, group 12 at 1.6 ppm; nut, tree, group 14 at 0.06 ppm; safflower, seed at 5.0 ppm; and sunflower, seed at 5.0 ppm. On September 3, 2015, IR–4 notified EPA that it was withdrawing this petition.

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 23, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2016–00431 Filed 1–15–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. CDC–2015–0006]

42 CFR Part 73

RIN 0920–AA59

Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review of the List of Select Agents and Toxins and Enhanced Biosafety Requirements

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: In accordance with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Response Act), the Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) has reviewed the list of biological agents and toxins that have the potential to pose a severe threat to public health and safety and proposes to amend and republish the list. Specifically, we are proposing to remove six biological agents; add provisions to address the inactivation of select agents; add specific provisions to the section of the regulations addressing biosafety; and clarify regulatory language concerning security, training, incident response, and records.

DATES: Submit written or electronic comments by March 21, 2016.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0006 or RIN 0920–AA59 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Select Agents and Toxins, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–A46, Atlanta, Georgia 30329, Attn: Docket CDC–2015–0006.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

Comments will also be available for public inspection from Monday through Friday, except for legal holidays, from 9 a.m. to 5 p.m., Eastern Time, at 1600 Clifton Road NE., Atlanta, Georgia, 30329. Please call ahead to (404) 718–2000 and ask for a representative from the Division of Select Agents and Toxins to schedule your visit.

FOR FURTHER INFORMATION CONTACT: Dr. Dan Sosin, Acting Director, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–A46, Atlanta, Georgia 30329. Telephone: (404) 718–2000.

SUPPLEMENTARY INFORMATION:

The NPRM is organized as follows:

I. Public Participation
II. Background
  A. Legal Authority
  B. Historical background to this rulemaking
III. Summary of Proposed Changes to 42 CFR part 73
  A. Definitions
  B. Proposed changes to the list of select agents
  C. Inactivation of a Select Agent
  D. Toxins
  E. Exemptions for select agents and toxins
  F. Registration
  G. Responsible Official
  H. Visitor Access to Select Agents and Toxins
  I. Security, Biosafety, and Incident Response Plans
  J. Training
  K. Records
IV. Alternatives Considered
V. Required Regulatory Analyses
  A. Executive Orders 12866 and 13563
  B. The Regulatory Flexibility Act
  C. Paperwork Reduction Act of 1995
  D. EO 12988: Civil Justice Reform
  E. EO 13132: Federalism
  F. Plain Language Act of 2010
VI. References

I. Public Participation

Interested persons or organizations are invited to participate in this rulemaking by submitting written views, recommendations, and data. Comments are invited on any topic related to this rulemaking.

In addition, HHS/CDC invites comments specifically as to whether there are biological agents or toxins that should be added or removed from the HHS list of select agents and toxins based on the following criteria:

(1) The effect on human health of exposure to the agent or toxin;

(2) The degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

(3) The availability and effectiveness of pharmacotherapies and immunizations to treat and prevent any illness resulting from infection by the agent or exposure to the toxin; and

(4) Any other criteria, including the needs of children and other vulnerable populations that the commenter considers appropriate.

HHS/CDC also invites comments on the following questions:

(1) Are there other methods that should be required to validate the rendering of a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus non-infectious?

(2) Should there be changes to the toxin permissible limits for excluded toxins?

(3) Should Diacetoxyscirpenol (DAS) and T–2 be removed from the select toxin list because they do not have the potential to pose a severe threat to public health and safety?

(4) Does seven calendar days provide a sufficient amount of time for the entity to destroy or transfer the select agents or toxins after identification?

(5) Are there any specific biosafety measures that should be required to prevent laboratory acquired infections (LAIs) or accidental release of the select agents and toxins from an entity into the community?

(6) What alternative regulatory requirement could be constructed such that a registered entity would know whether it had a theft or loss of a select agent or toxin without that registered entity first having ''an accurate, current inventory for each select agent . . . held in long term storage''?

Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. HHS/CDC will carefully consider all comments submitted in preparation of a final rule.

II. Background

A. Legal Authority

HHS/CDC is promulgating this rule under the authority of sections 201–204 and 221 of Title II of Public Law 107–188, 116 Stat 637 (42 U.S.C. 262a).

B. Historical Background to This Rulemaking

Subtitle A of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, (42 U.S.C. 262a), requires HHS to regulate the possession, use, and transfer of biological agents or toxins that have the potential to pose a severe threat to public health and safety (select agents and toxins). Subtitle B of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

(which may be cited as the Agricultural Bioterrorism Protection Act of 2002), (7 U.S.C. 8401), requires the United States Department of Agriculture (USDA) to regulate the possession, use, and transfer of biological agents or toxins that have the potential to pose a severe threat to animal or plant health, or animal or plant products (select agents and toxins). Accordingly, HHS and USDA have promulgated regulations requiring individuals or entities that possess, use, or transfer select agents and toxins to register with the CDC or the Animal and Plant Health Inspection Service (APHIS). *See* 42 CFR part 73, 7 CFR part 331, and 9 CFR part 121 (the select agent regulations). The Federal Select Agent Program (FSAP) is the collaboration of the CDC, Division of Select Agents and Toxins (DSAT) and the APHIS Agriculture Select Agent Services (AgSAS) to administer the select agent regulations in a manner that minimizes the administrative burden on persons subject to the select agent regulations. The FSAP administers the select agent regulations in close coordination with the Federal Bureau of Investigation's Criminal Justice Information Services Division (CJIS).

The Bioterrorism Response Act also requires the HHS Secretary to establish by regulation a list of biological agents and toxins that have the potential to pose a severe threat to public health and safety. In determining whether to include an agent or toxin on the list, the HHS Secretary considers criteria such as the effect on human health of exposure to an agent or toxin; the degree of contagiousness of the agent and the methods by which the agent or toxin is transferred to humans; the availability and effectiveness of pharmacotherapies and immunizations to treat and prevent illnesses resulting from an agent or toxin; and the needs of children and other vulnerable populations. The current list of HHS select agents and toxins can be found at 42 CFR 73.3 (HHS select agents and toxins) and 42 CFR 73.4 (Overlap select agents and toxins). The list of HHS and Overlap select agents and toxins is also available at: *http://www.selectagents.gov/SelectAgentsandToxinsList.html.*

The HHS Secretary last republished the list of HHS select agents and toxins in the **Federal Register** on October 5, 2012 (77 FR 61084). The list of HHS select agents and toxins is divided into two sections. The select agents and toxins listed in section 73.3 (HHS select agents and toxins) are those regulated only by HHS under the authority of the Bioterrorism Response Act (42 U.S.C. 262a). The select agents and toxins listed in section 73.4 (Overlap select agents and toxins) are those regulated by HHS under the authority of the Bioterrorism Response Act and also regulated by the U.S. Department of Agriculture under the authority of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

The Bioterrorism Response Act requires the HHS Secretary to review and republish the list of select agents and toxins on at least a biennial basis. Using government subject matter experts, HHS/CDC conducts the biennial review process in consultation with the HHS/CDC Intragovernmental Select Agents and Toxins Technical Advisory Committee (ISATTAC). The ISATTAC is comprised of Federal government employees from CDC, Biomedical Advanced Research and Development Authority (BARDA) within the Office of the Assistant Secretary for Preparedness and Response, the National Institutes of Health (NIH), the Food and Drug Administration (FDA), the Department of Homeland Security (DHS), the Department of Defense (DOD), the USDA/Animal and Plant Health Inspection Service (APHIS), USDA/Agricultural Research Service (ARS), and USDA Center for Veterinary Biologics (CVB). Based on the criteria outlined in the Bioterrorism Response Act, the ISATTAC considered the following criteria in their review of the HHS and Overlap lists of select agents and toxins: The degree of pathogenicity (ability of an organism to cause disease), communicability (ability to spread from infected to susceptible hosts), ease of dissemination, route of exposure, environmental stability, ease of production in the laboratory, ability to genetically manipulate or alter, long-term health effects, acute morbidity (illness), mortality, available treatment, status of host immunity, vulnerability of special populations, and the burden or impact on the health care system.

On February 27, 2015, HHS/CDC published an advance notice of proposed rulemaking (80 FR 10656) in which we requested public comment on (1) whether there are biological agents or toxins that should be added or removed from the HHS list of select agents and toxins; and (2) whether HHS/CDC should remove the following six select agents from the HHS list of select agents and toxins: *Coxiella burnetti, Rickettsia prowazekii, Bacillus anthracis* Pasteur strain, *Brucella abortus, Brucella melitensis*, and *Brucella suis.*

III. Summary of Proposed Changes

The following changes to the list of HHS select agents and toxins are proposed based on comments received to the advance notice of proposed rulemaking (80 FR 10656) referenced above, recommendations from the ISATTAC, information from the DHS Material Threat Determinations (DHS–MTD) of biological agents and toxins (*https://www.medicalcountermeasures.gov/phemce/dhs.aspx*), and the expertise of federal agencies and staff responsible for the oversight of the possession, use, and transfer of select agents and toxins. We are also proposing specific changes to the current regulations, as discussed below, addressing biosafety; clarifying regulatory language concerning security, training, incident response, and records; correcting an omission from the technical amendment (appeal process for exclusion); and revision of the select agent list with current taxonomic names.

A. Definitions

We are proposing to add two new terms to section 73.1 (Definitions) of the regulations. We are proposing to define the term ''*Inactivation''* as ''a method to render a select agent non-viable but retain characteristic of interest for future use, or to render any nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use.'' We are also proposing to define the term ''*Kill curve''* as ''the results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.'' The new definitions will help clarify proposed regulatory language in section 73.12 (Biosafety).

B. Proposed Changes to the List of Select Agents

On February 27, 2015, HHS/CDC published an advance notice of proposed rulemaking (ANPRM) (80 FR 10656) in which we requested public comment specifically on whether there are biological agents or toxins that should be added or removed from the HHS list of select agents and toxins.

In that same docket, HHS/CDC also requested public comments as to whether biological agents specifically listed in the February 27, 2015 ANPRM should be removed or remain on the list. The listed agents were *Coxiella burnetti, Rickettsia prowazekii, Bacillus anthracis* Pasteur strain, *Brucella abortus, Brucella melitensis*, and *Brucella suis.* We are now proposing that these agents be removed from the

HHS list of select agents based on the twenty-two comments received in response to the February 27, 2015 ANPRM, recommendations from the ISATTAC, and our review of current scientific data regarding these biological agents.

Coxiella burnetii (42 CFR 73.3)

In response to the February 27, 2015 ANPRM, we received 11 comments concerning *Coxiella burnetii.* Only two commenters recommended that *C. burnetii* remain on the list because ''antibiotic treatment should not be considered for removing the agent.'' The other nine commenters argued that *C. burnetii* should not be included as a select agent based on the following assertions:

- Five commenters stated it is not easily transmitted from person to person.
- Three commenters referenced that even in the absence of antibiotic treatment, Q fever (the disease with acute and chronic stages caused by the bacteria *C. burnetii*) is generally a self-limited flu-like illness with low mortality (Ref. 1).
- All commenters acknowledged that most infections are inapparent and most seropositive individuals cannot remember an infection consistent with Q fever.
- Six commenters agreed that *Coxiella* is susceptible to a number of readily available antibiotics. Preferred treatments include tetracycline or doxycycline. Quinolones have also been used successfully and Co-trimoxazole is recommended in specific situations such as pregnancy.

The ISATTAC recommended the removal of *C. burnetii* from the HHS list of select agents and toxins because:

- It has a low mortality rate with antibiotic treatment and most seropositive individuals cannot remember an infection consistent with Q fever (Ref. 2); and
- A whole-cell killed vaccine (Q-Vax) with nearly 100% efficacy is licensed in Australia and has been used to vaccinate U.S. researchers whom were at risk (Ref. 3).

We are now proposing to remove C. *burnetii* from the HHS list of select agents (42 CFR 73.3). As discussed above, our proposal is supported by comments we received in response to the February 27, 2015 ANPRM and the recommendations of the ISATTAC. Both the commenters and the ISATTAC supported their recommendations with the scientific references noted above. We further conclude that, based on recent information provided by DHS–MTD, *C. burnetii* does not pose a severe threat to public health and safety. We are, however, still seeking comment from those who may believe that C. *burnetii* remains a severe threat to public health and safety and accordingly should be retained as a HHS select agent.

Rickettsia prowazekii (42 CFR 73.3)

In response to the February 27, 2015 ANPRM, we received eight comments concerning *Rickettsia prowazekii.* Only one commenter recommended to retain *Rickettsia prowazekii* because ''antibiotic treatment should not be considered for removing the agent.'' The other seven commenters supported removal based on the following reasons:

- The risk of mass casualties is low because *R. prowazekii* can be treated with a single dose of doxycycline when symptoms are present;
- Transmissibility from person to person is low due to the fact that R. *prowazekii* is usually transmitted via blood, although it can be spread through inhalation of louse feces;
- The agent has poor environmental stability; and
- The difficulty in growing and purifying substantial quantities of these agents *in vitro.*

The ISATTAC recommended the removal of *R. prowazekii* from the HHS list of select agents and toxins because:

- It is treatable with available antibiotics (Ref. 4 and 5);
- The risk of mass casualties is low because *R. prowazekii* can be treated with a single dose of doxycycline when symptoms are present (Ref. 4 and 5); and
- Transmissibility from person to person is low due to the fact that *R. prowazekii* is usually transmitted via blood, although it can be spread through inhalation of louse feces (Ref. 5).

We are now proposing to remove *R. prowazekii* from the HHS list of select agents (42 CFR 73.3). As discussed above, our proposal is supported by the comments we received in response to the February 27, 2015 ANPRM and the recommendations of the ISATTAC. Both the commenters and the ISATTAC supported their recommendations with the scientific references noted above. We further conclude that, based on recent information provided by DHS–MTD, *R. prowazekii* does not pose a severe threat to public health and safety. We are, however, still seeking comment from those who may believe that *R. prowazekii* remains a severe threat to public health and safety and accordingly should be retained as a HHS select agent.

Bacillus anthracis Pasteur Strain (42 CFR 73.4)

We received six comments to the February 27, 2015 ANPRM with all commenters agreeing that *Bacillus anthracis* Pasteur strain should not be included as a select agent based on *B. anthracis* Pasteur strain lacks the plasmid that encodes the toxin genes causing disease. The *B. anthracis* Sterne strain, which lacks the plasmid that encodes for the capsule, was excluded from the requirements of the regulations effective on February 27, 2003.

The ISATTAC recommended the removal of *B. anthracis* Pasteur strain from the overlap list of select agents and toxins because:

- *B. anthracis* Pasteur strain lacks the plasmid that encodes the toxin genes causing disease (Ref. 6);
- *B. anthracis* Sterne strain, which lacks the plasmid that encodes for the capsule, was excluded from the requirements of the regulations effective on February 27, 2003 (Ref. 7–8); and
- Historically, the *B. anthracis* Pasteur strain has been retained as a select agent to allow for continued oversight of laboratories in which the accidental (or intentional) combination of this strain with the Sterne strain could occur to produce *de novo* the wild type phenotype *B. anthracis.* However, a recent study indicates that bacterial transformation of *B. subtilis* with plasmid DNA is inefficient; indicating that transformation with plasmid pXO1 into closely related bacteria such as the *Bacillus anthracis* Pasteur strain would also be inefficient (Ref. 9).

We agreed with the commenters and ISATTAC. We propose to remove *B. anthracis* Pasteur strain because the transformation of a virulence plasmid from one *Bacillus* strain to another is difficult.

Brucella abortus, B. melitensis, and B. suis (42 CFR 73.4)

Responses were received from 16 commenters to the February 27, 2015 ANPRM, that addressed the retention of the three *Brucella* species (*B. abortus, B. melitensis, and B. suis*) currently on the overlap select agent list. Only two commenters recommended to retain these species because ''antibiotic treatment should not be considered for removing the agent.'' The other 14 commenters supported removal based on the rationale provided in the ANPRM.

The ISATTAC recommended the removal of *B. abortus, B. melitensis,* and *B. suis* from the overlap list of select agents and toxins because:

- *B. abortus* has a low human mortality rate (Ref. 10);

• *B. abortus, B. melitensis, and B. suis* are treatable with antibiotics (Ref. 10); and

• Human-to-human transmission is extremely rare, and wildlife carriers in the United States often come into contact with humans without significant transmission (Ref. 10).

We agreed with the commenters and ISATTAC. We propose to remove *B. abortus, B. melitensis,* and *B. suis* because although *Brucella* has a low infectious dose, it is treated, mortality is low, efficacy of treatment is good for all three *Brucella* strains.

C. Inactivation of a Select Agent

We are proposing to add specific requirements to the biosafety section of the regulations (42 CFR 73.12) to address the requirements for rendering a select agent or an nucleic acids that can produce infectious forms of any select agent virus ''non-viable.''

Sections 73.3 (HHS select agents and toxins) and 73.4 (Overlap select agents and toxins) both provide that a ''non-viable'' select agent is excluded from the requirements of the select agent regulations. We are proposing that for an agent to be ''non-viable,'' or to render a nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use, an entity must use a validated method. A validated method means that the method must be scientifically sound such that method will produce consistent results each time the method is used. As outlined in our guidance for ''Non-viable Select Agents and Nonfunctional Select Toxins and Rendering Samples Free of Select Agents and Toxins'' (*http://www.selectagents.gov/guidance-nonviable.html*), an inactivation procedure may include (1) use of the exact conditions of an accepted method that has been validated, such as autoclaving, (2) a published method with adherence to the exact published conditions, or (3) for in-house methods, validation testing should include the specific conditions used and appropriate controls.

As part of the inactivation procedure, an entity would be required to develop a site specific kill curve to identify conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms of any select agent virus. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve would be required to be developed for each strain that undergoes the inactivation procedure. A new kill curve would also be required to be created upon any change in procedure or inactivation equipment. In addition, a validated sterility testing protocol to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus non-infectious would be required to be conducted.

We are also proposing that written records be kept for a select agent or extracts that have been subjected to a procedure to render them non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus that have been subjected to a procedure to render them non-infectious.

We are also soliciting ideas as to whether there are other methods that should be required to validate the rendering of a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus non-infectious.

D. Toxins

Due Diligence

Section 73.3(d)(3) of the select agent regulations (42 CFR 73.(d)(3))specifies the select toxin amounts under the control of a principal investigator, treating physician or veterinarian, or commercial manufacturer or distributor that are excluded from the requirements of the select agent regulations. However, this exclusion applies to the transfer of select toxins ''only after the transferor uses due diligence and documents that the recipient has a legitimate need . . . to handle or use such toxins'' (42 CFR 73.3(d)(3)(i)). This provision was added to the select agent regulations to address the concern that someone might be able to covertly stockpile toxins by receiving multiple orders below the excluded amount. The toxin ''due diligence'' provision requires a person transferring toxins in amounts which would otherwise be excluded from the provisions to: (1) Use due diligence to assure that the recipient has a legitimate need to handle or use such toxins; and (2) report to the FSAP if they detect a known or suspected violation of Federal law or become aware of suspicious activity related to the toxin.

''Due diligence'' is generally understood to be such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the specific case.

We are proposing to add a more specific documentation requirement to the toxin exclusion provision to require the transferor to document the identity of the recipient and the legitimate need (*i.e.,* prophylactic, protective, bona fide research, or other peaceful purpose) claimed by the transferee. Information required to be documented would also include the name of the toxin and the total amount transferred. Identity information of the person requesting and using the toxins would include the individual's name, institution name, address, telephone number, and email address.

Toxin Permissible Limits

In conjunction with this biennial review, the FSAP solicited input from biological toxin subject matter experts to review the listed exclusion limits for select toxins in the HHS select agent regulations. To assess the amount necessary to weaponize a biological toxin, DHS developed toxin parameters and attack scenarios for potential inhalation and ingestion exposures to select toxins. DHS used the formulas described below to estimate ingestion scenarios while employing the ''NIST CONTAM Multizone Modeling'' software (*http://www.bfrl.nist.gov/IAQanalysis/*) for inhalation scenarios. To estimate the amount of toxin for each scenario, DHS analyzed a range of release sizes (in mg) for each biological toxin in order to estimate the number of people that would be exposed to LD–50 (lethal dose, 50% or median lethal dose, the amount of the substance required (usually per body weight) to kill 50% of the test population); or TD–50 (the median toxic dose of a toxin is the dose at which toxicity occurs in 50% of cases) levels of each toxin amount by ingestion of milk (using published TD–50 or LD–50) and/or indoor inhalation (using published LD–50). The inhalation models analyzed toxin releases in three different indoor public facilities that experience heavy commuter volume (population details for these facilities are given in Table 1). One hundred scenarios were generated for each facility using 1–10μm particle sizes. The models used 10 random locations within each facility (potential release locations and population evenly spaced throughout occupied area) at 10 random times. The inhalation models assumed:

• No immediate symptoms, so no changes in population movement due to attack

• Respiration rate 10L/min

• All people assumed to have the same mass = 70 kg (*e.g.,* did not account for lower doses required for children)

TABLE 1—SUMMARY OF FACILITY POPULATION AND RESIDENCE TIMES

Facility	2008 Annual passenger traffic (people)	Simulation transient hourly population	Simulation transient average residence time (minutes)
High throughput transportation facilities	255,500,000	43,750	10
High throughput transportation facilities	219,000,000	37,500	15
High throughput transportation facilities	64,300,000	11,005	60

The ingestion models investigated biological toxins introduced into a fluid (*e.g.,* milk) that was purchased and consumed by consumers over a two day period. Production details and specifics of how the toxins were introduced were not considered. In particular, the largest scenarios involve contaminating greater than ten million servings, which was determined to be implausible in practice. The ingestion models made the following assumptions:

- Milk containing specified quantity of active toxin (1 mg to 1 kg) reaches store shelves.
- Milk is consumed over six days at a uniform rate.
- Contaminated milk is consumed daily until supply is depleted or a health advisory is issued.
- Milk contamination discovered and health advisory issued a minimum of one day, and a maximum of >1 week post attack (at which point all contaminated milk has been consumed).
- For toxins other than saxitoxin and tetrodotoxin, the attacker chooses a toxin concentration such that a person in the 45+ years old age group will consume 1 LD–50 (or TD–50) over 6 day consumption period.
- Since saxitoxin and tetrodotoxin are largely excreted in approximately one day after consumption, the attacker chooses a saxitoxin or tetrodotoxin concentration such that a person in the 45+ years old age group will consume 1 LD–50 (or TD–50) over a one day consumption period.
- Total volume of milk contaminated equals the number of grams of toxin available divided by the toxin concentration (*i.e.,* total volume of milk contaminated depends on the mass of toxin assumed to be available (which varies from 1 mg to 1 kg) and the toxin ingestion LD–50 (or TD–50)).
- If the toxin ingestion LD–50 (or TD–50) is given by a range, the geometric mean of this range is used.
- Range of total volumes of milk contaminated is less than 1 L to approximately 10^8 L.
- The amount of milk contaminated is assumed to depend on how much toxin the attacker has available (*i.e.,* the total volume of milk contaminated equals the number of grams of toxin available divided by the toxin concentration). For example, for a 1 g attack, with a toxin that has an LD–50 of 1mg/kg, the volume of milk contaminated would be 1000 mg/(0.056 mg/mL*1000 mL/L) = 18 L of milk.
- For small attack sizes, it is assumed the attacker would target appropriately-sized small holding tanks or containers, while for large attack sizes, the attacker would target large holding tanks or silos.
- If the toxin is degraded due to pasteurization or storage, the amount of toxin introduced pre-processing would have to be correspondingly larger than these masses.

Proposed Increase of Regulatory Exclusion Limits

Based on the data generated by the models described above, we are proposing the following exclusion limits based on the amounts estimated to expose less than 10 people by inhalation or less than 100 people by ingestion to the LD–50 or TD–50 levels of toxin:

- Increase the regulatory exclusion limit of Botulinum neurotoxin (BoNT) from 0.5 mg to 1 mg;
- Increase the regulatory exclusion limit of Staphylococcal enterotoxins from 5 mg to 100 mg;
- Increase the regulatory exclusion limit of saxitoxin from 100 mg to 500 mg;
- Increase the regulatory exclusion limit of tetrodotoxin from 100 mg to 500 mg;
- Increase the regulatory exclusion limit of abrin from 100 mg to 1,000 mg;
- Increase the regulatory exclusion limit of ricin from 100 mg to 1,000 mg; and
- Increase the regulatory exclusion limit of DAS from 1,000 mg to 10,000 mg.
- Increase the regulatory exclusion limit of T–2 from 1,000 mg to 10,000 mg.

We are, however, still seeking comment from those who may believe that we should retain the current exclusion limits. In addition, we are interested in receiving comments from the public on whether DAS and T–2 have the potential to pose a severe threat to public health and safety or whether these two toxins should be removed from the select toxin list given the high exclusion limit for DAS and T–2.

Proposed Removal of Select Toxins

Short, Paralytic Alpha-Conotoxins

We are proposing short, paralytic alpha-conotoxins containing the following amino acid sequence ($X_1CCX_2PACGX_3X_4X_5X_6CX_7$) be removed as a select toxin for the following reasons:

- The DHS model reported LD–50 value for inhalation delivery of alpha-conotoxin is 20 μg/kg, which is a low toxicity compared to other select toxins;
- A regulatory exclusion limit of 10,000 mg would require the depletion of the cone snail population to achieve this quantity.

Therefore, based on the low toxicity of short, paralytic alpha-conotoxins and the high dosage required for inhalation exposure, we are proposing that the alpha-conotoxin be removed from the select toxin list (Ref. 32).

Toxins: Exclusion of Original Food Samples and Clinical Samples

Original food samples and clinical samples are those specimens that are submitted to laboratories for diagnosis or verification purposes to identify or verify a biological agent or toxin. For example, an original food sample could be a container of potato salad or juice. An original clinical sample could be serum or stool from a patient. Laboratories that test food sample and clinical samples for the presence of toxins generally do not know the level of toxin in a sample and do not extract and purify a toxin as part of their studies. Therefore, we are proposing to exclude the original food sample or clinical sample identified to contain an HHS select toxin to be consistent with the rationale for the current exclusion for animals exposed to toxins (42 CFR 73.3(d)(4)). The proposed exclusion is based upon input from biological toxin subject matter experts and our determination that quantifying the

amount of toxin in these samples is problematic because (1) the amount of toxin is highly variable, which would require large amounts of food and clinical samples to quantify or purify, (2) laboratory procedures to extract toxin from samples are inefficient with most extractions producing low yields; (3) the resources that would be required to quantify toxins in clinical samples and food samples make sample quantification prohibitively expensive; and (4) procedures in these laboratories, based on the requirements of their public health mission, are designed only for toxin detection and not for purification and quantification. Therefore, we are interested in comments regarding our rationale that the original food sample or clinical sample identified to contain an HHS select toxin should be excluded from the select agent regulation.

Exclusion of Toxin Produced as a Byproduct

Laboratories that are only registered for BoNT-producing species of *Clostridium* do not normally have a need to account for BoNT produced during the culturing of *Clostridium* since studying the toxin is not part of their work objective. Therefore, we propose to exclude toxins that are produced only as a byproduct to a study of the toxin producing host organism so long as the toxin has not been intentionally collected, purified, or otherwise extracted, and the material containing the toxin is inactivated and properly disposed of within 30 days of the initiation of the culture. The 30 day disposal time was recommended by biological toxin subject matter experts based on the time it would take to grow the organism and perform the extraction process. This exclusion allows laboratories whose purpose does not include purification of the toxin to more effectively conduct outbreak investigations, food studies, and molecular characterization of agents which produce toxin. In the case of BoNT, these laboratories would still be regulated for the BoNT-producing species of *Clostridium* and in the case of all other HHS select toxins the laboratories would be regulated if they wished to keep the material containing toxins for longer than 30 days from the initiation of culture of the toxin producing host organism. If at any time an entity manipulated the material that contains the select toxin, such as intentional collection, purification or extraction of the toxin from culture supernatant, such activities would void this exemption, and the entity would be required to be registered for the select toxin and meet all applicable select agent and toxin regulatory requirements.

E. Exemptions for Select Agents and Toxins

Informing Specimen Provider

Since a registered or certified reference laboratory typically confirms the identification of a select agent or toxin for public health and agriculture, clinical and diagnostic laboratories, we are proposing to require the registered or certified reference laboratory inform the specimen provider of the identification. This will ensure that the reference laboratory notifies the specimen provider of the identification of the select agent or toxin so that the specimen provider is aware that they are in possession of the agent or toxin and must meet the requirements outlined in 42 CFR 73.5, 73.6.

Identification of Toxin

Once a clinical or diagnostic laboratory has identified a select toxin-positive specimen, an APHIS/CDC Form 4 (Report of the Identification of a Select Agent or Toxin) must be submitted to the FSAP. The select agent regulations currently require the laboratory to transfer or destroy the material within seven days of identification (42 CFR 73.5(a), 73.6(a)) because we determined through input from technical experts that the seven calendar days provides a sufficient amount of time for the entity to destroy or transfer the select agents or toxins after identification. In the past, we have received comments that argued that the seven day requirement for transferring or destroying select agents or toxins used for diagnosis or testing is too short a time limit. Therefore, we are seeking comments to determine if seven calendar days provides a sufficient amount of time for the entity to destroy or transfer the select agents or toxins after identification.

In addition, we are seeking comments to extend the exemption time period to 30 days for BoNT and Staphylococcal enterotoxin (Subtypes A–E) to allow clinical and diagnostic laboratories sufficient time to complete their investigations without having to transfer or destroy the sample. Laboratories would still be required to report the identification of BoNT immediately and Staphylococcal enterotoxin (Subtypes A–E) within seven days. We are proposing to amend the language in 42 CFR 73.5(a), and 42 CFR 73.6(a)to read: ''Unless directed otherwise by the HHS Secretary, within seven calendar days after identification of the select agent and toxin (except for Botulinum neurotoxin and/or Staphylococcal enterotoxin (Subtypes A–E)), or within thirty calendar days after identification of Botulinum neurotoxin and/or Staphylococcal enterotoxin (Subtypes A–E), the select agent or toxin is transferred in accordance with § 73.16 or destroyed on-site by a recognized sterilization or inactivation process,''

Patient Care

To clarify how the select agent regulations apply to activities associated with the diagnosis and care for individuals infected with a select agent or exposure to a select toxin, we are proposing to add provisions that HHS/CDC will not regulate material containing a select agent or toxin when it is in a patient care setting and is not being otherwise collected, tested or retained for non-patient care purposes. However, once delivery of patient care for an illness associated with a select agent or toxin has concluded these specimens would become subject to the regulatory requirements. An entity unable to meet all of the regulatory requirements necessary to retain the material will then have the option of transferring the material containing the select agent or toxin in accord with the select agent regulations or destroying the materials within seven calendar days of the conclusion of patient care.

We also are proposing to clarify that FSAP does not regulate waste generated during the delivery of patient care.

F. Registration

We are codifying in regulations the current FSAP policy that an entity is required to meet all of the regulatory requirements for those select agents and toxins listed on the entity's registration regardless of whether the select agent or toxin is in the actual possession of the entity; and without regard to the actual amounts of toxins in the possession of the entity.

G. Responsible Official (RO)

Section 73.9(a)(6) of the select agent regulations currently states that the Responsible Official must ensure that an annual inspection is conducted for each laboratory where select agents and toxins are stored or used. This requirement also provides that the results of each inspection must be documented, and any deficiencies identified during an inspection must be corrected. We are adding a requirement that the Responsible Official must also document the corrective actions taken by the entity to address any identified deficiencies.

HHS or USDA Office of the Inspector General Hotline

In response to a recommendation in the December 2014 Federal Experts Security Advisory Panel report, we are adding a requirement that the Responsible Official must ensure that individuals are provided the contact information of the HHS or USDA Office of Inspector General Hotline so that individuals are able to anonymously report a safety or security concern related to select agents and toxins. In its December 2014 report, the Federal Experts Security Advisory Panel recommended adding a specific requirement to include how individuals are informed so that they can access the HHS or USDA Office of Inspector General Hotline to anonymously report a safety or security concern.

H. Visitor Access to Select Agents and Toxins

Section 73.10(e) of the select agent regulations currently provides that a person with a valid approval from the HHS Secretary or APHIS Administrator to have access to select agents and toxins may request, through his or her Responsible Official, that the HHS Secretary or APHIS Administrator provide their approved access status to another registered individual or entity for a specified period of time. This allows a scientist registered to work with a select agent at a registered entity to work with the select agent at another registered entity. To ensure that the Responsible Official of the entity hosting the visitor is aware if a visiting individual loses approval for access to select agents and toxins, we are proposing to add a requirement that the Responsible Official at the home entity must immediately notify the Responsible Official of the visiting entity if the person's access to select agents or toxins has been terminated.

I. Security, Biosafety, and Incident Response Plans

The select agent regulations require a registered entity to develop and implement a number of plans in order to ensure the safety and security of the select agents they handle. These are:

- A security plan that provides for measures sufficient to safeguard the select agent or toxin against unauthorized access, theft, loss, or release (42 CFR 73.11);
- A biosafety plan that provides for measures sufficient to contain the select agent or toxin (*e.g.,* physical structure and features of the entity, and operational and procedural safeguards) (42 CFR 73.12); and
- An incident response plan that provides for measures that the registered entity will implement in the event of theft, loss, or release of a select agent or toxin; inventory discrepancies; security breaches (including information systems); severe weather and other natural disasters; workplace violence; bomb threats and suspicious packages; and emergencies such as fire, gas leak, explosion, power outage, etc. The response procedures must account for hazards associated with the select agent or toxin and appropriate actions to contain such agent or toxin. (42 CFR 73.14)

Drills or exercises must be conducted at least annually to test and evaluate the effectiveness of the plans. The plans must be reviewed and revised, as necessary, after any drill or exercise and after any incident. We are proposing to require that these drills or exercises be documented to include how the drill or exercise tested and evaluated the plan, any problems identified and corrective actions that were taken, and the names of the individuals who participated in the drill or exercise. This will provide a more thorough accounting of required activities via testing and entity-directed improvements.

Similar to the existing requirement for the security plan, we are also proposing to add a requirement that the biosafety and incident response plans be submitted for initial registration, renewal of registration, or when requested by FSAP.

Biosafety

We are proposing to amend the regulatory language in section 73.12 to update the name change of the National Institutes of Health (NIH) *Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules* (Ref. 31).

Prior to the publication of the 5th edition of CDC/NIH *Biosafety in Microbiological and Biomedical Laboratories* (Ref. 3), the Occupational Safety and Health Administration (OSHA) regulations in 29 CFR 1910.1200 and 1910.1450 provided specific requirements for handling hazardous chemicals in the laboratories. This regulation also provided recommendations for safely working with chemical including toxins and gave non-mandatory recommendations for prudent practices in laboratories handling chemical hazards. As such, we included this reference for entities to consider when developing biosafety plans for those facilities working with toxins. Since the current edition of the CDC/NIH *Biosafety in Microbiological and Biomedical Laboratories* Appendix I provides guidelines for work with toxins of biological origin, we have removed the reference to the OSHA regulations in 29 CFR 1910.1200 and 1910.1450. It should be noted that regulated entities must still meet the OSHA regulatory requirements where applicable.

In addition, we want to ensure that laboratory personnel that are working with select agents and toxins are aware of the risks associated with these agents. As such, we are proposing to add a requirement that a laboratory-specific biosafety manual must be accessible to individuals. This is consistent with guidance provided by the CDC/NIH publication, *Biosafety in Microbiological and Biomedical Laboratories.* This requirement is proposed to foster an enhanced culture of responsibility by ensuring that appropriate biosafety resources are available to all staff with access to select agents and toxins within a select agent laboratory.

The current regulations require that the biosafety plan be written using performance standards. In the aftermath of recent biosafety incidents involving select agents, we are proposing that the biosafety plan should be designed according to a site-specific risk assessment in accordance with the risk of a select agent, given its intended use by adding specific provisions to the biosafety section that would require a written risk assessment for each registered select agent or toxin; written safety procedures to protect entity personnel, the public, and the environment from exposure to the select agent or toxin; written decontamination procedures; and written waste management procedures.

The FSAP would also like to solicit ideas regarding any specific biosafety measures that should be required to prevent LAIs or accidental or intentional release of the select agents and toxins from an entity into the community.

Security

We are proposing to amend the requirement that the security plan contain a description of how the entity authorizes the means of entry into areas where select agents or toxins are stored or used, to include a requirement that the security plan must include a description of centralized access control management systems (*e.g.,* keycards) and/or key management (mechanical keys).

Paragraphs (d)(7)(i) through (d)(7)(v) of section 11 of the select agent regulations encompass a list of events that individuals with access approval from the APHIS Administrator or the

HHS Secretary must immediately report to the Responsible Official. We are proposing to add a new requirement that the Responsible Official must be notified of any loss of computer, hard drive, or other data storage device containing information that could be used to gain access to select agents or toxins. We believe that such notification will facilitate notification of the Federal Bureau of Investigation if deemed necessary by the Responsible Official as the loss of such equipment may be criminal in nature.

J. Training

We are proposing to amend section 15 of the select agent regulations which concerns the provision of training for staff and visitors who work in or visit areas where select agents or toxins are handled or stored. Since individuals need to understand hazards associated with the select agents and toxins that they will be working with in the laboratory or are in the area they will be visiting, we are proposing to require that all individuals who have received approval to have access to select agents and toxins have training that address the particular needs of the individual and the risks posed by the select agent or toxin regardless of whether they have access to the select agents or toxins. The training would have to be completed within 12 months of that individual's anniversary of receiving access approval or prior to his or her entry into an area where any select agents and toxins are used or stored, whichever occurs first. This change is necessary in order to codify our policy regarding which individuals at registered entities are required to receive training.

We are also proposing to add a new paragraph (e) to section 15, which would require the entity's Responsible Official to provide contact information for the USDA or HHS Office of the Inspector General Hotline. Details of the proposed addition may be found under the heading ''Responsible Official.''

K. Records

Based on inspections of registered entities, we observed that entities are maintaining records of the destruction of select agents even though section 73.17 of the select agent regulations currently does not include a requirement for documenting when a select agent is destroyed. To ensure the proper tracking of a select agent from acquisition to destruction and to incorporate into the regulations what entities are currently doing, we are proposing to add the requirement for records to be created and maintained for the destruction of a select agent held in long-term storage to include the quantity (*i.e.,* number of vials) of select agent destroyed, the date of such action, and by whom.

Section 73.17 of the select agent regulations currently states that records and databases need to be accurate. To ensure that handwritten records are accurate, we are proposing to clarify that hand-written record must be legible (*i.e.,* capable of being read).

We are proposing to expand the scope of records required to be maintained to include any records that contain information related to the requirements of the regulations. Such records may include, but would not limited to, biocontainment certifications, laboratory notebooks, institutional biosafety and/or animal use committee minutes and approved protocols, and records associated with occupational health and suitability programs. We propose revision to the regulations will enhance the ability of FSAP to evaluate biosafety, security, and incident response programs and includes any record created under sections 73.5, 73.7, 73.9, 73.11, 73.12, 73.14, 73.15, 73.16, 73.17, and 73.19 of the select agent regulations.

Records for Long-term Storage

The FSAP continues to receive comments that are critical of that portion of the select agent regulations that require a registered entity to maintain ''an accurate, current inventory for each select agent . . . held in long term storage.'' The comments typically focus on the belief that a container based inventory requirement is not useful to track inventory of biological agents of which small amounts of samples from the container could be stolen without detection and used to grow larger quantities. In the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Congress requires the Secretaries of Health and Human Services and Agriculture to include in the select agent regulations a requirement for ''the prompt notification of the Secretary, and appropriate Federal, State, and local law enforcement agencies, of the theft or loss of listed agents and toxins.'' HHS/CDC is soliciting ideas on any alternative regulatory requirement that could be constructed such that a registered entity would know whether it had a theft or loss of a select agent or toxin without that registered entity first having ''an accurate, current inventory for each select agent . . . held in long term storage.''

V. Required Regulatory Analyses

A. Executive Orders 12866 and 13563

Under Executive Order 12866 (EO 12866), Regulatory Planning and Review (58 FR 51735, October 4, 1993) HHS/CDC is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Orders. This order defines ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or,
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in EO 12866.

Executive Order 13563 (EO 13563), Improving Regulation and Regulatory Review, (76 FR 3821, January 21, 2011), updates some of the provisions of EO 12866 in order to promote more streamlined regulatory actions. This EO charges, in part, that, while protecting ''public health, welfare, safety, and our environment'' that regulations must also ''promote predictability and reduce uncertainty'' in order to promote economic growth. Further, regulations must be written in plain language and be easy to understand.

HHS/CDC has determined that this NPRM is a significant regulatory action as defined in EO 12866. However, the Office of Management and Budget has waived their review of the document.

B. The Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA)

We have examined the impacts of the proposed rule under the Regulatory Flexibility Act (5 U.S.C. 601–612). Unless we certify that the proposed rule is not expected to have a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), requires agencies to analyze regulatory

options that would minimize any significant economic impact of a rule on small entities. We certify that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

This regulatory action is not a major rule as defined by Sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This proposed rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

C. Paperwork Reduction Act of 1995

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), HHS/CDC has determined that the Paperwork Reduction Act does apply to information collection and recordkeeping requirements included in this rule. We note that the information collection and recordkeeping requirements are already approved by the Office of Management and Budget (OMB) under OMB Control Number 0920–0576.

D. EO 12988: Civil Justice Reform

This rule has been reviewed under E.O. 12988, Civil Justice Reform. Once the final rule is in effect, HHS/CDC notes that: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings will not be required before parties may file suit in court challenging this rule.

E. EO 13132: Federalism

HHS/CDC has reviewed this proposed rule in accordance with Executive Order 13132 regarding Federalism, and has determined that it does not have ''federalism implications.'' The rule does not ''have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

In accordance with section 361(e) of the PHSA [42 U.S.C. 264(e)], nothing in this rule would supersede any provisions of State or local law except to the extent that such a provision conflicts with this rule.

F. Plain Language Act of 2010

Under the Plain Language Act of 2010 (P.L. 111–274, October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal Government administers or enforces. HHS/CDC has attempted to use plain language in promulgating this rule consistent with the Federal Plain Writing Act guidelines.

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List of Subjects in 42 CFR Part 73

Biologics, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Transportation.

For the reasons discussed in the preamble, we propose to amend 42 CFR part 73 as follows:

PART 73—SELECT AGENTS AND TOXINS

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

Authority: 42 U.S.C. 262a; sections 201–2014, 221 and 231 of Title II of Public Law 107–188, 116 Stat 637 (42 U.S.C. 262a).

■ 2. Section 73.1 is amended by adding in alphabetical order, definitions of *inactivation* and *kill curve* to read as set forth below.

§ 73.1 Definitions.

* * * * *

Inactivation means a method to render a select agent non-viable but retain characteristic of interest for future use, or to render any nucleic acids that can produce infectious forms of any select agent virus non-infectious for future use.

* * * * *

Kill curve means the results of a dose-response experiment where a select agent is subjected to increasing amounts of the inactivating treatment to determine the minimum conditions required to render it non-viable or to render any nucleic acids that can produce infectious forms of any select agent virus as non-infectious.

* * * * *

■ 3. Section 73.3 is amended as follows:

■ a. By revising paragraph (b).

■ b. By adding new paragraphs (d)(2)(i), (ii), and (iii).

■ c. By revising paragraphs (d)(3) introductory text and (d)(3)(i).

■ d. By redesignating paragraph (d)(5) as paragraph (d)(7).

■ e. By adding new paragraphs (d)(5), (d)(6), and (d)(8).

■ f. By adding paragraph (e)(3) to read as set forth below.

The additions and revisions read as follows:

§ 73.3 HHS select agents and toxins.

* * * * *

(b) HHS select agents and toxins:

Abrin
Botulinum neurotoxins*
Botulinum neurotoxin producing species of *Clostridium**
Crimean-Congo hemorrhagic fever virus
Diacetoxyscirpenol
Eastern equine encephalitis virus
Ebola virus*
*Francisella tularensis**
Lassa fever virus
Lujo virus
Marburg virus*
Monkeypox virus
Reconstructed replication competent forms of the 1918 pandemic influenza A virus containing any portion of the coding regions of all eight gene segments (Reconstructed 1918 influenza A virus)
Ricin
SARS coronavirus (SARS-CoV)
Saxitoxin
South American hemorrhagic fever viruses:
Chapare
Guanarito
Junin
Machupo
Sabia
Staphylococcal enterotoxins (subtypes A–E)
T–2 toxin
Tetrodotoxin
Tick-borne encephalitis virus
Far Eastern subtype
Siberian subtype
Kyasanur Forest disease virus
Omsk haemorrhagic fever virus
Variola major virus (Smallpox virus) *
Variola minor virus (Alastrim) *
*Yersinia pestis**

* * * * *

(d)* * *

(2) Non-viable HHS select agents or nonfunctional HHS toxins.

(i) Unless waived by the HHS Secretary, a select agent or regulated nucleic acids that can produce infectious forms of any select agent virus that has been subjected to a validated inactivation process to remove viability or infectious form (*i.e.,* the ability to reproduce or produce disease, while maintaining cellular structure) is not excluded from the requirements of this part until an individual or entity:

(A) Develops a site-specific kill curve to define conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms of any select agent virus. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve must be developed for each strain that undergoes the inactivation procedure. A new kill curve must be created upon any change in procedure or inactivation equipment.

(B) Develops site-specific standard operating inactivation procedures to ensure that the material is inactivated by a safety margin determined by the kill curve.

(C) Subjects representative samples of inactivated select agents or any nucleic acids that can produce infectious forms of any select agent viruses to a validated sterility testing protocol to ensure that the inactivation method has rendered the select agent non-viable or regulated nucleic acids non-infectious.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol is reported to APHIS or CDC.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent virus are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus sample non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(i)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent viruses previously assessed as inactive.

(ii) Unless waived by the HHS Secretary, an extract from a select agent is not excluded from the requirements of this part until an individual or entity meets the following requirements:

(A) Any extract is subjected to a process that removes all viable cells, spores, or virus particles.

(B) Any extract is subjected to a validated sterility testing protocol to ensure that the inactivation method has rendered the extract free of a select agent.

(C) Any viability of an extract that was subjected to a validated inactivation protocol is reported to the Responsible Official.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was previously assessed as inactive by their validated sterility testing protocol is reported to APHIS or CDC.

(3) Except as required in § 73.16(l), the aggregate amount of the toxin under the control of a principal investigator, treating physician or veterinarian, or commercial manufacturer or distributor does not, at any time, exceed the following amounts: 1000 mg of Abrin; 1 mg of Botulinum neurotoxins; 10,000

mg of Diacetoxyscirpenol; 1000 mg of Ricin; 500 mg of Saxitoxin; 100 mg of Staphylococcal enterotoxins (subtypes A–E); 10,000 mg of T–2 toxin; or 500 mg of Tetrodotoxin.

(i) The toxin is transferred only after the transferor uses due diligence and documents the identification of the recipient and the legitimate need (*i.e.,* prophylactic, protective, bona fide research, or other peaceful purpose) claimed by the recipient to use such toxin. Information to be documented includes, but is not limited to, the recipient identity information, including the recipient's name, institution name, address, telephone number and email address; name of the toxin and the total amount transferred, and the legitimate need claimed by the recipient. Notwithstanding the provisions of paragraph (d) of this section, the HHS Secretary retains the authority to, without prior notification, inspect and copy or request the submission of the due diligence documentation to the CDC.

* * * * *

(5) An HHS select toxin identified in an original food sample or clinical sample.

(6) Select toxins that are produced as a byproduct in the study of the toxin producing host organism so long as the toxin has not been intentionally cultivated, collected, purified, or otherwise extracted, and the material containing the toxin is rendered non-functional and disposed of within 30 days of the initiation of the culture.

* * * * *

(8) Waste generated during the delivery of patient care from a patient infected with a select agent that is decontaminated with a validated method within seven calendar days of the conclusion of patient care,

(e) * * *

(3) An individual or entity may make a written request to the HHS Secretary for reconsideration of a decision denying an application for the exclusion of an attenuated strain of a select agent or a select toxin modified to be less potent or toxic. The written request for reconsideration must state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The HHS Secretary will grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision.

* * * * *

■ 4. Section 73.4 is amended as follows:

■ a. By revising paragraph (b).

■ b. By adding new paragraphs (d)(2)(i), (ii), and (iii).

■ c. By adding paragraph (d)(4).

■ d. By adding paragraph (e)(3).

The revision and additions read as follows:

§ 73.4 Overlap select agents and toxins.

* * * * *

(b) Overlap select agents and toxins:

*Bacillus anthracis**
*Burkholderia mallei**
*Burkholderia pseudomallei**
Hendra virus
Nipah virus
Rift Valley fever virus
Venezuelan equine encephalitis virus

* * * * *

(d) * * *

(2) * * *

(i) Unless waived by the APHIS Administrator or HHS Secretary, a select agent or regulated nucleic acids that can produce infectious forms of any select agent virus that has been subjected to a validated inactivation process to remove viability or infectious form (*i.e.,* the ability to reproduce or produce disease, while maintaining cellular structure) is not excluded from the requirements of this part until an individual or entity:

(A) Develops a site-specific kill curve to define conditions of inactivation for each select agent or regulated nucleic acids that can produce infectious forms of any select agent viruses. If there are strain-to-strain variations in resistance of a select agent to the inactivation procedure, then a specific kill curve must be developed for each strain that undergoes the inactivation procedure. A new kill curve must be created upon any change in procedure or inactivation equipment.

(B) Develops site-specific standard operating inactivation procedures to ensure that the material is inactivated by a safety margin determined by the kill curve.

(C) Subjects representative samples of inactivated select agents or nucleic acids that can produce infectious forms of any select agent viruses to a validated sterility testing protocol to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids non-infectious.

(D) Reports any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was subjected to a validated inactivation protocol to the Responsible Official.

(E) Reviews annually, and revises as necessary, the following:

(*1*) The kill curve procedure and results;

(*2*) Site-specific standard operating procedures to ensure that select agents or regulated nucleic acids that can produce infectious forms of any select agent viruses are inactivated by a safety margin; and

(*3*) The validated sterility testing protocol used to ensure that the inactivation method has rendered a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent viruses non-infectious.

(F) Reviews, and revises as necessary, documents listed in paragraph (d)(2)(i)(E) of this section after any change in principal investigator, change in protocol, or any reported viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus previously assessed as inactive.

(ii) Unless waived by the APHIS Administrator or HHS Secretary, an extract from a select agent is not excluded from the requirements of this part until an individual or entity meets the following requirements:

(A) Any extract is subjected to a process that removes all viable cells, spores, or virus particles.

(B) Any extract is subjected to a validated sterility testing protocol to ensure that the inactivation method has rendered the extract free of a select agent.

(C) Any viability of an extract that was subjected to a validated inactivation protocol is reported to the Responsible Official.

(D) Any viability of a select agent or infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus that was previously assessed as inactive by the validated sterility testing protocol is reported to APHIS or CDC.

(d) * * *

(4) Waste generated during the delivery of patient care from a patient infected with a select agent that is decontaminated with a validated method within seven calendar days of the conclusion of patient care.

(e) * * *

(3) An individual or entity may make a written request to the HHS Secretary or APHIS Administrator for reconsideration of a decision denying an application for the exclusion of an attenuated strain of a select agent or a select toxin modified to be less potent or toxic. The written request for reconsideration must state the facts and reasoning upon which the individual or entity relies to show the decision was incorrect. The HHS Secretary or APHIS Administrator will grant or deny the request for reconsideration as promptly as circumstances allow and will state, in writing, the reasons for the decision.

* * * * *

■ 5. Section 73.5 is amended as follows:
■ a. By revising paragraph (a)(1).
■ b. By redesignating paragraph (a)(3) as paragraph (a)(4) and revising newly redesignated paragraph (a)(4).
■ c. By adding new paragraph (a)(3).

The revisions and addition read as follows:

§ 73.5 Exemptions for HHS select agents and toxins.

(a) * * *

(1) Unless directed otherwise by the HHS Secretary, within seven calendar days after identification of the select agent and toxin (except for Botulinum neurotoxin and/or *Staphylococcal* enterotoxin (Subtypes A–E)), or within thirty calendar days after identification of Botulinum neurotoxin and/or *Staphylococcal* enterotoxin (Subtypes A–E), the select agent or toxin is transferred in accordance with § 73.16 or destroyed on-site by a recognized sterilization or inactivation process,

* * * * *

(3) Unless otherwise directed by the HHS Secretary, the clinical or diagnostic specimens collected from a patient infected with a select agent are transferred in accordance with § 73.16 or destroyed on-site by a recognized sterilization or inactivation process within seven days after delivery of patient care has concluded, and

(4) The identification of the agent or toxin is reported to CDC or APHIS, the specimen provider, and to other appropriate authorities when required by Federal, State, or local law by telephone, facsimile, or email. This report must be followed by submission of APHIS/CDC Form 4 to APHIS or CDC within 7 calendar days after identification.

* * * * *

■ 6. Section 73.6 is amended as follows:
■ a. By redesignating paragraph (a)(3) as paragraph (a)(4) and revising newly redesignated paragraph (a)(4).
■ b. By adding paragraph (a)(3).

The revision and addition read as follows:

§ 73.6 Exemptions for overlap select agents and toxins.

(a) * * *

(3) Unless otherwise directed by the HHS Secretary or Administrator, the clinical or diagnostic specimens collected from a patient infected with a select agent are transferred in accordance with § 73.16 or destroyed on-site by a recognized sterilization or inactivation process within seven days after delivery of patient care has concluded, and

(4) The identification of the agent or toxin is reported to CDC or APHIS, the specimen provider, and to other appropriate authorities when required by Federal, State, or local law by telephone, facsimile, or email. This report must be followed by submission of APHIS/CDC Form 4 to APHIS or CDC within 7 calendar days after identification.

* * * * *

■ 7. Section 73.7 is amended as follows:
■ a. By redesignating paragraphs (b) through (k) as paragraphs (c) through (l), respectively.
■ b. By adding a new paragraph (b) to read as follows:

§ 73.7 Registration and related security risk assessments.

* * * * *

(b) As a condition of registration, each entity is required to be in compliance with the requirements of this part for select agents and toxins listed on the registration regardless of whether the entity is in actual possession of the select agent or toxin. With regard to toxins, the entity registered for possession, use or transfer of a toxin must be in compliance with the requirements of this part regardless of the amount of toxin currently in possession.

* * * * *

■ 8. Section 73.9 is amended as follows:
■ a. In paragraph (a)(6) by removing ''laboratory'' and adding in its place ''registered space'' and adding ''and the corrections documented'' after ''corrected'' at the end of the sentence.
■ b. By adding paragraph (a)(7) to read as set forth below.

§ 73.9 Responsible Official.

(a) * * *

(7) Ensure that individuals are provided the contact information for the HHS or USDA Office of Inspector General Hotline so that they may anonymously report any safety or security concerns related to select agents and toxins.

* * * * *

■ 9. Section 73.10 is amended by adding a new sentence to the end of paragraph (e) to read as follows:

§ 73.10 Restricting access to select agents and toxins; security risk assessments.

* * * * *

(e) * * * A Responsible Official must immediately notify the Responsible Official of the visited entity if the person's access to select agents and toxins has been terminated.

* * * * *

■ 10. Section 73.11 is amended as follows:
■ a. In paragraph (c)(5) by adding ''keycards,'' between ''keys,'' and ''passwords'' and removing ''numbers'' and adding in its place ''permissions''.
■ b. By adding paragraph (c)(11).
■ c. By adding paragraph (d)(7)(vi).
■ d. By adding a sentence to the end of paragraph (h).

The additions read as follows:

§ 73.11 Security.

* * * * *

(c) * * *

(11) Describe how the entity authorizes the means of entry into areas where select agents or toxins are stored or used, to include centralized access control management systems (*e.g.,* keycards) and/or mechanical key management.

(d) * * *

(7) * * *

(vi) Any loss of computer, hard drive or other data storage device containing information that could be used to gain access to select agents or toxins.

* * * * *

(h) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 11. Section 73.12 is amended as follows:
■ a. By revising paragraph (a).
■ b. By removing paragraph (c)(2), redesignating paragraph (c)(3) as (c)(2), and in newly redesignated paragraph (c)(2), removing ''NIH Guidelines for Research Involving Recombinant DNA Molecules'' and adding in its place ''NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules''.
■ c. By adding a new sentence to the end of paragraph (e).

The revision and addition read as follows:

§ 73.12 Biosafety.

(a) An individual or entity required to register under this part must develop and implement a written biosafety plan that is commensurate with the risk of the select agent or toxin, given its intended use. The biosafety plan must contain sufficient information and documentation to describe the biosafety and containment procedures for the select agent or toxin, including any animals (including arthropods) or plants intentionally or accidentally exposed to or infected with a select agent. Biosafety and containment procedures specific to each registered laboratory must be available to each individual working in that laboratory. The current biosafety plan must be submitted for initial registration, renewal of registration, or

when requested. The biosafety plan must include the following provisions:

(1) A written risk assessment for each procedure involving a select agent or toxin that addresses the hazards associated with the agent or toxin.

(i) The hazardous characteristics of each agent or toxin listed on the entity's registration, including probable routes of transmission in the laboratory and in the environment, infective dose (if known), stability in the environment, host range, contribution of any genetic manipulations, and endemicity.

(ii) Hazards associated with laboratory procedures related to the select agent or toxin;

(2) Safeguards in place with associated work practices to protect registered entity personnel, the public, and the environment from exposure to the select agent or toxin including, but not limited to: Safety training requirements for registered entity personnel performing the procedure; required personal protective equipment and other safety equipment; required containment equipment including, but not limited to, biological safety cabinets, animal caging systems, and centrifuge safety containers; and required engineering controls and other facility safeguards.

(3) Written procedures for decontamination with a validated method, of all contaminated or potentially contaminated materials including, but not limited to: Cultures and other materials related to the propagation of select agents or toxins, items related to the analysis of select agents and toxins, personal protective equipment, animal caging systems and bedding, and animal carcasses or extracted tissues.

(4) Written procedures for decontamination, with a validated method, of laboratory surfaces and equipment using manufacturer's specification.

(5) Effluent decontamination procedures, with a validated method, that describe the treatment of effluent material contaminated with select agents and toxins.

(6) Procedures to respond to emergencies such as spills, sharps injury, or animal bites involving select agents and toxins.

(7) Procedures for the handling of select agents and toxins in the same spaces with non-select agents and toxins in order to prevent unintentional contamination.

* * * * *

(e) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 12. Section 73.14 is amended as follows:

■ a. By adding a new sentence to the end of paragraph (a).

■ b. By adding a new sentence to the end of paragraph (f).

The additions read as follows:

§ 73.14 Incident response.

(a) * * * The current incident response plan must be submitted for initial registration, renewal of registration, or when requested.

* * * * *

(f) * * * Drills or exercises must be documented to include how the drill or exercise tested and evaluated the plan, any problems that were identified and corrective action(s) taken, and all individuals who participated in the drill or exercise.

■ 13. Section 73.15 is amended as follows:

■ a. In paragraph (a)(1) by removing ''before that individual has such access to select agents and toxins'' and adding in its place '', within 12 months of that individual's anniversary of receiving such approval or prior to his or her entry into an area where select agents or toxins are used or stored, whichever occurs first.''.

■ b. By adding paragraph (e) to read as set forth below.

§ 73.15 Training.

* * * * *

(e) The Responsible Official must ensure and document that individuals are provided the contact information of the HHS or USDA Office of Inspector General Hotline so that they may anonymously report any safety or security concerns related to select agents and toxins.

■ 14. Section 73.16 is amended by revising paragraph (l)(1) to read as follows:

§ 73.16 Transfers.

* * * * *

(l) * * *

(1) Transfer the amounts only after the transferor uses due diligence and documents that the recipient has a legitimate need (*i.e.,* prophylactic, protective, bona fide research, or other peaceful purpose) to handle or use such toxins. Information to be documented includes, but is not limited, to the recipient information, toxin and amount transferred, and declaration that the recipient has legitimate purpose to store and use such toxins.

* * * * *

■ 15. Section 73.17 is amended as follows:

■ a. In paragraphs (a)(1)(iii) and (a)(3)(v) by adding ''or other storage container'' after ''freezer''.

■ b. By adding paragraph (a)(1)(ix).

■ c. By adding paragraph (a)(8).

■ d . In paragraph (b) by adding ''legible,'' after ''are''.

■ e. By revising paragraph (c).

The revision and additions read as follows:

§ 73.17 Records.

(a) * * *

(1) * * *

(ix) If destroyed, the quantity (*e.g.,* containers, vials, tubes, etc.) of select agent destroyed, the date of such action, and by whom.

* * * * *

(8) For a select agent or an extract from a select agent that has been rendered non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus that have been rendered non-infectious through inactivation:

(i) A written description of the inactivation process used for rendering a select agent non-viable or regulated nucleic acids that can produce infectious forms of any select agent virus non-infectious;

(ii) The sterility testing protocol used to verify non-viability of a select agent or non-infectivity of regulated nucleic acids that can produce infectious forms of any select agent virus and the results of the test, including investigation, of any inactivation process failures and the corrective actions taken;

(iii) The name of each individual performing the inactivation method and sterility testing protocols;

(iv) The date(s) the inactivation method and sterility testing protocols were completed;

(v) The location where the inactivated method and sterility testing protocols were performed; and

(vi) An inactivation certificate that includes the date of inactivation, method of inactivation, date of final sterility testing protocol result, and the Principal Investigator. A copy of the inactivation certificate must accompany any transfer of inactivated material.

* * * * *

(c) Any records that contain information related to the requirements of the regulations. Such records may include, but are not limited to, biocontainment certifications, laboratory notebooks, institutional biosafety and/or animal use committee minutes and approved protocols, and records associated with occupational

health and suitability programs. All records created under this part must be maintained for 3 years.

* * * * *

Dated: January 12, 2016.

Sylvia M. Burwell,

Secretary.

[FR Doc. 2016–00758 Filed 1–14–16; 4:15 pm]

BILLING CODE 4163–18–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket No. 13–249; FCC 15–142]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM), in which it sought comment on several proposals designed to revitalize the AM broadcast radio service, or to reduce burdens on AM broadcasters. The Commission further adopted a Notice of Inquiry (NOI), in which it sought comment on two proposals designed to revitalize the AM broadcast radio service. One of the proposals, regarding increased utilization of the AM expanded band, was suggested by several commenters in response to the NPRM in this proceeding, The second proposal, for relaxation of the Commission's main studio rules for AM stations, was suggested by a commenter and supported by others.

DATES: Comments may be filed on or before March 21, 2016 and reply comments may be filed on or before April 18, 2016. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before March 21, 2016.

ADDRESSES: You may submit comments, identified by MB Docket No. 13–249, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site *http://fjallfoss.fcc.gov/ecfs2/.* Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and MB Docket No. 13–249.

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418–2700; Thomas Nessinger, Senior Counsel, Media Bureau, Audio Division, (202) 418–2700. For additional information concerning the Paperwork Reduction Act (PRA) information collection requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking, FCC 15–142, adopted October 21, 2015, and released October 23, 2015.

Initial Paperwork Reduction Act of 1995 Analysis

The FNPRM contains proposed information collection requirements subject to the PRA, Public Law 104–13. OMB, the general public, and other Federal agencies are invited to comment on the proposed new and modified information collection requirements contained in this FNPRM.

Comments on the proposed information collection requirements should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

In addition to filing comments with the Secretary, a copy of any Paperwork Reduction Act comments on the information collection requirements contained herein should be submitted to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554, or via the Internet to *Cathy.Williams@fcc.gov,* and to Nicholas A. Fraser, Office of Management and Budget (OMB), via the Internet to *Nicholas_A._Fraser@omb.eop.gov.*

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

The proposed information collections are as follows:

OMB Control Number: 3060–0075.

Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station, FCC Form 345.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; Local or Tribal Government.

Number of Respondents and Responses: 1,700 respondents; 2,700 responses.

Estimated Time per Response: 0.084–1.25 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 2,667 hours.

Total Annual Cost: $3,958,125.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 310 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station.

This collection also includes the third party disclosure requirement of 47 CFR 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060–0031). 47 CFR 73.3580 requires local public notice in a newspaper of general circulation in the community in which the station is located or providing notice over the air of the filing of all applications for assignment of license/permit. This notice must be completed within 30 days of the tendering of the application. A copy of the newspaper notice or a record of the broadcast notice and the application must be placed in the public inspection file.

On June 29, 2009, the Commission adopted a Report and Order, *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations,* MB Docket No. 07–172, FCC 09–59, 24 FCC Rcd 9642 (2009), 74 FR 45126,Sept. 1, 2009, 74 FR 46382, Sept. 9, 2009. In the 2009 Report and Order, the Commission adopted changes to the FM translator rules that allowed AM stations to use authorized FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a ''fill-in'' service. The adopted cross-service translating rules limited FM translators to providing ''fill-in'' service only, specifically within the AM primary station's authorized service area.

AM radio stations use Form 345 to apply for authority to assign or transfer such fill-in FM translator stations. Consistent with actions taken by the Commission in the 2009 Report and Order, the following changes were made to Form 345: Section III of Form 345 included a new certification concerning compliance with the AM station ''fill-in'' service requirements. Specifically, in the AM service, applicants certify that the coverage contour (1 mV/m) of the FM translator station is contained within the *lesser* of: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site.

On October 21, 2015, the Commission adopted a First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, in *Revitalization of the AM Radio Service,* MB Docket No. 13–249, FCC 15–142. In the Further Notice of Proposed Rulemaking component of this rulemaking proceeding (FNPRM), the Commission proposes to make the following rule (and Form) changes to this information collection: Modify Section 74.1201(g) of the rules to provide that the coverage contour (1 mV/m) of an FM translator station rebroadcasting an AM radio station as its primary station must be contained within the *greater* of either the 2 mV/m daytime contour of the AM station, or a 25-mile radius centered at the AM station's transmitter site, but that in no event may the FM translator's 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM station's transmitter site.

Consistent with actions proposed by the Commission in the FNPRM, the following change is made to Form 345: Section III of Form 345 includes a new certification concerning compliance with the new AM station ''fill-in'' service requirements. Specifically, applicants will now certify that the 1 mV/m coverage contour of the FM translator station is contained within the greater of either: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site, but the FM translator's 1 mV/m contour may not extend beyond a 40-mile radius centered at the AM station's transmitter site. The instructions for Section III—Assignee/Transferee have been revised to assist applicants with completing the modified question.

With this submission, the Commission is currently seeking to obtain OMB approval for the proposed revisions to 47 CFR 74.1201(g) and FCC Form 345 for this information collection. These revisions will not increase the number of respondents, number of responses, annual burden hours and annual cost for this collection.

OMB Control Number: 3060–0405.

Title: Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station, FCC Form 349.

Form Number: FCC Form 349.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Government; Not-for-profit institutions.

Number of Respondents and Responses: 1,200 respondents; 2,400 responses.

Estimated Time per Response: 1–1.5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 4,500 hours.

Total Annual Cost: $4,674,600.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: FCC Form 349 is used to apply for authority to construct a new FM translator or FM booster broadcast station, or to make changes in the existing facilities of such stations.

Form 349 also contains a third party disclosure requirement, pursuant to 47 CFR 73.3580. This rule requires stations applying for a new broadcast station, or to make major changes to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of the tendering of the application. This notice must be published at least twice a week for two consecutive weeks in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to 47 CFR 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060–0214, which covers Section 73.3527.

On June 29, 2009, the Commission adopted a Report and Order, *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations,* MB Docket No. 07–172, FCC 09–59, 24 FCC Rcd 9642 (2009), 74 FR 45126, Sept. 1, 2009, 74 FR 46382, Sept. 9, 2009. In the 2009 Report and Order, the Commission adopted changes to the FM translator rules that allowed AM stations to use authorized FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a ''fill-in'' service. The adopted cross-service translating rules limited FM translators to providing ''fill-in'' service only, specifically within the AM primary station's authorized service area.

AM radio stations use Form 349 to apply for authorizations to operate such fill-in FM translator stations. Consistent with actions taken by the Commission in the 2009 Report and Order, the following changes were made to Form

349: Sections II and III of Form 349 included new certifications concerning compliance with the AM station ''fill-in'' service requirements. Specifically, in the AM service, applicants certify that the coverage contour (1 mV/m) of the FM translator station is contained within the *lesser* of: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site.

On October 21, 2015, the Commission adopted a First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, in *Revitalization of the AM Radio Service,* MB Docket No. 13–249, FCC 15–142. In the Further Notice of Proposed Rulemaking component of this rulemaking proceeding (FNPRM), the Commission proposes to make the following rule (and Form) changes to this information collection: Modify 47 CFR 74.1201(g) of the rules to provide that the coverage contour (1 mV/m) of an FM translator station rebroadcasting an AM radio station as its primary station must be contained within the *greater* of either the 2 mV/m daytime contour of the AM station, or a 25-mile radius centered at the AM station's transmitter site, but that in no event may the FM translator's 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM station's transmitter site.

Consistent with actions proposed by the Commission in the FNPRM, the following changes are made to the Form 349: Sections II and III of Form 349 include new certifications concerning compliance with the new AM station ''fill-in'' service requirements. Specifically, applicants will certify that the 1 mV/m coverage contour of the FM translator station is contained within the greater of either: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site, but the FM translator's 1 mV/m contour may not extend beyond a 40-mile radius centered at the AM station's transmitter site. The instructions for Sections II and III have been revised to assist applicants with completing the modified questions.

With this submission, the Commission is currently seeking to obtain OMB approval for the proposed revisions to 47 CFR 74.1201(g) and FCC Form 349 for this information collection. These revisions will not increase the number of respondents, number of responses, annual burden hours and annual cost for this collection.

Synopsis of Further Notice of Proposed Rulemaking

1. A number of commenters in this proceeding advocated reducing daytime, nighttime, and critical hours protection afforded to Class A AM stations, which operate with up to 50 kilowatts of power, day and night, and have large extended service areas, especially at night when skywave propagation allows signals to travel hundreds of miles. As a result, during daytime hours, over 200 licensed Class B and Class D AM stations are required to reduce power and/or change to a directional antenna system to meet the required critical hours protection afforded to Class A stations. During nighttime hours—if permitted nighttime operation at all—other stations often must invest in complex directional arrays to protect one of the 73 Class A stations, and/or must substantially reduce their power, sometimes resulting in their having only secondary nighttime facilities. Even for those Class B stations that are protected from interference by other AM stations at night, this often results in sub-standard nighttime coverage, in order to protect the secondary service area of a larger station a considerable distance, and often many states away. Commenters argue that they could provide better service, with more power to overcome the local noise floor, if the protections to Class A stations were relaxed.

2. Class A stations have traditionally provided wide-area service to different regions of the United States, including rural areas, and to travelers driving through their relatively large coverage areas. The high power and large extended service areas of these stations have also proved invaluable in emergencies, such as Hurricane Katrina and its aftermath. Some commenters, however, note that the utility of high-powered, wide-area AM stations has waned since the early days of radio, when the FM service was nonexistent or underutilized, more of the population lived outside of major metropolitan areas, and there were significantly fewer media choices than there are today. Because of this, many commenters believe that the current protection afforded to Class A stations should be reduced, in order to allow other, more local stations to add or increase day and nighttime power to their listening areas. The tradeoff between commenters urging caution in taking any steps that would diminish protection to Class A stations and those arguing that large protected coverage areas for Class A stations are unnecessary appears to be whether the Commission should take steps that would deprive Class A stations of listeners far outside of their primary service areas, if those steps would allow substantial numbers of other stations to improve their service, both day and night, to their communities of license and adjacent areas.

3. While the wide-area service of Class A stations has historically proved to be beneficial, the Commission has seen fit in the past to reduce protection to their skywave service (see, *e.g., Clear Channel Broadcasting in the AM Broadcast Band,* Report and Order, 78 F.C.C.2d 1345, 1364 (1980), in which the Commission noted that increasing spectrum demands required that protection of such stations (then designated Class I–A stations) beyond the nighttime 0.5 mV/m-50 percent contour, as well as certain restrictions on adjacent-channel stations, be abolished). In this proceeding, the overriding concern is the need for existing AM stations to overcome an increasing noise floor that inhibits local service, both day and night. While reducing protection to a Class A AM station may, in fact, reduce the coverage of that station, the areas of reduced coverage would be located at great distances from the transmitter and from the metropolitan area that constitutes the station's primary service area. At the same time, the reduction in protection may well allow other stations to increase their power to better serve their communities and, in the case of some stations, allow for the first-ever fulltime AM service to those communities. The Commission's goal of localism suggests that service from a local news and information source should be preferred over better reception of a more distant signal.

4. The Commission tentatively concludes, therefore, that (1) all Class A stations should be protected, both day and night, to their 0.1 mV/m groundwave contour, from co-channel stations; (2) all Class A stations should continue to be protected to the 0.5 mV/m groundwave contour, both day and night, from first adjacent channel stations; and (3) the critical hours protection of Class A stations should be eliminated completely. The Commission seeks comment on these proposals, specifically on the populations that would lose service from Class A stations under this proposal and, to the extent ascertainable, whether such populations currently avail themselves of the service that would be lost. The Commission also seeks data on areas and populations in the United States, if any, that receive service only from Class A AM stations, whether day or night. Conversely, it

requests specific comment as to the numbers of stations that would be able to increase power, daytime and nighttime, under this proposal and what populations would gain service from those power increases. Additional comment is sought concerning the net effect on listeners that could result from the combination of reduced protection to Class A stations and power increases by co- and adjacent-channel stations that this proposal would allow. Would, in fact, such power increases cause more loss of service to listeners of Class A stations than gains in such service to listeners of upgrading stations? Would current listeners of Class A skywave service, not located near stations able to avail themselves of power increases due to this proposal, nevertheless experience a reduction in skywave service from Class A stations? Would the proposed changes disproportionately affect listeners in rural and/or tribal areas? What effects, if any, would changes in protection to Class A stations have on EAS Primary Entry Point stations during emergencies? Alternatively, should the Commission consider another level of protection to Class A stations, whether greater or less than that proposed and, if so, what should that protection be? The Commission also seeks comment on whether critical hours protection, if not eliminated, should alternatively be modified? Finally, the Commission seeks comment on any costs that are likely to result from adoption of these proposals or from any alternatives proposed by commenters.

5. Several commenters to the NPRM also proposed that the Commission return to the nighttime root-sum-square (RSS) prediction method in existence before the Commission's 1991 rule changes. These prediction methods are used to calculate values of both interfering field strengths from other AM stations and nighttime interference-free (NIF) coverage. Prior to 1991, nighttime RSS values of interfering field strengths and nighttime interference-free coverage were based on calculating the RSS of all interfering signals using the 50 percent exclusion method, considering only co-channel interfering signals. In the 1991 *Technical Assignment Criteria* order (6 FCC Rcd 6273 (1991)), the Commission changed its method of calculation to include adjacent-channel signals, and to use a tiered system of RSS calculations. Some commenters observed that, despite the Commission's intentions in *Technical Assignment Criteria,* which were to decrease station-to-station interference in the AM service, in practice the effect was to stifle facility improvements, resulting in very little in the way of decreased interference. They contend, for example, that the 25 percent exclusion method complicates nighttime allocation calculations and protection requirements and reduces flexibility for AM station improvement and relocation; that consideration of adjacent-channel stations in making interference calculations is unnecessary, claiming that the Commission instituted this rule in anticipation of wide-band AM receivers that never made it to market; and that a return to the 50 percent exclusion method used prior to 1991, considering only the skywave contributions to RSS calculations of co-channel stations, would enable AM broadcasters to improve their facilities and signals and, thus, overcome the increasing noise floor.

6. The Commission agreed that the 1991 nighttime skywave interference regulations were well-intentioned but, in retrospect, did not achieve their intended goals and have resulted in unintended adverse consequences, chiefly by impeding facility improvements that are more necessary now than 24 years ago, because the noise floor has increased as much as or more than station-to-station interference, and increasing signal strength to a station's primary service area has become more of a priority than maintenance of rules that offer a small return on interference reduction, compared to the burden they impose on signal improvement. The Commission therefore tentatively concluded that it should roll back the 1991 rule changes as they pertain to calculation of nighttime RSS values of interfering field strengths and NIF service, by amending 47 CFR 78.182(k) to return to predicting the NIF coverage area using only the interference contributions from co-channel stations and the 50 percent exclusion method. The Commission seeks comment on this proposal, and invites in particular comment from parties with differing views, or that have technical evidence demonstrating the effects on inter-station interference of a return to the pre-1991 rules for calculating nighttime skywave interference. In addition, the Commission seeks comment on any costs that commenters believe would result from this proposal.

7. Commenters also proposed changes to 47 CFR 73.37(a), the rule providing daytime protection to AM stations. The rule currently specifies a 26 dB daytime desired to undesired (D/U) protection ratio for co-channel stations, a 6 dB D/U daytime protection ratio for first adjacent channel stations, and a 0 dB daytime D/U protection ratio for second and third adjacent channel stations. Commenters proposed that the Commission return to the pre-1991 0 dB daytime 1:1 protection ratio for first adjacent channels; change second adjacent channel groundwave protection; and eliminate third adjacent channel groundwave protection. Additionally, several commenters suggested changes to the daytime protected contours for Class B, C, and D stations.

8. The Commission tentatively concludes that these rule changes should be adopted. The proposed 0 dB daytime 1:1 first adjacent channel protection ratio was the pre-1991 standard, and the post-1991 protection ratio does not appear to allow for sufficient signal strength to overcome current levels of environmental noise. Likewise, because third adjacent channel interference is relatively insignificant compared to environmental sources of interference, it would seem prudent to eliminate third adjacent channel groundwave protection and change second adjacent channel groundwave protection to match the current levels for third adjacent channel protection, thus allowing AM stations to increase power to overcome increased levels of environmental noise. Changing the daytime primary service contour for Class B, C, and D stations to the 2 mV/m contour harmonizes the protection with the definition of service area that was adopted in the Second Order on Reconsideration in the *Rural Radio* proceeding (27 FCC Rcd 12829, 12838 (2012)), and would allow AM broadcasters greater flexibility to make station modifications designed to increase signal strength to their primary service areas. The Commission therefore proposes to revise 47 CFR 73.37(a) to reflect the aforementioned changes to daytime protected contours for Class B, C, and D AM stations, and seeks comment on this proposal. Would the proposed reductions in protection result in greater flexibility for AM stations to improve their signals, or would they merely increase inter-station interference? Would the net effect be beneficial or harmful to AM broadcasters and listeners? To the extent possible, commenters should provide technical data in support of their arguments. In addition, commenters should discuss and, if possible, quantify any costs they believe the proposal would entail.

9. Several commenters to the NPRM request that the Commission reconsider the rules for locating cross-service fill-in FM translators. Currently, such

translators must be located such that the 60 dBμ contour of any such FM translator station must be contained within the lesser of (a) the 2 millivolts per meter (mV/m) daytime contour of the AM station, or (b) a 25-mile radius centered at the AM transmitter site. Commenters argue that the current rule is too restrictive. Some commenters maintain that the 25-mile limitation is arbitrary, or that it unfairly penalizes stations located far from cities due to land costs or those that have deep nulls in their directional patterns. Others advocate eliminating the 25-mile restriction and would have us allow the translator to be sited anywhere within the 2 mV/m contour, and others suggest even more flexibility.

10. When the Commission adopted the current limits on siting of cross-service translators re-broadcasting AM stations, it re-affirmed that FM translators re-broadcasting AM stations were intended to fill service voids rather than to expand service, and that the adopted limits were to ''ensure that fill-in cross-service translators are used in the AM station's core market area, rather than in a fringe area that may be part of or near another radio market.'' *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations,* Report and Order, 24 FCC Rcd 9642, 9658–59 (2009). In the FNPRM, however, the Commission agreed that some additional degree of flexibility is appropriate, especially given the factual situations (*e.g.,* highly directional antenna patterns with deep signal nulls) described by some commenters. The Commission also wished to continue to limit cross-service translator use to an AM station's core market. It therefore proposes to modify 47 CFR 74.1201(g) to provide that the coverage contour (1 mV/m) of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, but that in no event may the translator's 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM transmitter site. The Commission stated that this proposal provides sufficient flexibility to provide useful signal coverage, while not allowing a cross-service fill-in translator to extend the station's coverage beyond its core service area. The Commission invites further comment on this proposal, including comment on any costs that commenters believe are likely to arise from the proposal.

11. Partial proof of performance measurements are required for AM stations using directional antennas whenever the licensee has reason to believe that the radiated fields may be exceeding the limits for which the station is authorized, and whenever minor directional antenna system repairs are made that result in certain changes to the station's licensed operating parameters. Some commenters request that 47 CFR 73.154, the current rule governing partial proof of performance field strength measurements for AM directional antenna arrays, be modified to require measurements only on radials containing a monitoring point. Currently, the rule requires field strength measurements on all radials with a monitoring point, as well as on radials from the latest complete field strength proof of performance that are adjacent to the monitored radials, if the array has fewer than four monitored radials. Proponents claim that eliminating the requirement to take measurements on non-monitored radials will reduce the cost to maintain AM directional antenna systems in working order. The Commission agreed that the proposed reduction in measured radials would result in a cost savings for directional antenna system maintenance for AM broadcasters, and would not result in more AM directional antenna systems being out of adjustment. It therefore tentatively concludes, and proposes, that 47 CFR 73.154(a) be modified accordingly. The Commission seeks comment on this proposal, including comment on whether and to what extent the proposed rule modification would reduce costs to AM broadcasters employing directional antenna systems.

12. In 2008, the Commission adopted rules permitting use of Method of Moments (MoM) computer modeling to verify the performance of AM station directional antenna systems. Since then, over 220 MoM directional antenna proofs of performance have been prepared by AM station licensees and their engineers and submitted to the Commission in support of AM station applications for license. Based on their experience gained in the seven years since the adoption of the MoM proof rules, several technical commenters propose the following changes to the AM MoM proof rules: (1) eliminate or modify the recertification measurements requirements and removal of base sampling devices for periodic testing in 47 CFR 73.155; (2) eliminate the requirement for reference field strength measurements (47 CFR 73.151(c)(3)); (3) eliminate the requirement for surveying existing directional antenna arrays as long as tower geometry is not being modified and no new towers are being added to the array; (4) clarify that 47 CFR 73.151(c)(1)(viii) applies only when total capacitance used to model base region effects exceeds 250 pF and modify same to apply only when base current sampling is used; (5) Permit use of MoM modeling for skirt-fed towers; (6) Change MoM rules with regard to re-proofing when antennas are added to towers; and (7) Eliminate requirement for current distribution measurements for top-loaded or other unusual antenna configurations when MoM or other numerical analysis method is used to determine antenna characteristics.

13. Based on the Commission's experience with MoM proofs over the past seven years, it believed that, except as noted below, the changes listed above are well-founded, would improve the quality of the MoM proofs submitted to the Commission, would not result in inferior adjustments of AM directional antenna arrays, and would eliminate some unnecessary expenses for directional antenna array maintenance by AM station licensees. It therefore tentatively concludes that the above-listed procedural and rule changes, with the exception of the elimination of reference field strength measurements, should be adopted, and invites comment on these changes, particularly from AM broadcasters operating with directional antenna arrays. Rather than eliminate reference field strength measurements, which provide the only external verification that a directional antenna array is operating properly, the Commission tentatively concludes and proposes that 47 CFR 73.151(c)(3) be modified to require reference field strength measurements when the initial license application is submitted for a directional antenna system based on computer modeling and sample system verification. Subsequent licenses for the same directional antenna system and physical facilities will not require submission of new reference field strength measurements. The Commission seeks comment on whether, instead of eliminating recertification measurements, it should modify the rules to require them within a specific time period near, but prior to, the submission of the station's license renewal application, or at some other time interval. What constraints should the Commission impose on the physical model of a skirt-fed antenna element in the MoM computer program? Due to the complexity of modeling a skirt-fed tower, should it require use of specific MoM software to model them? What requirements should it specify for

sampling systems for skirt-fed antenna elements? What costs, if any, are likely to arise as a result of any of the foregoing proposals?

14. In 1991, the Commission adopted rules and procedures for initial licensing of stations in the 1605–1705 kHz AM band (Expanded Band). In opening up the Expanded Band, the Commission's intent was to selectively open the ten Expanded Band frequencies to those existing AM stations that most significantly contributed to congestion and interference in the standard AM band, removing interference from the standard band and providing those stations with more robust, interference-free service in the Expanded Band. To ease the financial uncertainty of migrating to the then-new and untested Expanded Band, the Commission established a five-year transition period, during which migrating stations would hold licenses in both the Expanded Band and standard AM band, and could simulcast programming over both. This five-year period was set forth in a condition to each Expanded Band license, and began to run as of the date of initial licensing in the Expanded Band. After the five-year transition period, each dual-station licensee would be required to surrender either its standard band or its Expanded Band license. The Commission has never abandoned the requirement that the dual standard/Expanded band stations relinquish one of their authorizations, and many such stations have done so. The 25 remaining such station pairs, listed in Appendix F to the FNPRM, negate the Commission's goal to reduce interference in the standard AM band, and their retention of both authorizations disserves the other licensees who complied with the relinquishment requirement. A number of the stations still holding dual standard band/Expanded Band authorizations have filed requests for waiver of the surrender condition and prohibition against sale of one of the authorizations.

15. Given the Commission's consideration, in a Notice of Inquiry that follows the FNPRM, of further utilization of the Expanded Band, along with its general concern for revitalization of the AM service, there is no justification for allowing licensee retention of high-interfering standard band stations along with the Expanded Band stations meant to replace them. The Commission therefore tentatively concludes that any licensee with dual standard/Expanded Band authorizations should be required to surrender one of the two authorizations within one year of release of a future Report and Order in this proceeding adopting this proposal. The Commission tentatively concludes that the required election should be made by the station licensee in writing, by letter delivered to the Office of the Secretary, with copy to the Media Bureau, Audio Division, not later than twelve months following release of a future Report and Order adopting this proposal, or such other date as is established in the Report and Order and/or in any notice delivered to the licensee by the Media Bureau. The Commission further tentatively concludes that, should a station not make the election regarding which of the two authorizations it wishes to retain within the required time period, its standard band authorization should be canceled, and the station required to operate only as authorized in the Expanded Band. The Commission seeks comment on these proposals, including any comments in favor of licensee retention of dual authorizations, comments on whether it should adopt a shorter or longer deadline for the required election, comments regarding the effect of such retention of dual authorizations on the AM service generally and the Expanded Band specifically, and comments on any costs associated with surrender of these authorizations.

Synopsis of Notice of Inquiry

16. *Utilization of AM Expanded Band.* In *Review of the Technical Assignment Criteria for the AM Broadcast Service,* Report and Order, 6 FCC Rcd 6273, 6302–23 (1991), 56 FR 64842 (Dec. 12, 1991) (*Technical Assignment Criteria*), the Commission established rules and policies for stations initially licensed in the Expanded AM Band (1605–1705 kHz) (Expanded Band), including technical rules. See generally *Technical Assignment Criteria,* 6 FCC Rcd at 6311–14, 6321–23. For example, it decided to administer channels in the Expanded Band on an allotment basis based on fixed technical parameters, similar to allotments in the FM broadcast band, rather than on an assignment basis as in the standard AM band, in which the technical facilities of each station are uniquely designed to avoid interference to other stations on the band. 47 CFR 73.30. A total of 88 Expanded Band channels were originally allotted, and licenses were granted to 54 stations that migrated from the standard AM band to the Expanded Band. The Commission proposed, in the Further Notice of Proposed Rule Making (FNPRM) in this proceeding, to require the remaining 25 dual standard-Expanded Band station pairs to surrender one authorization each. Now that it has had experience with actual, operating Expanded Band AM stations, the Commission inquires whether to open up the Expanded Band to additional stations, and under what conditions.

17. Several commenters remark that the Expanded Band is underutilized and should be opened up to more stations. Some prefer, as before, that the Expanded Band be used for stations migrating from the standard band; others believe that preference should first be given to applicants for new AM stations, licensed daytime-only AM stations, or licensed or new AM stations proposing all-digital operation. Most who address the Expanded Band state that stations in that band should be assigned in the same way they are assigned in the standard AM band, rather than continuing the allotment procedures currently used in the Expanded Band. Commenters also urge that a station migrating from the standard band to the Expanded Band relinquish its standard band license shortly after initiating Expanded Band service. Although many commenters address the use of the Expanded Band in helping to revitalize the AM service, there are a number of procedural and practical decisions to be made before proposing rules for further utilization of that band. The Commission believes that a more complete record is needed before proposing rules regarding further expansion of the 1605–1705 kHz band.

18. As a threshold matter, the Commission asks commenters whether they believe that opening the Expanded Band to further development would be beneficial to revitalization of the AM service. Assuming agreement with that premise, who should be allowed to receive authorizations in the Expanded Band? Should preference be given to new stations, to migrators from the standard band, to stations planning all-digital operation, or should some other criterion be established? If the Expanded Band were opened to new stations, an auction filing window would need to be opened, and mutually exclusive applications would be subject to all competitive bidding procedures, including threshold Section 307(b) comparisons and possible auctions. Additionally, if the Expanded Band were opened to major modifications, any mutually exclusive groups including major modification applications would have the opportunity for settlements or technical resolutions. 47 CFR 73.5002(d)(1), (2). If the Commission were to reserve the Expanded Band for migrators from the standard AM band, should it open a window, waive the major change rule,

and allow migrators to apply as minor modifications on a first-come, first-served basis, or use some other mechanism (as, for example, the initial assignment of stations to the Expanded Band by prioritizing major interferers)? With regard to migrating stations, the Commission tentatively agrees with those commenters who have suggested that, in the event such migration is allowed, a ''flash cut'' from the standard band authorization to the Expanded Band operation should take place, that is, the standard band authorization would be relinquished upon commencing Expanded Band transmissions. The Commission seeks other views on this matter, however.

19. With regard to Expanded Band technical facilities, currently stations in the Expanded Band are allotted on a minimum distance separation standard similar to FM stations, rather than the contour-protection procedures used for standard band AM stations. As noted in *Technical Assignment Criteria,* assigning channels based on contour protection maximizes the number of stations on each channel, whereas allotting stations based on spacing was believed to promote a higher-quality technical service in the Expanded Band. 6 FCC Rcd at 6311–12. Commenters favoring opening up the Expanded Band overwhelmingly prefer instituting contour protection standards. The Commission seeks comment on the relative merits of each method of channel assignment or allotment. Additionally, to the extent commenters favor contour protection, they should also address whether compliance with contour protection standards should be limited to use of M3 ground conductivity for contour prediction, or should the Commission allow use of measured ground conductivities in predicting contours?

20. The Commission also seeks comment on whether to allow other classes and powers of stations (except for Class D stations, which are no longer authorized), to the extent permitted by our international agreements, or whether it should authorize the same power (*e.g.,* 10 kW day/1 kW night) for all new Expanded Band stations. A related question would be whether to allow complex directional patterns in the Expanded Band or limit applications to non-directional and simple directional (*i.e.,* no more than three-tower array) stations. If commenters were to favor limiting the Expanded Band to all-digital stations, the Commission would seek comment as to the contour protections and allocation standards for all-digital operation. At the moment, testing is continuing with regard to all-digital (as opposed to hybrid digital) AM operations, and the record is not yet established on the technical standards needed to establish interference protection for digital-to-digital stations, much less digital-to-analog or digital-to-hybrid. The absence of a technical record leads the Commission to believe that it may be premature to discuss limiting the Expanded Band to all-digital operation; however it welcomes comments that include technical data that would further inform it on this issue.

21. *Relaxed Main Studio Requirements.* 47 CFR 73.1125(a) provides, in pertinent part, that ''each AM, FM, and TV broadcast station shall maintain a main studio'' at a location complying with paragraphs (a)(1)–(a)(3) of that section.[1] Moreover, the Commission has long held that a station must, at a minimum, maintain full-time managerial and full-time staff personnel at its main studio. *Jones Eastern of the Outer Banks, Inc.,* Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 (1991). Commenters Blount Masscom, Inc., et al. (Blount), note that the Commission often grants waivers of the main studio requirement to noncommercial educational (NCE) stations, allowing them to co-locate a station's main studio at the studio of another station licensed to the same licensee that may be outside the locations allowed by 47 CFR 73.1125(a), and that the rule language contemplates such waivers for commercial stations, although such waivers are seldom if ever granted. Blount proposes that AM station owners be allowed to request such waivers, or at a minimum that certain classes of AM stations, notably Class D stations, be allowed to do so. Blount further proposes that AM stations without co-owned main studios available should be allowed to adopt relaxed staffing requirements, such as requiring staffing only during part of the day or week, or allowing the use of technology to permit members of the public to contact station personnel who are not physically present at the main studio. Three other commenters support Blount's proposals.

22. The Commission has historically considered a station's main studio to constitute the location from which the station can adequately meet its function of serving the needs and interests of the residents of the station's community of license. This includes being adequately equipped to transmit programming, having a meaningful management and staff presence, and serving as a location for the station's public file. The Commission continues to emphasize a station's function of meeting the needs and interests of its community. At the same time, however, it is aware of the financial strain on many AM broadcasters. Moreover, advances in technology (*e.g.,* email, mobile telephone, Internet) can enable members of the community to contact station personnel without having to physically visit the main studio. In fact, the Commission has recently proposed requiring AM and FM broadcast stations to post their public files to the Commission's online database, which would make them accessible without the need for visiting a station's offices or main studio. *Expansion of Online Public File Obligations,* Notice of Proposed Rule Making, 29 FCC Rcd 15943 (2014).

23. Despite these advances in accessibility to broadcast stations and their personnel, the Commission is reluctant to eliminate main studio requirements entirely, because of the aforementioned importance of the main studio to the goal of ensuring station compliance with local service obligations. The Commission therefore seeks comment on whether, and how, to modify the main studio rule in light of its goal in this proceeding to revitalize the AM service. Should it continue to address waivers of the main studio rule on a case-by-case basis, but be more open to such requests by commercial stations that can co-locate in studio facilities used by co-owned stations in a given market? Assuming that the Commission were to allow relaxation of the requirement that each station maintain a separate main studio, is there a maximum number of co-located stations that it should allow under one roof? If it were to allow co-location of two or more stations, should it further relax the requirements by allowing one or more of the stations to be located outside of the area dictated by 47 CFR 73.1125(a)(1) through (a)(3)? If one or more co-located stations are allowed to locate outside the rule requirements, should there be an absolute restriction on the distance a co-locating station may move its studio from its community of license? Moreover, should the Commission, as Blount suggests, relax the staffing requirement of full-time management and staff presence for AM stations that do not have co-owned stations with which to co-locate studio

[1] The acceptable locations of a main studio are: (1) Within the station's community of license; (2) at any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (3) within 25 miles from the reference coordinates of the center of the station's community of license as described in 47 CFR 73.208(a)(1).

facilities? Should any such relaxation of staffing requirements necessarily be limited to such ''stand alone'' AM stations? If the Commission were to relax staffing requirements, what if any conditions should be put in place to ensure that members of the public could contact station personnel and receive timely responses? Should it require that local mobile phone numbers for station management and staff be posted or otherwise publicized? Should any relaxation of main studio or staffing rules be linked to a station's posting of its public file to the Commission online database? The Commission seeks comment addressing these and any other matters pertaining to AM stations' maintenance of fully staffed local main studios. In particular, the Commission invites comment on the cost reductions that may result from modification of the main studio rule.

Comments and Reply Comments

24. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554.

25. This is a summary of the Commission's document FCC 15–142, Revitalization of the AM Radio Service, Further Notice of Proposed Rulemaking (FNPRM) and Notice of Inquiry (NOI), adopted on October 21, 2015 and released on October 23, 2015, in MB Docket No. 13–249. The full text of document FCC 15–142 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Document FCC 15–142 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/ndbedp.*

***Ex Parte* Rules**

26. This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Initial Regulatory Flexibility Analysis

27. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice and comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

28. As required by the RFA (5 U.S.C. 603), Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the FNPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the FNPRM provided in paragraph 94 of the FNPRM. The Commission will send a copy of this entire FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and the IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

29. This rulemaking proceeding is initiated to obtain further comments concerning certain proposals designed to revitalize the AM broadcast radio service. It is based in substantial part on proposals raised by commenters in this rulemaking proceeding, in response to the Commission's call in the original NPRM in this proceeding for further ideas and proposals.

30. Specifically, the Commission seeks comment on the following: (1) Whether to change the nighttime and critical hours signal protection to Class A AM stations; (2) whether to change the methodology for calculating nighttime root sum square (RSS) values; (3) whether to change daytime signal protection to Class B, C, and D stations; (4) whether to revise the rule on where an FM cross-service translator station, re-broadcasting an AM station's signal, may be located relative to the AM station's transmitter; (5) whether to modify the rules governing partial proofs of performance of directional AM antenna arrays; (6) whether to modify the rules for method of moments proofs for directional AM antenna arrays; and (7) whether to require licensees holding dual standard band-Expanded Band AM licenses to surrender one of the licenses

within one year of release of the Second Report and Order in this proceeding.

Legal Basis

31. The authority for this proposed rulemaking is contained in Sections 1, 2, 4(i), 303, 307, and 309(j) of the *Communications* Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, 307, and 309(j).

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

32. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The RFA generally defines the term ''small entity'' as encompassing the terms ''small business,'' ''small organization,'' and ''small governmental entity.'' In addition, the term ''small Business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Radio Stations

33. The proposed rules and policies could apply to AM radio broadcast licensees, and potential licensees of the AM radio service. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another NAICS number. The SBA has established a small business size standard for this category, which is: Firms having $38.5 million or less in annual receipts. 13 CFR 121.201, NAICS code 515112 (updated for inflation in 2008). According to the BIA/Kelsey, MEDIA Access Pro Database on October 15, 2015, 4,691 (99.94%) of 4,694 a.m. radio stations have revenues of $38.5 million or less. Therefore, the majority of such entities are small entities. The Commission noted, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. See 13 CFR 121.103(a)(1). This estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply do not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also as noted, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. It is difficult at times to assess these criteria in the context of media entities and Commission estimates of small businesses to which they apply may be over-inclusive to this extent.

FM Translator Stations and Low-Power FM Stations

34. The proposed policies could affect licensees of FM translator stations, as well as potential licensees in this radio service. The same SBA definition that applies to radio broadcast licensees would apply to these stations. The SBA defines a radio broadcast station as a small business if such station has no more than $38.5 million in annual receipts. See 13 CFR 121.201, NAICS code 515112. Currently, there are approximately 6,422 licensed FM translator and booster stations. In addition, there are approximately 225 applicants with pending applications filed in the 2003 translator filing window. Given the nature of these services, it is presumed that all of these licensees and applicants qualify as small entities under the SBA definition.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

35. The proposed rule and procedural changes may, in some cases, impose different reporting, recordkeeping, or other requirements on existing and potential AM radio licensees and permittees. In the case of proposed changes to the technical rules regarding calculation of daytime and nighttime interfering contours, and changes to daytime, nighttime, and critical hours protection to some stations, there would be changes in the calculation of inter-station interference and reporting of same. However, the information to be filed is already familiar to broadcasters, and the nature of the interference calculations would not change, only the values that are acceptable, so any additional burdens would be minimal. Likewise, the proposed revision to the rules on where an FM translator providing fill-in service for an AM station may be sited will not require any additional calculations on the part of the AM station proposing to locate or relocate the translator. The proposal merely relaxes the siting requirement and expands the area in which such a cross-service fill-in translator may be located. Thus, there should be no additional reporting or recordkeeping burdens, and compliance with the siting rules will be easier. The proposed modifications to the partial proof of performance and Method of Moments rules would not change any reporting or compliance requirements, insofar as AM licensees and applicants would not be required to submit such proofs or models more frequently than is now the case. The only changes would be to relax the requirements for making proofs of performance or method of moments models. Thus, the required submissions of such proofs and models would be less burdensome on AM broadcasters with directional antenna arrays that are required to submit such information. Finally, the proposal to require surrender of licenses held by broadcasters with paired standard band-Expanded Band AM stations will not change any reporting, recordkeeping, or other compliance requirements, and will in fact reduce such requirements for such licensees by 50 percent.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

36. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(b). In the FNPRM, the Commission seeks to assist AM broadcasters by changing certain daytime, nighttime, and critical hours interference protection standards as they apply to certain classes of AM stations; proposes relaxing the rules on siting of FM translators providing fill-in service for AM broadcast stations;

proposes to modify the measurement requirements for AM directional antenna system partial proofs of performance in order to make them less burdensome; and proposes to modify the rules for submitting method of moments models of proposed AM directional antenna systems, in order to make those rules less burdensome. The Commission also seeks either to reduce interference in the standard AM band or, alternatively, to create more spectrum in the Expanded AM Band, by requiring that the 25 remaining licensees holding paired authorizations in both bands surrender one of the paired licenses. Under the Commission's proposal, such a licensee would be given one year from adoption of this proposal in which to elect which authorization it would surrender. The Commission seeks comment as to whether its goal of revitalizing the AM service could be effectively accomplished through these means. The Commission is open to consideration of alternatives to the proposals under consideration, as set forth herein, including but not limited to alternatives that will minimize the burden on AM broadcasters, most of which are small businesses. There may be unique circumstances these entities may face, and the Commission will consider appropriate action for small broadcasters when preparing a Second Report and Order in this matter.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals

37. None.

38. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ordering Clauses

39. Accordingly, *it is ordered* that, pursuant to sections 4(i), 301, 303(r), 316, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 303(r), 316, 403, this *Further Notice of Proposed Rulemaking is adopted.*

40. *It is further ordered* that, pursuant to Sections 1, 303(g), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 303(g), and 403, and Section 1.430 of the Commission's rules, 47 CFR 1.430, that this *Notice of Inquiry is adopted.*

List of Subjects

47 CFR Part 73

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 74

Communications equipment, Radio.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer. Office of the Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 73 and 74 as follows:

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

■ 2. In § 73.21 revise paragraphs (a) introductory text and (a)(1) to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

(a) *Clear channel.* A clear channel is one on which stations are assigned to serve wide areas. These stations are protected from objectionable interference within their primary service areas. Stations operating on these channels are classified as follows:

(1) *Class A station.* A Class A station is an unlimited time station that operates on a clear channel and is designed to render primary service over an extended area at relatively long distances from its transmitter. Its primary service area is protected from objectionable interference from other stations on the same and adjacent channels. The operating power shall not be less than 10 kW nor more than 50 kW. (Also see § 73.25(a)).

* * * * *

§ 73.24 [Amended]

■ 3. In § 73.24 remove paragraph (h) and redesignate paragraphs (i) and (j) as paragraphs (h) and (i), respectively.

■ 4. In § 73.37 revise the table following paragraph (a) to read as follows:

§ 73.37 Applications for broadcast facilities, showing required.

(a) * * *

Frequency separation (kHz)	Contour of proposed station (classes B, C and D) (mV/m)	Contour of any other station (mV/m)
0	0.005	0.100 (Class A).
	0.100	2.0 (Other classes).
	2.0	0.100 (Other classes).
10	0.500	0.500 (Class A).
	2.0	2.0 (Other classes).
20	25.0	25.0 (All classes).

* * * * *

■ 5. In § 73.151 revise paragraph (c)(3) to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

* * * * *

(c) * * *

(3) When the application for an initial license for a directional antenna system is submitted that is based on computer modeling and sample system verification, reference field strength measurement locations shall be established in the directions of pattern minima and maxima. On each radial corresponding to a pattern minimum or maximum, there shall be at least three measurement locations. The field strength shall be measured at each reference location at the time of the proof of performance. The license application shall include the measured field strength values at each reference point, along with a description of each measurement location, including GPS coordinates and datum reference. New reference field strength measurements are not required for subsequent license

applications for the same directional antenna system and physical facilities.

■ 6. In § 73.154, revise paragraph (a) to read as follows:

§ 73.154 AM directional antenna partial proof of performance measurements.

(a) A partial proof of performance consists of at least 8 field strength measurements made on each of the radials that includes a monitoring point.

* * * * *

§ 73.155 [Removed]

■ 7. Remove § 73.155.

■ 8. Revise § 73.182 to read as follows:

§ 73.182 Engineering standards of allocation.

(a) Sections 73.21 to 73.37, inclusive, govern allocation of facilities in the AM broadcast band 535–1705 kHz. § 73.21 establishes three classes of channels in this band, namely, clear, regional and local. The classes and power of AM broadcast stations which will be assigned to the various channels are set forth in § 73.21. The classifications of the AM broadcast stations are as follows:

(1) Class A stations operate on clear channels with powers between 10 kW and 50 kW. These stations are designed to render primary service over a large area protected from objectionable interference from other stations on the same and adjacent channels. Class A stations may be divided into two groups: Those located in any of the conterminous United States and those located in Alaska.

(i) Class A stations in the conterminous United States operate on the channels assigned by § 73.25 with minimum power of 10 kW, maximum power of 50 kW, and minimum antenna efficiency of 275 mV/m/kW at 1 kilometer. The Class A stations in this group are afforded protection, both daytime and nighttime, to the 0.1 mV/m groundwave contour from other stations on the same channel, and are afforded both daytime and nighttime protection to the 0.5 mV/m groundwave contour from other stations on first adjacent channels.

(ii) Class A stations in Alaska operate on the channels assigned by § 73.25 with minimum power of 10 kW, maximum power of 50 kW, and minimum antenna efficiency of 215 mV/m/kW at 1 kilometer. The Class A stations in this group are afforded protection, both daytime and nighttime, to the 0.1 mV/m groundwave contour from other stations on the same channel and to the 0.5 mV/m groundwave contour from other stations on first adjacent channels.

(2) Class B stations are stations which operate on clear and regional channels with powers not less than 0.25 kW or greater than 50 kW. These stations render primary service, the area of which depends on their geographic location, power, and frequency. It is recommended that Class B stations be located so that the interference received from other stations will not limit the service area to a groundwave contour value greater than 2.0 mV/m groundwave contour both daytime and nighttime, which are the values for the mutual protection between this class of stations and other stations of the same class.

(3) Class C stations operate on local channels, normally rendering primary service to a community and the suburban or rural areas immediately contiguous thereto, with powers not less than 0.25 kW or greater than 1 kW, except as provided in § 73.21(c)(1). Such stations are normally protected to the daytime 2.0 mV/m contour. On local channels the separation required for the daytime protection shall also determine the nighttime separation. Where directional antennas are employed daytime by Class C stations operating with power equal to or greater than 0.25 kW, the separations required shall in no case be less than those necessary to afford protection assuming nondirectional operation with power of 0.25 kW. In no case will nighttime power of 0.25 kW or greater be authorized to a station unable to operate nondirectionally with power of 0.25 kW during daytime hours. The actual nighttime limitation will be calculated. For nighttime protection purposes, Class C stations in the 48 conterminous United States may assume that stations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands operating on 1230, 1240, 1340, 1400, 1450, and 1490 kHz are Class C stations.

(4) Class D stations operate on clear and regional channels with daytime powers of not less than 0.25 kW (or equivalent RMS field of 107.5 mV/m at 1 kilometer if less than 0.25 kW) and not more than 50 kW. Class D stations that have previously received nighttime authority to operate with powers of less 0.25 kW (or equivalent RMS fields of less than 107.5 mV/m at 1 kilometer) are not required to provide nighttime coverage in accordance with § 73.24(i) and are not protected from interference during nighttime hours. Such nighttime authority is permitted on the basis of full nighttime protection being afforded to all Class A and Class B stations.

Note to paragraph (a): See §§ 73.21(b)(1) and 73.26(b) concerning power restrictions and classifications relative to Class B, Class C, and Class D stations in Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands. Stations in the above-named places that are reclassified from Class C to Class B stations under § 73.26(b) shall not be authorized to increase power to levels that would increase the nighttime interference-free limit of co-channel Class C stations in the conterminous United States.

(b) When a station is already limited by interference from other stations to a contour value greater than that normally protected for its class, the individual received limits shall be the established standard for such station with respect to interference from each other station.

(c) All classes of AM broadcast stations have in general three types of service areas, *i.e.,* primary, secondary and intermittent. (See § 73.14 for the definitions of primary, secondary and intermittent service areas.) All classes of AM stations render service to a primary area but the secondary and intermittent service areas may be materially limited or destroyed due to interference from other stations, depending on the station assignments involved.

(d) The groundwave signal strength required to render primary service is 2 mV/m for communities with populations of 2,500 or more and 0.5 mV/m for communities with populations of less than 2,500. Because only Class A stations have protected primary service extending beyond the 2 mV/m contour, the groundwave signal strength constituting primary service for Class A stations is that set forth in paragraphs (a)(1)(i) and (ii) of this section. See § 73.184 for curves showing distance to various groundwave field strength contours for different frequencies and ground conductivities, and also see § 73.183, ''Groundwave signals.''

(e) A Class C station may be authorized to operate with a directional antenna during daytime hours providing the power is at least 0.25 kW. In computing the degrees of protection which such antenna will afford, the radiation produced by the directional antenna system will be assumed to be no less, in any direction, than that which would result from non-directional operation using a single element of the directional array, with 0.25 kW.

(f) All classes of broadcast stations have primary service areas subject to limitation by fading and noise, and interference from other stations to the contours set out for each class of station.

(g) Broadcast stations are licensed to operate unlimited time, limited time, daytime, share time, and specified

hours. (See §§ 73.1710, 73.1725, 73.1720, 73.1715, and 73.1730.) Applications for new stations shall specify unlimited time operation only.

(h) Section 73.24 sets out the general requirements for modifying the facilities of a licensed station and for establishing a new station. Sections 73.24(b) and 73.37 include interference related provisions that be considered in connection with an application to modify the facilities of an existing station or to establish a new station. Section 73.30 describes the procedural steps required to receive an authorization to operate in the 1605–1705 kHz band.

(i) Objectionable nighttime interference from a broadcast station occurs when, at a specified field strength contour with respect to the desired station, the field strength of an undesired co-channel station exceeds for 10% or more of the time the values set forth in these standards. The value derived from the root-sum-square of all interference contributions represents the extent of a station's interference-free coverage.

(1) With respect to the root-sum-square (RSS) values of interfering field strengths referred to in this section, calculation of nighttime interference-free service is accomplished by considering co-channel signals in order of decreasing magnitude, adding the squares of the values and extracting the square root of the sum, excluding those signals which are less than 50% of the RSS values of the higher signals already included. This is known as the ''50% Exclusion Method.''

(2) The RSS value will not be considered to be increased when a new interfering signal is added which is less than the appropriate exclusion percentage as applied to the RSS value of the interference from existing stations, and which at the same time is not greater than the smallest signal included in the RSS value of interference from existing stations.

(3) It is recognized that application of the 50% Exclusion Method for calculating the RSS interference may result in some cases in anomalies wherein the addition of a new interfering signal or the increase in value of an existing interfering signal will cause the exclusion of a previously included signal and may cause a decrease in the calculated RSS value of interference. In order to provide the Commission with more realistic information regarding gains and losses in service (as a basis for determination of the relative merits of a proposed operation) the following alternate method for calculating the proposed RSS values of interference will be employed wherever applicable.

(4) In cases where it is proposed to add a new interfering signal which is not less than 50% of the RSS value of interference from existing stations or which is greater than the smallest signal already included to obtain this RSS value, the RSS limitation after addition of the new signal shall be calculated without excluding any signal previously included. Similarly, in cases where it is proposed to increase the value of one of the existing interfering signals which has been included in the RSS value, the RSS limitation after the increase shall be calculated without excluding the interference from any source previously included.

(5) If the new or increased signal proposed in such cases is ultimately authorized, the RSS values of interference to other stations affected will thereafter be calculated by the 50% Exclusion Method without regard to this alternate method of calculation.

(6) Examples of RSS interference calculations:

(i) Existing interferences:

Station No. 1—1.00 mV/m.

Station No. 2—0.60 mV/m.

Station No. 3—0.59 mV/m.

Station No. 4—0.58 mV/m.

The RSS value from Nos. 1, 2 and 3 is 1.31 mV/m; therefore interference from No. 4 is excluded for it is less than 50% of 1.31 mV/m.

(ii) Station A receives interferences from:

Station No. 1—1.00 mV/m.

Station No. 2—0.60 mV/m.

Station No. 3—0.59 mV/m.

It is proposed to add a new limitation, 0.68 mV/m. This is more than 50% of 1.31 mV/m, the RSS value from Nos. 1, 2 and 3. The RSS value of Station No. 1 and of the proposed station would be 1.21 mV/m which is more than twice as large as the limitation from Station No. 2 or No. 3. However, under the above provision the new signal and the three existing interferences are nevertheless calculated for purposes of comparative studies, resulting in an RSS value of 1.47 mV/m. However, if the proposed station is ultimately authorized, only No. 1 and the new signal are included in all subsequent calculations for the reason that Nos. 2 and 3 are less than 50% of 1.21 mV/m, the RSS value of the new signal and No. 1.

(iii) Station A receives interferences from:

Station No. 1—1.00 mV/m.

Station No. 2—0.60 mV/m.

Station No. 3—0.59 mV/m.

No. 1 proposes to increase the limitation it imposes on Station A to 1.21 mV/m. Although the limitations from stations Nos. 2 and 3 are less than 50% of the 1.21 mV/m limitation, under the above provision they are nevertheless included for comparative studies, and the RSS limitation is calculated to be 1.47 mV/m. However, if the increase proposed by Station No. 1 is authorized, the RSS value then calculated is 1.21 mV/m because Stations Nos. 2 and 3 are excluded in view of the fact that the limitations they impose are less than 50% of 1.21 mV/m.

(j) Objectionable nighttime interference from a station shall be considered to exist to a station when, at the field strength contour specified in paragraph (o) of this section with respect to the class to which the station belongs, the field strength of an interfering station operating on the same channel exceeds for 10% or more of the time the value of the permissible interfering signal set forth opposite such class in paragraph (o) of this section.

(k) For the purpose of estimating the coverage and the interfering effects of stations in the absence of field strength measurements, use shall be made of Figure 8 of § 73.190, which describes the estimated effective field (for 1 kW power input) of simple vertical omnidirectional antennas of various heights with ground systems having at least 120 quarter-wavelength radials. Certain approximations, based on the curve or other appropriate theory, may be made when other than such antennas and ground systems are employed, but in any event the effective field to be employed shall not be less than the following:

Class of station	Effective field (at 1 km)
All Class A (except Alaskan)	275 mV/m.
Class A (Alaskan), B and D	215 mV/m.
Class C	180 mV/m.

Note (1) to paragraph (k): When a directional antenna is employed, the radiated signal of a broadcasting station will vary in strength in different directions, possibly being greater than the above values in certain directions and less in other directions depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction, the measured or calculated radiated field (unattenuated field strength at 1 kilometer from the array) must be used in conjunction with the appropriate propagation curves. (See § 73.185 for further discussion and solution of a typical directional antenna case.)

Note (2) to paragraph (k): For Class B stations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands, 180 mV/m shall be used.

(l) The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made in accordance with the method described in § 73.186, or in the absence of such measurements, by reference to the propagation curves of § 73.184. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to Formula 2 in § 73.190.

(m) Computation of skywave field strength values:

(1) *Fifty percent skywave field strength values.* To compute fifty percent skywave field strength values, Formula 1 of § 73.190, entitled ''Skywave field strength, 50% of the time (at SS+6)'' shall be used.

(2) *Ten percent skywave field strength values.* In computing the 10% skywave field strength for stations on a single signal or an RSS basis, Formula 2 in § 73.190 shall be used.

(3) *Determination of angles of departure.* In calculating skywave field strength for stations on all channels, the pertinent vertical angle shall be determined by use of the formula in § 73.190(d).

(n) The distance to any specified groundwave field strength contour for any frequency may be determined from the appropriate curves in § 73.184 entitled ''Ground Wave Field Strength vs. Distance.''

(o) Normally protected service contours and permissible interference signals for broadcast stations are as follows (for Class A stations, see also paragraph (a) of this section):

Class of station	Class of channel used	Signal strength contour of area protected from objectionable interference (μV/m)		Permissible interfering signal (μV/m)	
		Day [1]	Night [1]	Day [1]	Night
A	Clear	SC 100	SC 100	SC 5	SC 5.[1]
		AC 500	AC 500	AC 500	AC 500.[1]
B	Clear	2000	2000	SC 100	25.[2]
	Regional			AC 2000	Not presc.
C	Local	2000	Not presc [3]	SC 100	Not presc.
D	Clear	2000	Not presc	SC 100	Not presc.
	Regional			AC 2000	Not presc.

[1] Groundwave.
[2] Skywave field strength for 10 percent or more of the time.
[3] During nighttime hours, Class C stations in the contiguous 48 States may treat all Class B stations assigned to 1230, 1240, 1340, 1400, 1450, and 1490 kHz in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands as if they were Class C stations.
Note: SC = Same channel; AC = Adjacent channel; SW = Skywave; GW = Groundwave.

(p) The following table of logarithmic expressions is to be used as required for determining the minimum permissible ratio of the field strength of a desired to an undesired signal. This table shall be used in conjunction with the protected contours specified in paragraph (q) of this section.

Frequency separation of desired to undesired signals (kHz)	Desired Groundwave to:	
	Undesired groundwave (dB)	Undesired 10% Skywave (dB)
0	26	26
10	0	0

(q) Two stations, one with a frequency twice of the other, should not be assigned in the same groundwave service area unless special precautions are taken to avoid interference from the second harmonic of the station operating on the lower frequency. Additionally, in selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause ''image'' interference, However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission, in general, will not take this kind of interference into consideration when authorizing stations.

(r) The groundwave service of two stations operating with synchronized carriers and broadcasting identical programs will be subject to some distortion in areas where the signals from the two stations are of comparable strength. For the purpose of estimating coverage of such stations, areas in which the signal ratio is between 1:2 and 2:1 will not be considered as receiving satisfactory service.

Note to paragraph (r): Two stations are considered to be operated synchronously when the carriers are maintained within 0.2 Hz of each other and they transmit identical programs.

§ 73.187 [Removed]

■ 9. Remove § 73.187.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 10. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 336 and 554.

■ 11. In § 74.1201, revise paragraph (g) to read as follows:

§ 74.1201 Definitions.

* * * * *

(g) *Translator coverage contour.* For a fill-in FM translator rebroadcasting an FM radio broadcast station as its primary station, the FM translator's coverage contour must be contained within the primary station's coverage contour. For purposes of this rule section, the coverage contour of the FM translator has the same field strength value as the protected contour of the primary FM station (*i.e.,* for a commercial Class B FM station it is the predicted 0.5 mV/m field strength contour, for a commercial Class B1 FM station it is the predicted 0.7 mV/m field strength contour, and for all other classes of FM stations it is the predicted 1 mV/m field strength contour). The coverage contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, but the translator's 1 mV/m coverage contour may not extend beyond a 40-mile (64 km) radius centered at the AM transmitter site. The protected contour for an FM translator station is its predicted 1 mV/m contour.

* * * * *

[FR Doc. 2015–31949 Filed 1–15–16; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 151005920–5999–01]

RIN 0648–BF39

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Flow Scale Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would revise scale requirements for processing vessels that are required to weigh fish at sea, *i.e.* mothership and catcher/processor vessels, and Shorebased Individual Fishery Quota Program (IFQ) first receivers. For motherships and catcher/processors that weigh fish at sea, the proposed action would require the use of updated scale technology, require enhanced daily scale testing for flow scales (also known as belt scales), and require the use of video to monitor the flow scale and the area around the flow scale. For Shorebased IFQ first receivers, the proposed action would add criteria for inseason flow scale tests. In addition, the action includes housekeeping changes that are intended to better align the regulations with defined terms, and to provide clarity and consistency between paragraphs. Action is needed to provide precise and accurate catch estimates and to reduce the likelihood that vessels will under report harvests.

DATES: Comments on this proposed rule must be received by February 18, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0150, by any of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0150,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Becky Renko.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to William W. Stelle Jr., Regional Administrator, West Coast Region NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070 and to OMB by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

SUPPLEMENTARY INFORMATION:

Motherships and Catcher/Processors

An at-sea scale program was developed for the Alaska groundfish fishery in 1998 to provide catch accounting that was more precise and verifiable at the individual haul level and less dependent on estimates generated by at-sea observers (February 4, 1998; 63 FR 5836). The at-sea scale program supported implementation of a large-scale quota share program that required verifiable and defensible estimates of harvest. Since implemenation of those weighing requirements in 1998, at-sea scales have been used to provide reliable, precise and accurate estimates of catch in the Alaskan groundfish fisheries. At the same time, scale technology has evolved and NMFS has developed greater expertise in monitoring processing activity.

Recent fraud on some vessels was found to have resulted in systematic underestimates of scale weights used for catch accounting. As a result, at-sea flow scale regulations for the Alaska Region at 50 CFR 679.28 were revised on December 18, 2014 (November 18, 2014; 79 FR 68610) to improve scale accuracy and reduce bias. Revisions to the Alaska regulations included a suite of modifications to the at-sea scales program that included the use of flow scales capable of logging and printing the frequency and magnitude of scale calibrations relative to previous calibrations as well as the time and date of each scale fault (or error) and scale startup time; revised daily scale test methods; and new requirements for video monitoring.

In 2011, a trawl rationalization program was implemented for the Pacific Coast groundfish fishery which included scale requirements specified in regulation at § 660.15(b) (December 15, 2010; 75 FR 78344). These regulations require mothership and catcher/processor vessels to use scales certified for the Alaska groundfish fisheries. Modifying the Pacific Coast groundfish fishery regulations to be consistent with the Alaska Region's 2014 regulation updates would bring the regulations up to date with current technology, reduce the potential for scale tampering, and improve catch accounting accuracy. Catch estimates based on inaccurate scale weights could systematically underestimate harvests. Given the importance of using accurate and reliable catch accounting data for management of the groundfish stocks, NMFS is proposing revisions consistent

with the revisions made for the Alaska groundfish fishery and with the intent of enforcement and monitoring provisions implemented under Amendment 20 to the Pacific Coast groundfish fishery management plan (FMP).

This proposed rule would update the requirements for scales consistent with the Alaska regulations at § 679.28. Improved scale technology includes features that allow NMFS to determine how well the flow scales are performing, and improve the accuracy and reliability of flow scale measurements. Because the mothership and catcher/processor vessels already have upgraded scale systems for the Alaska Fisheries, and the scales are certified through annual testing provided by the Alaska Region, aligning the performance and technical requirements is reasonable and not expected to result in added costs to the vessels.

Regulatory revisions would include improvements to daily scale tests. The types of material used for the daily scale test would be limited to test materials (*i.e.,* pre-weighed sand bags) supplied by the scale manufacturer or approved by a NMFS-authorized scale inspector. The minimum amount of weight for each test and the number of runs would be clearly stated in regulations. In addition, new requirements for documenting failed scale tests, and printing audit and calibration reports would be specified.

Regulatory revisions would require that all mothership and catcher/processors vessels use video monitoring systems that meet the Alaska fishery system requirements, specified at § 679.28(e), when they are fishing in the Pacific Coast groundfish fishery. The video monitoring systems allow the activities around the flow scale to be monitored to ensure that the flow scale is functioning properly (*e.g.,* that the flow scale is not running while in a fault (error) state); ensure that all fish are being weighed; detect when crew members are working on the flow scale; and ensure that daily flow scale tests are being conducted on the required schedule and with the appropriate test weights. The video systems would be required to capture imagery of areas where the catch enters, moves across and leaves the scale; of any access points that may be adjusted or modified by crew; and of the scale display and the indicator of when the scale is operating in a fault state. Consistent with the Alaska requirements, the vessel operator would be required to maintain the video imagery for at least 120 days and make the imagery available to NMFS upon request. All of the vessels subject to at-sea scales requirements are already required to have video systems for the Alaska fisheries. Therefore, the increased burden to the processing vessels would primarily be the time to operate the systems while fishing in the Pacific whiting fishery.

IFQ First Receivers

Regulations at § 660.15(c) define the performance and technical requirements for scales used to weigh fish at Shorebased IFQ first receivers. Since the Shorebased IFQ program was implemented in 2011, some Shorebased IFQ first recievers located in Oregon and Washington have installed flow scales. The states of Oregon and Washington test the flow scales consistent with national weights and measures standards. This action would revise regulations to include performance and technical requirements for flow scales used at IFQ first receivers. In addition, several minor technical changes would be made. The regulatory changes for first receivers would include revisions to inseason scale test requirements specific to flow scales; adding catch monitors to the list of individuals that have access to scale displays and printouts; revisions to inseason scale test requirements specific to flow scales; and the correction of a value for maximum error in scale divisions.

Housekeeping

Numerous minor changes would be made throughout the regulations at 50 CFR 660.15, 660.113, 660.150 and 660.160 for clarity, to better align different sections of the regulations, to update cross references, and for consistency in the use of terms. Paragraph 660.15(a) is revised to remove reporting requirements that are repeated in other more appropriate sections of the regulations. Regulatory language originally adopted from the Alaska Groundfish fisheries is not consistent with language used for the Pacific Coast groundfish fishery; therefore, minor revisions are made to paragraph § 660.15(b) for clarity and to be consistent with other sections of the Pacific Coast groundfish regulations. Minor changes are made at § 660.15(c) to revise terms for consistent use throughout the regulations. Minor changes are made at § 660.113 to revise terms for consistent use throughout the regulations and update cross references. Minor changes are made §§ 660.150(b) and 660.160(b) to revise terms for consistent use throughout the regulations, and update cross references, to add missing references for cease fishing reports and to add clarity to the vessel responsibilities relative to observer platform scale.

Classification

NMFS has made a preliminary determination that the proposed action is consistent with FMP, the Magnuson Stevens Conservation and Management Act, and other applicable laws. In making its final determination, NMFS will take into account the complete record, including the data, views, and comments received during the comment period.

The Office of Management and Budget has determined that this proposed rule is not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The SBA has established size criteria for all major industry sectors in the United States, including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of $20.5 million for all its affiliated operations worldwide. For commercial shellfish harvesters, the other qualifiers apply and the receipts threshold is $5.5 million. For other marine fishing, a small business is one with annual receipts not in excess of $7.5 million. For purposes of rulemaking, NMFS is applying the $20.5 million standard to catcher/processors because they are involved in the commercial harvest of finfish. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide.

The mothership and catcher/processor vessels affected by the proposed action have gross revenues that exceed $20.5 million and thus are not considered to be small entities.

IFQ first receivers receive, purchase, or take custody, control, or possession of fish onshore directly from IFQ vessels. In 2012, a total of 26 companies

accepted IFQ fish as first receivers: nine accepted Pacific whiting, 25 accepted fish from the IFQ non-whiting trawl, and 19 accepted fish from the non-trawl IFQ. Sixteen of the 26 IFQ first receivers are independently owned and operated, not dominant in their field of operation, and employ 500 or fewer persons on a full time, part time, temporary, or other basis, at all affiliated operations worldwide, and are considered small businesses under the SBA guidelines. First receiver earnings are comprised of fish sales, offloading revenue, custom processing revenue, and revenue from leasing or selling quota.

Although the inclusion of inseason flow scale testing criteria affects all first receivers, it is unlikely that smaller non-whiting first receivers will have the need to install flow scales. To date, flow scales have been used by Pacific whiting first receivers to weigh large volumes of unsorted fish. The only groundfish fishery allowed to land large volumes of unsorted fish is the Pacific whiting fishery. Two of the nine first receivers who accept and purchase Pacific whiting would be considered small according to the SBA guidelines. Some of the Pacific whiting first receivers share ownership of vessels and some companies own multiple first receiver facilities. In addition to Pacific whiting, the Pacific whiting first receivers process other Pacific Coast species including: Pink shrimp, non-whiting groundfish, crab, and coastal pelagic species.

Current regulations require IFQ first receivers to use scales that are tested for accuracy and approved for use by the state where the scale is located. During the fishing season NMFS staff, NMFS-authorized personnel, and authorized officers conduct accuracy tests on scales used to weigh IFQ fish. Inseason test criteria are needed to determine if the scales are functioning accurately between state testings. A scale that does not pass an inseason test may not be used to weigh IFQ catch fish until the scale passes an inseason test or is approved for continued use by the weights and measures authorities of the State in which the scale is located. Since the start of the Shorebased IFQ Program in 2011, three of the nine Pacific Whiting IFQ first receivers have installed flow scales. Two of the three Pacific whiting IFQ first receivers that have installed flow scales are considered small businesses.

The testing criteria defined by this action for flow scales are consistent with the National Institute of Standards and Technology and the criteria used by the states. Because state laws already require commercial scales to meet accuracy standards set out by the National Institute of Standards and Technology, the cost of inseason testing to ensuring compliance between state testings is expected to be minimal. The proposed action is not expected to result in a significant economic effect on a substantial number of small entities. Establishing inseason scale test criteria for this new type of scale would result in inseason scale test requirements that are more equitable between all first receivers. The proposed action is primarily administrative in bringing the regulations up to date with current practices. An initial regulatory flexibility analysis is not required and none has been prepared because this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval as revisions to OMB collection 0648–0619. The public reporting burden for the at-sea scale requirements, including daily test reports (30 minute per response), daily catch and cumulative weight reports (10 min per response), the audit trail (1 minute per response), calibration log (1 minute per response), fault log (1 minute per response) and video monitoring (0 minute per response), is estimated to average 43 minutes per response.

Public comment is sought regarding whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to West Coast Region at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: January 8, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.15, revise paragraphs (a), (b), (c), and add paragraph (e) to read as follows:

§ 660.15 Equipment requirements.

(a) *Applicability.* This section contains the equipment and operational requirements for scales used to weigh fish at sea, scales used to weigh fish at IFQ first receivers, video monitoring systems, computer hardware for electronic fish ticket software, and computer hardware for electronic logbook software.

(b) *Scales used to weigh fish at sea.* Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with the requirements specified in this section.

(1) *Performance and technical requirements for scales in the MS and C/P Coop Programs.* A scale used to weigh fish in the MS and C/P Coop Programs must meet the type evaluation, initial inspection, and annual reinspection requirements set forth in 50 CFR 679.28(b)(1) and (2), and must be approved by NMFS to weigh fish at sea.

(2) *Annual inspection.* Once a scale is installed on a vessel and approved by NMFS for use to weigh fish at sea, it must be reinspected annually within 12 months of the date of the most recent inspection to determine if the scale meets all of the applicable performance and technical requirements as described in 50 CFR 679.28(b).

(3) *Daily testing.* Each scale used to weigh fish must be tested at least once each calendar day to ensure that each scale meets the maximum permissible error requirements described at paragraph (b)(4) of this section.

(4) *Daily at-sea scale tests.* To verify that the scale meets the maximum permissible errors specified in this paragraph, each scale used to weigh fish must be tested at least one time during

each calendar day when use of the scale is required. The tests must be performed in an accurate and timely manner.

(i) *Flow or Belt scales.*

(A) *Maximum permissible errors.* The maximum permissible errors for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material.

(B) *Test Procedure.* A test must be conducted by weighing no less than 400 kg (882 lb) of test material, supplied by the scale manufacturer or approved by a NMFS-authorized scale inspector, on the scale under test. The test material may be run across the scale multiple times in order to total 400 kg; however, no single run of test material across the scale may weigh less than 40 kg (88.2 lb). The known weight of test material must be determined at the time of each scale test by weighing it on a platform scale approved for use under 50 CFR 679.28(b)(7).

(ii) *Platform scales required for observer sampling or to determine known weight of test material on mothership and catcher/processor vessels.*

(A) *Maximum permissible errors.* The maximum permissible errors for the daily at-sea scale test for platform scales is plus or minus 0.5 percent of the weight tested.

(B) *Test Procedure.* A platform scale used for observer sampling must be tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights. Any combination of test weights that will allow the scale to be tested at 10 kg, 25 kg, and 50 kg may be used. A platform scale used to weigh fish must be tested at a weight equal to the largest amount of fish that will be weighed on the scale in one weighing.

(C) *Approved test weights.* Each test weight must have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight must be annually certified by a National Institute of Standards and Technology-approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

(iii) *Requirements for all at-sea scale tests.* The following conditions must be met:

(A) Notify the observer at least 15 minutes before the time that the test will be conducted, and conduct the test while the observer is present.

(B) Conduct the scale test by placing the test material or test weights on or across the scale and recording the following information on the at-sea scale test report form:

(*1*) Vessel name;

(*2*) Month, day, and year of test;

(*3*) Time test started to the nearest minute in local time;

(*4*) Known weight of test materials or test weights;

(*5*) Weight of test material or test weights recorded by scale;

(*6*) Percent error as determined by subtracting the known weight of the test material or test weights from the weight recorded on the scale, dividing that amount by the known weight of the test material or test weights, and multiplying by 100; and

(*7*) Signature of operator.

(C) Maintain the scale test report form from all at-sea scale tests, including test report forms from failed scale tests on board the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be retained for 3 years after the end of the fishing year during which the tests were performed. Each scale test report form must be signed by the operator immediately following completion of each scale test.

(5) *Scale maintenance.* The scale must be maintained in proper operating condition throughout its use; adjustments made to the scale must be made to bring the performance errors as close as practicable to a zero value; and no adjustment may be made that will cause the scale to weigh fish inaccurately.

(6) *Printed reports from the scale* (not applicable to observer sampling scales). Printed reports are provided to NMFS as required by this paragraph. Printed reports from the scale must be maintained on board the vessel until the end of the year during which the reports were made, and made available to observers, NMFS staff or authorized officers. In addition, printed reports must be retained for 3 years after the end of the year during which the printouts were made.

(i) *Printed reports of catch weight and cumulative weight.* Reports must be printed at least once every calendar day when use of the scale is required. Reports must also be printed before any information stored in the scale computer memory is replaced. Scale weights must not be adjusted by the scale operator to account for the perceived weight of water, slime, mud, debris, or other materials. Scale printouts must show:

(A) The vessel name and Federal vessel permit number;

(B) The date and time the information was printed;

(C) The haul number;

(D) The total weight of the haul; and

(E) The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection.

(ii) *Printed report from the audit trail.* The printed report must include the information specified in sections 2.3.1.8, 3.3.1.7, and 4.3.1.8 of appendix A to 50 CFR part 679. The printed report must be provided to the authorized scale inspector at each scale inspection and must also be printed at any time upon request of the observer, NMFS personnel or an authorized officer.

(iii) *Printed report from calibration log.* The operator must print the calibration log on request by NMFS staff or an authorized officer, or person authorized by NMFS. The calibration log must be printed and retained before any information stored in the scale computer memory is replaced. The calibration log must detail either the prior 1,000 calibrations or all calibrations since the scale electronics were first put into service, whichever is less. The printout from the calibration log must show:

(A) The vessel name and Federal fisheries or processor permit number;

(B) The month, day, and year of the calibration;

(C) The time of the calibration to the nearest minute in local time;

(D) The weight used to calibrate the scale; and

(E) The magnitude of the calibration in comparison to the prior calibration.

(iv) *Printed reports from the fault log.* The operator must print the fault log on request by NMFS staff, an authorized officer or person authorized by NMFS. The fault log must be printed and retained before any information stored in the scale computer memory is replaced. The fault log must detail either the prior 1,000 faults and startups, or all faults and startups since the scale electronics were first put into service, whichever is less. A fault, for the purposes of the fault log, is any condition other than underflow detected by the scale electronics that could affect the metrological accuracy of the scale. The printout from the fault log must show:

(A) The vessel name and Federal fisheries or processor permit number;

(B) The month, day, year, and time of each startup to the nearest minute in local time;

(C) The month, day, year, and time that each fault began to the nearest minute in local time; and

(D) The month, day, year, and time that each fault was resolved to the nearest minute in local time.

(v) *Platform scales used for observer sampling.* A platform scale used for

observer sampling is not required to produce a printed record.

(7) *Video monitoring for scales used by the vessel crew to weigh catch.* Mothership or Catcher/Processor vessels required to weigh fish under the regulations in this section must provide and maintain a NMFS-approved video monitoring system as specified in paragraph (e) of this section.

(c) *Scales used to weigh fish at IFQ first receivers—performance and technical requirements.* Scale requirements in this paragraph are in addition to those requirements set forth by the State in which the scale is located, and nothing in this paragraph may be construed to reduce or supersede the authority of the State to regulate, test, or approve scales within the State. Scales used to weigh fish that are also required to be approved by the State must meet the following requirements:

(1) *Verification of approval.* The scale must display a valid sticker indicating that the scale is currently approved in accordance with the laws of the state where the scale is located.

(2) *Visibility.* The IFQ first receiver must ensure that the scale and scale display are visible simultaneously to the catch monitor. Catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers must be allowed to observe the weighing of fish on the scale and be allowed to read the scale display at all times.

(3) *Printed scale weights.*

(i) An IFQ first receiver must ensure that printouts of the scale weight of each delivery or offload are made available to the catch monitor, NMFS staff, to NMFS-authorized personnel, or to authorized officers at the time printouts are generated. An IFQ first receiver must maintain printouts on site until the end of the fishing year during which the printouts were made and make them available upon request by the catch monitor, NMFS staff, NMFS-authorized personnel, or authorized officers for 3 years after the end of the fishing year during which the printout was made.

(ii) All scales identified in a catch monitoring plan (see § 660.140(f)(3)) must produce a printed record for each landing, or portion of a landing, weighed on that scale. NMFS may exempt, through approval of the NMFS-accepted catch monitoring plan, scales not designed for automatic bulk weighing from part or all of the printed record requirements. IFQ first receivers that receive no more than 200,000 pounds of groundfish in any calendar month may be exempt under § 660.140(j)(2). For scales that must produce a printed record, the printed record must include:

(A) The IFQ first receiver's name;

(B) The weight of each load in the weighing cycle;

(C) The total weight of fish in each landing, or portion of the landing that was weighed on that scale;

(D) For belt scales and weight belts, the total cumulative weight of all fish or other material weighed on the scale since the last inspection;

(E) The date the information is printed; and

(F) The name and vessel registration or documentation number of the vessel making the landing. The person operating the scale may write this information on the scale printout in ink at the time of printing.

(4) *Inseason scale testing.* IFQ first receivers must allow, and provide reasonable assistance to NMFS staff, NMFS-authorized personnel, and authorized officers to test scales used to weigh IFQ fish. A scale that does not pass an inseason test may not be used to weigh IFQ fish until the scale passes an inseason test or is approved for continued use by the weights and measures authorities of the State in which the scale is located.

(i) *Inseason testing criteria.* To pass an inseason test, NMFS staff or authorized officers must be able to verify that:

(A) The scale display and printed information are clear and easily read under all conditions of normal operation;

(B) Weight values are visible on the display until the value is printed;

(C) The scale does not exceed the maximum permissible errors specified in this paragraph:

(*1*) *Flow scales (also known as belt scales and weight belts).* The maximum permissible error is plus or minus 0.25 percent of the known weight of the test material with repeatability between tests of no more than 0.25 percent. Percent error is determined by subtracting the known weight of the test material or test weights from the weight recorded on the scale, dividing that amount by the known weight of the test material or test weights, and multiplying by 100.

(*2*) *All other scales.*

Test load in scale divisions	Maximum error in scale divisions
(*i*) 0–500	1
(*ii*) 501–2,000	2
(*iii*) 2,001–4,000	3
(*iv*) >4,000	5

(D) *Automatic weighing systems.* An automatic weighing system must be provided and operational that will prevent fish from passing over the scale or entering any weighing hopper unless the following criteria are met:

(*1*) No catch may enter or leave a weighing hopper until the weighing cycle is complete;

(*2*) No product may be cycled and weighed if the weight recording element is not operational; and

(*3*) No product may enter a weighing hopper until the prior weighing cycle has been completed and the scale indicator has returned to a zero.

(ii) [Reserved]

* * * * *

(e) *Video monitoring systems used monitor at-sea scales.*

(1) *Performance and technical requirements for video monitoring systems for the MS and C/P Coop Programs.* A video monitoring system used to monitor at-sea scales must meet the system requirements and system inspections, set forth in 50 CFR 679.28(e)(1) through (4) and be issued a Video Monitoring Inspection Report verifying that the video system meets all applicable requirements for use in the Alaska Pollock fishery. Any change to the system must meet the requirements specified at 50 CFR 679.28(e)(7) and be approved by the Alaska Regional Administrator in writing before any changes are made.

(i) MS or C/P vessels required to weigh fish at sea under the regulations in this section must:

(A) Provide and maintain a video monitoring system that provides sufficient resolution and field of view to monitor: All areas where catch enters the scale, moves across the scale and leaves the scale; any access point to the scale from which the scale may be adjusted or modified by vessel crew while the vessel is at sea; and the scale display and the indicator for the scale operating in a fault state.

(B) Record and retain video for all periods when catch that must be weighed is on board the vessel.

(ii) [Reserved]

(2) *Video Monitoring System Inspection Report.* A current NMFS-issued Video Monitoring System Inspection Report must be maintained on board the vessel at all times the vessel is required to have an approved video monitoring system. The Video Monitoring System Inspection Report must be made available to the observer, NMFS staff, or to an authorized officer upon request.

(3) *Retention of records.* Consistent with the requirements set forth at 50 CFR 679.28(e)(1), the video data must be maintained on the vessel and made available on request by NMFS staff, or

any individual authorized by NMFS. The data must be retained on board the vessel for no less than 120 days after the date the video is recorded, unless NMFS has notified the operator in writing that the video data may be retained for less than this 120-day period.

■ 3. In § 660.112, add paragraphs (c)(5) and (c)(6) to read as follows:

§ 660.112 Trawl fishery—prohibitions.

* * * * *

(c) * * *

(5) Fail to weigh all fish taken and retained aboard the vessel on a scale that meets the performance and technical requirements specified at § 660.15(b).

(6) Weigh fish taken and retained aboard the vessel without operating and maintaining a video monitoring system that meets the performance and technical requirements specified at § 660.15(e).

* * * * *

■ 4. In § 660.113, revise paragraphs (c)(2) and (d)(2) to read as follows:

§ 660.113 Trawl fishery—recordkeeping and reporting.

* * * * *

(c) * * *

(2) *NMFS-approved scale.*

(i) *Scale test report form.* Mothership vessel operators are responsible for conducting scale tests and for recording the scale test information on the scale test report form as specified at § 660.15(b), for mothership vessels.

(ii) *Printed scale reports.* Requirements pertaining to printed scale reports and scale weight printouts are specified at § 660.15(b), for mothership vessels.

(iii) *Retention of scale records and reports.* Vessels must maintain scale test report forms on board until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be maintained for 3 years after the end of the fishing year during which the tests were performed. All scale test report forms must be signed by the operator.

* * * * *

(d) * * *

(2) *NMFS-approved scales.*

(i) *Scale test report form.* Catcher/processor vessel operators are responsible for conducting scale tests and for recording the scale test information on the scale test report form as specified at § 660.15(b), for catcher/processor vessels.

(ii) *Printed scale reports.* Specific requirements pertaining to printed scale reports and scale weight printouts are specified at § 660.15(b), for catcher/processor vessels.

(iii) *Retention of scale records and reports.* The vessel must maintain the scale test report form on board until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be maintained for 3 years after the end of the fishing year during which the tests were performed. All scale test report forms must be signed by the operator.

* * * * *

■ 5. In § 660.150, revise paragraphs (b)(1)(ii) introductory text, (b)(1)(ii)(A) and (C) to read as follows:

§ 660.150 Mothership (MS) Coop Program.

* * * * *

(b) * * *

(1) * * *

(ii) *Mothership vessel responsibilities.* The owner and operator of a mothership vessel must:

(A) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d); maintain records as specified at § 660.113(a); and maintain and submit all records and reports specified at § 660.113(c) including, economic data, scale tests records, cease fishing reports, and cost recovery.

* * * * *

(C) *Catch weighing requirements.* The owner and operator of a mothership vessel must:

(*1*) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in section § 660.15(b);

(*2*) Provide a NMFS-approved platform scale, belt scale, and test weights that meet the requirements described in section § 660.15(b).

* * * * *

■ 6. In § 660.160, revise paragraphs (b)(1)(ii)(A) and (C) to read as follows:

§ 660.160 Catcher/processor (C/P) Coop Program.

* * * * *

(b) * * *

(1) * * *

(ii) *Catcher/processor vessel responsibilities.* The owner and operator of a catcher/processor vessel must:

(A) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d); maintain records as specified at § 660.113(a); and maintain and submit all records and reports specified at § 660.113(d) including, economic data, scale tests records, cease fishing reports, and cost recovery.

* * * * *

(C) *Catch weighing requirements.* The owner and operator of a catcher/processor vessel must:

(*1*) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in § 660.15(b);

(*2*) Provide a NMFS-approved platform scale, belt scale, and test weights that meet the requirements described in § 660.15(b).

* * * * *

[FR Doc. 2016–00585 Filed 1–15–16; 8:45 am]

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Notices

Federal Register

Vol. 81, No. 11

Tuesday, January 19, 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

Agricultural Marketing Service

[Doc. No. AMS–NOP–14–0062; NOP–14–01]

National Organic Program: Notice of Final Guidance for Accredited Certifying Agents and Certified Operations on Natural Resources and Biodiversity Conservation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of availability of final guidance.

SUMMARY: The National Organic Program (NOP) is announcing the availability of a final guidance document intended for use by accredited certifying agents and certified operations. The guidance document is entitled: Natural Resources and Biodiversity Conservation (NOP 5020). This guidance document is intended to inform the public of NOP's current thinking on this topic.

DATES: The final guidance document announced by this notice is effective on January 20, 2016.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Ph.D., Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2642–S., Ag Stop 0268, Washington, DC 20250–0268. Telephone: (202) 720–3252, Email: *PaulI.Lewis@ams.usda.gov;* Telephone: (202) 260–9294.

SUPPLEMENTARY INFORMATION:

I. Background

On December 29, 2014, the National Organic Program (NOP) published in the **Federal Register** a notice of availability with request for public comment on a draft guidance document addressing Natural Resources and Biodiversity Conservation for Certified Organic Operations and Accredited Certifying Agents (ACA's) (79 FR 78025). The NOP selected the topic for the draft guidance in response to a May 2009 National Organic Standards Board (NOSB) request that AMS clarify the requirements and limitations codified at 7 CFR 205.200.[1]

The general natural resources and biodiversity conservation requirement of the U.S. Department of Agriculture (USDA) organic regulations at 7 CFR 205.200 requires operations to ''maintain or improve the natural resources of the operation, including soil and water quality.'' Section 205.2 of the regulations defines ''natural resources of the operation'' as the ''physical, hydrological, and biological features of a production operation, including soil, water, wetlands, woodlands, and wildlife.'' The May 2009 NOSB recommendation asked the NOP to establish: (1) Consistent discussion and review of biodiversity protection and enhancement in all certified operations' organic system plans; (2) increased education and information for certified operations, inspectors, and certifiers; (3) uniformity of inspection and certification procedures with regard to how certified operations implement the biodiversity standards; (4) incorporation of biodiversity standards into the procedures for accreditation and certifier audits; and (5) use of materials evaluation criteria that foster consideration of biodiversity conservation when adding or deleting materials from the National List of Allowed and Prohibited Substances. The draft NOP guidance can be viewed on the NOP Web site at *http://www.ams.usda.gov/sites/default/files/media/NOP–5020.pdf.* The 60-day comment period closed on February 27, 2015.

NOP received approximately 964 individual comments on the draft guidance document. Based upon the comments received, the NOP revised and is publishing a final guidance document on Natural Resources and Biodiversity Conservation (NOP 5020). The guidance document includes an appendix (NOP 5020–1) where the NOP provides a complete discussion of the comments received and the rationale behind any changes made to the guidance documents.

This final guidance provides examples of production practices that support conservation principles and demonstrate compliance with 7 CFR 205.200. This guidance also clarifies: (1) The certified organic operator's responsibility to select, carry out, and record production practices that ''maintain or improve the natural resources of the operation;'' (2) the accredited certifying agent's (certifier) responsibility to verify operator compliance with this requirement; and (3) how domestic organic operations that participate in a USDA Natural Resources Conservation Service (NRCS) program and the NOP can reduce their paperwork burdens. This final guidance is available from the NOP through ''The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) and Certified Operations''. This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the USDA organic regulations. The current edition of the Program Handbook is available online at *http://www.ams.usda.gov/rules-regulations/organic/handbook.*

II. Significance of Guidance

This final guidance document is being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432–3440). The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. This guidance represents the NOP's current thinking on the topic. It does not create or confer any rights for, or on, any person and does not operate to bind the NOP or the public. Guidance documents are intended to provide a uniform method for operations to comply with the Organic Foods Production Act (OFPA) and the USDA organic regulations that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the OFPA, as amended (7 U.S.C. 6501–

[1] NOSB Recommendation: Implementation of Biodiversity Conservation in Organic Agriculture Systems. Issued on March 5, 2009. Available on the NOP Web site at: *http://www.ams.usda.gov/sites/default/files/media/NOP%20Final%20Rec%20Biodiversity.pdf.*

6522), and its implementing regulations are also acceptable. As with any alternative compliance approach, the NOP strongly encourages industry to discuss alternative approaches with the NOP before implementing them to avoid unnecessary or wasteful expenditures of resources, and to ensure the proposed alternative approach complies with the OFPA and its implementing regulations.

Electronic Access

Persons with access to Internet may obtain the final guidance at the NOP's Web site at *http://www.ams.usda.gov/nop*. Request for hard copies of the final guidance document can be obtained by submitting a written request to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

Authority: 7 U.S.C. 6501–6522.

Dated: January 13, 2016.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–00862 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Public Comment on Services Currently Offered or Needed To Facilitate the Marketing of Grain and Related Products

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for Information.

SUMMARY: The U.S. Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is informing the public that it is soliciting comments to ensure that current services reflect market needs to facilitate the marketing of grain and related commodities. Specifically, GIPSA is inviting comments from producers, handlers, processors, food manufacturers, exporters, importers, consumers, scientists, academicians, industry stakeholders, and other interested persons on how GIPSA can best facilitate the marketing of grains, oilseeds, rice, pulses, and related products or products made from them, including co-products of ethanol production, commonly referred to as distillers' grains, based on market-identified quality attributes. To ensure that standards and official grading practices remain relevant in the market, GIPSA invites interested parties to comment on the relevance of current standards, methods, and grading practices, and on potential market needs for new standards or services.

DATES: Comments must be received on or before April 18, 2016.

ADDRESSES: You may submit your written or electronic comments on this notice to:

- *Mail:* R. Dexter Thomas, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530, Washington, DC 20250–3604.
- *Fax:* (202) 690–2173
- *Internet:* Go to *http://www.regulations.gov* and follow the on-line instruction for submitting comments.

Instructions: All comments will become a matter of public record and should be identified as ''U.S. Services Offered for Grains Notice Comments,'' making reference to the date and page number of this issue of the **Federal Register**. All comments received become the property of the Federal government, are made a part of the public record, and will generally be posted to *www.regulations.gov* without change. Comments may also be viewed in the above office during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management Support Staff at (202) 720–6529 to make an appointment to read comments received. If you send a comment directly to GIPSA without going through *www.regulations.gov,* or you submit a comment to GIPSA via fax, the originating address or telephone number will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. Also, all personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic submissions should avoid the use of special characters, avoid any form of encryption, and be free of any defects or viruses, since these may prevent GIPSA from being able to read and understand, and thus consider your comment.

FOR FURTHER INFORMATION CONTACT: Anthony Goodeman at GIPSA, USDA, 1400 Independence Avenue SW., Washington, DC, 20250; Telephone (202)–720–0228; Fax Number (202) 720–1015; email *Anthony.T.Goodeman@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the United States Grain Standards Act, as amended, and the Agricultural Marketing Act of 1946, as amended, GIPSA establishes standards for grains, oilseeds, rice, pulses, and related graded and processed commodities, regarding kind, class, quality and condition. The standards facilitate marketing and define U.S. grain and commodity quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; specify grades, grade requirements, special grades; and special grade requirements. Official procedures for determining grading factors are provided in GIPSA's Inspection Handbooks, which also include standardized procedures for additional quality attributes not used to determine grade, such as protein content and falling number. Together, the grade standards and inspection procedures allow buyers and sellers to communicate quality requirements, compare quality using equivalent forms of measurement, and assist in price discovery.

GIPSA periodically reviews the standards to ensure they reflect marketplace needs. In 2007, when the U.S. ethanol industry was expanding rapidly, GIPSA issued an Advance Notice of Proposed Rulemaking (ANPR) titled ''The Role of USDA in Differentiating Grain Inputs for Ethanol Production and Standardizing Testing of the Co- Products of Ethanol Production'' (72 FR 39762). The ANPR sought comments from the marketplace asking if there were any additional services GIPSA should offer to facilitate the marketing of ethanol co-products. Commenters overwhelmingly agreed that GIPSA should not intervene in standardizing testing of ethanol inputs and outputs. Commenters did state that an appropriate role for GIPSA was to continue approving rapid test kits for determining the concentration of mycotoxins. Accordingly, GIPSA did not initiate any rulemaking action related to the matters presented in the ANPR. However, GIPSA did agree to monitor the industry and remain actively engaged with the ethanol and co-product markets and to support the industry, as appropriate, in its efforts to successfully market ethanol co-products. Further, GIPSA has continued to approve rapid test kits for mycotoxins.

The production of distillers' grains has continued to grow in recent years concurrent with increased ethanol production. GIPSA will broadly refer to ''distillers' grains'' as being any of the plethora of co-products generated by dry-mill ethanol plants, including distillers' wet grains (DWG), distillers' dried grains (DDG), distillers' wet grains with solubles (DWGS), distillers' dried grains with solubles (DDGS), and condensed distillers' solubles (CDS), unless otherwise specified. According to USDA's Economic Research Service, the United States produced an estimated 44.6 million metric tons of DDGS in the 2014/15 crop year, compared to 12.4 million metric tons of DDGS in 2006/07, when GIPSA's previous ANPR was first published. Increasing supply, two years of higher prices for competing feeds (soybean meal and corn), and successful foreign market development efforts by USDA and trade associations have led to a surge in DDGS exports from the United States. Exports now constitute nearly 25 percent of domestic DDGS production, totaling 11.0 million metric tons in the 2014/15 crop year, compared to exports of only 14.5 percent of production, totaling 1.8 million metric tons in 2006/07.

In order for U.S. standards and grading procedures to remain relevant, GIPSA is issuing this Request for Information to invite interested parties to submit comments, ideas, and recommendations on GIPSA's role in the marketing of grain, oilseeds, and related agricultural products, including distillers' grains. All interested persons are specifically encouraged to comment on the following issues related to this notice:

1. Are there any market-identified quality attributes that GIPSA does not currently describe (or provide testing) that would facilitate the marketing of grain, oilseeds, and related products?

2. What role should GIPSA take, if any, in standardizing the testing of inputs and outputs of ethanol co-product processing? Has anything changed in the marketing of ethanol and ethanol co-products since GIPSA's last ANPR in 2007 related to standardization, product description, or quality assessment?

3. Are there any other services that GIPSA could offer to facilitate the marketing of grain, oilseeds, or related products?

Authority: 7 U.S.C. 71–87K; 7 U.S.C. 1621–1638D

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–00847 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Submission for OMB Review; Comment Request

January 13, 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; (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 February 18, 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, 20503. 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) 720–8681.

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.

National Agricultural Statistics Service

Title: Local Food Marketing Practices Survey

OMB Control Number: 0535–NEW

Summary of Collection: Data will be collected under the authority of 7 U.S.C. 2204(a). Section 10016(a)(1)(A) of the 2014 Farm Bill (Public Law 113–79) directs the Department of Agriculture (USDA) to collect data on ''the production and marketing of locally or regionally produced agricultural food products,'' while Section 10016(b)(2) requires USDA to ''conduct surveys and analysis and publish reports relating to the production, handling, distribution, retail sales, and trend studies. . . of or on locally or regionally produced agricultural food products.'' The survey will gather data on production, risk management, and marketing practices. Contingent upon the availability of funding, the Local Foods Survey will be a Census follow-on-survey.

Need and Use of the Information: A growing interest in support of local agricultural economies through the purchase of foods from sources that are geographically close to the consuming areas, via channels that are direct from farm to consumer or at most one step removed. The institution of the USDA Know Your Farmer, Know Your Food Initiative was designed to eliminate organizational barriers to improve coordination and availability of resources for the promotion of local food systems. The primary purpose of the survey is to produce benchmark statistics on the number of operations that produce local foods, the value of local foods sales (in total and by specific marketing channel), and marketing practices and expenses. Farms in all 50 states will be asked to provide these data. Statistics from this survey will be used by state agencies to better understand, support, and promote their local food markets, as well as by researchers studying local foods.

Description of Respondents: Farmers and Ranchers.

Number of Respondents: 28,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 21,000.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–00914 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Submission for OMB Review; Comment Request

January 13, 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 February 18, 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.

National Institute of Food and Agriculture

Title: Application for Authorization to Use the 4–H Name and/or Emblem.

OMB Control Number: 0524–0034.

Summary of Collection: Use of the 4–H Club Name and/or Emblem is authorized by an Act of Congress, (Pub. L. 772, 80th Congress, 645, 2nd Session). Use of the 4–H Club Name and/or Emblem by anyone other than the 4–H Clubs and those duly authorized by them, representatives of the Department of Agriculture, the Land-Grant colleges and universities, and person authorized by the Secretary of Agriculture is prohibited by the provisions of 18 U.S.C. 707. The Secretary has delegated authority to the Administrator of the National Institute of Food and Agriculture (NIFA) to authorize others to use the 4–H Name and Emblem. Therefore, anyone requesting, authorization from the Administrator to use the 4–H Name and Emblem is asked to describe the proposed use in a formal application. NIFA will collect information using form NIFA–01 ''Application for Authorization to Use the 4–H Club Name or Emblem.

Need and Use of the Information: The information collected by NIFA will be used to determine if those applying to use the 4–H name and emblem are meeting the requirements and quality of materials, products and/or services provided to the public. If the information were not collected, it would not be possible to ensure that the products, services, and materials meet the high standards of 4–H, its educational goals and objectives.

Description of Respondents: Not-for-profit institutions; Business or other for-profit; Individuals or households.

Number of Respondents: 60.

Frequency of Responses: Reporting: Other (every 3 years).

Total Burden Hours: 30.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–00912 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–09–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: U.S. Census Bureau.

Title: Current Population Survey, Fertility Supplement.

OMB Control Number: 0607–0610.

Form Number(s): There are no forms. We conduct all interviews on computers.

Type of Request: Regular Submission.

Number of Respondents: 30,000.

Average Hours per Response: 1.0 minutes.

Burden Hours: 500.

Needs and Uses: This survey provides information used mainly by government and private analysts to project future population growth, to analyze child spacing, and to aid policymakers in their decisions affected by changes in family size and composition. Past studies have discovered noticeable changes in the patterns of fertility rates and the timing of the first birth. Potential needs for government assistance, such as aid to families with dependent children, child care, and maternal health care for single parent households, can be estimated using Current Population Survey characteristics matched with fertility data.

Affected Public: Individuals or households.

Frequency: Biennial.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 141, 182 authorize the collection of this information on individuals and households.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: January 13, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–00830 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

[Docket No. 151028999–6030–02]

Privacy Act of 1974, Amended System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/NOAA–1, Applicants for the NOAA Corps.

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled Notice of

Proposed Amendment to COMMERCE/NOAA–1, Applicants for the NOAA Corps.

DATES: The system of records becomes effective on January 19, 2016.

ADDRESSES: For a copy of the system of records please mail requests to: Sarah Brabson, NOAA Office of the Chief Information Officer, Room 9856, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Director, NOAA Corps, 8403 Colesville Road, Suite 500, National Oceanic and Atmospheric Administration, Silver Spring, Maryland 20910.

SUPPLEMENTARY INFORMATION: On November 25, 2015 (80 FR 73698), the Department of Commerce published a notice in the **Federal Register**, entitled ''COMMERCE/NOAA–1, Applicants for the NOAA Corps,'' requesting comments on proposed amendments to the system of records. The November 25, 2015, notice stated that the amended system of records will become effective on the date of publication of a subsequent notice, unless comments are received. No comments were received in response to the request for comments. Accordingly, by this notice, the Department of Commerce is adopting the proposed changes to the system as final without changes effective January 19, 2016.

Dated: January 12, 2016.

Michael J. Toland,

Department of Commerce, Freedom of Information and Privacy Act Officer.

[FR Doc. 2016–00833 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

[Docket No. 151109999–5999–01]

Privacy Act of 1974, New System of Records

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of a New Privacy Act System of Records: COMMERCE/NOAA–22, NOAA Health Services Questionnaire (NHSQ) and Tuberculosis Screening Document (TSD).

SUMMARY: In accordance with the Privacy Act of 1974, as amended, Title 5 of the United States Code (U.S.C.) sections 552a(e)(4) and (11); and Office of Management and Budget (OMB) Circular A–130, Appendix I, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' the Department of Commerce is issuing a notice of intent to establish a new system of records entitled, ''COMMERCE/NOAA–22, NOAA Health Services Questionnaire and Tuberculosis Screening Document.'' We invite the public to comment on the items noted in this publication. The purpose of this system of records is to document information related to medical clearance, which is required for all persons sailing on Office of Marine and Aviation Operations (OMAO) vessels. The National Oceanic and Atmospheric Administration (NOAA) Health Services is responsible for medically evaluating and providing clearance for persons who will be sailing on these vessels. The completed NHSQ and TSD provide specific and select medical information on individuals who wish to embark on OMAO vessels and need medical clearance. The completed forms also contain personal identifiable information that is required to be protected by the Privacy Act.

DATES: To be considered, written comments must be submitted on or before February 18, 2016. Unless comments are received, the new system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

ADDRESSES: Comments may be mailed to: Director of Health Services, CAPT P. Jane Powers, 2002 SE Marine Science Drive, Newport, OR, 97365.

FOR FURTHER INFORMATION CONTACT: CAPT P. Jane Powers, 2002 SE Marine Science Drive, Newport, OR, 97365.

SUPPLEMENTARY INFORMATION: OMAO is creating a system of records for health information and other personal identifiable information required for medical clearance of individuals, both NOAA staff and others who are not employees, who plan to sail on OMAO vessels. Collection of information on the NHSQ and the TSD are consistent with the support for research and education under the National Marine Sanctuaries Act. *See e.g.,* 16 U.S.C. 1440 and the NOAA Administrative Order 209–124.

COMMERCE/NOAA–22

SYSTEM NAME:

COMMERCE/NOAA–22, NOAA Health Services Questionnaire (NHSQ) and Tuberculosis Screening Document (TSD).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), Office of Marine and Aviation Operations, 8403 Colesville Road, Silver Spring, MD 20910–3282. Satellite addresses are: NOAA Health Services-Pacific, 2002 SE Marine Science Drive, Newport, OR 97365; NOAA Health Services-Atlantic, 439 West York Street, Norfolk, VA 23510–1114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who wish to embark on OMAO vessels and need medical clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal Identifiable Information: name; date of birth (year only); work address; email address; position in program; home, work and cell telephone numbers; cruise dates; emergency contact (name, address and telephone number) and their relationship to the individual; names of NOAA ships NHSQ and TSD needs to be forwarded to; whether individual is regularly seeing a doctor for any reason; medications currently being taken; allergies; health problems; major surgeries/hospitalizations/emergency room visits; general/cardiac screening questions; date of last tetanus booster; functional abilities screening questions; awareness of medical condition which could affect their suitability for sea duty; type of test and result of most recent tuberculosis test; information on a previous positive skin test; date of last chest X-ray, if applicable; date of last BCG vaccine (tuberculosis vaccine), if applicable; date prescribed TB medication completed, if applicable; contact with any other person(s) infected with TB; occurrence of a positive HIV test; use of illegal intravenous drugs; any current treatment with steroids, chemotherapy, or cancer treating drugs; any incidence of homelessness; any incidence of incarceration; possession of fever, weight loss, night sweats, chronic cough, chronic fatigue, coughing up blood; statement to accuracy and truth of information provided; signature of applicant and date signed; signature of medical officer reviewing the forms; date of clearance; and any additional information supplied from the individual's medical provider(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is consistent with the support for research monitoring and education under the National Marine Sanctuaries Act. 16 U.S.C. 1440) *See also* Office of Personnel Management regulations: 5 CFR 339.102—Purpose and Effect; 5

CFR 339.202—Medical Standards; 5 CFR 339.205—Medical Evaluation Programs; 5 CFR 339.206—Disqualification on the Basis of Medical History; 5 CFR 229.301—Authority to Require an Examination; 5 CFR part 339—Medical Qualification Determinations.

PURPOSES:

The records are maintained and used to fulfill OMAO's responsibility of medically clearing embarking personnel on OMAO vessels. The NHSQ and TSD system will provide medical personnel with faster access to more complete data; this will enhance their effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Electronic NHSQ and TSD medical information is shared only with authorized users who have a legitimate need to know. These medical records, contained therein, may be disclosed as stated below:

a. A record in the medical department may be disclosed to the Department of Commerce legal department to determine legal sufficiency of a denial for embarkation or in response to litigation.

b. A record in the medical department may be disclosed in response to a court order.

c. A record in the medical department may be disclosed to other health care providers that are involved in cases concerning person(s)/employee(s) with a specific disease or injury.

d. A record in the medical department may be disclosed to the applicable medical psychiatric and/or state authority(ies) in response to statute (*e.g.,* sexually transmitted disease, homicidal ideation, suicidal ideation, child abuse, elder abuse, etc.).

e. A record in the medical department may be disclosed to the OMAO leadership involved in the medical evaluation process.

f. A record in the medical department may be disclosed to the individual involved.

2. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

3. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

4. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

5. A record in this system of records may be disclosed to the Department of Justice in connection with determining whether the Freedom of Information Act (5 U.S.C. 552) requires disclosure thereof.

6. A record in this system will be disclosed to the Department of Treasury for the purpose of reporting and recouping delinquent debts owed the United Sates pursuant to the Debt Collection Improvement Act of 1996.

7. A record in this system of records may be disclosed to appropriate agencies, entities, and persons when: (1) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that relies upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

NHSQ and TSD medical information is stored and maintained in electronic form in system folders and/or databases, within a controlled environment with access restricted to authorized personnel. Other medical information in a hardcopy format is stored in locked storage facilities at OMAO regional facilities or on OMAO vessels with access restricted to authorized personnel.

RETRIEVABILITY:

Records are retrieved through inquires based on the name of individual or the name of the NOAA vessel.

SAFEGUARDS:

The NHSQ and TSD can only be accessed by authorized OMAO medical personnel. Access to electronic medical data will be through a secure OMAO network and requires a password for entry, which is based on DOC password standards. Passwords are granted to authorized medical personnel. Hard/completed electronic copies are stored in OMAO headquarters or regional facilities. Entry to these facilities requires an approved NOAA-issued badge and electronic access to completed NHSQs and TSDs requires proper authorization and a password. Storage within the OMAO facilities are locked and under surveillance of administrative personnel. Hard copy medical records related to NHSQ and TSD shall be stored in locked file cabinets in all regional and headquarter offices. Access to these medical records shall be limited to authorized personnel only.

RETENTION AND DISPOSAL:

OMAO shall maintain its records in accordance with NOAA's Records Management Guide and Records Disposition Handbook. Upon closure of a case, all medical information on the case contained in the NHSQ and TSD shall be retained for at least 6 years, and destroyed 6 years after date of last entry. *See* National Archives and Records Administration General Records Schedule 1 Civilian Personnel Records, Section 19, Individual Non-Occupational Health Record Files: ''Forms, correspondence, and other records, including summary records, documenting an individual employee's medical history, physical condition, and visits to Government health facilities, for nonwork-related purposes, EXCLUDING records covered by item 21 of this schedule. Destroy 6 years after

date of last entry. (NC1–64–77–10 item 19).'' *http://www.archives.gov/records-mgmt/grs/grs01.html.*

SYSTEM MANAGER(S) AND ADDRESS:

CAPT Priscilla J. Powers, Director, Health Services, 2002 SE Marine Science Drive, Newport, OR 97365.

NOTIFICATION PROCEDURE:

In accordance with the Department of Commerce regulations implementing the Privacy Act, at Title 15 of the Code of Federal Regulations, part 4, subpart B-Privacy Act, individuals interested in determining if the system contains their name should direct their Privacy Act request to the National Oceanic and Atmospheric Administration, Public Reference Facility, OFA56, 1315 East West Highway (SSMC3), Room 10730, Silver Spring, Maryland 20910.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

Information that may be entered into the NHSQ and TSD will come from the following sources:

1. The individual involved in the medical record.
2. The authorized medical reviewer.
3. Other documentation submitted by medical providers of the individual.
4. Medical events that occur while on OMAO vessels.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: January 12, 2016.

Michael J. Toland,

Department of Commerce, Freedom of Information and Privacy Act Officer.

[FR Doc. 2016–00834 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–57–2015]

Correction Notice; Authorization of Production Activity; Foreign-Trade Zone 265; Bauer Manufacturing Inc.; (Stationary Oil/Gas Drilling Rigs); Conroe, Texas

On August 19, 2015, the City of Conroe, Texas, grantee of FTZ 265, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Bauer Manufacturing Inc., within FTZ 265, in Conroe, Texas.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 54520, September 10, 2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and further subject to a restriction requiring that foreign status textile-based cotton transport straps (classified within HTSUS Subheading 5806.31) be admitted to the zone in privileged foreign status (19 CFR 146.41).

Dated: January 12, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2016–00918 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Review and Amended Final Results of the Antidumping Duty Administrative Review

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

SUMMARY: On October 21, 2015, the United States Court of International Trade (Court) sustained our final remand redetermination pertaining to the administrative review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China covering the period November 1, 2010, through October 31, 2011.[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department of Commerce (the Department) is notifying the public that the Court's final judgment in this case is not in harmony with the *AR2 Final Results*[2] and that the Department is amending the *AR2 Final Results* with respect to the ATM Single Entity[3] and the PRC-wide entity.

DATES: *Effective Date:* October 31, 2015.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–5760 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 2013, as amended on July 18, 2013, the Department published the *AR2 Final Results.* The Diamond Sawblades Manufacturers' Coalition (DSMC) challenged certain aspects of the Department's *AR2 Final Results.* On September 23, 2014, the Court remanded the *AR2 Final Results* to the Department to: (1) Reconsider the ATM Single Entity's separate rate status; (2) explain where in the statute or other authority the Department finds the non-ministerial discretion not to determine if there is a pattern of differing export price or constructed export price for the purposes of using an alternate comparison methodology, regardless of whether an allegation is raised to that effect; and (3) explain how the methodology for valuing Weihai Xiangguang Mechanical Industrial Co., Ltd.'s (Weihai) steel cores is consistent with the first review, why Weihai's NME experience better reflects Weihai's experience of purchasing cores even though it is located in an NME country, and provide a full explanation of its

[1] *See* Final Remand Redetermination pursuant to *Diamond Sawblades Manufacturers Coalition* v. *United States,* Court No. 13–00241, slip op. 14–112 (Ct. Int'l Trade Sept. 23, 2014), dated May 18, 2015, and available at *http://enforcement.trade.gov/remands/14-112.pdf* (*AR2 Remand*), *aff'd, Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00241, slip op. 15–116 (Ct. Int'l Trade Oct. 21, 2015).

[2] *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 36166 (June 17, 2013), as amended in *Diamond Sawblades and Parts Thereof From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 42930 (July 18, 2013) (collectively, *AR2 Final Results*).

[3] The ATM Single Entity includes Advanced Technology & Materials Co., Ltd., Beijing Gang Yan Diamond Products Co., HXF Saw Co., Ltd., AT&M International Trading Co., Ltd., and Cliff International Ltd. *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2009–2010,* 78 FR 11143, 11144–45 n.9 (February 15, 2013), and *Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review: 2010–2011,* 77 FR 73417, 73418 (December 10, 2012), unchanged in *AR2 Final Results.*

chosen methodology.[4] On remand, the Department (1) denied the ATM Single Entity a separate rate and revised the PRC-wide rate; (2) explained that the Department's practice is to require targeted dumping allegations before the preliminary results and, because DSMC filed the targeted dumping allegation after the preliminary results, the targeted dumping allegation in this review was untimely; and (3) explained the Department's methodology for valuing Weihai's steel cores.[5] On October 21, 2015, the Court upheld our final remand redetermination for this review in its entirety.[6]

Timken Notice

In its decision in *Timken,* as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's final judgment affirming the final remand redetermination constitutes the Court's final decision which is not in harmony with the *AR2 Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, the Department is amending the *AR2 Final Results* with respect to the PRC-wide entity, which includes the ATM Single Entity, as follows:

Exporter	Weighted-average dumping margin (percent)
PRC-Wide Entity (which includes the ATM Single Entity)	82.05

In the event the Court's ruling is upheld by a final and conclusive court decision, the Department will instruct the U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rate the Department determined and listed above.

Cash Deposit Requirements

Since the *AR2 Remand,* the Department has established a new cash deposit rate for the PRC-wide entity, which includes the ATM Single Entity.[7] Therefore, the cash deposit rate for the PRC-wide entity does not need to be updated as a result of these amended final results.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: January 12, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–00917 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* Court No. 13–00241, slip op. 14–112 (Ct. Int'l Trade Sept. 23, 2014).

[5] *See AR2 Remand.*

[6] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00241, slip op. 15–116 (Ct. Int'l Trade Oct. 21, 2015).

[7] *See Diamond Sawblades and Parts Thereof From the People's Republic of China; Final Results of Antidumping Duty Administrative Review;* 2012–2013, 80 FR 32344 (June 8, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Review and Amended Final Results of the Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Commerce.

SUMMARY: On September 23, 2015, the United States Court of International Trade (Court) sustained our final remand redetermination pertaining to the administrative review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China covering the period January 23, 2009, through October 31, 2010.[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department of Commerce (the Department) is notifying the public that the Court's final judgment in this case is not in harmony with the *AR1 Final Results*[2] and that the Department is amending the *AR1 Final Results* with respect to the ATM Single Entity[3] and the PRC-wide entity.

DATES: *Effective Date:* October 3, 2015.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–5760 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2013, the Department published the *AR1 Final Results.* The Diamond Sawblades Manufacturers' Coalition challenged the Department's decisions to grant the ATM Single Entity a separate rate and to not collapse the state-owned enterprise, China Iron & Steel Research Institute, within the ATM Single Entity.[4] The Department requested a voluntary remand to reconsider the separate rate eligibility for the ATM Single Entity in this review and the Court granted the Department's request.[5] On remand, the Department determined that the ATM Single Entity was ineligible for a separate rate and also revised the PRC-wide rate.[6] On September 23, 2015, the Court entered judgment sustaining the final remand redetermination for this review in its entirety.[7]

Timken Notice

In its decision in *Timken,* as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of

[1] *See* Final Results of Redetermination pursuant to *Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00078, slip op. 14–50 (Ct. Int'l Trade April 29, 2014), dated April 10, 2015, and available at *http://enforcement.trade.gov/remands/14–50.pdf* (*AR1 Remand*), *aff'd, Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00078, slip op. 15–105 (Ct. Int'l Trade September 23, 2015).

[2] *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2009–2010,* 78 FR 11143 (February 15, 2013) (*AR1 Final Results*).

[3] The ATM Single Entity includes Advanced Technology & Materials Co., Ltd., Beijing Gang Yan Diamond Products Co., HXF Saw Co., Ltd., AT&M International Trading Co., Ltd., and Cliff International Ltd. *See AR1 Final Results,* 78 FR at 11144–45 n.9.

[4] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00078, slip op. 14–50 (Ct. Int'l Trade April 29, 2014).

[5] *Id.*

[6] *See AR1 Remand.*

[7] *See Diamond Sawblades Manufacturers' Coalition* v. *United States,* Court No. 13–00078, slip op. 15–105 (Ct. Int'l Trade Sept. 23, 2015).

a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's final judgment affirming the final remand redetermination constitutes the Court's final decision which is not in harmony with the *AR1 Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, the Department is amending the *AR1 Final Results* with respect to the PRC-wide entity, which includes the ATM Single Entity, as follows:

Exporter	Weighted-average dumping margin (percent)
PRC-Wide Entity (which includes the ATM Single Entity)	82.12

In the event the Court's ruling is upheld by a final and conclusive court decision, the Department will instruct the U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rate the Department determined and listed above.

Cash Deposit Requirements

Since the *AR1 Remand,* the Department has established a new cash deposit rate for the PRC-wide entity, which includes the ATM Single Entity.[8] Therefore, the cash deposit rate for the PRC-wide entity does not need to be updated as a result of these amended final results.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: January 12, 2016.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2016–00923 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Diamond Sawblades and Parts Thereof From the People's Republic of China; Final Results of Antidumping Duty Administrative Review;* 2012–2013, 80 FR 32344 (June 8, 2015).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–918]

Steel Wire Garment Hangers From the People's Republic of China; 2014–2015; Partial Rescission of the Seventh Antidumping Duty Administrative Review

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

SUMMARY: On December 3, 2015, the Department of Commerce (''Department'') published a notice of initiation of an administrative review of the antidumping duty order on steel wire garment hangers from the People's Republic of China (''PRC''). Based on M&B Metal Products Co., Ltd.'s (''Petitioner'') timely withdrawal of the requests for review of certain companies, we are now rescinding this administrative review with respect to 44 companies.

DATES: Effective January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Jessica Weeks, 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) 482–4877.

Background

On October 1, 2015, the Department published a notice of ''Opportunity to Request Administrative Review'' of the antidumping order on steel wire garment hangers from the PRC.[1] In November 2015, the Department received multiple timely requests to conduct an administrative review of the antidumping duty order on steel wire garment hangers from the PRC.[2] Based upon these requests, on December 3, 2015, the Department published a notice of initiation of an administrative review of the *Order* covering the period October 1, 2014, to September 30, 2015.[3] The Department initiated the administrative review with respect to 46 companies.[4] On December 16, 2015, Petitioner withdrew its request for an administrative review on 44 companies.[5]

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. All requests for administrative reviews on the 44 companies listed in the Appendix were withdrawn.[6] Accordingly, we are rescinding this review, in part, with respect to these entities, in accordance with 19 CFR 351.213(d)(1).

This administrative review will continue with respect to Shanghai Wells Hanger Co., Ltd. and Hong Kong Wells Ltd.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 80 FR 59135 (October 1, 2015).

[2] *See Notice of Antidumping Duty Order: Steel Wire Garment Hangers From the People's Republic of China,* 73 FR 58111 (October 6, 2008) (''*Order*'').

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 80 FR 75657 (December 3, 2015).

[4] *Id.*

[5] *See* Letter to the Secretary of Commerce from Petitioner ''Seventh Administrative Review of Steel Wire Garment Hangers from China—Petitioner's Withdrawal of Review Request'' (December 16, 2015).

[6] As stated in *Change in Practice in NME Reviews,* the Department will no longer consider the non-market economy (''NME'') entity as an exporter conditionally subject to administrative reviews. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''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.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751 and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 11, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

1. Da Sheng Hanger Ind. Co., Ltd.
2. Feirongda Weaving Material Co. Ltd.
3. Hangzhou Qingqing Mechanical Co. Ltd.
4. Hangzhou Yingqing Material Co. Ltd.
5. Hangzhou Yinte
6. Hongye (HK) Group Development Co. Ltd.
7. Liaoning Metals & Mineral Imp/Exp Corp.
8. Nantong Eason Foreign Trade Co., Ltd.
9. Ningbo Bingcheng Import & Export Co. Ltd.
10. Ningbo Dasheng Daily Products Co., Ltd.
11. Ningbo Dasheng Hanger Ind. Co. Ltd.
12. Ningbo Peacebird Import & Export Co. Ltd.
13. Shang Zhou Leather Shoes Plant
14. Shanghai Bao Heng Relay Making Co., Ltd.
15. Shanghai Ding Ying Printing & Dyeing Co. Ltd.
16. Shanghai Ganghun Beddiry Clothing Factory
17. Shanghai Guangwei Shoes Co., Ltd.
18. Shanghai Guoxing Metal Products Co. Ltd.
19. Shanghai Jianhai International Trade Co. Ltd.
20. Shanghai Lian Development Co. Ltd.
21. Shanghai Shuang Qiang Embroidery Factory Co. Ltd.
22. Shanghai Tonghui.
23. Shangyu Baoli Electro Chemical Aluminum Products Co., Ltd.
24. Shangyu Baoxiang Metal Manufactured Co. Ltd.
25. Shangyu Tongfang Labour Protective Articles Co., Ltd.
26. Shaoxing Andrew Metal Manufactured Co. Ltd.
27. Shaoxing Dingli Metal Clotheshorse Co. Ltd.
28. Shaoxing Gangyuan Metal Manufactured Co. Ltd.
29. Shaoxing Guochao Metallic Products Co., Ltd.
30. Shaoxing Liangbao Metal Manufactured Co. Ltd.
31. Shaoxing Meideli Hanger Co. Ltd.
32. Shaoxing Shunji Metal Clotheshorse Co., Ltd.
33. Shaoxing Shuren Tie Co. Ltd.
34. Shaoxing Tongzhou Metal Manufactured Co. Ltd.
35. Shaoxing Zhongbao Metal Manufactured Co. Ltd.
36. Shaoxing Zhongdi Foreign Trade Co. Ltd.
37. Tianjin Innovation International
38. Tianjin Tailai Import and Export Co. Ltd.
39. Wahfay Industrial (Group) Co., Ltd.
40. Wesken International (Kunshan) Co. Ltd.
41. Xia Fang Hanger (Cambodia) Co., Ltd.
42. Zhejiang Hongfei Plastic Industry Co. Ltd.
43. Zhejiang Jaguar Import & Export Co. Ltd.
44. Zhejiang Lucky Cloud Hanger Co. Ltd.

[FR Doc. 2016–00920 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD856

Marine Mammals; File No. 18902

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Colleen Reichmuth, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, to conduct research on pinnipeds in captivity.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On August 31, 2015, notice was published in the **Federal Register** (80 FR 52452) that a request for a permit to conduct research on pinniped species in captivity had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Dr. Reichmuth is authorized to conduct comparative psychological and physiological studies with captive California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), spotted seals (*Phoca largha*), ringed seals (*Pusa hispida*), and bearded seals (*Erignathus barbatus*) at Long Marine Laboratory (Santa Cruz, CA) and the Alaska SeaLife Center (Seward, AK). Up to four individuals per species may be studied at both facilities combined over the duration of the permit. The permit expires on October 15, 2020.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: January 6, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–00821 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE400

Endangered Species; File No. 19637

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Allen Foley, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, 370 Zoo Parkway, Jacksonville, FL 32218, has applied in due form for a permit to take green (*Chelonia mydas*), loggerhead (*Caretta caretta*), hawksbill (*Eretmochelys imbricata*) and Kemp's ridley (*Lepidochelys kempii*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before February 18, 2016.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on

the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19637 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Arturo Herrera or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year permit to conduct research in Southwest Florida Bay to monitor the abundance of loggerhead and green sea turtles, characterize the aggregations of loggerheads, Kemp's ridleys, and hawksbills, and determine the movements, behaviors, and habitat-use of loggerheads. The research will be late-spring to late-summer (May-August) in southwestern Florida Bay and within the boundaries of the Everglades NP in the vicinity of Arsnicker, Rabbit, and Twin Keys. The applicant expects to approach and count up to 100 green sea turtles annually during vessel surveys and to capture up to 125 loggerheads, 10 Kemp's ridleys, and 5 hawksbills annually. Sea turtles will be captured by hand and the following procedures would be performed before release: Measure, photograph, weigh, flipper tagging, passive integrated transponder tagging, temporary carapace marking, and blood sample. Up to 10 of the loggerheads also would have tumors tissue sampled annually.

Dated: January 12, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–00806 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE402

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a meeting to develop recreational blueline tilefish catch estimates.

DATES: The meeting will be held on Thursday, February 4, 2016, beginning at 8:30 a.m. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will at the DoubleTree by Hilton Baltimore-BWI Airport; 890 Elkridge Landing Rd, Linthicum Heights, MD 21090.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council will host a panel of fishermen to help develop recreational blueline tilefish catch estimates in the Mid-Atlantic. Briefing documents will be posted to *http://www.mafmc.org/actions/blueline-tilefish* when available. The meeting will begin at 8:30 a.m. and should finish by 5 p.m.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: January 13, 2016.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–00839 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Recreational Information Program, Access-Point Angler Intercept Survey.

OMB Control Number: 0648–0659.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 95,000.

Average Hours Per Response: 5 minutes.

Burden Hours: 7,917.

Needs and Uses: This request is for extension of a currently approved information collection.

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing catch and effort data are collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. Amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) require the development of an improved data collection program for recreational fisheries. To partially meet these requirements, NOAA Fisheries designed and implemented a new Access-Point Angler Intercept Survey (APAIS) in 2013 to ensure better coverage and representation of recreational fishing activity.

The APAIS intercepts marine recreational fishers at public-access sites in coastal counties from Maine to

Louisiana, Hawaii, and Puerto Rico, to obtain information about the just-completed day's fishing activity. Respondents are asked about the time and type of fishing, the angler's avidity and residence location, and details of any catch of finfish. Species identification, number, and size are collected for any available landed catch. Data collected from the APAIS are used to estimate the catch per angler of recreational saltwater fishers. These APAIS estimates are combined with estimates derived from independent but complementary surveys of fishing effort, the Coastal Household Telephone Survey and the For-Hire Survey, to estimate total, state-level fishing catch, by species, and participation. These estimates are used in the development, implementation, and monitoring of fishery management programs by the NMFS, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: January 12, 2016.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2016–00757 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD527

Marine Mammals; File No. 18727

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to University of Alaska Museum of the North, 907 Yukon Drive, Fairbanks, AK 99775–6960 (Aren Gunderson, Responsible Party), to collect, import and export specimens of marine mammals for scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Brendan Hurley or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On Dec 8, 2014, notice was published in the **Federal Register** (79 FR 72630) that a request for a permit to receive, import, and export specimens of marine mammals for scientific research purposes had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes the permit holder to (1) import/export marine mammal parts (bones and organ tissue samples) from dead beach-cast carcasses, (2) receive/archive and export samples of marine mammals taken by Alaskan Native subsistence hunters, and (3) receive, import/export specimens from scientists in academic, federal, and state institutions involved in marine mammal research under their own permits. Unlimited samples from up to 2,000 pinnipeds (excluding walrus) and 600 cetaceans would be collected, received, imported, or exported annually. Import/export activities would occur world-wide. No live animals would be harassed or taken, lethally or otherwise, under the requested permit. The permit is valid through December 31, 2020.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 13, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–00857 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Proposed Information Collection; Comment Request; State and Local Implementation Grant Program Reporting Requirements

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 21, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be sent to Michael Dame, Telecommunications Policy Specialist, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230 (or via email at *mdame@ntia.doc.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Middle Class Tax Relief and Job Creation Act of 2012 (Act, Pub. L. 112–96, 126 Stat. 156 (2012)) was signed by the President on February 22, 2012. The Act meets a long-standing priority of the Administration, as well as a critical national infrastructure need, to create a single, interoperable, nationwide public safety broadband network (NPSBN) that

will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety officials to effectively communicate with each other across agencies and jurisdictions. Public safety workers have long been hindered in their ability to respond in a crisis situation because of incompatible communications networks and often outdated communications equipment. The Act establishes the First Responder Network Authority (FirstNet) as an independent authority within NTIA and authorizes it to take all actions necessary to ensure the design, construction, and operation of the NPSBN, based on a single, national network architecture.

FirstNet is responsible for, at a minimum, ensuring nationwide standards for the use of and access to the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and overseeing contracts with non-federal entities to build, operate, and maintain the network.

The Act also charges NTIA with establishing a grant program, the State and Local Implementation Grant Program (SLIGP), to assist state, regional, tribal, and local jurisdictions with identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the NPSBN to satisfy the wireless broadband and data services needs of their jurisdictions. The SLIGP program office awarded $116.5 million in grant funds to 54 active state and territorial recipients between July 2013 and June 2014.

Moreover, the Act's framework contemplates that FirstNet will coordinate its activities with state, regional, tribal, and local governments and imposes a statutory requirement that FirstNet consult with these entities as it takes all actions necessary to build, deploy, and operate the NPSBN. Specifically, the Act requires FirstNet to consult with state, regional, tribal, and local governments about the distribution and expenditure of any amounts required to carry out its responsibilities, including: (i) The construction of a core network and any radio access network build-out; (ii) placement of towers; (iii) coverage areas of the network; (iv) adequacy of hardware, security, reliability, and resiliency requirements; (v) assignment of priority to local users and selection of entities seeking network access; and (vi) training needs of local users.

Additionally, the Act specifies that these required consultations are to occur between FirstNet and the single point of contact that the State was required to designate in its application for grant funds under SLIGP or that the governor has since designated. Thus, progress in meeting FirstNet's responsibilities under the Act, including its required consultations, is inextricably linked to SLIGP. FirstNet must rely on NTIA to utilize SLIGP as the principal means to facilitate its required consultations. At the same time, without funding assistance from SLIGP, the states would lack the resources to consult effectively with FirstNet and provide it with information needed for it to proceed with the design and construction of a NPSBN in an effective and timely manner, as required by the Act.

To ensure effective grant oversight and management, SLIGP developed a quarterly performance progress report (PPR) form for recipients to complete as part of post-award monitoring throughout the period of performance. The PPRs are critical to the success of the program and provide key insights into how grant funds are being used. Recipients are asked to report on progress toward program priority areas, which include stakeholders engaged, individuals sent to broadband conferences, staff hired, contracts executed, governance meetings held, and outreach materials distributed, as well as financial expenditures by cost category. The original approval of the performance progress report form was obtained on August 1, 2013, and the current form has an expiration date of August 31, 2016. NTIA seeks to extend the approval of this form, with a minor adjustment to the wording on the form to more clearly indicate to recipients how they are to report each measure. Currently the form includes a line for ''Stakeholder Meetings,'' but this metric is actually intended to capture the number of stakeholders engaged. The SLIGP program office proposes changing the wording to ''Stakeholders Engaged.'' The SLIGP program office also proposes to change the current line for ''Education and Outreach Materials'' to ''Education and Outreach Materials Distributed.'' The proposed minor revisions will not affect the amount of time needed to complete the form; rather, the proposed minor revisions will provide more clarity to recipients and reduce the time needed for revisions. NTIA will use the collection of information to ensure that SLIGP grant recipients are effectively monitored and evaluated against the core purposes of the program established by the Act. The publication of this notice allows NTIA to begin the process to extend the approval for the standard three years.

II. Method of Collection

Paper format.

III. Data

OMB Control Number: 0660–0038.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection with a minor adjustment to the form. The minor adjustments will not impact the time needed to complete the form).

Affected Public: State, regional, local, and tribal government organizations.

Frequency: Quarterly.

Number of Respondents: 54.

Average Time per Response: 12.5 hours.

Estimated Total Annual Burden Hours: 2,700.

Estimated Total Annual Cost to Public: $105,246.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: January 12, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–00764 Filed 1–15–16; 8:45 am]

BILLING CODE 3510–06–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2016–0001]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Generic Information Collection Plan for Information on Compliance Costs and Other Effects of Regulations.''

DATES: Written comments are encouraged and must be received on or before February 18, 2016 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- Electronic: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- OMB: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503 or fax to (202) 395–5806. Mailed or faxed comments to OMB should be to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. *Please note that comments submitted after the comment period will not be accepted.* In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov (this link active on the day following publication of this notice).* Select ''Information Collection Review,'' under ''Currently under review, use the dropdown menu ''Select Agency'' and select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this email box.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Information Collection Plan for Information on Compliance Costs and Other Effects of Regulations.

OMB Control Number: 3170–0032.

Type of Review: Extension without change of an existing information collection.

Affected Public: Private Sector.

Estimated Number of Annual Respondents: 8,150.

Estimated Total Annual Burden Hours: 9,008.

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act requires or authorizes the Consumer Financial Projection Bureau to implement new consumer protections in certain sectors of financial markets, including the mortgage and remittance industries. The information collected is required in order to effectively incorporate information from providers concerning compliance costs and other effects of regulations into potential rulemakings.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on October 29, 2015, (80 FR 66495). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: January 12, 2016.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2016–00850 Filed 1–15–16; 8:45 am]

BILLING CODE 4810–AM–P

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

SES Performance Review Board

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of new members to the Court Services and Offender Supervision Agency (CSOSA) and the Pretrial Services Agency for the District of Columbia (PSA), Senior Executive Service Performance Review Board. PSA is an independent agency within CSOSA. The Performance Review Board assures consistency, stability, and objectivity in the appraisal process.

DATES: *Effective:* January 25, 2016.

FOR FURTHER INFORMATION CONTACT: William Layne, Assistant Director Human Capital Planning and Executive Resources, Court Services and Offender Supervision Agency, 800 North Capitol Street NW., Suite 700, Washington, DC 20005 (202) 220–5637.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5 of the United States Code, requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. Section 4314(c)(4) of Title 5 requires that notice of appointment of board members be published in the **Federal Register**. The Performance Review Board is responsible for making recommendations to the appointing and awarding authority on the performance appraisal ratings and performance awards for the Senior Executive Service employees. Members of the board will serve a 12-month term that shall begin on January 25, 2016. The following executives have been designated as members of the Performance Review Board for CSOSA and PSA:

James Berry, Deputy Director for CSOSA
Leslie Cooper, Deputy Director for PSA
Catherine Terry-Crusor, Associate Director for the Office of Operations for PSA
Mindy Ginsburg, Deputy Managing Director for the Federal Communications Commission
Paul Girardo, Associate Director for the Office of Financial Management for CSOSA
Cedric Hendricks, Associate Director of Office of Legislative, Intergovernmental and Public Affairs for CSOSA
David Huffer, Associate Director for the Office of Research and Evaluation for CSOSA Reginald James, Associate Director for Management and Administration for CSOSA

Clifford Keenan, Director for PSA
William Kirkendale, Chief Information Officer for CSOSA
Linda Mays, Associate Director of the Office of Human Resources for CSOSA
Keith Nakasone, Senior Procurement Executive for the Federal Communications Commission
Jasper Ormond, Associate Director for the Community Justice Programs for CSOSA
Barry Socks, Chief Operating Officer for the National Capital Planning Commission
Sheila Stokes, General Counsel for CSOSA and PSA

Authority: Section 4314(c)(1) through (5) of Title 5, United States Code

Dated: January 12, 2016.

Diane Bradley,

Federal Register Liaison.

[FR Doc. 2016–00832 Filed 1–15–16; 8:45 am]

BILLING CODE 3129–04–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Charter Amendment of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is amending the charter for the National Commission on the Future of the Army (''the Commission'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being amended pursuant to Section 1702 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (''the FY 2015 NDAA'') (Publ. L. 113–291), as amended by Section 1061 of the National Defense Authorization Act for Fiscal Year 2016 (''the FY 2016 NDAA'') (Pub. L. 114–92), and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a).

Pursuant to section 1061 of the FY 2016 NDAA, Section 10 of FACA shall not apply to a meeting of the Commission unless the meeting is attended by five or more members of the Commission.

Dated: January 13, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–00829 Filed 1–15–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2016–ICCD–0008]

Agency Information Collection Activities; Comment Request; Parent Information and School Choice Evaluation

AGENCY: Institute of Education Sciences (IES), 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 new information collection.

DATES: Interested persons are invited to submit comments on or before March 21, 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–0008. 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 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Meredith Bachman, (202) 245–7494.

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: Parent Information and School Choice Evaluation.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 3,525.

Total Estimated Number of Annual Burden Hours: 2,306.

Abstract: Sponsored by the Institute of Education Sciences (IES), U.S. Department of Education, the Parent Information and School Choice Evaluation (PISCE) is an important first step toward filling the wide gap in knowledge about how to present school choice information to parents. This research is needed to provide guidance to districts where school choice is expanding. PISCE seeks to identify the format, amount, and organization of information that is most comprehensible and usable to parents. The study will target low-income parents of school-age children and will evaluate perceptions of different presentations of school information. The results of the study will be used to create a reader-friendly guide for school districts.

IES has contracted with Mathematica Policy Research to conduct the needed research. Most of the experiment will be conducted with members of a standing panel who already complete surveys on a regular basis for a variety of purposes. This approach provides a low-cost and quick turnaround method to obtain findings related to the understandability of school choice information, which does not require respondents to be making actual school choices for their children. To enhance what can be learned from the standing panel, the research team also intends to recruit a sample of low-income parents of school-age children from locations where a public school choice marketplace with unified enrollment has been active for at least two years. Parents who have experienced public school choice or are at least exposed to open enrollment in their district may experience the experiment differently than the standing

panel members, for whom considering schools other than one's default neighborhood school may be unfamiliar. This augmented sample of, presumably, less survey-savvy low-income parents will be used to provide a sensitivity check of the findings based on the standing panel alone.

Dated: January 13, 2016.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–00845 Filed 1–15–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[ED–2015–IES–0100]

Privacy Act of 1974; System of Records—Impact Evaluation of Data-Driven Instruction Professional Development for Teachers

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records; extension of comment period.

SUMMARY: On December 2, 2015, we published in the **Federal Register** (80 FR 75452) a notice of a new system of records entitled ''Impact Evaluation of Data-Driven Instruction Professional Development for Teachers'' (#18–13–39). That notice established a 30-day comment period beginning on December 2, 2015, and closing on January 4, 2016. We are extending the public comment period for an additional 30 days, until February 18, 2016.

DATES: We must receive your comments on or before February 18, 2016.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via U.S. mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *U.S. Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed system of records, address them to Dr. Audrey Pendleton, U.S. Department of Education, 550 12th Street SW., Suite 4160, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 12th Street SW., Suite 4160, Washington, DC 20202. Telephone: (202) 245–8385.

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: Due to a technical problem with this particular docket in *www.regulations.gov,* interested parties were not able to submit comments through *www.regulations.gov* during the 30-day comment period. Therefore, we are extending the comment period for an additional 30 days to give any interested party an opportunity to submit comments through *www.regulations.gov.*

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this 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: January 13, 2016.

Ruth Curran Neild,

Deputy Director for Policy and Research, Delegated Duties of the Director of the Institute of Education Sciences.

[FR Doc. 2016–00919 Filed 1–15–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–38–001]

Kingbird Solar A, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Kingbird Solar A, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the

above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00810 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2428–007]

Aquenergy Systems, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Minor New License.

b. *Project No.:* P–2428–007.

c. *Date filed:* December 31, 2015.

d. *Applicant:* Aquenergy Systems, LLC.

e. *Name of Project:* Piedmont Hydroelectric Project.

f. *Location:* On the Saluda River, in Anderson and Greenville Counties, South Carolina. The project does not occupy lands of the United States.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Beth E. Harris, P.E., Regional Operations Manager, Enel Green Power North America, Inc., 11 Anderson St., Piedmont, SC 29674; (864) 846–0042; *Beth.Harris@Enel.com.*

i. *FERC Contact:* Sean Murphy, (202) 502–6145 or *sean.murphy@ferc.gov.*

j. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: February 29, 2016

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2428–007.

m. The application is not ready for environmental analysis at this time.

n. The Piedmont Hydroelectric Project consists of: (a) A 25-foot-high, 600-foot-long stone masonry dam with a 200-foot-long overflow spillway section fitted with 16-inch-high flashboards; (b) a reservoir with a surface area of 22 acres at the normal water surface elevation of 774.0 feet mean sea level; (c) an open flume intake canal, about 144 feet long and 81 feet wide; (d) a powerhouse containing a single generating unit with a rated capacity of 1,000 kW; (e) a tailrace, about 180 feet long and 38 feet wide; (f) a 600 volt transmission line, about 263 feet long; and (g) appurtenant facilities.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance	August 2016.
Issue Scoping Document 1 for comments.	October 2016.
Comments on Scoping Document 1 due.	December 2016.
Issue Scoping Document 2	February 2017.
Issue notice of ready for environmental analysis.	March 2017.
Commission issues EA	October 2017.
Comments on EA due	November 2017.
Commission issues final EA	January 2018.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00820 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–700–000]

CPV Towantic, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of CPV Towantic, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00812 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at Southwest Power Pool Regional Entity Trustee, Regional State Committee, Members' and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. (SPP) Regional Entity Trustee (RE), Regional State Committee (RSC), SPP Members Committee and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at the Skirvin Hotel, One Park Ave., Oklahoma City, OK 73102. The phone number is (405) 272–3040.

SPP RE

January 25, 2016 (8:00 a.m.–3:00 p.m.)

SPP RSC

January 25, 2016 (1:00 p.m.–5:00 p.m.)

SPP Members/Board of Directors

January 26, 2016 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. EL11–34, *Midcontinent Independent System Operator, Inc.*
Docket No. ER11–1844, *Midcontinent Independent System Operator, Inc.*
Docket No. EL12–60, *Southwest Power Pool, Inc., et al.*
Docket No. ER12–1179, *Southwest Power Pool, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER13–1864, *Southwest Power Pool, Inc.*
Docket No. ER13–1937, *Southwest Power Pool, Inc.*
Docket No. ER13–1939, *Southwest Power Pool, Inc.*
Docket No. EL14–21, *Southwest Power Pool, Inc.*
Docket No. EL14–30, *Midcontinent Independent System Operator, Inc.*
Docket No. EL15–66, *Southern Company Services, et al.* v. *Midcontinent Independent System Operator*
Docket No. EL15–77, *Morgan Stanley Capital Group Inc.* v. *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–67, *Southwest Power Pool, Inc.*
Docket No. ER14–1174, *Southwest Power Pool, Inc.*
Docket No. ER14–2022, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2553, *Southwest Power Pool, Inc.*
Docket No. ER15–1499, *Southwest Power Pool, Inc.*
Docket No. ER15–1737, *Southwest Power Pool, Inc.*
Docket No. ER15–2069, *Northwestern Corporation*
Docket No. ER15–2115, *Southwest Power Pool, Inc.*
Docket No. ER15–2265, *Southwest Power Pool, Inc.*
Docket No. ER15–2324, *Southwest Power Pool, Inc.*
Docket No. ER15–2347, *Southwest Power Pool, Inc.*
Docket No. ER15–2351, *Southwest Power Pool, Inc.*
Docket No. ER15–2356, *Southwest Power Pool, Inc.*
Docket No. EL16–20, *Grid Assurance LLC*
Docket No. ER16–13, *Southwest Power Pool, Inc.*
Docket No. ER16–165, *Southwest Power Pool, Inc.*
Docket No. ER16–204, *Southwest Power Pool, Inc.*
Docket No. ER16–209, *Southwest Power Pool, Inc.*
Docket No. ER16–228, *Southwest Power Pool, Inc.*
Docket No. ER16–231, *Southwest Power Pool, Inc.*
Docket No. ER16–232, *Southwest Power Pool, Inc.*
Docket No. ER16–241, *Southwest Power Pool, Inc.*
Docket No. ER16–242, *Southwest Power Pool, Inc.*
Docket No. ER16–244, *Southwest Power Pool, Inc.*
Docket No. ER16–245, *Southwest Power Pool, Inc.*
Docket No. ER16–247, *Southwest Power Pool, Inc.*
Docket No. ER16–383, *Midcontinent Independent System Operator, Inc.*
Docket No. ER16–387, *Midcontinent Independent System Operator, Inc.*
Docket No. ER16–420, *Southwest Power Pool, Inc.*
Docket No. ER16–430, *Southwest Power Pool, Inc.*
Docket No. ER16–460, *Southwest Power Pool, Inc.*
Docket No. ER16–461, *Southwest Power Pool, Inc.*
Docket No. ER16–483, *Southwest Power Pool, Inc.*
Docket No. ER16–511, *Southwestern Public Service Company*
Docket No. ER16–515, *Public Service Company of Oklahoma*
Docket No. ER16–539, *Southwest Power Pool, Inc.*
Docket No. ER16–625, *Southwest Power Pool, Inc.*
Docket No. ER16–626, *Southwest Power Pool, Inc.*
Docket No. ER16–636, *Southwest Power Pool, Inc.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00818 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–59–000.
Applicants: RE Astoria LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Consideration, Confidential Treatment and Waivers of RE Astoria LLC.
Filed Date: 1/11/16.
Accession Number: 20160111–5322.
Comments Due: 5 p.m. ET 2/1/16.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2641–023; ER10–2663–023; ER10–2881–023; ER10–2882–023; ER10–2883–023; ER10–2884–023; ER10–2885–023; ER10–2886–023; ER13–1101–018; ER13–1541–017; ER14–661–009; ER14–787–011; ER15–54–003; ER15–55–003; ER15–1475–004; ER15–2593–003; ER16–452–002.
Applicants: Oleander Power Project, LP, Southern Company—Florida LLC, Alabama Power Company, Southern Power Company, Mississippi Power Company, Georgia Power Company, Gulf Power Company, Southern Turner Cimarron I, LLC, Spectrum Nevada Solar, LLC, Campo Verde Solar, LLC, SG2 Imperial Valley LLC, Macho Springs Solar, LLC, Lost Hills Solar, LLC, Blackwell Solar, LLC, North Star Solar, LLC, Desert Stateline LLC, RE Tranquillity LLC.
Description: Notice of Non-Material of Change in Status of Oleander Power Project, Limited Partnership, et. al. et. al.
Filed Date: 1/11/16.
Accession Number: 20160111–5360.
Comments Due: 5 p.m. ET 2/1/16.

Docket Numbers: ER15–1471–004*; ER15–1672–003*.
Applicants: Blue Sky West, LLC, Evergreen Wind Power II, LLC.
Description: Notice of Change in Status of Blue Sky West, LLC, et. al.
Filed Date: 1/11/16.
Accession Number: 20160111–5325.
Comments Due: 5 p.m. ET 2/1/16.

Docket Numbers: ER16–206–002.
Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.
Description: Tariff Amendment: 2016–01–12_SA 2862 Deficiency Response ITCM–WPL FSA (G870) to be effective 11/1/2015.
Filed Date: 1/12/16.
Accession Number: 20160112–5083.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–712–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: ITC Midwest/MidAmerican Communications Sharing Agreement to be effective 3/11/2016.
Filed Date: 1/11/16.
Accession Number: 20160111–5361.
Comments Due: 5 p.m. ET 2/1/16.

Docket Numbers: ER16–713–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: Implementation Procedure Correction to be effective 9/1/2011.
Filed Date: 1/11/16.
Accession Number: 20160111–5362.
Comments Due: 5 p.m. ET 2/1/16.

Docket Numbers: ER16–714–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Notice of Cancellation of Northern States Power Company, a Minnesota corporation of System Integration Coordination Services Agreement with Western Area Power Administration.
Filed Date: 1/12/16.
Accession Number: 20160112–5121.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–715–000.
Applicants: DanMar Transmission, LLC.
Description: Baseline eTariff Filing: Transmission and Interconnection Agreement to be effective 3/13/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5131.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–716–000.
Applicants: DanMar Transmission, LLC.
Description: § 205(d) Rate Filing: Transmission and Interconnection Agreement to be effective 3/13/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5143.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–717–000.
Applicants: DanMar Transmission, LLC.
Description: § 205(d) Rate Filing: Transmission and Interconnection Agreement to be effective 3/13/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5144.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–718–000.
Applicants: DanMar Transmission, LLC.
Description: § 205(d) Rate Filing: Transmission and Interconnection Agreement to be effective 3/13/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5145.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–719–000.
Applicants: DanMar Transmission, LLC.
Description: § 205(d) Rate Filing: Transmission and Interconnection Agreement to be effective 3/13/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5146.
Comments Due: 5 p.m. ET 2/2/16.

Docket Numbers: ER16–720–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: ANPP Agreement Revisions to be effective 1/12/2016.
Filed Date: 1/12/16.
Accession Number: 20160112–5167.
Comments Due: 5 p.m. ET 2/2/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00808 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–705–000]

RE Garland LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RE Garland LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00814 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–711–000]

Pio Pico Energy Center, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Pio Pico Energy Center, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00816 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP15–554–000	12–28–2015	William Long.
2. CP–15–554–000	12–28–2015	Bobby Albrite.
3. CP15–554–000	12–28–2015	James Lee.
4. CP16–21–000	1–4–2016	Peter Stasiowski.
5. EL15–623–000, EL15–29–000, EL15–70–000, EL15–71–000, EL15–72–000, EL15–82–000.	1–5–2016	FERC Staff.[1]
6. CP16–21–000	1–5–2016	Christine Dudley-Marling.
7. CP15–520–000	1–8–2016	FERC Staff.[2]
Exempt:		
1. CP15–558–000	12–28–2015	Delaware Township, New Jersey Municipal Clerk Judith Allen.
2. CP15–558–000	12–28–2015	Township of Hopewell, New Jersey Mayor Harvey Lester.
3. CP16–21–000	1–4–2016	U.S. House Representative Paul D. Tonko.
4. CP16–21–000	1–4–2016	State of Massachusetts Senate President Stan Rosenberg.
5. CP16–9–000	1–4–2016	U.S. House Representative Stephen F. Lynch.
6. CP16–21–000	1–5–2016	U.S. Senator Kirsten Gillibrand.

[1] Memo forwarding post conference notes and transcript for PJM Interconnection, LLM Capacity Performance filing.
[2] Meeting Summary from January 8, 2016 conference call with Shannon Miller and Jacqueline Rocan of Tennessee Gas Pipeline Company, LLC.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00817 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2343–086]

PE Hydro Generation, LLC; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2343–086.

c. *Date Filed:* December 30, 2015.

d. *Applicant:* PE Hydro Generation, LLC (PE Hydro).

e. *Name of Project:* Millville Hydroelectric Project.

f. *Location:* The existing project is located on the Shenandoah River, near the town of Harpers Ferry in Jefferson County, West Virginia. No federal lands are occupied by project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Juan Kimble, President, PE Hydro Generation, LLC, 5425 Wisconsin Avenue, 6th Floor, Chevy Chase, MD 20815; Telephone—(301) 718–4496.

i. *FERC Contact:* Michael Spencer, (202) 502–6093, or *michael.spencer@ferc.gov.*

j. This application is not ready for environmental analysis (EA) at this time.

k. *Project Description:* The Millville project consists of: (1) A 14.0-foot-high concrete and stone dam consisting of three sections: a 36-foot-long non-overflow abutment on the east bank; an 813-foot long, non-gated spillway section; and a 122-foot-long intake structure, equipped with four vertical lift gates and one canal gate, and extending to the west riverbank; (2) a 100 acre reservoir with gross storage capacity of 900 acre-feet at elevation 324.0 mean sea level; (3) a 1,600-foot-long, 30-foot-wide, 12-foot-high masonry and concrete sided headrace canal; (4) a 125-foot-long, 40-foot-wide brick powerhouse containing 3 turbine-generating units with a combined capacity of 2.84 megawatts; (5) a 550-foot-long tailrace, excavated in bedrock and returning flow to the river channel; and (6) a 1,006-foot-long, 2.4 kilovolt (kV) transmission line to a transformer, with a 794-foot-long, 34.5 kV transmission line to the interconnection with the local grid.

PE Hydro operates the project in a run-of-river mode, with a minimum flow of 200 cfs, or inflow, whichever is less. Under an agreement with the US Fish and Wildlife Service the licensee shuts down Project nightly from September 15 to December 15 in an effort to reduce entrainment of downstream-migrating American eels. The project generates an annual average of 10,159.431 MWh.

l. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in item (h) above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

m. Procedural Schedule: The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Notice of Acceptance/Notice of Ready for Environmental Analysis.	February 2016.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions.	April 2016.
Commission issues EA	August 2016.
Comments on EA	September 2016.
Modified Terms and Conditions	November 2016.
Commission Issues Final EA, if necessary.	February 2017.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00819 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–368–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Exelon Generation Comp., LLC to be effective 1/8/2016.
Filed Date: 1/7/16.
Accession Number: 20160107–5157.
Comments Due: 5 p.m. ET 1/19/16.

Docket Numbers: RP16–369–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Penalty Clean Up Filing to be effective 2/1/2016.
Filed Date: 1/7/16.
Accession Number: 20160107–5193.
Comments Due: 5 p.m. ET 1/19/16.

Docket Numbers: RP16–370–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) Rate Filing: Negotiated Rate Filing to Amend LER 5680's Attachment A_1_7_16 to be effective 1/7/2016.
Filed Date: 1/7/16.
Accession Number: 20160107–5222.
Comments Due: 5 p.m. ET 1/19/16.

Docket Numbers: RP16–371–000.
Applicants: Millennium Pipeline Company, L.L.C.
Description: Penalty Revenue Crediting Report of under RP16–371.
Filed Date: 1/8/16.
Accession Number: 20160108–5149.
Comments Due: 5 p.m. ET 1/20/16.

Docket Numbers: RP16–372–000.
Applicants: Texas Eastern OFO.
Description: Compliance filing Report of Refund—S–2 Customer Share of Texas Eastern OFO Penalty Disbursement to be effective N/A.
Filed Date: 1/8/16.
Accession Number: 20160108–5179.
Comments Due: 5 p.m. ET 1/20/16.

Docket Numbers: RP16–373–000.
Applicants: Southwest Energy, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Southwest Energy, L.P. to be effective 1/10/2016.
Filed Date: 1/8/16.
Accession Number: 20160108–5203.
Comments Due: 5 p.m. ET 1/20/16.

Docket Numbers: RP16–374–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) Rate Filing: Neg Rate 2016–01–08 Mieco to be effective 1/9/2016.
Filed Date: 1/8/16.
Accession Number: 20160108–5224.
Comments Due: 5 p.m. ET 1/20/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP16–233–001.
Applicants: No Applicants listed for this docket/subdocket.
Description: Compliance filing SG Resources Mississippi, L.L.C.—Compliance Filing to be effective 12/31/2015.
Filed Date: 1/8/16.
Accession Number: 20160108–5057.
Comments Due: 5 p.m. ET 1/20/16.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 11, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00809 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–701–000]

CPV Valley, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of CPV Valley, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by

clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00813 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–706–000]

RE Garland A LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of RE Garland A LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 1, 2016.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 12, 2016.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2016–00815 Filed 1–15–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2015–0553; FRL–9941–39–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; CEQ–EPA Presidential Innovation Award for Environmental Educators Application (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''CEQ–EPA Presidential Innovation Award for Environmental Educators Application (New)'' (EPA ICR No. 2524.01, OMB Control No. 2090–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** (80 FR 48101) on August 11, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before February 18, 2016.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OA–2015–0553, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Carly Carroll, Office of the Administrator, Office of Environmental Education, MC–1704A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–2769; fax number: 202–564–2754; email address: *carroll.carly@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The purpose of this information collection request is to collect information from applicants in order to select recipients for the Presidential Innovation Award for Environmental Educators program. The EPA, in conjunction with the White House Council on Environmental Quality (CEQ), established the award program to meet the requirements of Section 8(e) of the National Environmental Education Act (20 U.S.C. 5507(e)). Teachers can complete their applications online at *www.epa.gov/education/piaee-application.*

Form Numbers: 6500–04.

Respondents/affected entities: K–12 public school teachers.

Respondent's obligation to respond: Required to obtain a benefit. Presidential Innovation Award for Environmental Educators as established under Section 8(e) of the National Environmental Education Act (20 U.S.C. 5507(e)).

Estimated number of respondents: 75 (total).

Frequency of response: Annually.

Total estimated burden: 750 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $28,500 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: This is a new collection.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2016–00803 Filed 1–15–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, January 28, 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. *Knife River Construction,* Docket Nos. WEST 2013–827–RM, et al. (Issues include whether the Judge erred in upholding an imminent danger order.)

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. 2016–00881 Filed 1–14–16; 11:15 am]

BILLING CODE 6735–01–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 February 12, 2016.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Eastern Michigan Financial Corporation,* Croswell, Michigan, to merge with Ruth Bank Corporation, Ruth, Michigan, and thereby indirectly acquire Ruth State Bank, Ruth, Michigan.

Board of Governors of the Federal Reserve System, January 13, 2016.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2016–00873 Filed 1–15–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend, for three years, the current PRA clearance for information collection requirements contained in the Mail, Internet, or Telephone Order Merchandise Rule (MITOR). This clearance expires on April 30, 2016.

DATES: Comments must be received on or before March 21, 2016.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Mail, Internet, or Telephone Order Merchandise Trade Regulation Rule: FTC File No. R511929'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/mitorpra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Jock Chung, 202–326–2984, Attorney, Enforcement Division, Bureau of Consumer Protection, 600 Pennsylvania Ave. NW., Mail Drop CC–9528, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. ''Collection of information'' means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's rules and regulations

under the Mail, Internet, or Telephone Order Merchandise Trade Regulation Rule, 16 CFR part 435 (OMB Control Number 3084–0106).

The FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond. All comments must be received on or before March 21, 2016.

Originally known as the Mail Order Merchandise Rule, the MITOR was promulgated in 1975 in response to consumer complaints that many merchants were failing to ship merchandise ordered by mail on time, failing to ship at all, or failing to provide prompt refunds for unshipped merchandise. A second rulemaking proceeding in 1993 demonstrated that the delayed shipment and refund problems of the mail order industry were also being experienced by consumers who ordered merchandise over the telephone. Accordingly, the Commission amended the Rule, effective on March 1, 1994, to include merchandise ordered by telephone, including by telefax or by computer through the use of a modem (*e.g.,* Internet sales), and renamed it the ''Mail or Telephone Order Merchandise Rule.'' In 2014, Commission amended the Rule, effective December 8, 2014, to clarify that the Rule covers all Internet merchandise orders, permit flexibility in making refunds and refund notices, and clarify refund obligations for non-enumerated payments. 79 FR 55615 (Sept. 17, 2014).

Generally, the MITOR requires a merchant to: (1) have a reasonable basis for any express or implied shipment representation made in soliciting the sale (if no express time period is promised, the implied shipment representation is 30 days); (2) notify the consumer and obtain the consumer's consent to any delay in shipment; and (3) make prompt and full refunds when the consumer exercises a cancellation option or the merchant is unable to meet the Rule's other requirements.[1]

The notice provisions in the Rule require a merchant who is unable to ship within the promised shipment time or 30 days to notify the consumer of a revised date and his or her right to cancel the order and obtain a prompt refund. Delays beyond the revised shipment date also trigger a notification requirement to consumers. When the MITOR requires the merchant to make a refund and the consumer has paid by credit card, the Rule also requires the merchant to notify the consumer either that any charge to the consumer's charge account will be reversed or that the merchant will take no action that will result in a charge.

Burden Estimates

Estimated total annual hours burden: 1,953,840 hours.

In its 2012–2013 PRA-related **Federal Register** Notices[2] and corresponding submission to OMB, FTC staff estimated that established companies each spend an average of 50 hours per year on compliance with the Rule, and that new industry entrants spend an average of 230 hours (an industry estimate) for compliance measures associated with start-up.[3] Thus, the total estimated hours burden was calculated by multiplying the estimated number of established companies × 50 hours, multiplying the estimated number of new entrants × 230 hours, and adding the two products.

No substantive provisions in the Rule have been amended or changed since staff's prior submission to OMB.[4] Thus, the Rule's disclosure requirements remain the same. Moreover, no public comments were received regarding the above-noted estimates; thus, staff will apply them to the current PRA burden analysis.

Since the prior submission to OMB, however, the number of businesses engaged in the sale of merchandise by mail or by telephone has changed. Data from the U.S. Census Bureau[5] indicates that, between 2000 and 2008, the number of businesses subject to the MITOR grew from 11,800 to 21,900, or an average increase of 1,263 new businesses a year [(21,900 businesses in 2008 − 11,800 businesses in 2000) ÷ 8 years].[6] Assuming this growth rate continued in 2009 through 2015, and continues in 2016 through 2018, the average number of established businesses during the three-year period for which OMB clearance is sought for the Rule would be 33,267:[7]

Year	Established businesses	New entrants
2016	32,004	1,263
2017	33,267	1,263
2018	34,530	1,263
Average	33,267	1,263

In an average year during the three-year OMB clearance period, staff estimates that established businesses and new entrants will devote 1,953,840 hours, to comply with the MITOR [(33,267 established businesses × 50 hours) + (1,263 new entrants × 230 hours) = 1,953,840].

The estimated PRA burden per merchant to comply with the MITOR is likely overstated. The mail-order industry has been subject to the basic provisions of the Rule since 1976 and the telephone- and Internet-order industry since 1994. Thus, businesses have had several years (and some have had decades) to integrate compliance systems into their business procedures. Moreover, arguably much of the estimated time burden for disclosure-related compliance would be incurred even absent the Rule. Industry trade associations and individual witnesses have consistently taken the position that providing consumers with notice about the status of their orders fosters consumer loyalty and encourages repeat purchases, which are important to direct marketers' success. Accordingly, the

[1] The MITOR does not impose a recordkeeping requirement *per se.* 16 CFR 435.1(d) provides that, in an action for noncompliance, the absence of records that establish that a respondent-seller uses systems and procedures to assure compliance will create a rebuttable presumption that the seller was not compliant, but the MITOR does not require a compliant seller to maintain any records. Merchants customarily keep records regarding their systems and procedures in the ordinary course of business, however; consequently, their retention of these documents does not constitute a ''collection of information'' under OMB's regulations that implement the PRA. *See* 5 CFR 1320.3(b)(2).

[2] 77 FR 64994 (Oct. 24, 2012); 78 FR 5443 (Jan. 25, 2013).

[3] Most of the estimated start-up time relates to the development and installation of computer systems geared to more efficiently handle customer orders.

[4] As part of the systematic review of all Commission rules, on September 30, 2011, the FTC published a **Federal Register** Notice concluding that the Rule continued to benefit consumers and would be retained. 76 FR 60715. For clarity, the Commission reorganized the Rule by alphabetizing the definitions at the beginning of the Rule. That amendment did not impose any additional ''collection of information'' requirements.

[5] *See* Table 1048, ''Retail Trade—Establishments, Employees, and Payroll,'' U.S. Census Bureau, (2012), *http://www2.census.gov/library/publications/2011/compendia/statab/131ed/tables/12s1048.xls.*

[6] Conceptually, this might understate the number of new entrants in that it does not factor in the possibility that established businesses from an earlier year's comparison might have exited the market preceding the later year of measurement. Given the virtually unlimited diversity of retail establishments, it is very unlikely that there is a reliable external measure of such exit; nonetheless, as in the past, the Commission invites public comment that might better inform these estimates.

[7] As noted above, the existing OMB clearance for the Rule expires on April 30, 2016, and the FTC is seeking to extend the clearance for three years.

Rule's notification requirements would be followed in any event by most merchants to meet consumer expectations regarding timely shipment, notification of delay, and prompt and full refunds. Thus, it appears that much of the time and expense associated with Rule compliance may not constitute ''burden'' under the PRA.[8]

Estimated labor costs. $42,828,173.

FTC staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. According to the most recent data available from the Bureau of Labor and Statistics,[9] the mean hourly income for workers in sales and related occupations was $21.92/hr. The bulk of the burden of complying with the MITOR is borne by clerical personnel along with assistance from sales personnel. Staff believes that the mean hourly income for workers in sales and related occupations is an appropriate measure of a direct marketer's average labor cost to comply with the Rule. Thus, the total annual labor cost to new and established businesses for MITOR compliance during the three-year period for which OMB approval is sought would be approximately $42,828,173 (1,953,840 hours × $21.92/hr.). Relative to direct industry sales, this total is negligible.[10]

Estimated annual non-labor cost burden: $0 or minimal.

The applicable requirements impose minimal start-up costs, as businesses subject to the Rule generally have or obtain necessary equipment for other business purposes, *i.e.,* inventory and order management, and customer relations. For the same reason, staff anticipates printing and copying costs to be minimal, especially given that mail, Internet, and telephone order merchants have increasingly turned to electronic communications to notify consumers of delay and to provide cancellation options. Staff believes that the above requirements necessitate ongoing, regular training so that covered entities stay current and have a clear understanding of federal mandates, but that this would be a small portion of, and subsumed within, the ordinary training that employees receive apart from that associated with the information collected under the Rule.

Request for Comments

You can file a comment online or on paper. Write ''Mail, Internet, or Telephone Order Merchandise Trade Regulation Rule: FTC File No. R511929'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, the Commission encourages you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/mitorpra* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Mail, Internet, or Telephone Order Merchandise Trade Regulation Rule: FTC File No. R511929'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 21, 2016. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2016–00841 Filed 1–15–16; 8:45 am]

BILLING CODE 6750–01–P

[8] Conceivably, in the three years since the FTC's most recent clearance request to OMB for this Rule, many businesses have upgraded the information management systems needed to comply with the Rule and to track orders more effectively. These upgrades, however, were primarily prompted by the industry's need to deal with growing consumer demand for merchandise (resulting, in part, from increased public acceptance of making purchases over the telephone and, more recently, the Internet). Accordingly, most companies now provide updated order information of the kind required by the Rule in their ordinary course of business. Under the OMB regulation implementing the PRA, burden is defined to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

[9] *See* Table 1, National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2014, at *http://www.bls.gov/news.release/ocwage.t01.htm.*

[10] Considering that sales for ''electronic shopping and mail-order houses'' grew from $235 billion in 2009 to $348 billion in 2013 (according to ''Estimated Annual Sales of U.S. Retail and Food Services Firms by Kind of Business: 1992 Through 2013,'' available at *http://www.census.gov/econ/isp/sampler.php?naicscode=454111&naicslevel=6?cssp=SERP,* staff estimates the annual mail, Internet, or telephone sales to consumers in the three-year period for which OMB clearance is sought will average $461 billion. Thus, the projected average labor cost for MITOR compliance by existing and new businesses for that period would amount to 0.01% of sales.

GENERAL SERVICES ADMINISTRATION

[Notice–WWICC–2016–01; Docket No. 2016–0006; Sequence 1]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the schedule and agenda for the January 25, 2016 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: The meeting will be held on Monday, January 25, 2016 starting at 10 a.m. Eastern Standard Time (EST), and ending no later than 12:30 p.m., (EST).

ADDRESSES: The meeting will be held at the office of the Jones Day Law firm at 51 Louisiana Ave. NW., Washington, DC 20001–2105. This location is handicapped accessible. The meeting will be open to the public and will also be available telephonically. Persons attending in person are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.accessboard.gov/about/policies/fragrance.htm for more information*).

Persons wishing to listen to the proceedings may dial 712–432–1001 and enter access code 474845614. Note this is not a toll-free number. Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m., (EST), January 21, 2016, and may be provided by email to: *daniel.dayton@worldwar1centennial.org.* Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment in person during the meeting's 30 minute public comment period.

Registered speakers/organizations will be allowed 5 minutes and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5 p.m. Eastern time, January 21, 2016. Written presentations may be provided to Mr. Dayton at *daniel.dayton@worldwar1centennial.org* until Thursday, January 21, 2016. Please contact Mr. Dayton at the email address above to obtain meeting materials.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial Commission, 701 Pennsylvania Avenue NW., 123, Washington, DC 20004–2608, at 202–380–0725 (note: this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272 (as amended (Pub. L. 113–291, div. B, S3091, Dec. 19, 2014)), as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. The Commission does not have an appropriation and operated solely on donated funds.

Agenda: Monday, January 25, 2016

Old Business

- Approval of minutes of previous meetings
- Public Comment Period

New Business

- Commission Operating Status
- Requests for Support
- WWI Memorial at Pershing Park—Discussion and Vote
- International Report
- Chairman's Report
- Next Meeting

Other business as may properly come before the Commission Adjourns.

Dated: January 13, 2016.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2016–00911 Filed 1–15–16; 8:45 am]

BILLING CODE 6820–95–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2015–0075; NIOSH–288]

Request for Information on Development of a Performance Test Protocol for Closed System Transfer Devices That Incorporate Air-Cleaning Technology To Provide Worker Protection During Pharmacy Compounding and Administration of Hazardous Drugs

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information and comment.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) requests information for the development of a test protocol to evaluate the performance of closed system drug-transfer devices (CSTDs) that adopt air-cleaning technologies. CSTDs are generally available in two design types: (1) One that uses a physical barrier to block the unintended release of drug into the surrounding environment or the intake of environmental contaminants into the sterile drug pathway and (2) one that uses air cleaning or filtration technologies to prevent the unintended release of drug into the surrounding environment or the intake of environmental contaminants into the sterile drug pathway. A draft protocol titled, ''A Vapor Containment Performance Protocol for Closed System Transfer Devices Used During Pharmacy Compounding and Administration of Hazardous Drugs,'' was developed by NIOSH to evaluate how protective the physical barrier-type CSTD devices were as an indicator of how effective they would be at preventing hazardous drug escape from the closed system.

This RFI seeks information from the public regarding the feasibility of developing a protocol applicable to CSTDs using air cleaning or filtration technologies and to request information from stakeholders on this topic.

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DATES: Electronic or written comments should be received on or before March 8, 2016.

ADDRESSES: You may submit comments identified by CDC–2015–0075 and Docket Number NIOSH–288 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, OH 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number (CDC–2015–0075; NIOSH–288). All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226.

FOR FURTHER INFORMATION CONTACT: Gayle DeBord, NIOSH, Division of Applied Research and Technologies, Robert A. Taft Laboratories, 1090 Tusculum Avenue, MS–R2, Cincinnati, Ohio 45226, Phone: (513) 841–4256 [not a toll-free number], Email: *hazardousdrugs@cdc.gov.*

Background: The purpose of the RFI is to seek information relative to the development of a performance evaluation protocol for CSTDs using air cleaning or filtration technologies. The draft protocol released for public comment on September 8, 2015 [80 FR 53802] is applicable to barrier-type CSTDs only. This RFI expands the scope of the previous RFI to seek information to support development of a companion protocol that would apply to CSTDs using air cleaning or filtration technologies, thus covering the remainder of the currently known CSTD marketplace.

Information Needs: Additional data and information are needed to assist NIOSH to develop or adapt a test protocol for evaluating the efficiency of air cleaning or filtration technologies CSTDs. In particular, NIOSH requests submission of existing test protocols developed for efficacy testing of air cleaning or filtration technologies CSTDs.

The National Institute for Occupational Safety and Health seeks public comments in response to the following questions. Please feel free to comment on any or all of the questions below:

1. Are there any other types of CSTDs available that would not fit into the two categories described, *i.e.,* (1) barrier systems, and (2) air-cleaning or filtration technologies?

2. Is there an existing test protocol for evaluation of the protective efficacy of air-cleaning or filtration technologies CSTDs? Can this test protocol, and/or the details of the underlying procedures and test data be shared with NIOSH?

Please apply the following questions to a protocol you have developed, one you are aware of, or one you believe to be feasible to develop:

3. Are there any special restrictions, limiting assumptions or requirements for expertise required to conduct the protocol?

4. What are the performance criteria used with the protocol tests to determine acceptability and judge conformity?

4. Does the protocol apply to compounding operations, administration activities or both?

5. Does this protocol use a surrogate or does it require testing against the actual hazardous drugs?

6. If a surrogate is used,

a. Does the surrogate represent all hazardous drugs or a subset?

b. Which criteria are used in selection of the surrogate?

c. Describe how the selection criteria address the degree to which the surrogate or surrogates are representative of the class of hazardous drugs to which they apply.

d. Does the surrogate introduce any potential worker exposure hazards?

7. List the hazardous drugs for which this protocol has been used.

a. How were these hazardous drugs selected?

b. Were there any hazardous drugs for which the test protocol was not or would not be successful or compatible?

c. During protocol application, in what state were the hazardous drugs, *e.g.,* full strength as delivered, full strength reconstituted, patient dose with diluent, or drug cocktail?

8. What procedure(s) can be used to verify that the protocol is applicable for new hazardous drugs as they are identified and brought to market?

9. Can the test protocol be used effectively for different formulations of the same active pharmaceutical ingredient?

10. If applicable, are you willing to share details of your test protocol with NIOSH? Would you be willing for the protocol details to be shared publicly or would you require the test protocol details to be protected as proprietary information?

11. If applicable, are you willing to share test results from the application of your air cleaning or filtration technologies CSTD test protocol with NIOSH?

12. Are you interested in being a collaborative partner with NIOSH on the development of an air cleaning or filtration technologies CSTD test protocol?

Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or to issue a grant. Information obtained as a result of this RFI may be used by the government for program planning on a non-attribution basis. Please do not include any information that might be considered proprietary, confidential, or personally identifying (such as home address or social security number).

Dated: January 12, 2016.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2016–00827 Filed 1–15–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–15BBU]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted 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. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and

clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The Girl Power Project Efficacy Trial—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

The 60-day **Federal Register** Notice, published on August 12, 2015, was titled ''Efficacy Study of a Mobile Application to Provide Comprehensive and Medically Accurate Sexual Health Information for Adolescent Girls.''

Background and Brief Description

Despite drastic reductions in teen births across all racial and ethnic groups, Black and Latino girls continue to have disproportionately high rates of teen births. Increasing girls' access to medically accurate and comprehensive sexual health information is the first step in sustaining momentum in teen pregnancy reduction among all racial and ethnic groups, and in promoting healthy sexual behaviors, especially among minority girls.

CDC plans to collect the information needed to test the efficacy of a comprehensive and medically accurate mobile application, titled Crush, in increasing adolescent girls' contraception use and clinic visitation for sexual and reproductive health services. The information disseminated via Crush is similar to the sexual health information youth can access via other Web sites, sexual health promotion educational materials or in clinics.

The study will randomize a sample of 1,200 girls, ages 14–18 years, into two groups: the intervention group and the control group. The intervention group will have access to Crush and will receive weekly sexual health information via text to their phones for six months. The control group will have access to a fitness mobile application (''app'') and will receive general health information via text to their phones for six months. Participants are expected to access either app frequently throughout a six month period. As part of the analysis, sexual behavior and key psychosocial factors will be assessed at three points in time: at baseline, and at three- and six-month follow-ups.

Efficacy testing will respond to the following research questions:

1. Does exposure to Crush increase consistent contraception use among participants?
2. Does exposure to Crush increase clinic utilization rate among participants?
3. Is media content more attractive to participants than text-based content?

For research questions 1 and 2, we hypothesize that participants in the intervention group will report increased intent to use effective contraception and utilize clinic services at three and six months post-intervention.

The study will also include a usability testing component to identify the content and features of Crush that are most attractive to participants, the frequency in which Crush was used, and the navigation patterns within Crush. Participants will create an account in the Enrollment Database. This database will host participants' enrollment information, basic demographic information, and will also track their navigation pattern to monitor Crush visitation frequency and visit duration. Navigation data will be used to assess intervention exposure and dosage to specific content areas of Crush. To test real-world utilization of Crush, control group participants will gain access to Crush six months after enrolling into the study, but will not receive weekly text messages. The study will track visitation frequency and duration of each visit. Usability testing will respond to Research Question #3. We hypothesize that participants in the intervention group will spend more time using media features than text-based content.

All information will be collected electronically. This study will collect data through two mechanisms: (1) Self-administered online surveys, and (2) the Crush enrollment database. Participants will complete a total of three self-administered online surveys at baseline, and at three and six month follow-ups. Survey questions will assess behavior, attitudes, social norms about sexual behavior, contraception use and clinic utilization, and satisfaction with Crush.

The mobile response surveys will be sent to participants via text message which they can complete on a smartphone. The estimated burden per response is 5–15 minutes. Survey responses will be matched by each participant's unique identifying number. Each participant will receive up to two survey reminders starting one week after the initial survey link is sent, for two consecutive weeks. There are minor differences in survey content for the control and intervention groups.

Each participant will create a profile in the database upon enrollment. This database will collect initial demographic and contact information, informed consent signatures, and information about the participant's navigation pattern through Crush. Any information entered directly into Crush interactive features will not be stored in the system. The database only collects web analytics data about page visits and duration of each visit by User ID and Internet Protocol (IP) address. Web analytics will only be collected from participants navigating Crush and only when they are logged in as users. Web analytics are generated for any Web site and are a standard evaluation mechanism for assessing the traffic patterns on Web pages. This technology permits development of an objective and quantifiable measure that tracks and records participants' exposure to Crush. This study component does not entail any response burden to participants.

Findings will be used to inform the development and delivery of effective health communications.

OMB approval is requested for one year. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 752.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Girls 14–18 years old	Enrollment Questions	1,200	1	5/60
Intervention Group	Baseline Survey	600	1	15/60
	3-Month Survey	480	1	10/60
	6-Month Survey	384	1	15/60
Control Group	Baseline Survey	600	1	15/60
	3-Month Survey	480	1	10/60
	6-Month Survey	384	1	15/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–00866 Filed 1–15–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2016–0002; NIOSH–214]

Request for Information on NIOSH Center for Direct Reading and Sensor Technologies: Sensors for Emergency Response Activities

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information (RFI) and comment.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH), part of the Centers for Disease Control and Prevention (CDC), requests information to enhance the value of the NIOSH Center for Direct Reading and Sensor Technologies and is seeking input regarding specific issues on the availability, capability, suitability, barriers, limitations, and opportunities for current or future direct reading devices and sensor technologies that can be utilized for emergency response. This RFI is intended to inform the planning of a document to evaluate current and future sensor technologies used in emergency response.

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DATES: Electronic or written comments should be received on or before March 21, 2016.

ADDRESSES: You may submit comments identified by CDC–2016–0002 and Docket Number NIOSH–214 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, OH 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number (CDC–2016–0002; NIOSH–214). All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226.

FOR FURTHER INFORMATION CONTACT: D. Gayle DeBord, NIOSH, Division of Applied Research and Technologies, Robert A. Taft Laboratories, 1090 Tusculum Avenue, MS–R2, Cincinnati, Ohio 45226, Phone: (513) 841–4256 [not a toll-free number], Email: *GDeBord@cdc.gov.*

Background: The NIOSH Center for Direct Reading and Sensor Technologies (*http://www.cdc.gov/niosh/topics/drst/default.html*) was created in May 2014 to coordinate the development of recommendations on the use of these 21st century technologies in occupational safety and health. The mission of the Center is to develop a national research agenda, provide guidance on the selection of sensors and direct-reading monitors and guidance for validation, quality control and training. Within the overall scope of its activities, the Center plans to develop a document to evaluate current and future sensor technologies used in emergency response.

Information Needs: Specifically, emergency responders are increasingly relying on direct-reading instruments and other sensor technologies to rapidly evaluate potentially life-threatening hazards and exposures. Recommendations to support the proper selection, use, validation, calibration and interpretation of these technologies are lacking. The use of new generations of sensors has increased exponentially in the past few years. While other Federal agencies and organizations have developed some recommendations on this topic, newer sensor technologies have not been thoroughly evaluated and guidance has not focused on interpretation of data or appropriate for the intended purpose. Other factors that need to be considered are that multiple strategies of environmental sampling will be necessary in any response effort; and that an understanding of the advantages and limitations of newer direct-reading and sensor technologies is needed to select the appropriate strategies. Additionally, training for these new sensor technologies and environmental sampling strategies may be lacking.

The National Institute for Occupational Safety and Health seeks public comments in response to the following questions. Please feel free to comment on any or all of the questions below:

A. Utilization of Sensors in Emergency Response

A1. What sensors have the most immediate impact on emergency response?

A2. What applications/situations such as determination of the need for evacuation, use of personal protective equipment, or end-of-service-life of protective equipment are particularly in need of sensors?

A3. What are some advantages of newer generation sensors or direct reading devices for emergency response?

A4. Could wearable or embedded sensors have a major contribution? How?

A5. What are the primary stumbling blocks that impede sensor development and commercialization (*e.g.,* reliability, potential market size, investment capital, etc.)?

B. Standards and Guidance

B1. What existing standards or guidance are available with respect to sensor performance characteristics and validation of sensors?

B2. What standards need to be developed (for performance or manufacturing) to meet industry and emergency responder expectations for emerging sensor technologies?

B3. What guidance is needed with respect to sensors used in emergency response?

C. Training

C1. What training is available on when and how to use sensors in emergency response? Who is developing this training and how is it accessed (print, via web, etc.)?

C2. What additional training on sensors would be useful for emergency response?

C3. What standards or guidance are available on how training should be developed and conducted?

D. Sensors

D1. What capabilities would be highest priority for emergency response efforts? What are the current primary gaps in sensor functionality?

D2. What are the largest technical challenges in manufacturing facing sensor development (*e.g.,* integration, reliability)?

D3. What are the new tools for integration/engineering (*e.g.,* Wi-Fi, programmable logic, signal processing software, GPS/location services, development of multi-sensor networks, etc.) that will have the greatest impact on sensors used in emergency response?

D4. What, if any, unique emergency response issues might be expected for sensor manufacturing?

D5. What sample types have you used to demonstrate sensor performance (*e.g.,* real clinical samples, environmental samples/sites)?

D6. What procedures for standardized testing have you used to develop sensors?

D7. What would aid the sensor development community?

E. Additional Considerations

E1. What additional questions and considerations should be considered relevant to planning the development of a document to evaluate current and future sensor technologies used in emergency response?

E2. What elements of the sensor lifecycle are either missing, in need of clarification, or of greatest importance?

Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or to issue a grant. Information obtained as a result of this RFI may be used by the government for program planning on a non-attribution basis. Please do not include any information that might be considered proprietary, confidential, or personally identifying (such as home address or social security number).

Dated: January 12, 2016.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2016–00828 Filed 1–15–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–16CP]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted 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. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Community-based tick control for the prevention of Rocky Mountain spotted fever in Hermosillo, Mexico—New—National Center for Emerging and Zoonotic Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Rickettsial Zoonoses Branch (RZB) requests approval of a public health intervention assessment tool to demonstrate the efficacy and impact of public health research related to the prevention of Rocky Mountain spotted fever [RMSF] in Hermosillo, Mexico. These activities include monitoring cases, conducting tick control interventions, and performing participant surveys to assess the knowledge, attitudes, and practices relating to tick control and prevention.

The information collection for which approval is sought is in accordance with RZB's mission to reduce morbidity and mortality of rickettsial diseases and decrease the burden of disease through control and prevention methods. Authorizing Legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241).

Approval of this data collection tool will allow RZB to collect information related to risk of RMSF to improve and inform prevention activities. Successful execution of RZB's public health mission requires the use of data collection activities in collaboration with multiple local and international partners. RZB proposes the use of pre/posttests to evaluate the changes in knowledge, attitudes, and practices relating to tick control as well as perceived impact of the intervention project. The project will collect basic

household information to document consent to participate. Data collection will be conducted in-person. Data will be recorded on paper forms and then entered into an electronic database.

RZB estimates involvement of 1,300 respondents and a maximum of 701 hours of burden for research activities each year. The collected information will not impose a cost burden on the respondents beyond that associated with their time to provide the required data.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public	Registration	500	1	20/60	167
General Public	KAP survey (pre- and post-intervention).	800	2	20/60	534

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2016–00867 Filed 1–15–16; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10467]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *February 18, 2016.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or, Email: *OIRA_submission@omb.eop.gov.*

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: Under the Paperwork Reduction Act of 1995 (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. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved information collection; *Title of Information Collection:* Evaluation of the Graduate Nurse Education Demonstration Program; *Use:* The Graduate Nurse Education (GNE) Demonstration is mandated under Section 5509 of the Affordable Care Act (ACA) under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*). According to Section 5509 of the ACA, the five selected demonstration sites receive ''payment for the hospital's reasonable costs for the provision of qualified clinical training to advance practice registered nurses.'' Section 5509 of the ACA also states that an evaluation of the graduate nurse education demonstration must be completed no later than October 17, 2017. This evaluation includes analysis of the following: (1) growth in the number of advanced practice registered nurses (APRNs) with respect to a specific base year as a result of the demonstration; (2) growth for each of the following specialties: clinical nurse specialist, nurse practitioner, certified nurse anesthetist, certified nurse-midwife; and (3) costs to the Medicare program as result of the demonstration.

All information collected through the Evaluation of the GNE project will be used to meet the requirements specified under the ACA Section 5509. We will also use the information to determine the overall effectiveness of the GNE project. The process evaluation seeks to understand how the demonstration is implemented overall, how that implementation has changed over time, which aspects of the demonstration have been successful or unsuccessful,

and what plans the sites have for the remainder of the implementation and after the demonstration formally ends. The process evaluation will answer both quantitative and qualitative questions. *Form Number:* CMS–10467 (OMB control number: 0938–1212); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; Private sector (Business and other for-profit and Not-for-profit institutions); *Number of Respondents:* 104; *Total Annual Responses:* 104; *Total Annual Hours:* 802. (For policy questions regarding this collection contact Pauline Karikari-Martin at 410–786–1040.)

Dated: January 13, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–00844 Filed 1–15–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Plan for Tribes for FFY 2017–2019 (ACF–118–A).

OMB No.: 0970–0198.

Description: The Child Care and Development Fund (CCDF) Plan (the Plan) for Tribes is required from each CCDF Lead Agency in accordance with Section 658E of the Child Care and Development Block Grant (CCDBG) Act, as amended, by Public Law 113–186 and U.S.C. 9858. The Plan provides ACF and the public with a description of, and assurances about, the Tribes' child care programs.

On November 19, 2014, the President signed the CCDBG Act of 2014 into law. The law (Pub. L. 113–186) made significant changes to the CCDF Program to protect the health and safety of children in child care, promote continuity of access to subsidy for low-income families, better inform parents and the general public about the child care choices available to them, and improve the overall quality of early learning and afterschool programs. The Act does not indicate the extent to which CCDF provisions apply to Tribes. Starting in early 2015, OCC began a series of formal consultations with Tribal leaders to determine how the provisions in newly reauthorized child care law would apply to Tribes and Tribal organizations. The Notice of Proposed Rule Making for the CCDF program was issued on December 24, 2015 for public comment. Pending the issuance of new CCDF regulations and guidance for Tribes, Tribes will follow the current CCDF regulations.

OCC issued a Program Instruction to notify Tribes that OCC will be extending the approved FY 2014–2015 Tribal Plans for one year. Also, please note that the CCDBG Act changed the Plan cycle for all CCDF Plans from a 2 year to a 3 year plan period. The new deadline for FY 2017–2019 Plan submission is July 1, 2016.

The revised Plan (ACF–118A) has been organized into the following seven critical areas:

- Define CCDF Leadership and Coordination with Relevant systems.
- Provide Stable Child Care Financial Assistance to Families.
- Ensure Equal Access to high Quality Child Care for Low-Income Children.
- Ensuring the Health and Safety of Children in Child Care Settings.
- Supporting Continuous Quality Improvement.
- Program Integrity and Accountability.
- Tribal CCDF Funding.

Section 8, an Optional Abbreviated Plan for Tribes Receiving Small Allocations was added for Tribes or Tribal consortia whose annual CCDF allocation is less than $250,000. Small Tribes that select this option are not required to complete Sections 1–7 of the Plan preprint.

In making the revisions, consideration was given to minimize the burden of the collection of information on respondents.

Respondents

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CCDF Print	257	0.50	120	15,420

Estimated Total Annual Burden Hours:

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families 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 the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments 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 collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2016–00840 Filed 1–15–16; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Request for Nominations on the Technical Electronic Product Radiation Safety Standards Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting any industry organizations interested in participating in the selection of voting industry representatives to serve on the Technical Electronic Product Radiation Safety Standards Committee for the Center for Devices and Radiological Health to notify FDA in writing. FDA is also requesting nominations for voting industry representatives to serve on the Technical Electronic Product Radiation Safety Standards Committee. A nominee may either be self-nominated or nominated by an organization to serve as a voting industry representative. Nominations will be accepted for current vacancies effective with this notice.

DATES: Any industry organization interested in participating in the selection of an appropriate voting member to represent industry interests must send a letter stating that interest to FDA by *February 18, 2016,* (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to FDA by February 18, 2016.

ADDRESSES: All statements of interest from industry organizations interested in participating in the selection process of voting industry representative nomination should be sent to Margaret Ames (see **FOR FURTHER INFORMATION CONTACT**). All nominations for voting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Margaret Ames, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5234, Silver Spring, MD 20993, 301–796–5960, FAX: 301–847–8505, *margaret.ames@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency requests nominations for voting industry representatives to the following advisory committee:

I. Technical Electronic Product Radiation Safety Standards Committee

This Committee provides advice and consultation to the Commissioner of Food and Drugs on the technical feasibility, reasonableness, and practicability of performance standards for electronic products, to control the emission of radiation from such products, and may recommend electronic product radiation safety standards to the Commissioner for consideration.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate voting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations, and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the voting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the voting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a voting industry representative. Contact information, a current curriculum vitae, and the name of the committee of interest should be sent to the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. Persons who nominate themselves as voting industry representatives will not participate in the selection process.

FDA seeks to include the views of women, men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: January 11, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–00825 Filed 1–15–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 15 and 16, 2016, from 8 a.m. to 6 p.m.

Location: Holiday Inn Gaithersburg, Ballroom, Two Montgomery Village Ave., Gaithersburg, MD 20879. The hotel telephone number is 301–948–8900.

Contact Person: Dimitrus Culbreath, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 3610, Silver Spring, MD 20993–0002, 301–796–6872, *Dimitrus.Culbreath@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously

announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On March 15, 2016, the committee will discuss, make recommendations, and vote on information related to the premarket approval application for the Absorb GT1 Bioresorbable Vascular Scaffold (BVS) System sponsored by Abbott Vascular. The Absorb GT1 BVS System is a temporary scaffold that will fully resorb over time and is indicated for improving coronary luminal diameter in patients with ischemic heart disease due to de novo native coronary artery lesions (length ≤ 24 millimeters (mm)) with a reference vessel diameter of ≥ 2.5 mm and ≤ 3.75 mm.

On March 16, 2016, the committee will discuss, make recommendations, and vote on information related to the premarket approval application for the AngelMed Guardian System sponsored by Angel Medical Systems, Inc. The AngelMed Guardian System is an implantable cardiac monitor intended to alert patients to ST segment shifts indicating coronary ischemia. The AngelMed Guardian System is intended for use in patients with prior acute coronary syndrome events, and at risk for recurrent events, to ST segment changes indicating cardiac ischemia.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 1, 2016. Oral presentations from the public will be scheduled on March 15 and 16, 2016, between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 22, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 24, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Artair Mallett at *artair.mallett@fda.hhs.gov,* 301–796–9638, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 11, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–00824 Filed 1–15–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0073]

Request for Information on Psychosocial Predictors of Uptake of Tobacco and Other Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for information.

SUMMARY: The Food and Drug Administration (FDA), Center for Tobacco Products (CTP), is opening a docket to obtain data and information related to psychosocial predictors of uptake and continued use of tobacco products, including specific categories of tobacco products and specific individual tobacco products, as well as other products from which predictors may be adapted for or extrapolated to tobacco products. FDA is seeking data and information in the form of reports and manuscripts that are unpublished or not available through indexed bibliographic databases. The purpose of this request for information (RFI) is to gather additional information that could help identify and evaluate predictors of consumer initiation, uptake, and use of tobacco products. FDA has already searched the publicly available scientific literature and is now seeking to supplement that with information that is not included in the published scientific literature.

DATES: Submit either electronic or written comments or information by March 4, 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–2016–N–0073 for ''Request for Information on Psychosocial Predictors of Uptake of Tobacco and Other Products.'' 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: Shireen Ahmad, Office of Science, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, rm. 4462, Silver Spring, MD 20993–0002, 1–877–287–1373, email: *CTPRegulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31) (Tobacco Control Act) into law. The Tobacco Control Act grants FDA authority to regulate the manufacture, marketing, and distribution of tobacco products to protect public health generally and to reduce tobacco use by minors. FDA is conducting a systematic review and meta-analysis of the scientific literature in an effort to identify the best psychosocial predictors that longitudinally predict initiation of tobacco product use, uptake of specific types of tobacco products, and uptake of specific individual tobacco products. This information may be used by FDA in future rulemaking and review of industry submissions.

II. Request for Information

FDA seeks information related to psychosocial predictors of uptake of tobacco and other products. FDA has searched the publicly available scientific literature and is now looking to supplement that search with information from other sources, specifically unpublished data or other information. For the purpose of this RFI, FDA considers ''psychosocial predictors'' to include constructs that can be measured at the level of the individual, such as beliefs, attitudes, perceptions, intentions, willingness/openness, curiosity, or other measures that have been used in longitudinal research and demonstrated to be associated with product uptake or initiation. In addition to studies reporting on tobacco products, FDA also would accept information on uptake and use of other products from which predictors may be adapted for or extrapolated to tobacco products. If such information is submitted, it should include an explanation of why the predictor and product could be extrapolated to tobacco products.

For this RFI, FDA is requesting unpublished data (summarized); unpublished or prepublication copies of manuscripts, conference presentations, and/or posters; dissertations and/or theses; and white papers or other unpublished reports. FDA is requesting both data that show associations as well as data that fail to show an association (*i.e.,* null findings). Specifically, FDA is requesting unpublished data from studies on human subjects (including youth, young adults, and older adults) that include:

• A longitudinal design (observational or experimental) in which there is at least one month between assessments and data are reported for at least two time points;

• At least one psychosocial predictor; and

• A quantifiable (continuous or categorical) outcome measure of actual product use (not intentions to use) related to initiation or uptake.

Outcomes may include:

• Initiation;

• Continued use;

• Progression to more frequent use;

• Choice of a specific product; or

• Other similar outcomes.

Data may come from studies outside of the United States; however, we prefer that reports be submitted in English.

For this RFI, FDA is seeking only quantitative scientific data presented in report or manuscript format, and not data from qualitative studies (*e.g.,* interviews, focus groups), anecdotes, or testimonials. FDA is requesting data and information from all interested parties, including, but not limited to, academic and government researchers, industry, and any other sources.

When submitting information, please include details about how the data were collected, including the sample composition, year(s) of data collection, and a detailed summary of the methods and measures used. For data summaries, please include both point estimates and measures of variance, as well as effect sizes (if available).

Please also note that when submitting information and data to the docket, certain compressed file formats (*e.g.,* zip files) are not allowed. Acceptable file formats include: .doc, .docx, .pdf, .ppt, .pptx, .rtf, .txt, .xls, .xlsx, .xlsm, .xlsb, and .wpd.

Dated: January 12, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–00836 Filed 1–15–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Arthritis Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on February 9, 2016, from 7:30 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Stephanie L. Begansky, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, *AAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss biologics license application (BLA) 125544, for CT–P13, a proposed biosimilar to Janssen Biotech Inc.'s REMICADE (infliximab), submitted by Celltrion, Inc. The proposed indications (uses) for this product are: (1) Reducing signs and symptoms and inducing and maintaining clinical remission in adult patients with moderately to severely active Crohn's disease who have had an inadequate response to conventional therapy; (2) reducing the number of draining enterocutaneous and rectovaginal fistulas and maintaining fistula closure in adult patients with fistulizing Crohn's disease; (3) reducing signs and symptoms and inducing and maintaining clinical remission in pediatric patients 6 years of age and older with moderately to severely active Crohn's disease who have had an inadequate response to conventional therapy; (4) reducing signs and symptoms, inducing and maintaining clinical remission and mucosal healing, and eliminating corticosteroid use in adult patients with moderately to severely active ulcerative colitis who have had an inadequate response to conventional therapy; (5) reducing signs and symptoms and inducing and maintaining clinical remission in pediatric patients 6 years of age and older with moderately to severely active ulcerative colitis who have had an inadequate response to conventional therapy; [1] (6) in combination with methotrexate, reducing signs and symptoms, inhibiting the progression of structural damage, and improving physical function in patients with moderately to severely active rheumatoid arthritis; (7) reducing signs and symptoms in patients with active ankylosing spondylitis; (8) reducing signs and symptoms of active arthritis, inhibiting the progression of structural damage, and improving physical function in patients with psoriatic arthritis; and (9) treatment of adult patients with chronic severe (*i.e.,* extensive and/or disabling) plaque psoriasis who are candidates for systemic therapy and when other systemic therapies are medically less appropriate.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before January 26, 2016. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 3 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before January 25, 2016. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by January 15, 2016.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Stephanie L. Begansky at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 11, 2016.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2016–00823 Filed 1–15–16; 8:45 am]

BILLING CODE 4164–01–P

[1] This indication is protected by orphan drug exclusivity expiring on September 23, 2018. See the Orphan Drug Designations and Approvals database at *http://www.accessdata.fda.gov/scripts/opdlisting/oopd/index.cfm.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–4563]

Modified Release Veterinary Parenteral Dosage Forms: Development, Evaluation, and Establishment of Specifications; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (GFI) #238 entitled ''Modified Release Veterinary Parenteral Dosage Forms: Development, Evaluation, and Establishment of Specifications.'' This draft guidance provides recommendations on the submission of chemistry, manufacturing, and controls (CMC) and pharmacokinetic information, as well as procedures to follow, to support the approval of modified release parenteral drug products intended for use in veterinary species. This draft guidance is applicable to both new animal drug applications (NADAs) and abbreviated new animal drug application (ANADAs) products.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by March 21, 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–4563] for Modified Release Veterinary Parenteral Dosage Forms: Development, Evaluation, and Establishment of Specifications. 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.

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Gregory Hunter, Center for Veterinary Medicine (HFV–142), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0675, email: *Gregory.Hunter@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of draft GFI #238 entitled ''Modified Release Veterinary Parenteral Dosage Forms: Development, Evaluation, and Establishment of Specifications.'' This draft guidance provides recommendations on the submission of chemistry, manufacturing, and controls (CMC) and pharmacokinetic information, as well as procedures to follow, to support the approval of modified release parenteral drug products intended for use in veterinary species. This draft guidance is applicable to both new animal drug applications (NADAs) and abbreviated new animal drug application (ANADAs) products.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Modified Release Veterinary Parenteral Dosage Forms:

Development, Evaluation, and Establishment of Specifications.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032; the collections of information in section 512(n)(1) of the FD&C Act (21 U.S.C. 360k) have been approved under OMB control number 0910–0669.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *http://www.regulations.gov.*

Dated: January 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–00822 Filed 1–15–16; 8:45 am]

BILLING CODE 4164–01–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: Auditory Neuroscience.
Date: February 2–3, 2016.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Biomedical Computing and Health Informatics Study Section.
Date: February 5, 2016.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, 301–435–1116, *kozelp@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.
Date: February 10–11, 2016.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Best Western Tuscan Inn, 425 North Point Street, San Francisco, CA 94133.
Contact Person: Kathryn Kalasinsky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158 MSC 7806, Bethesda, MD 20892, 301–402–1074, *kalasinskyks@mail.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.
Date: February 10–11, 2016.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton San Diego Mission Valley, 901 Camino Del Rio South, San Diego, CA 92108.
Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *luow@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Motor Function, Speech and Rehabilitation Study Section.
Date: February 11–12, 2016.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Pier 2620 Hotel, 2620 Jones Street, San Francisco, CA 94133.
Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–213: Outcome Measures for Use in Treatment Trials for Individuals with Intellectual and Developmental Disabilities.
Date: February 11, 2016.
Time: 8:00 a.m. to 11:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Jane A. Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.
Date: February 11–12, 2016.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.
Contact Person: Marc Boulay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 300–6541, *boulaymg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Nursing and Related Clinical Sciences Overflow.
Date: February 11–12, 2016.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The St. Regis Washington DC, 923 16th Street N.W., Washington, DC 20006.
Contact Person: Martha L. Hare, Ph.D., RN, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–137: Bioengineering Research.
Date: February 11, 2016.
Time: 8:00 a.m. to 9:00 a.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue N.W., Washington, DC 20037.
Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Interventions to Prevent and Treat Addictions.
Date: February 11, 2016.
Time: 11:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue N.W., Washington, DC 20036.

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, (301) 594–3292, *niw@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: January 12, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00794 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Announcement of Requirements and Registration for ''Pill Image Recognition Challenge''

Authority: 15 U.S.C. 3719

SUMMARY: The Pill Image Recognition Challenge is a National Institutes of Health (NIH) Challenge under the America COMPETES (Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science) Reauthorization Act of 2010 (Pub. L. 111–358). Through this Challenge, the National Library of Medicine (NLM), part of NIH, seeks algorithms and software to match images of prescription oral solid-dose pharmaceutical medications (pills, including capsules and tablets). The objective of the Challenge is the development and discovery of high-quality algorithms and software that rank how well consumer images of prescription pills match reference images of pills in the authoritative NLM RxIMAGE database. NLM may use all or part of any Challenge entry (*i.e.,* algorithm and software) to create a future software system and a future API (Application Programming Interface) for pill image recognition; the system will be freely usable and the API will be freely accessible.

DATES: NLM will make a set of consumer-quality images and a companion set of reference images publicly available on January 15, 2016.

The Challenge begins January 19, 2016.

Submission period: April 4, 2016 to May 31, 2016.

Judging period: June 6, 2016 to July 15, 2016.

Winners announced: August 1, 2016.

Submissions received by NLM after the submission period ends will not be considered. A submission is considered to meet the submission deadline if it is received by May 31, 2016, 5:00 p.m. EDT. While NLM plans to acknowledge receipt of each Challenge submission, the Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. NLM will amend this **Federal Register** notice if the timeline or the rules for the Challenge are modified. In addition, NLM will notify registered Challenge participants by email of any amendments and will include the modified Challenge showing the changes.

ADDRESSES: Notifications of any amendment to this **Federal Register** notice and answers to frequently asked questions about it will be posted at *http://pir.nlm.nih.gov/challenge/notifications-and-FAQs.* Submissions must be mailed to: Pill Image Recognition Challenge, Computational Photography Project for Pill Identification (C3PI), National Library of Medicine, Building 38A, Room B1–N30, 8600 Rockville Pike, Bethesda, MD 20894.

FOR FURTHER INFORMATION CONTACT: Michael J. Ackerman, Ph.D. at (301) 402–4100 or *PIR@nlm.nih.gov.*

SUPPLEMENTARY INFORMATION:

The IC's Statutory Authority To Conduct the Challenge

What has become today's National Library of Medicine began in 1836 as a small collection of medical books and journals in the office of the U.S. Army Surgeon General. A 1956 act of Congress (Pub. L. 84–941) transferred the library to the Public Health Service and gave it its current name. That law authorizes NLM to ''assist the advancement of medical and related sciences and to aid the dissemination and exchange of scientific and other information important to the progress of medicine and to the public health'' and to ''promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research.'' In addition to its subject-matter authority, NLM is conducting this competition under the America COMPETES Reauthorization Act of 2010 (Pub. L. 111–358).

Subject of Challenge

Unidentified and misidentified prescription pills present challenges for patients and professionals. Unidentified pills can be found by family members, health professionals, educators, and law enforcement. The nine out of 10 U.S. citizens over age 65 who take more than one prescription pill can be prone to misidentifying those pills. Taking such pills can result in adverse drug events that affect health or cause death. To reduce such errors, any person should easily be able to confirm that a prescription pill or a refill is correct. For example, a person should be able to easily verify—or not—that a refill that has a different color, shape, or text imprinted on the pill is a different generic version of equivalent drugs he or she was already taking.

To help address these problems, the NLM Computational Photography Project for Pill Identification (C3PI) is developing infrastructure and tools for identifying prescription pills. The infrastructure includes photographs of such pills taken under laboratory lighting conditions, from a camera directly above the front and the back faces of the pill, and at high resolution. Specialized digital macro-photography techniques were then used to capture JPEG pill images. The NLM RxIMAGE database contains these high-quality images and associated pill data such as appearance (color, shape, size, text imprinted on the pill, etc.), ingredients, and identifiers such as its National Drug Code (NDC) [*http://www.fda.gov/Drugs/InformationOnDrugs/ucm142438.htm*]. RxIMAGE images and data are freely available. The freely accessible RxIMAGE API provides text-based search and retrieval of images and data from the RxIMAGE database. By contributing their algorithm and software, Challenge participants will take part in a broader NLM effort to develop a freely usable software system and a freely accessible API for image-based search and retrieval from a mobile device.

In a typical scenario for a future NLM mobile app, a person will download the app and use it to photograph a prescription pill, possibly under poor lighting conditions, from an angle, or at low resolution. The future app will communicate with the future pill image recognition software system, which may use all or part of any Challenge entry, to compare that photo to reference images in the RxIMAGE database, and will return one or more reference images that most likely match the photographed pill along with their associated pill data.

NLM provides two directories of images to Challenge participants for use in preparing their submissions:

• Directory DR contains 2000 JPEG reference images of 1000 pills. For each pill there are two reference images, one of the front of the pill and one of the back of the pill. These pill images are the same as in the RxIMAGE database.

• Directory DC contains 5000 JPEG consumer-quality images of the same 1000 pills that were photographed for DR. However, they were taken with a variety of digital cameras, under various lighting conditions, and at camera angles not necessarily perpendicular to the faces of the pills. They are akin to photos of prescription pills that the general public might take.

For a pill for which there is at least one consumer-quality image in DC, DR has two reference images of that pill, one of the front of the pill and one of the back of the pill. Conversely, for a pill for which there are two reference images in DR (one of the front of the pill and one of the back of the pill), DC has two or more consumer-quality images of that pill, taken under different conditions.

DR and DC come with a ''ground truth table'' that is a two-column table with column headers ref_images and cons_images. Each row of the table gives in the first column the name of a reference image and in the second column the name of a consumer-quality image corresponding to that reference image. There is a separate row in the table for each (reference image, consumer-quality image) pair, even when multiple reference and consumer-quality images are all photos of the same pill. Respondents can use the images in DR and DC, the ground truth table, and the RxIMAGE database in developing, training, and validating their algorithms and software. They can also supplement these data.

Rules for Participating in the Challenge

Teams of one or more members can participate in this Challenge. There is no maximum team size. Each team must have a captain. Individual team members and team captains must register in accordance with the Registration Process for Participants below. The role of the team captain is to serve as the corresponding participant with NLM about the Challenge and to submit the team's Challenge entry. While NLM will notify all registered Challenge participants by email of any amendments to the Challenge, the team captain is expected to keep the team members informed about matters germane to the Challenge.

(1) To be eligible to win the Challenge prize, a team—

a. Shall have registered to participate in the Challenge under the rules promulgated by the NIH as published in this Notice;

b. Shall have complied with all the requirements set forth in this Notice;

c. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. However, non-U.S. citizens and non-permanent residents can participate as a member of a team that otherwise satisfies the eligibility criteria. Non-U.S. citizens and non-permanent residents are not eligible to win a monetary prize (in whole or in part). Their participation as part of a winning team, if applicable, may be recognized when the results are announced.

d. May not be a Federal entity;

e. May not be a Federal employee acting within the scope of the employee's employment and further, in the case of HHS employees, may not work on their submission(s) during assigned duty hours. **Note:** Federal ethical conduct rules may restrict or prohibit Federal employees from engaging in certain outside activities, so any Federal employee seeking to participate in this Challenge outside the scope of employment should consult his/her agency's ethics official prior to developing an submission;

f. May not be an employee of the NIH, a judge of the challenge, or any other party involved with the design, production, execution, or distribution of the Challenge or the immediate family of such a party (*i.e.,* spouse, parent, step-parent, child, or step-child).

g. All team members must be at least 18 years old at the time of submission.

(2) Federal grantees may not use Federal funds to develop their Challenge submissions unless use of such funds is consistent with the purpose of their grant award and specifically requested to do so due to the Challenge design, and as announced in the **Federal Register**.

(3) Federal contractors may not use Federal funds from a contract to develop their Challenge submissions or to fund efforts in support of their Challenge submission.

(4) By participating in this Challenge, each individual (whether competing singly or in a group) and entity agrees to assume any and all risks and waive claims against the Federal government and its related entities (as defined in the COMPETES Act), 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 Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.

(5) Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, property damage, or loss potentially resulting from Challenge participation, no individual (whether competing singly or in a group) or entity participating in the Challenge is required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.

(6) By participating in this Challenge, each individual (whether competing singly or in a group) and entity agrees to indemnify the Federal government against third party claims for damages arising from or related to Challenge activities.

(7) An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during the Challenge if the facilities and employees are made available to all individuals and entities participating in the Challenge on an equitable basis.

(8) By participating in this Challenge, each individual (whether participating singly or in a group) and entity grants to the NIH, in any existing or inchoate copyright or patent rights owned by the individual or entity, an irrevocable, paid-up, royalty-free, nonexclusive worldwide license to use, reproduce, post, link to, share, and display publicly on the Web the submission, except for source code. This license includes without limitation posting or linking to the submission, except for source code, on the NLM Pill Image Recognition Web site [*http://pir.nlm.nih.gov/challenge*]. In developing its future software system and future API, NLM may include algorithms and software from Challenge entries and may consult with individuals or teams that submitted entries. Thus, the license also permits NLM to develop the future software system and the future API, independently or with others, using any algorithms or software from Challenge entries, including those obtained from other Challenges or solicitations, and NLM may freely use, reproduce, modify and distribute the resulting future software system and API without restriction. NLM may work with individuals or teams that submitted entries to write articles about pill image recognition and submit them to peer-

reviewed journals. Each participant will retain all other intellectual property rights in their submissions, as applicable.

(9) NIH reserves the right, in its sole discretion, to (a) cancel, suspend, or modify the Challenge through amendment to this **Federal Register** notice, and/or (b) not award any prizes if no entries are deemed worthy. In addition, NLM reserves the right to disqualify any Challenge participants or entries in instances where cheating or other misconduct is identified.

(10) Each individual (whether participating singly or in a group) or entity agrees to follow all applicable federal, state, and local laws, regulations, and policies.

(11) Each individual (whether participating singly or in a group) and entity participating in this Challenge must comply with all terms and conditions of these rules, and participation in this Challenge constitutes each such participant's full and unconditional agreement to abide by these rules. Winning is contingent upon fulfilling all requirements herein.

(12) Each individual (whether participating singly or in a group) and entity grants to NLM and NLM contractors assisting NLM with C3PI the right to review the submission, study the algorithms and the code, and run the software on other sets of images.

(13) Submissions must not infringe upon any copyright, patent, trade secrets, or any other rights of any third party. Each individual (whether participating singly or in a group) or entity warrants that he/she or the team is the sole author and owner of any copyrightable work that the submission comprises, that the submission is wholly original with the participant or is an improved version of an existing work that the participant has sufficient rights to use and improve. In addition, the submission must not trigger any reporting or royalty obligation to any third party. A submission must not include proprietary, classified, confidential, or sensitive information.

(14) The submission does not contain malicious code such as viruses, timebombs, cancelbots, worms, trojan horses, or other potentially harmful programs or other material or information.

(15) Notwithstanding the above and consistent with the principal objective of the Challenge to make results widely available to the public. If the submitter distributes their executable code or source code NLM encourages every individual and team to distribute their submission's executable code and preferably also its source code to the public under an Apache 2.0 License that permits the public to benefit from and improve upon the submission. In this case and by mutual agreement, NLM may also post or link to the code from the Pill Image Recognition Web site. The entry must include a description of how and under what license terms it intends to make any code that is part of the entry available to the public.

(16) Challenge participants are free to discuss their submission and the ideas and technologies that it contains with other parties, except as stated in #7 above and are free to contract with any third parties so long as they do not sign any agreement or undertake any obligation that conflicts with any agreement that they have entered into, such as with any team members, or do enter into regarding their submission for the Challenge. For the purpose of clarity, Challenge participants acknowledge that the intent of the Challenge is to encourage people to collaborate and share ideas and innovations.

Registration Process for Participants

To participate in this Challenge, team captains must register their teams, including providing the names and email addresses of all team members, at *http://pir.nlm.nih.gov/challenge/register*. Early registration is encouraged in order to be able to receive email notifications if this **Federal Register** notice is amended to change the timeline or the rules of this Challenge.

Submission Requirements

Participants must provide a complete submission as defined below to be considered for the prize. The submission must be saved to a USB storage device containing a virtual machine and must be received (not simply post-marked) by NLM by May 31, 2016, 5 p.m. EDT. Submissions must be mailed to: Pill Image Recognition Challenge, Computational Photography Project for Pill Identification (C3PI), National Library of Medicine, Building 38A, Room B1–N30, 8600 Rockville Pike, Bethesda, MD 20894.

The Submission is defined to include:

1. Executable software for ranking how well consumer images of pills taken by digital cameras match reference images. The software shall be a batch-mode program or a script whose input consists of a directory of consumer images and a directory of reference images. The output shall be a comma-separated-value (csv) M-by-N matrix MR of ranks that for i = 1,...,M compares consumer image i with reference images j = 1,...,N. For each consumer image, no rank can appear more than once. The software does not need to identify pills by name.

2. Source code for the executable that is both human- and machine-readable. The source code can be written in any programming language(s).

3. A .csv file containing the matrix MRC (C for Challenge) of ranks that is the output from executing the executable using DC and DR as input. In this case MRC is a matrix that has at least 5000 rows and has 2000 columns. For each row i, MRC(i,j) will rank how well reference image j matches consumer-quality image i, for j = 1,...,2000. If reference image J best matches consumer-quality image I then MRC(I,J) = 1, and if reference image K is the worst match to consume-quality image I then MRC(I,K) = 2000.

4. A text file written in English and containing the algorithm in pseudo-code that the source code implements, and a description of how it works and any tools or packages that it uses. The pseudo-code is to have the complete pipeline from the input directories to a matrix of ranks, and also include any code that implements features or does offline training.

5. A one-page text file written in English that contains the following:

a. Title of entry
b. Names and email addresses of the team captain and all team members
c. A five or more character identifier for the entry that is used as a prefix in the names of all of the team's submitted files
d. A brief description of the submission

Amount of the Prize; Award Approving Official

Up to five monetary prizes may be awarded: $25,000 for 1st Place, $15,000 for 2nd Place, $5,000 for 3rd Place, and two $2,500 prizes for Honorable Mention for a total prize award pool of up to $50,000. The names of the winners and the titles of their entries will be posted on NLM Web sites. The Award Approving Official is the Director of the National Library of Medicine.

Payment of the Prize

Prizes awarded under this Challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. HHS/NIH will comply with IRS (U.S. Internal Revenue Service) withholding and reporting requirements, where applicable.

Basis Upon Which Winners Will Be Selected

NLM will first review submissions to determine their suitability for judging and eligibility to win the prize. An

eligible submission (a) complies with the rules in this **Federal Register** notice, (b) follows the detailed submission instructions at *http://pir.nlm.nih.gov/challenge/*, (c) is complete (*e.g.,* meets the Submission Requirements above), and (d) is confirmed by NLM that the executable is an implementation of the submitted source code, can be run on the submitted virtual machine using directories DC and DR as input, and the output matrix is the same as the submission's matrix MRC.

Eligible submissions will proceed to the judging process, and will be evaluated based on how well the submissions can match pill images across a large number of queries. NLM has developed evaluation software and created directories of images to use in selecting the Challenge winners. For example, directories DRJ and DCJ (J for Judging) contain reference and consumer-quality images similar to those in directories DR and DC provided to potential Challenge participants, and the ground truth matrix for judging MGTJ has MGTJ(i,j)=1 if DCJ(i) and DRJ(j) are photos of the same pill, else MGTJ(i,j)=0. The evaluation software calculates the mean average precision (MAP) for directories and ground truth matrix such as DRJ, DRC, and MGTJ. Mean average precision is a widely used measure for evaluating how well information retrieval systems (for example, search engines) retrieve results across a large number of queries. The MAP formula and examples of MAP calculations for this Challenge are at *http://pir.nlm.nih.gov/challenge/MAP_example.*

The eligible submissions will be submitted to the evaluation software. The submission with the highest MAP score will be recommended as the first place winner, with the second, third, fourth, and fifth best MAPs, respectively being recommended to earn second place, third place, and two honorable mentions. In the event of tied scores, the tied submissions will be tested against additional DRJ and DCJ directories until a winner is determined. Dr. Terry Yoo will serve as the judge for the competition, thereby overseeing the evaluation software process and being responsible for its proper application.

Additional Information

The NLM Computational Photography Project for Pill Identification (C3PI) is a research and development project in the Office of High Performance Computing and Communications (OHPCC) within the NLM Lister Hill National Center for Biomedical Communications (LHNCBC). C3PI computer scientists conduct computer vision R&D in text- and image-based search and retrieval. C3PI's overall goal is to help improve the prescription drug information made available to health professionals and consumers. The NLM ''Pill Image Recognition Request for Information'' (PIR RFI) (*https://www.fbo.gov/index?s=opportunity&mode=form&id=a1a694718366ea7cbaf8f715047d63e1&tab=core&_cview=0*) was a pilot for this Challenge. The RFI was announced in February 2015 and responses were due in May 2015. RFI responses were used to test, evaluate, and as needed refine the components of the Challenge, including its instructions. NLM appreciates the work done by the parties that responded to the RFI.

Dated: January 11, 2016.

Betsy L. Humphreys,

Acting Director, National Library of Medicine, National Institutes of Health.

[FR Doc. 2016–00777 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel; MHealth Tools for Underserved Populations.

Date: February 9, 2016.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 710, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mario Rinaudo, MD, Scientific Review Officer, One Democracy Plaza, Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 710, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov.*

Name of Committee: National Institute of Nursing Research Initial Review Group.

Date: February 18, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Ste. 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov.*

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Palliative and End-of-Life Care Research.

Date: February 24, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Tamizchelvi Thyagarajan, Ph.D., Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892, 301–594–0343, *tamizchelvi.thyagarajan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: January 11, 2016.

Sylvia Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00801 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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; DDK–D Member Conflict SEP.

Date: February 5, 2016.

Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK–KUH–Fellowship Review.
Date: February 5, 2016.
Time: 8:00 a.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; M4 Review: R24 Telephone Review.
Date: February 24, 2016.
Time: 12:00 p.m. to 1:00 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: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00798 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; GEMSSTAR.
Date: February 29, 2016.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Isis S. Mikhail, MD, MPH, DrPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *MIKHAILI@MAIL.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00802 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Worker Training Program Ebola Biosafety and Infectious Disease Response Training.
Date: February 9–10, 2016.
Time: 8:30 a.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn Durham Southpoint, 7007 Fayetteville Road, Durham, NC 27713.
Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, 919/541–7556.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: January 12, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00792 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Pepper Centers.
Date: March 1–2, 2016.
Time: 2:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.
Contact Person: Alicja L. Markowska, Ph.D, DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666 *markowsa@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00796 Filed 1–15–16; 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 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 contract proposals, 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; Topic 95: Active MRI Transseptal Needle.

Date: February 11, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892.

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 20892–7924, 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: January 12, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00797 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 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 contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Age-Associated Conditions in a Sardinia Population Cohort (SardiNIA).

Date: February 26, 2016.

Time: 9:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Carmen Moten, Ph.D., Mph, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7703 *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00800 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Aerobic Exercise Prevention in Alzheimer's Disease.

Date: February 19, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carmen Moten, Ph.D., MPH, National Institute on Aging Gateway Building, 7201 Wisconsin Avenue Suite 2C212, Bethesda, MD 20892, 301–402–7703 *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00795 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel, National Institute of Allergy and Infectious Diseases Special Emphasis Panel (Teleconference).

Date: February 11, 2016.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Nancy Vazquez-Maldonado, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F52B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5044, *nvazquez@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, ''NIAID Investigator Initiated Program Project Applications (P01).''

Date: February 12, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/ Room 3G31B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC 9823, Rockville, MD 20892, (240) 669–5060, *james.snyder@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 12, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00793 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; 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 Center for Advancing Translational Sciences Special Emphasis Panel, CTSA Review.

Date: February 10–11, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Tysons Hotel, Fairfax Ballroom A&B, 8661 Leesburg Pike, Tysons, VA 22182.

Contact Person: Carol Lambert, Ph.D., Acting Deputy Director, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1076, Bethesda, MD 20892, 301–435–0814, *lambert@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: January 12, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00799 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 Environmental Health Sciences Council.

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 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 Environmental Health Sciences Council.

Date: February 23–24, 2016.

Open: February 23, 2016, 8:30 a.m. to 4:30 p.m.

Agenda: Discussion of program policies and issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: February 24, 2016, 8:30 a.m. to 10:15 a.m.

Agenda: Discussion of program policies and issues

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: February 24, 2016, 10:15 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr. KEY615/3112, Research Triangle Park, NC 27709 (919) 541–4980 *collman@niehs.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.

Information is also available on the Institute's/Center's home page: *http://www.niehs.nih.gov/about/boards/naehsc/index.cfm* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: January 12, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–00791 Filed 1–15–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1547]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. 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). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before April 18, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables 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.

You may submit comments, identified by Docket No. FEMA–B–1547, to 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.*

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: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed 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. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. 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: January 5, 2016.

Roy E. Wright,

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

I. Watershed-based studies:

Community	Community map repository address
James Headwaters Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Eddy County, North Dakota, and Incorporated Areas	
City of New Rockford	City Hall, 117 First Street South, New Rockford, ND 58356.
Unincorporated Areas of Eddy County	Eddy County Courthouse, 524 Central Avenue, New Rockford, ND 58356.

Community	Community map repository address
Foster County, North Dakota, and Incorporated Areas	
Unincorporated Areas of Foster County	Foster County Courthouse, 1000 Fifth Street North, Carrington, ND 58421.
Stutsman County, North Dakota, and Incorporated Areas	
City of Jamestown	City Hall, 102 Third Avenue Southeast, Jamestown, ND 58401.
Unincorporated Areas of Stutsman County	Stutsman County Courthouse, 511 Second Avenue Southeast, Jamestown, ND 58401.

II. Non-watershed-based studies:

Community	Community map repository address
Chaffee County, Colorado, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 10–08–1058S Preliminary Date: May 14, 2015	
City of Salida	City Hall, 448 East First Street, Suite 112, Salida, CO 81201.
Town of Buena Vista	Town Hall, 210 East Main Street, Buena Vista, CO 81211.
Town of Poncha Springs	Town Hall, 330 Burnett Avenue, Poncha Springs, CO 81242.
Unincorporated Areas of Chaffee County	Chaffee County Courthouse, 104 Crestone Avenue, Salida, CO 81201.
Pitkin County, Colorado, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 10–08–1059S Preliminary Date: June 11, 2015	
City of Aspen	City Hall, 130 South Galena Street, Aspen, CO 81611.
Town of Basalt	Town Hall, 101 Midland Avenue, Basalt, CO 81621.
Town of Snowmass Village	Town Hall, 130 Kearns Road, Snowmass Village, CO 81615.
Unincorporated Areas of Pitkin County	Pitkin County Courthouse Plaza, 530 East Main Street, Third Floor, Aspen, CO 81611.

[FR Doc. 2016–00870 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1555]

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: January 5, 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:						
Benton	City of Rogers (15–06–2115P).	The Honorable Greg Hines, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	Planning Department, 301 West Chestnut Street, Rogers, AR 72756.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2016	050013
Benton	Unincorporated areas of Benton County (15–06–2411P).	The Honorable Robert D. Clinard, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	Benton County Planning Department, 905 Northwest 8th Street, Bentonville, AR 72712.	*http://www.msc.fema.gov/lomc*	Feb. 18, 2016	050419
Van Buren	City of Clinton (15-06-3659P).	The Honorable Richard McCormac, Mayor, City of Clinton, P.O. Box 970, Clinton, AR 72031.	City Hall, 342 Main Street, Clinton, AR 72031.	*http://www.msc.fema.gov/lomc*	Mar. 4, 2016	050211
Van Buren	Unincorporated areas of Van Buren County (15-06-3659P).	The Honorable Roger Hooper, Van Buren County Judge, P.O. Box 60, Clinton, AR 72031.	Van Buren County Clerk's Office, 1414 Highway 65 South, Clinton, AR 72031.	*http://www.msc.fema.gov/lomc*	Mar. 4, 2016	050566
Colorado:						
Adams	City of Commerce City (15-08-0897P).	The Honorable Sean Ford, Mayor, City of Commerce City, 7887 East 60th Avenue, Commerce City, CO 80022.	City Hall, 7887 East 60th Avenue, Commerce City, CO 80022.	*http://www.msc.fema.gov/lomc*	Mar. 16, 2016	080006
Douglas	Town of Castle Rock (16-08-0036P).	The Honorable Paul Donahue, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Utilities Department, 175 Kellogg Court, Castle Rock, CO 80109.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	080050
Douglas	Unincorporated areas of Douglas County (16-08-0036P).	The Honorable Jill Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, 100 3rd Street, Castle Rock, CO 80104.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	080049
El Paso	City of Colorado Springs (15-08-0401P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80901.	City Hall, 30 South Nevada Avenue, Colorado Springs, CO 80901.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	080060
Jefferson	City of Lakewood (15-08-1099P).	The Honorable Bob Murphy, Mayor, City of Lakewood, Civic Center South, 480 South Allison Parkway, Lakewood, CO 80226.	Public Works Department, Civic Center North, 480 South Allison Parkway, Lakewood, CO 80226.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	085075
Florida:						

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.
Alachua	City of Gainesville (15-04-1786P).	The Honorable Ed Braddy, Mayor, City of Gainesville, P.O. Box 490, Station 19, Gainesville, FL 32627.	Public Works Department, 405 Northwest 39th Avenue, Gainesville, FL 32601.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	125107
Broward	City of Pompano Beach (15-04-7602P).	The Honorable Lamar Fisher, Mayor, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	Building Department, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2016	120055
Manatee	Town of Longboat Key (15-04-6557P).	The Honorable Jack Duncan, Mayor, Town of Longboat Key, 501 Bay Isles Road, Longboat Key, FL 34228.	Town Hall, 501 Bay Isles Road, Longboat Key, FL 34228.	*http://www.msc.fema.gov/lomc*	Mar. 2, 2016	125126
Monroe	City of Marathon (15-04-9118P).	The Honorable Chris Bull, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Mar. 3, 2016	120681
Monroe	Unincorporated areas of Monroe County (15-04-9119P).	The Honorable Danny Kolhage, Mayor, Monroe County Board of Commissioners, 530 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Mar. 3, 2016	125129
Orange	City of Orlando (15-04-7419P).	The Honorable Buddy W. Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Public Works Department, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	120186
Orange	Unincorporated areas of Orange County (15-04-7419P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	120179
St. Johns	Unincorporated areas of St. Johns County (15-04-7215P).	The Honorable Rachael L. Bennett, Chair, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Transportation Development Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	*http://www.msc.fema.gov/lomc*	Mar. 8, 2016	125147
Georgia:						
Barrow	Unincorporated areas of Barrow County (15-04-9030P).	The Honorable Pat Graham, Chairman, Barrow County Board of Commissioners, 30 North Broad Street, Winder, GA 30680.	Barrow County Geographic Information System Division, 233 East Broad Street, Winder, GA 30680.	*http://www.msc.fema.gov/lomc*	Mar. 14, 2016	130497
Kentucky:						
Fayette	Lexington-Fayette Urban County Government (15-04-0907P).	The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Engineering Division, 101 East Vine Street, 4th Floor, Lexington, KY 40507.	*http://www.msc.fema.gov/lomc*	Mar. 3, 2016	210067
Maryland:						
Carroll	Town of Mount Airy (15-03-2575P).	The Honorable Patrick T. Rockinberg, Mayor, Town of Mount Airy, P.O. Box 50, Mount Airy, MD 21771.	Town Hall, 110 South Main Street, Mount Airy, MD 21771.	*http://www.msc.fema.gov/lomc*	Mar. 11, 2016	240200
Carroll	Town of Sykesville (15-03-2575P).	The Honorable Ian Shaw, Mayor, Town of Sykesville, 7547 Main Street, Sykesville, MD 21784.	Town Hall, 7547 Main Street, Sykesville, MD 21784.	*http://www.msc.fema.gov/lomc*	Mar. 11, 2016	240016
Carroll	Unincorporated areas of Carroll County (15-03-2575P).	The Honorable J. Douglas Howard, President, Carroll County Board of Commissioners, 225 North Center Street, Westminster, MD 21157.	Carroll County Office Building, 225 North Center Street, Westminster, MD 21157.	*http://www.msc.fema.gov/lomc*	Mar. 11, 2016	240015
New York:						

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.
Rockland	Town of Clarkstown (15-02-0462P).	The Honorable Alexander J. Gromack, Supervisor, Town of Clarkstown, 10 Maple Avenue, New City, NY 10956.	Town Hall, 10 Maple Avenue, New City, NY 10956.	*http://www.msc.fema.gov/lomc*	Apr. 19, 2016	360679
North Carolina:						
Forsyth	Village of Clemmons (15–04–7692P).	The Honorable Nickolas Nelson, Mayor, Village of Clemmons, 3715 Clemmons Road, Clemmons, NC 27012.	Village Hall, 3715 Clemmons Road, Clemmons, NC 27012.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	370531
Forsyth	City of Winston-Salem (15–04–7692P).	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	Inspections Department, 100 East 1st Street, Suite 328, Winston-Salem, NC 27101.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	375360
Forsyth	Unincorporated areas of Forsyth County (15–04–7692P).	The Honorable David R. Plyler, Chairman, Forsyth County Board of Commissioners, 201 North Chestnut Street, Winston-Salem, NC 27101.	Forsyth County Planning Board Office, 100 East 1st Street, Winston-Salem, NC 27101.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	375349
Pennsylvania:						
Bradford	Borough of Towanda (14-03-3276P).	The Honorable Paul Sweitzer, President, Borough of Towanda Council, 724 Main Street, Towanda, PA 18848.	Municipal Building, 724 Main Street, Towanda, PA 18848.	*http://www.msc.fema.gov/lomc*	Feb. 25, 2016	420178
Lycoming	Borough of South Williamsport (15-03-2159P).	The Honorable David J. Lechniak, Mayor, Borough of South Williamsport, 329 West Southern Avenue, South Williamsport, PA 17702.	Borough Hall, 329 West Southern Avenue, South Williamsport, PA 17702.	*http://www.msc.fema.gov/lomc*	Mar. 11, 2016	420658
South Carolina:						
Charleston	City of Folly Beach (15-04-5698P).	The Honorable Tim Goodwin, Mayor, City of Folly Beach, 21 Center Street, 2nd Floor, Folly Beach, SC 29439.	Building Services and Facilities Management Department, 21 Center Street, Folly Beach, SC 29439.	*http://www.msc.fema.gov/lomc*	Mar. 3, 2016	455415
Charleston	Unincorporated areas of Charleston County (15-04-5698P).	The Honorable J. Elliot Summey, Chairman, Charleston County Board of Commissioners, District 3, 4045 Bridgeview Drive, Suite B254, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridge View Drive, Suite A–113, North Charleston, SC 29405.	*http://www.msc.fema.gov/lomc*	Mar. 3, 2016	455413
Charleston	Town of Mount Pleasant (15-04-9379P).	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*	Mar. 18, 2016	455417
South Dakota:						
Lawrence	City of Spearfish (15-08-1218P).	The Honorable Dana Boke, Mayor, City of Spearfish, 625 5th Street, Spearfish, SD 57783.	City Hall, 625 5th Street, Spearfish, SD 57783.	*http://www.msc.fema.gov/lomc*	Mar. 2, 2016	460046
Tennessee:						
Maury	City of Spring Hill (15-04-6306P).	The Honorable Rick Graham, Mayor, City of Spring Hill, 199 Town Center Parkway, Spring Hill, TN 37174.	Building Codes and Inspection Department, 199 Town Center Parkway, Spring Hill, TN 37174.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	470278
Texas:						
Bexar	City of San Antonio (15-06-1357P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2016	480045

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.
Bexar	Unincorporated areas of Bexar County (15-06-1355P).	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. 9, 2016	480035
Bexar	Unincorporated areas of Bexar County (15-06-1357P).	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. 9, 2016	480035
Brazoria and Harris	City of Pearland (15-06-2038P).	The Honorable Tom Reid, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering Division, 3519 Liberty Drive, Pearland, TX 77581.	*http://www.msc.fema.gov/lomc*	Mar. 18, 2016	480077
El Paso	Unincorporated areas of El Paso County (15-06-0888P).	The Honorable Veronica Escobar, El Paso County Judge, 500 East San Antonio Street, Suite 301, El Paso, TX 79901.	El Paso County Administrative Offices, 800 East Overland, Suite 407, El Paso, TX 79901.	*http://www.msc.fema.gov/lomc*	Mar. 7, 2016	480212
Midland	City of Midland (15-06-2420P).	The Honorable Jerry Morales, Mayor, City of Midland, 300 North Loraine Street, Midland, TX 79701.	City Hall, 300 North Loraine Street, Midland, TX 79701.	*http://www.msc.fema.gov/lomc*	Feb 3, 2016	480477
Parker	City of Aledo (15-06-1513P).	The Honorable Kit Marshall, Mayor, City of Aledo, P.O. Box 1, Aledo, TX 76008.	City Hall, 200 Old Annetta Road, Aledo, TX 76008.	*http://www.msc.fema.gov/lomc*	Feb 25, 2016	481659
Parker	Unincorporated areas of Parker County (15–06–1513P).	The Honorable Mark Riley, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Emergency Management Department, 215 Trinity Street, Weatherford, TX 76086.	*http://www.msc.fema.gov/lomc*	Feb 25, 2016	480520
Virginia:						
Fairfax	Unincorporated areas of Fairfax County (15-03-1477P).	The Honorable Edward L. Long, Jr., Fairfax County Executive, 12000 Government Center Parkway, Fairfax, VA 22035.	Fairfax County Planning and Zoning Department, 12000 Government Center Parkway, Fairfax, VA 22035.	*http://www.msc.fema.gov/lomc*	Mar. 2, 2016	515525
Independent City	City of Virginia Beach (15-03-0388P).	The Honorable William D. Sessoms, Jr., Mayor, City of Virginia Beach, 2401 Courthouse Drive, Virginia Beach, VA 23456.	Department of Public Works, 2405 Courthouse Drive, Virginia Beach, VA 23456.	*http://www.msc.fema.gov/lomc*	Feb 29, 2016	515531
Loudoun	Unincorporated areas of Loudoun County (15-03-2037P).	The Honorable Scott K. York, Chairman at Large, Loudoun County Board of Supervisors, P.O. Box 7000, Mailstop #01, Leesburg, VA 20177.	Loudoun County Planning and Zoning Department, P.O. Box 7000, Mailstop #62, Leesburg, VA 20177.	*http://www.msc.fema.gov/lomc*	Mar. 17, 2016	510090

[FR Doc. 2016–00861 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1548]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. 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). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new

buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before April 18, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables 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.

You may submit comments, identified by Docket No. FEMA–B–1548, to 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.*

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: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed 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. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. 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: December 14, 2015.

Roy E. Wright,

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

I. Non-watershed-based studies:

Community	Community map repository address
Carroll County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 15–07–0901S Preliminary Date: June 8, 2015**	
City of Arcadia	City Hall, 205 West Front Street, Arcadia, IA 51430.
City of Carroll	City Hall, 112 East 5th Street, Carroll, IA 51401.
City of Coon Rapids	City Hall, 123 3rd Avenue, Coon Rapids, IA 50058.
City of Dedham	City Hall, 210 Main Street, Dedham, IA 51440.
City of Glidden	City Hall, 108 Idaho Street, Glidden, IA 51443.
City of Halbur	City Hall, 238 West 2nd Street, Halbur, IA 51444.
City of Lanesboro	City Hall, 210 East Main Street, Lanesboro, IA 51451.
City of Manning	City Hall, 717 3rd Street, Manning, IA 51455.
Unincorporated Areas of Carroll County	Carroll County Building, 114 East 6th Street, Carroll, IA 51401.
Page County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 15–07–0891S Preliminary Date: June 8, 2015**	
City of Blanchard	City Hall, 104 Main Street, Blanchard, IA 51630.
City of Braddyville	City Hall, 208 East Main Street, Braddyville, IA 51631.
City of Clarinda	City Hall, 200 South 15th Street, Clarinda, IA 51632.
City of Coin	City Hall, 506 Depot Street, Coin, IA 51636.
City of Essex	City Hall, 412 Iowa Avenue, Essex, IA 51638.
City of Hepburn	Hepburn City Office, 501 Railroad Street, Clarinda, IA 51632.
City of Northboro	Clarinda City Building, 200 South 15th Street, Clarinda, IA 51632.
City of Shambaugh	City Hall, 307 Main Street, Shambaugh, IA 51651.
City of Shenandoah	City Hall, 500 West Clarinda Avenue, Shenandoah, IA 51601.

Community	Community map repository address
City of Yorktown	Clarinda City Building, 200 South 15th Street, Clarinda, IA 51632.
Unincorporated Areas of Page County	Clarinda City Building, 200 South 15th Street, Clarinda, IA 51632.
Polk County, Iowa and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 12–07–0956S Preliminary Date: June 17, 2015**	
City of Alleman	City Hall, 14000 Northeast 6th Street, Alleman, IA 50007.
City of Altoona	City Hall, 407 8th Street Southeast, Altoona, IA 50009.
City of Ankeny	City Hall, 410 West 1st Street, Ankeny, IA 50023.
City of Bondurant	City Hall, 200 2nd Street Northeast, Bondurant, IA 50035.
City of Clive	City Hall, 1900 Northwest 114th Street, Clive, IA 50325.
City of Des Moines	City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309.
City of Grimes	City Hall, 101 Northeast Harvey Street, Grimes, IA 50111.
City of Johnston	City Hall, 6221 Merle Hay Road, Johnston, IA 50131.
City of Mitchellville	City Hall, 204 Center Avenue North, Mitchellville, IA 50169.
City of Pleasant Hill	City Hall, 5160 Maple Drive, Pleasant Hill, IA 50327.
City of Polk City	City Hall, 112 3rd Street, Polk City, IA 50226.
City of Runnells	City Hall, 110 Brown Street, Runnells, IA 50237.
City of Urbandale	City Hall, 3600 86th Street, Urbandale, IA 50322.
City of West Des Moines	City Hall, 4200 Mills Civic Parkway, West Des Moines, IA 50265.
City of Windsor Heights	City Hall, 1145 66th Street, Suite 1, Windsor Heights, IA 50324.
Unincorporated Areas of Polk County	Polk County Public Works, 5885 Northeast 14th Street, Des Moines, IA 50313.
Union County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 15–07–0894S Preliminary Date: June 8, 2015**	
City of Creston	City Hall, 116 West Adams Street, Creston, IA 50801.
City of Cromwell	City Hall, 907 Broadway Street, Cromwell, IA 50842.
City of Shannon City	City Hall, 302 Union Street, Shannon City, IA 50861.
Unincorporated Areas of Union County	Union County Emergency Management Agency, Alliant Energy Building, 208 West Taylor Street, Creston, IA 50801.
Polk County, Minnesota and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 10–05–2050S Preliminary Date: July 1, 2014**	
City of Beltrami	514 Polk Avenue, Beltrami, MN 56517.
City of Climax	Climax City Hall, 102 West Broadway Street, Climax, MN 56523.
City of Crookston	Crookston City Hall, 124 North Broadway, Crookston, MN 56716.
City of East Grand Forks	East Grand Forks City Hall, 600 DeMers Avenue, East Grand Forks, MN 56721.
City of Fertile	Fertile City Hall, 101 South Mill Street, Fertile, MN 56540.
City of Fisher	Fisher City Office, 313 Park Avenue, Suite 111, Fisher, MN 56723.
City of Fosston	Fosston City Hall, 220 East First Street, Fosston, MN 56542.
City of Mcintosh	McIntosh City Hall, 115 Broadway, Northwest, McIntosh, MN 56556.
City of Mentor	Mentor City Hall, 202 Garfield Avenue, North Mentor, MN 56736.
City of Nielsville	Nielsville City Hall, 36943 440th Street, Southwest, Nielsville, MN 56568.
City of Winger	Winger City Hall, 10 East Minnesota Avenue, Winger, MN 56592.
Unincorporated Areas of Polk County	Polk County Government Center, 612 North Broadway, Room 225, Crookston, MN 56716.
Roseau County, Minnesota and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 07–05–0462S Preliminary Date: August 31, 2015**	
City of Badger	111 North Main Street, Badger, MN 56714.

[FR Doc. 2016–00772 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

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 Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 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.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, 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.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 5, 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	Effective date of modification	Community No.
Idaho:					
Ada (FEMA Docket No.: B–1531).	Unincorporated areas of Ada County (15–10–0807P).	The Honorable Dave Case, Ada County Commissioner, 200 West Front Street, 3rd Floor, Boise, ID 83702.	200 West Front Street, 3rd Floor, Boise, ID 83702.	Oct. 14, 2015	160001
Kootenai (FEMA Docket No.: B–1531).	Unincorporated areas of Kootenai County (15–10–0478P).	Mr. David Stewart, Chairman, Board of County Commissioners, 451 Government Way, Coeur d'Alene, ID 83816.	Assessors Department, Kootenai County Court House, 451 Government Way, Coeur d'Alene, ID 83816.	Oct. 29, 2015	160076
Teton (FEMA Docket No.: B–1525).	Unincorporated areas of Teton County (15–10–0131P).	The Honorable Bill Leake, Chair, Board of Teton County Commissioners, Teton County Courthouse, 150 Courthouse Drive, Driggs, ID 83422.	89 N Main, Suite 6, P.O. Box 763, Driggs, ID 83422.	Oct. 16, 2015	160230
Illinois:					
Adams (FEMA Docket No.: B–1531).	City of Quincy (14–05–8464P).	The Honorable Kyle A. Moore, Mayor, City of Quincy, 730 Main Street, Quincy, IL 62301.	Quincy City Hall, 730 Maine Street, Quincy, IL 62301.	Oct. 20, 2015	170003
Adams (FEMA Docket No.: B–1533).	City of Quincy (15–05–4067P).	The Honorable Kyle A. Moore, Mayor, City of Quincy, 730 Maine Street, Quincy, IL 62301.	Quincy City Hall, 730 Maine Street, Quincy, IL 62301.	Sept. 24, 2015	170003
Adams (FEMA Docket No.: B–1533).	Unincorporated areas of Adams County (15–05–4067P).	The Honorable Les Post, Chairman, Adams County Board, 101 North 54th Street, Quincy, IL 62305.	Adams County Highway Department, 101 North 54th Street, Quincy, IL 62305.	Sept. 24, 2015	170001
Cook (FEMA Docket No.: B–1525).	Village of Palatine (15–05–3589P).	The Honorable Jim Schwantz, Mayor, Village of Palatine, 150 West Wilson Street, Palatine, IL 60067.	Village Hall, 200 East Wood Street, Palatine, IL 60067.	Oct. 6, 2015	175170

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Indiana: Lake (FEMA Docket No.: B–1525).	City of Hammond (15–05–1481P).	The Honorable Thomas M. McDermott, Jr., Hammond City Hall, Second Floor, 5925 Calumet Avenue, Hammond, IN 46320.	5925 Calumet Avenue, Hammond, IN 46320.	Oct. 2, 2015	180134
Iowa: Black Hawk (FEMA Docket No.: B–1506).	City of Cedar Falls (14–07–2387P).	The Honorable Jon Crews, Mayor, City of Cedar Falls, 220 Clay Street, Cedar Falls, IA 50613.	220 Clay Street, Cedar Falls, IA 50613.	Jul. 15, 2015	190017
Kansas:					
Reno (FEMA Docket No.: B–1525).	City of Hutchinson (15–07–0592P).	The Honorable Cindy Proett, Mayor, City of Hutchinson, City Hall, 125 East Avenue B, Hutchinson, KS 67501.	125 East Avenue B, Hutchinson, KS 67501.	Oct. 2, 2015	200283
Reno (FEMA Docket No.: B–1525).	Unincorporated areas of Reno County (15–07–0592P).	The Honorable James D. Schlickau, Chairman, Reno County Commission, 206 West 1st Avenue, Hutchinson, KS 67505.	600 Scott Boulevard, Hutchinson, KS 67505.	Oct. 2, 2015	200567
Maine: York (FEMA Docket No.: B–1525).	Town of York (15–01–0844P).	Mr. Stephen H. Burns, Town Manager, Town of York, 186 York Street, York, ME 03909.	186 York Street, York, ME 03909	Oct. 1, 2015	230159
Missouri:					
Scott (FEMA Docket No.: B–1531).	City of Scott City (15–07–0234P).	The Honorable Tim Porch, Mayor, City of Scott City, 215 Chester Avenue, City of Scott City, MO 63780.	c/o Building Inspector Robert Hodo, 215 Chester Avenue, Scott City, MO 63780.	Oct. 14, 2015	290414
Scott (FEMA Docket No.: B–1531).	Unincorporated areas of Scott County (15–07–0234P).	The Honorable Jamie Burger, Scott County Presiding Commissioner, 131 South Winchester Street, Benton, MO 63736.	131 South Winchester Street, P.O. Box 245, Benton, MO 63736.	Oct. 14, 2015	290837
Ohio: Lorain (FEMA Docket No.: B–1531).	City of Elyria (15–05–2448P).	The Honorable Holly C. Brinda, Mayor, City of Elyria City Hall, 3rd Floor, 131 Court Street, Elyria, OH 44035.	City Hall, Suite 101, 131 Court Street, Elyria, OH 44035.	Oct. 20, 2015	390350
Oregon: Multnomah (FEMA Docket No.: B–1531).	City of Troutdale (15–10–0523P).	The Honorable Doug Daoust, Mayor, City of Troutdale, 219 East Historic Columbia River Highway, Troutdale, OR 97060.	219 East Historic Columbia River Highway, Troutdale, OR 97060.	Oct. 28, 2015	410184
Texas:					
Denton (FEMA Docket No.: B–1531).	Town of Hickory Creek (14–06–4263P).	The Honorable John Smith, Mayor, Town of Hickory Creek, 1075 Ronald Reagan Avenue, Hickory Creek, TX 75065.	1075 Ronald Reagan Avenue, Hickory Creek, TX 75065.	Oct. 28, 2015	481150
Denton (FEMA Docket No.: B–1531).	Unincorporated areas of Denton County (14–06–4263P).	The Honorable Mary Horn, County Judge, Denton County, 1450 East McKinney Street, Denton, TX 76209.	1505 East McKinney Street, Suite 175, Denton, TX 76209.	Oct. 28, 2015	480774

[FR Doc. 2016–00864 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

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 Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 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.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, 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.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: December 14, 2015.

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	Effective date of modification	Community No.
Alabama:					
Tuscaloosa (FEMA Docket No.: B–1534).	City of Tuscaloosa (15–04–0628P).	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	Engineering Department, 2201 University Boulevard, Tuscaloosa, AL 35401.	Oct. 23, 2015	010203
Tuscaloosa (FEMA Docket No.: B–1534).	Unincorporated areas of Tuscaloosa County, (15–04–0628P).	The Honorable W. Hardy McCollum, Chairman, Tuscaloosa County Board of Commissioners, 714 Greensboro Avenue, Tuscaloosa, AL 35402.	Tuscaloosa County Engineering Department, 2810 35th Street, Tuscaloosa, AL 35401.	Oct. 23, 2015	010201
Colorado:					
Jefferson (FEMA Docket No.: B–1534).	City of Golden, (15–08–0786P).	The Honorable Marjorie Sloan, Mayor, City of Golden, 911 10th Street, Golden, CO 80401.	Public Works Department, 1445 10th Street, Golden, CO 80401.	Oct. 23, 2015	080090
Teller (FEMA Docket No.: B–1534).	City of Woodland Park, (15–08–0099P).	The Honorable Neil Levy, Mayor, City of Woodland Park, P.O. Box 9007, Woodland Park, CO 80866.	City Hall, 220 West South Avenue, Woodland Park, CO 80866.	Oct. 22, 2015	080175
Florida:					
Broward (FEMA Docket No.: B–1538).	City of Pembroke Pines, (15–04–4500P).	The Honorable Frank C. Ortis, Mayor, City of Pembroke Pines, 10100 Pines Boulevard, Pembroke Pines, FL 33026.	Environmental Services Division, 13975 Pembroke Road, Pembroke Pines, FL 33027.	Nov. 12, 2015	120053
Duval (FEMA Docket No.: B–1538).	City of Jacksonville (15–04–2570P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	Nov. 12, 2015	120077
Manatee (FEMA Docket No.: B–1538).	Town of Longboat Key, (15–04–2751P).	The Honorable Jack Duncan, Mayor, Town of Longboat Key, 501 Bay Isles Road, Longboat Key, FL 34228.	Town Hall, 501 Bay Isles Road, Longboat Key, FL 34228.	Nov. 18, 2015	125126
Monroe (FEMA Docket No.: B–1545).	City of Key West, (15–04–0697P).	The Honorable Craig Cates, Mayor, City of Key West, 3126 Flagler Avenue, Key West, FL 33040.	Planning Department, 605A Simonton Street, Key West, FL 33040.	Aug. 20, 2015	120168
St. Johns (FEMA Docket No.: B–1538).	Unincorporated areas of St. Johns County, (15–04–5662P).	The Honorable James K. Johns, Commissioner, St. Johns County District 1, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Planning and Zoning Department, 4040 Lewis Speedway, St. Augustine, FL 32084.	Nov. 19, 2015	125147
Georgia:					
Columbia (FEMA Docket No.: B–1538).	Unincorporated areas of Columbia County, (15–04–4690P).	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, Evans, GA 30809.	Nov. 19, 2015	130059
Forsyth (FEMA Docket No.: B–1545).	Unincorporated areas of Forsyth County, (15–04–0696P).	The Honorable R.J. (Pete) Amos, Chairman, Forsyth County Board of Commissioners, 110 East Main Street, Suite 210, Cumming, GA 30040.	Forsyth County Department of Engineering, 110 East Main Street, Suite 120, Cumming, GA 30040.	Nov. 19, 2015	130312
Massachusetts:, Barnstable (FEMA Docket No.: B–1538).	Town of Barnstable, (15–01–2052P).	The Honorable Jessica Rapp Grassetti, President, Town of Barnstable Council, 367 Main Street, Hyannis, MA 02601.	Town Hall, 367 Main Street, Hyannis, MA 02601.	Nov. 16, 2015	250001
Montana:					
Gallatin (FEMA Docket No.: B–1534).	City of Bozeman, (15–08–0124P).	The Honorable Jeff Krauss, Mayor, City of Bozeman, P.O. Box 1230, Bozeman, MT 59771.	Public Works Department, 20 East Olive Street, Bozeman, MT 59771.	Oct. 23, 2015	300028
Stillwater (FEMA Docket No.: B–1534).	Town of Columbus, (15–08–0781P).	The Honorable Gary Woltermann, Mayor, Town of Columbus, P.O. Box 549, Columbus, MT 59019.	Stillwater County West Annex, 431 Quarry Road, Columbus, MT 59019.	Oct. 19, 2015	300109
North Carolina:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Northampton. (FEMA Docket No.: B–1538).	Town of Gaston, (15–04–4075P).	The Honorable Jason Moore, Mayor, Town of Gaston, 223 Craige Street, Gaston, NC 27832.	Town Hall, 223 Craige Street, Gaston, NC 27832.	Oct. 26, 2015	370413
Randolph (FEMA Docket No.: B–1534).	Unincorporated areas of Randolph County, (15–04–3243P).	The Honorable Darrell L. Frye, Chairman, Randolph County Board of Commissioners, P.O. Box 4728, Asheboro, NC 27204.	Randolph County Department of Planning and Development, 204 East Academy Street, Asheboro, NC 27203.	Oct. 22, 2015	370195
Union (FEMA Docket No.: B–1545).	Unincorporated areas of Union County, (15–04–4081P).	The Honorable Richard, Helms, Chairman, Union County Board of Commissioners, 500 North Main Street, Monroe, NC 28112.	Union County Planning, Division, 500 North Main Street, Monroe, NC 28112.	Nov. 5, 2015	370234
North Dakota:					
Cass (FEMA Docket No.: B–1534).	City of Fargo, (15–08–0016P).	The Honorable Tim Mahoney, Mayor, City of Fargo, 200 3rd Street North, Fargo, ND 58102.	City Hall, 200 3rd Street North, Fargo, ND 58102.	Nov. 3, 2015	385364
Texas:					
Bell (FEMA Docket No.: B–1534).	City of Temple, (15–06–1800P).	The Honorable Danny Dunn, Mayor, City of Temple, 2 North Main Street, Suite 103, Temple, TX 76501.	Department of Public Works, Engineering Division, 3210 East Avenue H, Building A, Suite 107, Temple, TX 76501.	Nov. 3, 2015	480034
Bexar (FEMA Docket No.: B–1534).	City of San Antonio, (14–06–3172P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Oct. 15, 2015	480045
Denton (FEMA Docket No.: B–1534).	City of Denton, (14–06–3408P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76509.	Nov. 4, 2015	480194
Denton (FEMA Docket No.: B–1534).	City of Denton, (15–06–0979P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76509.	Oct. 19, 2015	480194
Fort Bend (FEMA Docket No.: B–1538).	Unincorporated areas of Fort Bend County, (14–06–2647P).	The Honorable Robert E. Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, 4th Floor, Richmond, TX 77469.	Nov. 13, 2015	480228
Harris (FEMA Docket No.: B–1534).	City of Houston, (14–06–4559P).	The Honorable Annise D. Parker, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	Oct. 16, 2015	480296
Harris (FEMA Docket No.: B–1538).	City of Houston, (15–06–0275P).	The Honorable Annise D. Parker, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	Nov. 13, 2015	480296
Harris (FEMA Docket No.: B–1534).	City of Pasadena, (14–06–4559P).	The Honorable Johnny Isbell, Mayor, City of Pasadena, 1211 Southmore Avenue, Pasadena, TX 77502.	Engineering Department, 1114 Davis Street, 2nd Floor, Pasadena, TX 77506.	Oct. 16, 2015	480307
Harris (FEMA Docket No.: B–1534).	Unincorporated areas of Harris County, (15–06–1289P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Oct. 30, 2015	480287
Tarrant (FEMA Docket No.: B–1538).	City of Forest Hill, (15–06–2903X).	The Honorable Gerald Joubert, Mayor, City of Forest Hill, 3219 California Parkway, Forest Hill, TX 76119.	City Hall, 3219 California Parkway, Forest Hill, TX 76119.	Nov. 10, 2015	480595
Tarrant (FEMA Docket No.: B–1538).	City of Fort Worth, (15–06–0370P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	Nov. 13, 2015	480596
Travis (FEMA Docket No.: B–1534).	Unincorporated areas of Travis County, (15–06–1733P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Office of Emergency Management Services, 5010 Old Manor Road, Austin TX 78723.	Oct. 28, 2015	481026
Waller (FEMA Docket No.: B–1538).	Unincorporated areas of Waller County, (14–06–2647P).	The Honorable Carbett J. Duhon III, Waller County Judge, 836 Austin Street, Suite 203, Hempstead, TX 77445.	Waller County Emergency Management Department, 701 Calvit Street, Hempstead, TX 77445.	Nov. 13, 2015	480640
Virginia:					
Independent City (FEMA Docket No.: B–1534).	City of Salem, (14–03–3079P).	The Honorable Byron Foley, Mayor, City of Salem, 114 North Broad Street, Salem, VA 24153.	Engineering and Inspections Department, 25 East Main Street, Salem, VA 24153.	Oct. 9, 2015	510141
Wisconsin:					
Fond du Lac (FEMA Docket No.: B–1538).	Village of Campbellsport, (14–05–3087P).	The Honorable David Krebs, President, Village of Campbellsport Board of Trustees, P.O. Box 709, Campbellsport, WI 53010.	Village Hall, 177 East Main Street, Campbellsport, WI 53010.	Nov. 13, 2015	550133
Fond du Lac (FEMA Docket No.: B–1538).	Unincorporated areas of Fond du Lac County, (14–05–3087P).	The Honorable Allen Buechel, Fond du Lac County Executive, 160 South Macy Street, Fond du Lac, WI 54935.	Fond du Lac County Code Enforcement Office, 160 South Macy Street, Fond du Lac, WI 54935.	Nov. 13, 2015	550131

[FR Doc. 2016–00769 Filed 1–15–16; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1556]

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: January 5, 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 (14–09–4245P).	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*	Mar. 18, 2016	040050
Maricopa	Town of Buckeye (15–09–0476P).	The Honorable Jackie A. Meck, Mayor, Town of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Town Hall, 100 North Apache Street, Suite A, Buckeye, AZ 85326.	*http://www.msc.fema.gov/lomc*	Feb. 19, 2016	040039
Maricopa	Town of Buckeye (15–09–1721P).	The Honorable Jackie A. Meck, Mayor, Town of Buckeye, 530 East Monroe Avenue, Buckeye, AZ 85326.	Engineering Department, 530 East Monroe Avenue, Buckeye, AZ 85326.	*http://www.msc.fema.gov/lomc*	Mar. 4, 2016	040039

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.
Maricopa	Unincorporated areas of Maricopa County (15–09–0476P).	The Honorable Steve Chucri, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc*	Feb. 19, 2016	040037
Pima	Unincorporated areas of Pima County (15–09–0394P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 W. Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc*	Mar. 21, 2016	040073
Pima	Town of Marana (15–09–1240P).	The Honorable Ed Honea, Mayor, Town of Marana, 11555 W. Civic Center Drive, Marana, AZ 85653.	Engineering Department, 11555 West Civic Center Drive, Marana, AZ 85653.	*http://www.msc.fema.gov/lomc*	Feb. 11, 2016	040118
Pima	Unincorporated areas of Pima County (15–09–2370P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 97 East Congress Street, 3rd Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc*	Feb. 12, 2016	040073
Pinal	Unincorporated areas of Pinal County (15–09–1991P).	The Honorable Cheryl Chase, Chair, Board of Supervisors, Pinal County, 135 North Pinal Street, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.	*http://www.msc.fema.gov/lomc*	Feb. 11, 2016	040077
Pinal	Unincorporated areas of Pinal County (15–09–2521P).	The Honorable Cheryl Chase, Chair, Board of Supervisors, Pinal County, 135 North Pinal Street, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.	*http://www.msc.fema.gov/lomc*	Mar. 2, 2016	040077
California: Alameda	City of Dublin (15–09–1152P).	The Honorable David Haubert, Mayor, City of Dublin, 100 Civic Plaza, Dublin, CA 94568.	Building Department, 100 Civic Plaza, Dublin, CA 94568.	*http://www.msc.fema.gov/lomc*	Mar. 8, 2016	060705
Kern	City of Bakersfield (13–09–2248P).	The Honorable Harvey Hall, Mayor, City of Bakersfield, 1600 Truxtun Avenue, Bakersfield, CA 93301.	Public Works, 1501 Truxtun Avenue, Bakersfield, CA 93301.	*http://www.msc.fema.gov/lomc*	Mar. 29, 2016	060077
Kern	Unincorporated areas of Kern County (13–09–2248P).	The Honorable David Couch, Chairman, Board of Supervisors, Kern County, 1115 Truxtun Avenue, 5th Floor, Bakersfield, CA 93301.	Planning Department, 2700 M Street, Suite 100, Bakersfield, CA 93301.	*http://www.msc.fema.gov/lomc*	Mar. 29, 2016	060075
Riverside	City of Wildomar (15–09–2570P).	The Honorable Ben Benoit, Mayor, City of Wildomar, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	*http://www.msc.fema.gov/lomc*	Feb. 26, 2016	060221
Sacramento	Unincorporated areas of Sacramento County (15–09–2776P).	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*	Feb. 17, 2016	060262
San Mateo	Unincorporated areas of San Mateo County (15–09–1770P).	The Honorable Carole Groom, Chair, Board of Supervisors, San Mateo County, 400 County Center, Redwood City, CA 94063.	Planning and Building Department, 455 County Center, Redwood City, CA 94063.	*http://www.msc.fema.gov/lomc*	Mar. 31, 2016	060311
Hawaii: Maui	Maui County (15–09–2997X).	The Honorable Alan Arakawa, Mayor, County of Maui, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	Planning Department, 250 South High Street, Second Floor, Wailuku, HI 96793.	*http://www.msc.fema.gov/lomc*	Mar. 28, 2016	150003

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.
Nevada: Douglas	Unincorporated areas of Douglas County (15–09–2371P).	The Honorable Doug N. Johnson, Chairman, Board of Supervisors, Douglas County, P.O. Box 218, Minden, NV 89423.	Public Works Department, 1615 Eighth Street, Minden, NV 89423.	*http://www.msc.fema.gov/lomc*	Mar. 24, 2016	320008

[FR Doc. 2016–00869 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1553]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. 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). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before April 18, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables 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.

You may submit comments, identified by Docket No. FEMA–B–1553 to 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.*

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: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed 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. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies will be identified by the unique project number and Preliminary FIRM date listed in the tables. 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: December 22, 2015.

Roy E. Wright,

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

I. Non-watershed-based studies:

Community	Community map repository address
Coconino County, Arizona and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 12–09–1963S Preliminary Date: July 30, 2015**	
Unincorporated Areas of Coconino County	Community Development Department, 2500 North Fort Valley Road, Building 1, Flagstaff, AZ 86001.
Calaveras County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 09–09–3057S Preliminary Date: August 26, 2015**	
Unincorporated Areas of Calaveras County	Calaveras County Planning Department, 891 Mountain Ranch Road, San Andreas, CA 95249.
Los Angeles County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 11–09–0919S Preliminary Date: September 15, 2015**	
City of Los Angeles	Department of Public Works, Stormwater Public Counter, 1149 South Broadway, 8th Floor, Los Angeles, CA 90015.
Unincorporated Areas of Los Angeles County	Public Works Headquarters, Watershed Management Division, 900 South Fremont Avenue, Alhambra, CA 91803.
Marin County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 11–09–0850S Preliminary Date: July 29, 2015**	
Unincorporated Areas of Marin County	Department of Public Works, 3501 Civic Center Drive, Room 304, San Rafael, CA 94903.
Sonoma County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 11–09–0849S Preliminary Date: July 29, 2015**	
Unincorporated Areas of Sonoma County	Permit and Resource Management, 2550 Ventura Avenue, Santa Rosa, CA 95403.
Hawaii County, Hawaii	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project: 10–09–2502S Preliminary Dates: July 25, 2011, August 13, 2015**	
Hawaii County	Department of Public Works, Engineering Division, Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720; or
	Department of Public Works, Engineering Division, 74–5044 Ane Keohokalole Highway, Building D, 1st Floor, Kailua-Kona, HI 96740.
Whiteside County, Illinois and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata* **Project:12–05–8928S Preliminary Date: July 31, 2015**	
City of Fulton	Fulton City Hall, 415 11th Avenue, Fulton, IL 61252.
Unincorporated Areas of Whiteside County	Whiteside County Courthouse, 200 East Knox Street, Morrison, IL 61270.

[FR Doc. 2016–00773 Filed 1–15–16; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2016–0005; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before February 18, 2016.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2016–0005.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2016–0005; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information). *Viewing Comments:* Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

Endangered Species

Applicant: Liliana Cortes Ortiz, Ann Arbor, MI; PRT–75995B

The applicant requests a permit to import biological samples from wild howler monkeys (*Alouatta palliate palliate*) for the purpose of enhancement of the survival of the species/scientific research. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Institute for the Conservation of Tropical Environments, SUNY at Stony Brook, Stony Brook, NY; PRT–75939B

The applicant requests a permit to import museum samples from wild specimens of golden bamboo lemur (*Hapalemur aureus*) for the purpose of scientific research.

Applicant: Duke Lemur Center, Durham, NC; PRT–80481B

The applicant requests a permit to import two captive-bred, black lemurs (*Eulemur macaco*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Duke Lemur Center, Durham, NC; PRT–80482B

The applicant requests a permit to export two captive-bred, black lemurs (*Eulemur macaco*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Springhill Wildlife Park, Calvert, TX; PRT–002692

The applicant requests an amendment of a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: brown lemur (*Eulemur fulvus*), ring-tailed lemur (*Lemur catta*), red ruffed lemur (*Varecia rubra*), and

black and white ruffed lemur (*Varecia variegata*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Elizabeth Conner, Jonesboro, GA; PRT–76748B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: radiated tortoise (*Astrochelys radiata*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Zoological Wildlife Conservation Center, Rainier, OR; PRT–54918B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: jackass penguin (*Spheniscus demersus*), woylie (*Bettongia penicillata*), ring-tailed lemur (*Lemur catta*), black and white ruffed lemur (*Varecia variegata*), red-ruffed lemur (*Varecia rubra*), Cottontop tamarin (*Saguinus oedipus*), Lar gibbon (*Hylobates lar*), clouded leopard (*Neofelis nebulosa*), and snow leopard (*Uncia uncia*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Ryder Scientific, R.L.L.L.P., Putnam Valley, NY; PRT–84796B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Nile crocodile (*Crocodylus niloticus*), Cuban crocodile (*Crocodylus rhombifer*), Siamese crocodile (*Crocodylus siamensis*), Saltwater crocodile (*Crocodylus porosus*), West African dwarf crocodile (*Osteolaemus tetraspis osborni*), Galapagos tortoise (*Chelonoidis nigra*), and Military macaw (*Ara militaris*). This notification covers activities to be conducted by the applicant over a 5-year period.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2016–00807 Filed 1–15–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2016–N006; 91100–3740–GRNT 7C]

Announcement of Public Meeting Via Teleconference: North American Wetlands Conservation Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The North American Wetlands Conservation Council (Council) will meet via teleconference to select North American Wetlands Conservation Act (NAWCA) U.S. small grant proposals for reporting to the Migratory Bird Conservation Commission (Commission). This teleconference is open to the public, and interested persons may present oral or written statements.

DATES: The teleconference is scheduled for February 24, 2016, at 2 p.m. Eastern Standard Time. If you are interested in presenting information at this public teleconference, contact the Council Coordinator no later than February 19, 2016.

ADDRESSES: Because this is a teleconference, there is no meeting venue. Individuals wishing to participate in the teleconference should contact the Council Coordinator no later than February 19, 2016, for the call-in information and so we can ensure that we have an adequate number of lines.

FOR FURTHER INFORMATION CONTACT: Sarah Mott, Council Coordinator, by phone at 703–358–1784; by email at *dbhc@fws.gov;* or by U.S. mail at U.S. Fish and Wildlife Service, 5275 Leesburg Pike MS: MB, Falls Church, Virginia 22041.

SUPPLEMENTARY INFORMATION:

About the Council

In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Commission.

The NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. Project proposal due dates, application instructions, and eligibility requirements are available on the NAWCA Web site at *www.fws.gov/birds/grants/north-american-wetland-conservation-act.php.*

PUBLIC INPUT

If you wish to:	You must contact the Council Coordinator (see FOR FURTHER INFORMATION CONTACT) no later than
(1) Request call-in information for the Council teleconference.	February 19, 2016.
(2) Submit written information or questions before the Council for consideration during the teleconference.	February 19, 2016.
(3) Listen to the Council Meeting.	February 24, 2016.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions to be consider during the public teleconference. If you wish to submit a written statement, so that the information may be made available to the Council for their consideration prior to the teleconference, you must contact the Council Coordinator by the date in Public Input. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the teleconference will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator by the date above, in writing (preferably via email; see FOR FURTHER INFORMATION CONTACT), to be placed on the public speaker list for this teleconference. Nonregistered public speakers will not be considered during the Council teleconference. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, are invited to submit written statements to the Council within 30 days following the teleconference.

Teleconference Minutes

Summary minutes of the Council teleconference will be maintained by the Council Coordinator at the address under **FOR FURTHER INFORMATION CONTACT**. Teleconference notes will be available by contacting the Council Coordinator within 30 days following the teleconference. Personal copies may be purchased for the cost of duplication.

Jerome Ford,

Assistant Director, Migratory Birds.

[FR Doc. 2016–00826 Filed 1–15–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA942000 L57000000.BX0000 15X L5017AR]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land Management, California State Office, Sacramento, California.

DATES: February 18, 2016.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way W–1623, Sacramento, California 95825, 1–916–978–4310. 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: A person or party who wishes to protest a survey must file a notice that they wish to protest with the Chief, Branch of Geographic Services. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Chief, Branch of Geographic Services within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Mount Diablo Meridian, California

T. 5 N., R. 10 E., dependent resurvey and subdivision of section 32, accepted January 7, 2016.

T. 1 S., R. 18 E., dependent resurvey and subdivision of section 10, accepted January 7, 2016.

San Bernardino Meridian, California

T. 4 N., R. 3 E., dependent resurvey, subdivision of sections and metes-and-bounds survey accepted November 16, 2015.

T. 4 N., R. 4 E., dependent resurvey, subdivision of sections and metes-and-bounds survey accepted November 19, 2015.

T. 7 S., R. 15 E., supplemental plat of the SE 1/4 of section 33, accepted November 20, 2015.

T. 8 S., R. 12 E., supplemental plat of the NW 1/4 of section 5, accepted November 24, 2015.

T. 7 S., R. 12 E., supplemental plat of the SE 1/4 and the SW 1/4 of section 36, accepted November 24, 2015.

T. 8 S., R. 17 E., supplemental plat of the SW 1/4 of section 32, accepted November 24, 2015.

T. 2 N., R. 10 E., dependent resurvey and metes-and-bounds survey accepted December 1, 2015.

T. 6 N., R. 4 E., dependent resurvey and metes-and-bounds survey accepted December 21, 2015.

T. 6 N., R. 3 E., dependent resurvey and metes-and-bounds survey accepted December 21, 2015.

T. 5 N., R. 3 E., dependent resurvey, survey and metes-and-bounds survey accepted December 29, 2015.

Authority: 43 U.S.C., Chapter 3.

Dated: January 12, 2016.

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2016–00851 Filed 1–15–16; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–19652; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Thomas Burke Memorial Washington State Museum, University of Washington (Burke Museum) has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on July 30, 2013. This notice corrects the number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Burke Museum at the address in this notice by February 18, 2016.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 x2, email *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Burke Museum, Seattle, WA. The human remains and associated funerary objects were removed from Island County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal

agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (78 FR 45958–45959, July 30, 2013). While cataloging, additional documentation was found indicating that three items were funerary objects. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (78 FR 45958–45959, July 30, 2013), paragraph 7, sentence 5 is corrected by substituting the following sentence:

> The 35 associated funerary objects are 2 lots of unmodified wood; 2 lots of wood grave stakes; 2 metal objects; 1 pair of scissors; 1 black plastic comb; 2 shells; 1 modified bone fragment; 1 unmodified bone fragment; 1 stone abrader; 1 .22 caliber gun; 3 bags of buttons (glass, porcelain, bone, copper); 8 U.S. coins; 1 porcelain doll head; 1 bag containing metal buckle fragments; 1 lot of marbles; 1 stone ulu; and 6 composite artifact bags containing wood, nails, charcoal, pebbles, metal, leather, watch faces, a watch chain, and organic and inorganic materials.

In the **Federal Register** (78 FR 45958–45959, July 30, 2013), paragraph 20 is corrected by substituting the following paragraph:

> Pursuant to 25 U.S.C. 3001(3)(A), the 35 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 x2, email *plape@uw.edu* by February 18, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Lummi Tribe of the Lummi Reservation; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; the Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Swinomish Indian Tribal Community (previously known as Swinomish Indians of the Swinomish Reservation of Washington); and the Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington) may proceed.

The Burke Museum is responsible for notifying the Lummi Tribe of the Lummi Reservation; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Swinomish Indian Tribal Community (previously known as Swinomish Indians of the Swinomish Reservation of Washington); Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe that this notice has been published.

Dated: October 21, 2015.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–00915 Filed 1–15–16; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF INTERIOR

National Park Service

[NPS–SERO–CONG–19127; PPSESEROC3, PMP00UP05.YP0000]

Assessment of Eligible and Ineligible Lands for Consideration as Wilderness Areas, Congaree National Park, South Carolina

AGENCY: National Park Service, Interior.

ACTION: Notice of intent.

SUMMARY: The NPS intends to assess certain lands within the authorized boundary of Congaree National Park for wilderness eligibility.

DATES: The eligibility assessment will begin on November 2, 2015 and is anticipated to be completed by January 29, 2016.

FOR FURTHER INFORMATION CONTACT: Suggestions, comments, and requests for further information should be directed to Congaree National Park Integrated Resources Program Manager Liz Struhar by phone at 803–647–3968, email *Liz_Struhar@nps.gov,* or by mail at Congaree National Park, 100 National Park Road, Hopkins, South Carolina 29061.

SUPPLEMENTARY INFORMATION: Pursuant to the Wilderness Act of 1964, and in accordance with National Park Service (NPS) Management Policies (2006), Section 6.2.1, the NPS intends to assess certain lands within the authorized boundary of Congaree National Park for wilderness eligibility. The lands to be assessed are approximately 4,576 acres added to the park boundary since 2003 by virtue of Section 148 of Public Law 108–108 (November 10, 2003) and approximately 100 acres under consideration for addition to the park via NPS' minor boundary modification authority (54 U.S.C. 100506 (c)(5)). A determination of eligibility and subsequent future actions will be announced in the **Federal Register** upon completion of the assessment.

Dated: December 28, 2015.

Stan Austin,

Regional Director, Southeast Region.

[FR Doc. 2016–00804 Filed 1–15–16; 8:45 am]

BILLING CODE 4310–JD–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–YOSE–19170; PS.SPWLA0056.00.1]

Minor Boundary Revision at Yosemite National Park

AGENCY: National Park Service, Interior.

ACTION: Notification of Boundary Revision.

SUMMARY: The boundary of Yosemite National Park is modified to include 400 acres of land located in Tuolumne County, California, immediately adjoining the current park boundary. Subsequent to the proposed boundary revision, the National Park Service (NPS) will acquire the land by donation from The Trust for Public Land, a nonprofit conservation organization.

DATES: The effective date of this boundary revision is January 19, 2016.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Pacific West Region, 333 Bush Street, Suite 500, San Francisco, CA 94104, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief Realty Officer Gregory Gress, National Park Service, Land Resources Program Center, Pacific West Region, 333 Bush Street, Suite 500, San Francisco, CA 94104, telephone (415) 623–2120.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of Yosemite National Park is modified to include 400 acres of land known as Ackerson

Meadow and identified as NPS Tract 20–133, Tuolumne County tax parcel number 068–210–02–00. The boundary revision is depicted on Map No. 104–127401 dated August 2015.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. The inclusion of the Ackerson Meadow property within the park will enable the NPS to properly protect and manage significant animal and plant habitat.

Dated: October 7, 2015.

Martha J. Lee,

Acting Regional Director, Pacific West Region.

This document was received at the **Federal Register** on January 12, 2016.

[FR Doc. 2016–00790 Filed 1–15–16; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–19632; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Carnegie Museum of Natural History, Pittsburgh, Pennsylvania; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Carnegie Museum of Natural History has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on December 1, 2014. This notice corrects the number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Carnegie Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Carnegie Museum of Natural History at the address in this notice by February 18, 2016.

ADDRESSES: Deborah G. Harding, Carnegie Museum of Natural History, 5800 Baum Boulevard, Pittsburgh, PA 15206, telephone (412) 665–2606.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects in the possession of the Carnegie Museum of Natural History, Pittsburgh, PA. The human remains and associated funerary objects were removed from the Chambers Site, 36LR11, in Lawrence County, PA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (79 FR 71120, December 1, 2014). Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (79 FR 71120, December 1, 2014), paragraph 7, sentence 5, is corrected by substituting the following sentence:

> The 3,336 associated funerary objects include 3,055 glass seed; 8 tubular beads; 1 mass of seed beads in matrix (uncounted); 2 silver hair ornaments; 9 copper alloy tinklers; 140 wrought iron nails and fragments and attached wood (coffin fragments); 2 hawk bells; 2 thimbles; 1 copper alloy brooch or buckle; 1 braided wire bracelet; 1 silver band or bracelet; 1 copper alloy bracelet; 1 iron knife blade; 15 grit-tempered pottery fragments; 32 fragments of non-human bone (deer, sheep or goat, pig, and cow); 20 chipped stone tools; 52 chipped stone flakes and fragments; 3 ground stone pieces; 5 projectile points; 4 hammerstones; 2 hematite fragments; 5 pieces of charcoal; 1 piece of bark or fabric; 1 tiny fragment of organic material; 1 lump of matrix containing bone or metal fragments; and 1 natural stone.

In the **Federal Register** (79 FR 71120, December 1, 2014), paragraph 11 is corrected by substituting the following:

- Pursuant to 25 U.S.C. 3001(3)(A), the 3,336 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Deborah G. Harding, Carnegie Museum of Natural History, 5800 Baum Boulevard, Pittsburgh, PA 15206, telephone (412) 665–2606, by February 18, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Delaware Tribe of Indians may proceed.

The Carnegie Museum of Natural History is responsible for notifying the Delaware Tribe of Indians that this notice has been published.

Dated: October 21, 2015.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2016–00916 Filed 1–15–16; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1279 (Preliminary)]

Hydrofluorocarbon Blends and Components From China; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of hydrofluorocarbon blends and components from China, provided for in subheadings 3824.78.00 and 2903.39.20 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce ('Commerce'') of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On June 25, 2015, American HFC Coalition, and its members: Amtrol, Inc., West Warwick, Rhode Island; Arkema, Inc., King of Prussia, Pennsylvania; The Chemours Company FC LLC, Wilmington, Delaware; Honeywell International Inc., Morristown, New Jersey; Hudson Technologies, Pearl River, New York; Mexichem Fluor Inc., St. Gabriel, Louisiana; Worthington Industries, Inc., Columbus, Ohio; and District Lodge 154 of the International Association of Machinists and Aerospace Workers filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured by reason of LTFV imports of hydrofluorocarbon blends and components from China. Accordingly, effective July 2, 2015, the Commission, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), instituted antidumping duty investigation No. 731–TA–1279 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 2, 2015 (80 FR 38231). The conference was held in Washington, DC, on July 16, 2015, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on August 10, 2015. The views of the Commission are contained in USITC Publication 4558 (August 2015), entitled *Hydrofluorocarbon Blends and Components from China: Investigation No. 731–TA–1279 (Preliminary).*

By order of the Commission.
Dated: August 11, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

EDITORIAL NOTE: This document was received for publication by the Office of the Federal Register on January 13, 2016.

[FR Doc. 2016–00874 Filed 1–15–16; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–556]

Generalized System of Preferences: Possible Modifications, 2015 Review

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on December 30, 2015, from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–556, *Generalized System of Preferences: Possible Modifications, 2015 Review,* for the purpose of providing advice and information relating to the possible designation of additional articles, removal of articles, and waiver of competitive need limitations.

DATES:

February 1, 2016: Deadline for filing requests to appear at the public hearing.

February 3, 2016: Deadline for filing pre-hearing briefs and statements.

February 24, 2016: Public hearing.

February 29, 2016: Deadline for filing post-hearing briefs and statements.

February 29, 2016: Deadline for filing all other written submissions.

April 28, 2016: Transmittal of Commission report to the United States Trade Representative.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Mahnaz Khan, Project Leader, Office of Industries (202–205–2046 or *mahnaz.khan@usitc.gov*), Jessica Pugliese, Deputy Project Leader, Office of Industries (202–205–3064 or *jessica.pugliese@usitc.gov*), or Cynthia Foreso, Technical Advisor, Office of Industries (202–205–3348 or *cynthia.foreso@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background

In his letter, the USTR requested the advice and information described below.

(1) Advice concerning the probable economic effect of elimination of U.S. import duties on certain articles from all beneficiary developing countries under the GSP program. In accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the Trade Act of 1974, as amended (''the 1974 Act'') (19 U.S.C. 2463(a)(1)(A), 2463(e), and 2151(a)), and pursuant to the authority of the President delegated to the USTR by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the USTR notified the Commission that the articles identified in Table A of the Annex to the USTR request letter are being considered for designation as eligible articles for purposes of the GSP program. The USTR requested that the

Commission provide its advice as to the probable economic effect on total U.S. imports, U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties on the articles identified in Table A of the Annex to the USTR request letter for all beneficiary developing countries under the GSP program (see Table A below).

(2) Advice concerning the probable economic effect of elimination of U.S. import duties on certain handbags and travel goods products for least-developed beneficiary developing countries (LDBDCs) and certain African Growth and Opportunity (AGOA) countries. In accordance with sections 503(a)(1)(B), 503(e), 506A(b)(1), and 131(a) of the 1974 Act, and pursuant to the authority of the President delegated to the USTR by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930, the USTR notified the Commission that certain handbags and travel goods products identified in Table A of the Annex to the USTR request letter are also being considered for designation as eligible articles for countries designated as least-developed beneficiary developing countries (LDBDCs) and for countries listed in section 107 of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3706). The USTR requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, U.S. industries producing like or directly competitive articles, and on U.S. consumers of the elimination of U.S. import duties on certain handbag and travel goods products identified in Table A for LDBDCs, AGOA beneficiary developing countries, and both LDBDCs and AGOA beneficiary developing countries combined under the GSP program (see Table A below).

TABLE A—POSSIBLE ADDITIONS TO THE LIST OF PRODUCTS ELIGIBLE FOR THE GSP ELIGIBLE PRODUCTS

HTS Subheading or statistical reporting number	Brief description	Country(ies)
2204.21.20	Effervescent wine	Beneficiary Developing Countries.
3301.13.00	Essential oils of lemon	Beneficiary Developing Countries.
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon.	Beneficiary Developing Countries.
4202.11.00; 4202.11.00.30; 4202.11.00.90; 4202.12.40; 4202.21.60; 4202.21.90; 4202.22.15; 4202.22.45; 4202.31.60; 4202.32.40; 4202.32.80; 4202.92.15; 4202.92.20; 4202.92.45; 4202.99.90; 4202.12.20.20; 4202.12.20.50; 4202.12.80.30; 4202.12.80.70; 4202.22.80.50; 4202.32.95.50; 4202.32.95.60; 4202.91.00.30; 4202.91.00.90.	Certain handbags and travel goods products	Beneficiary Developing Countries, Less Developed Beneficiary Developing countries, and AGOA countries.

(3) Advice concerning the probable economic effect of removal of certain articles from specified countries from eligibility for duty-free treatment. The USTR notified the Commission that certain articles are being considered for removal from eligibility for duty free treatment under the GSP program from specified countries. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, with respect to articles listed in Table B of the Annex to the USTR request letter, the USTR requested that the Commission provide its advice as to the probable economic effect of the removal from eligibility for duty-free treatment under the GSP program for such articles from the specified country on total U.S. imports, U.S. industries producing like or directly competitive articles, and on U.S. consumers (see Table B below).

TABLE B—POSSIBLE REMOVALS FROM DUTY-FREE STATUS FROM THE SPECIFIED COUNTRY FOR A PRODUCT ON THE LIST OF ELIGIBLE ARTICLES FOR THE GSP

HTS Subheading	Brief description	Country
3204.20.10	Fluorescent brightening agent 32	India and Indonesia.
3204.20.80	Other fluorescent brightening agents	India and Indonesia.
3907.60.00	PET resin (polyethylene terephthalate in primary forms)	India.
3920.62.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, of polyethylene terephthalate.	Brazil.
3921.90.40	Nonadhesive plates, sheets, film, foil and strip, flexible, nesoi, of noncellular plastics.	Brazil.

(4) Advice concerning waiver of certain competitive need limitations. Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, and in accordance with section 503(d)(1)(A) of the 1974 Act, the USTR requested that the Commission provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitations specified in section 503(c)(2)(A) of the 1974 Act for the countries and articles specified in Table C of the attached Annex to the request letter (see Table C below). Further, in accordance with section 503(c)(2)(E) of the 1974 Act, the USTR requested that the Commission provide its advice with respect to whether like or directly competitive products were being produced in the United States on January 1, 1995. The USTR also requested that the Commission provide its advice as to the probable economic effect on total U.S. imports, as well as on consumers, of the requested waivers. With respect to the competitive need limit in section 503(c)(2(A)(i)(I) of the 1974 Act, the USTR requested that the

Commission use the dollar value limit of $170,000,000.

TABLE C—POSSIBLE WAIVERS OF THE CNL FROM A SPECIFIC COUNTRY

HTS Subheading	Brief description	Country
0804.10.60	Dates, fresh or dried, whole, without pits, packed in units weighing over 4.6 kg.	Tunisia.
1509.10.40	Virgin olive oil and its fractions, whether or not refined, not chemically modified, weighing with the immediate container 18 kg or over.	Tunisia.
2102.20.60	Single-cell micro-organisms, dead, excluding yeasts, (but not including vaccines of heading 3002).	Brazil.
2202.90.90	Nonalcoholic beverages, nesi, not including fruit or vegetable juices of heading 2009.	Thailand.
2804.29.00	Rare gases, other than argon	Ukraine.
4202.92.04	Insulated beverage bag w/outer surface textiles, interior only flexible plastic container storing/dispensing beverage thru flexible tubing.	Philippines.
6911.10.37	Porcelain or china (o/than bone china) household table & kitchenware in sets in which aggregate val. of arts./ U.S. note 6(b) o/$56 n/o $200.	Indonesia.
8708.50.95	Parts & accessories of motor vehicle of 8701, nesoi, 8702 and 8704–8705, half-shafts.	India.

Time for reporting, HTS detail, portions of report to be classified. As requested by the USTR, the Commission will provide the requested advice and information by April 28, 2016. The USTR asked that the Commission issue, as soon as possible thereafter, a public version of the report containing only the unclassified information, with any confidential business information deleted. As requested, the Commission will provide its advice and statistics (profile of the U.S. industry and market and U.S. import and export data) and any other relevant information or advice separately and individually for each U.S. Harmonized Tariff Schedule subheading for all products subject to the request. The USTR indicated that those sections of the Commission's report and working papers that contain the Commission's advice and assessment will be classified as ''confidential.'' The USTR also stated that his office considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

Public Hearing

A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on February 24, 2016. Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., February 1, 2016. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., February 3, 2016; and all post-hearing briefs and statements should be filed no later than 5:15 p.m., February 29, 2016. All requests to appear, and pre- and post-hearing briefs and statements should be filed in accordance with the requirements of the ''written submissions'' section below.

Written Submissions

In lieu of or in addition to appearing at the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., February 29, 2016. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's *Handbook on Filing Procedures* require that interested parties file documents *electronically* on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. Additionally, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel (a) for cybersecurity purposes or (b) in monitoring user activity on U.S. government classified networks. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions

The Commission intends to publish summaries of the positions of interested persons. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: January 12, 2016.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2016–00771 Filed 1–15–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Lipomed, Inc.

ACTION: Notice of registration.

SUMMARY: Lipomed, Inc. applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Lipomed, Inc. registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated June 25, 2015, and published in the **Federal Register** on July 6, 2015, 80 FR 38468, Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142 applied to be registered as an importer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Lipomed, Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of controlled substances:

Controlled substance	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Mephedrone (4-Methyl-N-methylcathinone) (1248)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
Mecloqualone (2572)	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) (6250)	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) (7008)	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole) (7019)	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) (7081)	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole (7104)	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl) indole) (7118)	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) (7122)	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole) (7173)	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl) indole) (7200)	I
AM–2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) (7201)	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) (7203)	I
Alpha-ethyltryptamine (7249)	I
Ibogaine (7260)	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol) (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7) (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Parahexyl (7374)	I
Mescaline (7381)	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2) (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole (7398)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I

Controlled substance	Schedule
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473)	I
N-Ethyl-3-piperidyl benzilate (7482)	I
N-Methyl-3-piperidyl benzilate (7484)	I
N-Benzylpiperazine (7493)	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D) (7508)	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E) (7509)	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) (7517)	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) (7518)	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C) (7519)	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N) (7521)	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P) (7524)	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4) (7532)	I
MDPV (3,4-Methylenedioxypyrovalerone) (7535)	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540)	I
AM–694 (1-(5-Fluropentyl)-3-(2-iodobenzoyl) indole) (7694)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Cyprenorphine (9054)	I
Desomorphine (9055)	I
Etorphine (except HCl) (9056)	I
Codeine methylbromide (9070)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-oxide (9307)	I
Myrophine (9308)	I
Nicocodeine (9309)	I
Nicomorphine (9312)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Thebacon (9315)	I
Acetorphine (9319)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetyl-methadol (9603)	I
Alphamethadol (9605)	I
Dioxaphetyl butyrate (9621)	I
Dipipanone (9622)	I
Ethylmethylthiambutene (9623)	I
Etonitazene (9624)	I
Etoxeridine (9625)	I
Furethidine (9626)	I
Hydroxypethidine (9627)	I
Ketobemidone (9628)	I
Levomoramide (9629)	I
Levophenacylmorphan (9631)	I
Morpheridine (9632)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Norpipanone (9636)	I
Phenadoxone (9637)	I
Phenampromide (9638)	I
Phenoperidine (9641)	I
Piritramide (9642)	I
Proheptazine (9643)	I

Controlled substance	Schedule
Properidine (9644)	I
Racemoramide (9645)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
Propiram (9649)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
4-Anilino-N-phenethyl-4-piperidine (8333)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Etorphine HCl (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-B (9233)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Metopon (9260)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Dihydroetorphine (9334)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Phenazocine (9715)	II
Piminodine (9730)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Bezitramide (9800)	II
Fentanyl (9801)	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: January 11, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00789 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: American Radiolabeled Chemicals, Inc.

ACTION: Notice of registration.

SUMMARY: American Radiolabeled Chemicals, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants American Radiolabeled Chemicals, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated October 2, 2015, and published in the **Federal Register** on October 13, 2015, 80 FR 61469, American Radiolabeled Chemicals, Inc., 101 Arc Drive, Saint Louis, Missouri 63146 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of American Radiolabeled Chemicals, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Dimethyltryptamine (7435)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Dated: January 11, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00779 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Siegfried USA, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before February 18, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before February 18, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 12, 2015, Siegfried USA, LLC, 33 Industrial Park Road, Pennsville, New Jersey 08070 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to manufacture bulk active pharmaceuticals ingredients (API) for distribution to its customer.

Dated: January 11, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00783 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Apertus Pharmaceuticals

ACTION: Notice of registration.

SUMMARY: Apertus Pharmaceuticals applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Apertus Pharmaceuticals registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION:

By notice dated October 2, 2015, and published in the **Federal Register** on October 13, 2015, 80 FR 61470, Apertus Pharmaceuticals, 331 Consort Drive, Ballwin, Missouri 63011 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Apertus Pharmaceuticals to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled Substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Remifentanil (9739)	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug codes 7360 marihuana and 7370 tetrahydrocannabinols the company plans to bulk manufacture both as synthetic substances. No other activity for these drug codes is authorized for this registration.

Dated: January 11, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00778 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Rhodes Technologies

ACTION: Notice of registration.

SUMMARY: Rhodes Technologies applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Rhodes Technologies registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated August 21, 2015, and published in the **Federal Register** on August 31, 2015, 80 FR 52511, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Rhodes Technologies to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Tetrahydrocannabinols (7370)	I
Dihydromorphine (9145)	I
Methylphenidate (1724)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for conversion and sale to dosage form manufacturers.

In reference to drug code 7370 the company plans to bulk manufacture synthetic tetrahydrocannabinols. No other activity for this drug code is authorized for this registration.

Dated: January 11, 2016.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–00781 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0321]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection: National Institute of Justice Compliance Testing Program

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, National Institute of Justice (NIJ), 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.

DATES: Comments are encouraged and will be accepted for 60 days until *March 21, 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: Michael O'Shea (202) 305–7954, National Institute of Justice (NIJ), Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW., Washington, DC 20531 or *Jamie.phillips@usdoj.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 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;

—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:* Revision of a currently approved collection.

2 *The Title of the Form/Collection:* National Institute of Justice Compliance Testing Program (NIJ CTP). This collection consists of eight forms: NIJ CTP Applicant Agreement; NIJ CTP Authorized Representatives Notification; NIJ CTP Body Armor Build Sheet; NIJ CTP Ballistic Body Armor Agreement; NIJ CTP Manufacturing Location Notification; NIJ CTP Multiple Listee Notification; NIJ Approved Laboratory Application and Agreement; NIJ CTP Electronic Signature Agreement.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A, National Institute of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Applicants to the NIJ Compliance Testing Program and Testing Laboratories. Other: None. The purpose of the voluntary NIJ Compliance Testing Program (CTP) is to provide confidence that equipment used for law enforcement and corrections applications meets minimum published performance requirements.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

NIJ CTP Applicant Agreement: Estimated 80 respondents at 1 hour each;

NIJ CTP Authorized Representatives Notification: Estimated 25 respondents at 15 minutes each;

NIJ CTP Body Armor Build Sheet: Estimated 60 respondents (estimated 150 responses) at 1 hour each;

NIJ CTP Body Armor Agreement: Estimated 60 respondents (estimated 150 responses) at 15 minutes each;

NIJ CTP Manufacturing Location Notification: Estimated 60 respondents (estimated 100 responses) at 15 minutes each;

NIJ CTP Listee Notification: Estimated 60 respondents at 15 minutes each;

NIJ Approved Laboratory Application and Agreement: Estimated 5 respondents at 1 hour each;

NIJ CTP Electronic Signature Agreement: Estimated 60 respondents at 10 minutes each.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information is 328 hours in the first year and 289 hours each subsequent year.

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: January 13, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00877 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Tracing Center Trace Request, ATF F 3312.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: Corrected 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until March 21, 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 Larry Penninger, Jr., National Tracing Center, 244 Needy Road, Martinsburg, WV 25405, at telephone number of email: 1–800–788–7133 or *larry.penninger@atf.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 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;
- 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 (*check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* National Tracing Center Trace Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 3312.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government.

Other (if applicable): State, Local, or Tribal Government.

Abstract: The ATF Form 3312.1 is used by Federal, State, local and certain

foreign law enforcement officials to request that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace firearms used or suspected to have been used in crimes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 6,103 respondents will take 6 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 34,448 hours.

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., Room 3E–405B, Washington, DC 20530.

Dated: January 12, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–00805 Filed 1–15–16; 8:45 am]

BILLING CODE 4410–FY–P

MERIT SYSTEMS PROTECTION BOARD

Notice of Opportunity To File Amicus Briefs

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) announces the opportunity to file amicus briefs in the matter of *Mark Abernathy* v. *Department of the Army,* MSPB Docket No. DC–1221–14–0364–W–1, currently pending before the Board on petition for review. Additional information concerning the question on which the Board invites amicus briefing in *Abernathy* and the required format and length of amicus briefs can be found in the Supplementary Information below.

DATES: All briefs submitted in response to this notice must be received by the Clerk of the Board on or before February 9, 2016.

ADDRESSES: All briefs shall be captioned ''*Mark Abernathy* v. *Department of the Army''* and entitled ''Amicus Brief.'' Only one copy of the brief need be submitted. The Board encourages interested parties to submit amicus briefs as attachments to electronic mail addressed to *mspb@mspb.gov.* An email should contain a subject line indicating that the submission contains an amicus brief in the *Abernathy* case. Any commonly-used word processing format or PDF format is acceptable; text formats are preferable to image formats. Briefs may also be filed with William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; Fax (202) 653–7130.

FOR FURTHER INFORMATION CONTACT: Molly Leckey, Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; (202) 653–7200; *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: The administrative judge in *Abernathy* dismissed the individual right of action (IRA) appeal for lack of jurisdiction, finding that the appellant did not make a protected disclosure because, when he made the disclosure, he was neither an ''employee'' nor an ''applicant,'' but rather, a Federal contractor. Of particular relevance in *Abernathy* is the jurisdictional question of whether, under the Whistleblower Protection Act of 1989 (WPA), as amended by the Whistleblower Protection Enhancement Act of 2012 (WPEA), both the disclosure and the subject matter of the disclosure must have occurred after the individual who is seeking corrective action in an IRA appeal became an applicant or employee.

The Board believes that some ambiguity may exist in the language of the statute regarding who is covered by the WPA and WPEA. A starting point for statutory interpretation is the words of the statute itself, which must be examined to determine Congress's intent and purpose. In construing statutes, their provisions should not be read in isolation; rather, each statute's section should be construed in connection with every other section so as to produce a harmonious whole. *Yee* v. *Department of the Navy,* 121 M.S.P.R. 686 (2014). Because the WPA and WPEA are remedial legislation, the Board will interpret their provisions liberally to embrace all cases fairly within their scope, so as to effectuate the purpose of the Acts. *See Fishbein* v. *Department of Health & Human Services,* 102 M.S.P.R. 4 (2006). We now turn to the two statutory provisions in question.

The Board has jurisdiction over whistleblower claims filed pursuant to 5 U.S.C. 1221(a), as amended by WPEA § 101(b)(1)(A). Section 1221(a) provides that:

> *an employee, former employee, or applicant for employment* may, with respect to any personnel action taken, or proposed to be taken, against *such employee, former employee, or applicant for employment,* as a result of a prohibited personnel practice described in section 2302(b)(8) . . . seek corrective action from [the Board].

5 U.S.C. § 1221(a) (emphasis added).

Section 2302(b)(8) prohibits any employee who has authority to take, direct others to take, recommend, or approve any personnel action to:

> (8) take or fail to take, or threaten to take or fail to take, a personnel action with respect to *any employee or applicant for employment* because of—
>
> (A) any disclosure of information by *an employee or applicant* which *the employee or applicant* reasonably believes evidences—
>
> (i) any violation of any law, rule, or regulation, or
>
> (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or
>
> (B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which *the employee or applicant* reasonably believes evidences—
>
> (i) any violation (other than a violation of this section) of any law, rule, or regulation, or
>
> (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety[.]

5 U.S.C. § 2302(b)(8) (emphasis added).

The Board has held that, in whistleblower retaliation claims, 5 U.S.C. 1221(a) and 2302(b)(8) should be read together. *See Schmittling* v. *Department of the Army,* 92 M.S.P.R. 572 (2002). In construing section 1221(a) with section 2302(b)(8), it is possibly unclear if a request for corrective action under the WPA must concern only actions that occurred while the individual was an employee or applicant for employment. In other words, it is possibly uncertain whether, to constitute a disclosure ''by an employee or applicant,'' the disclosure of information described in section 2302(b)(8)(A), as well as the subject matter of the disclosure, must have transpired after—and not before—the individual seeking corrective action became ''an employee'' or ''an applicant for employment.''

The U.S. Court of Appeals for the Federal Circuit (Federal Circuit) addressed this question in three nonprecedential decisions, all of which were decided before the enactment of the WPEA. *See Nasuti* v. *Merit Systems Protection Board,* 376 F. App'x 29 (Fed. Cir. 2010) (per curiam) (finding that an

individual who was a former employee when the alleged personnel action and disclosure occurred could not bring a claim under the WPA); *Guzman* v. *Office of Personnel Management,* 53 F. App'x 927 (Fed. Cir. 2002) (per curiam) (construing the language of sections 1221(a) and 2302(b)(8) as permitting a former employee to bring a claim under the WPA ''only as to disclosures made . . . during the period that the complainant was an employee or applicant''); *Amarille* v. *Office of Personnel Management,* 28 F. App'x 931 (Fed. Cir. 2001) (concluding that the Board lacked jurisdiction over an IRA appeal filed by a former employee because, during the relevant time in question, he was neither an employee nor applicant for Federal employment). The Board may follow the Federal Circuit's nonprecedential decisions, to the extent that the Board finds them persuasive.

The Board, prior to the WPEA's enactment, also issued decisions ruling on the question being examined here. *See Weed* v. *Social Security Administration,* 113 M.S.P.R. 221 (2010) (finding that the appellant, who was working for the Federal Government when he filed his Office of Special Counsel complaint and when the personnel actions in dispute took place, was an ''employee'' protected by the statute, even though he was working at a different Federal agency than the one that took the personnel actions; alternatively, finding that a whistleblower need not be ''an employee, an applicant for employment or a former employee at the time he made his protected disclosures''); *Pasley* v. *Department of the Treasury,* 109 M.S.P.R. 105 (2008) (concluding that the termination of a former Federal employee by a private sector employer taken in retaliation for his protected disclosures during Federal Government employment did not meet the definition of a ''personnel action'' under the WPA); *Greenup* v. *Department of Agriculture,* 106 M.S.P.R. 202 (2007) (determining that the appellant lacked standing to challenge personnel actions taken against her while she was a county employee, but that she later was covered by the WPA after she resigned from her county job and applied, but was not selected, for a Federal position).

In light of the relevant statutory language, it could be argued that an individual seeking protection under the WPA and WPEA must have been either an employee or an applicant at the time of both the disclosure and the subject matter of the disclosure. *Adkins* v. *Office of Personnel Management,* 104 M.S.P.R. 233 (2006) (reasoning that, where the language of a statute is clear, it controls, absent an express indication of an intent to the contrary), *aff'd,* 525 F.3d 1363 (Fed. Cir. 2008).

In analyzing this question, the Board also wishes to receive comments that substantively compare and contrast the statutory language in the WPA and WPEA regarding the standing of individuals who are ''employees,'' ''former employees,'' and ''applicants for employment,'' with the analogous, yet more expansive, standing requirement language under the Uniformed Services Employment and Reemployment Rights Act of 1994 (codified at 38 U.S.C. 4301–4333) which provides, in relevant part, that ''*a person* may submit a complaint against a Federal executive agency or the Office,'' 38 U.S.C. 4324(b) (emphasis added); *see Silva* v. *Department of Homeland Security,* 112 M.S.P.R. 362 (2009).

Finally, the Board is seeking comments that address what, if any, effect the question presented here might have on other Federal whistleblower and anti-retaliation laws. This would include the Department of Defense Authorization Act of 1987, which specifically bans defense contractors and subcontractors from retaliating against employees in reprisal for disclosing to specified entities information about alleged gross mismanagement or a substantial and specific danger to public health or safety. *See* 10 U.S.C. 2409(a). Interested individuals or organizations may submit amicus briefs or other comments on the question presented in *Abernathy* no later than February 9, 2016. Amicus briefs must be filed with the Clerk of the Board. Briefs shall not exceed 30 pages in length. The text shall be double-spaced, except for quotations and footnotes, and the briefs shall be on 8 ½ by 11 inch paper with one inch margins on all four sides. All amicus briefs received will be posted on the Board's public Web site at *www.mspb.gov/SignificantCases* after February 9, 2016.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2016–00875 Filed 1–15–16; 8:45 am]

BILLING CODE 7400–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2016–012]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA gives public notice that it proposes to request extension of Identification Card Request, NA Form 6006, which will be used by NARA employees, on-site contractors, volunteers, Foundation members, Interns, and others in order to obtain a NARA Identification Card. We invite you to comment on these proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before March 21, 2016.

ADDRESSES: Send comments to Paperwork Reduction Act Comments (ISSD), Room 4400; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, fax them to 301–713–7409, or email them to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm by telephone at 301–837–1694 or fax at 301–713–7409 with requests for additional information or copies of the proposed information collections and supporting statements.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) whether the proposed information collection is necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collection and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether this collection affects small businesses. We will summarize any comments you submit and include the summary in our request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA solicits comments concerning the following information collections:

Title: Identification Card Request
OMB number: 3095–0057
Agency form number: NA Form 6006
Type of review: Regular
Affected public: Individuals or households, Business or other for-profit, Federal government
Estimated number of respondents: 1,500
Estimated time per response: 3 minutes
Frequency of response: On occasion
Estimated total annual burden hours: 75 hours
Abstract: The collection of information is necessary as to comply with HSPD–12 requirements. Use of the form is authorized by 44 U.S.C 2104. At the NARA College Park facility, individuals receive a proximity card with the identification badge that is electronically coded to permit access to secure zones ranging from a general nominal level to stricter access levels for classified records zones. The proximity card system is part of the security management system that meets the accreditation standards of the Government intelligence agencies for storage of classified information and serves to comply with E.O. 12958.

Dated: January 12, 2016.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2016–00925 Filed 1–15–16; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, January 21, 2016.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. NCUA's Rules and Regulations, Office of Minority and Women Inclusion Reporting Structure.
2. NCUA's 2017–2021 Strategic Plan.
3. Overhead Transfer Rate Methodology.
4. Federal Credit Union Operating Fee Methodology.

RECESS: 11:30 a.m.

TIME AND DATE: 11:45 a.m., Thursday, January 21, 2016.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Briefing on Supervisory Matter. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).
2. Personnel. Closed pursuant to Exemptions (2), and (6).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2016–00986 Filed 1–14–16; 4:15 pm]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0005]

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 December 22, 2015, to January 4, 2016. The last biweekly notice was published on January 5, 2016.

DATES: Comments must be filed by February 18, 2016. A request for a hearing must be filed March 21, 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–2016–0005. 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: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5411, email: *Shirley.Rohrer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0005 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–2016–0005.
- *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–2016–0005, 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 March 21, 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 March 21, 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.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS), Beaver County, Pennsylvania

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS), Ottawa County, Ohio

Date of amendment request: November 19, 2015. A publicly-available version is in ADAMS under Accession No. ML15323A138.

Description of amendment request: The amendment would change the BVPS and DBNPS Technical Specifications (TSs). Specifically, the proposed license amendment would revise TS 5.3.1, ''Unit Staff Qualifications,'' by incorporating an exception to American National Standards Institute (ANSI) Standard N18.1–1971, ''Selection and Training of Nuclear Power Plant Personnel.'' This would require licensed operators to comply with the requirements of 10 CFR part 55, ''Operators' Licenses,'' in lieu of the ANSI standard.

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.

The proposed license amendment is a change to the administrative section of the BVPS and DBNPS TS. The NRC has determined that accredited training programs based upon the systems approach to training (SAT) are acceptable for satisfying regulatory requirements contained in 10 CFR 55. The BVPS and DBNPS licensed operator training programs are Institute of Nuclear Power Operations (INPO) National Academy for Nuclear Training (NANT) accredited programs based on the SAT. Hence, the BVPS and DBNPS licensed operator training programs satisfy NRC requirements contained in 10 CFR 55. The ability of licensed operators to respond to and mitigate accidents is unchanged by the proposed TS changes. The proposed changes do not impact the design, operation, or maintenance of any plant system, structure, or component at either BVPS or DBNPS.

Based on the above, FENOC [FirstEnergy Nuclear Operating Company] concludes that 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 amendment involves changes to the BVPS and DBNPS TS that aligns the TS with 10 CFR 55. 10 CFR 55 permits the use of INPO accredited licensed operator training programs to meet regulatory requirements. The BVPS and DBNPS licensed operator training programs are accredited, therefore, the NRC requirements are satisfied. The ability of licensed operators to respond to and mitigate accidents is unchanged by the proposed TS changes. The proposed changes do not impact the design, operation, or maintenance of any plant system, structure, or component at either BVPS or DBNPS.

Based on the above discussion, FENOC concludes that 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 TS changes are administrative in nature. The proposed changes do no impact the design, operation, or maintenance of any plant system, structure, or component at either BVPS or DBNPS. The ability of licensed operators to respond and mitigate accidents is unchanged by the proposed TS changes.

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, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Mail Stop A–GO–15, Akron, OH 44308.

NRC Branch Chief: Douglas A. Broaddus.

Indiana Michigan Power Company (I&M), Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment request: November 19, 2015. A publicly-available version is in ADAMS under Accession No. ML15328A469.

Description of amendment request: The proposed changes are consistent with the NRC -approved Technical Specifications Task Force (TSTF) Traveler, TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF [Risk Informed Technical Specification Task Force] Initiative 5b.'' The proposed change relocates surveillance frequencies to a licensee controlled program, the Surveillance Frequency Control Program (SFCP).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has affirmed the applicability of the model proposed no significant hazards consideration published on July 6, 2009 (74 FR 31996). The findings presented in that evaluation are 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 relocate the specified frequencies for periodic surveillance requirements (SRs) to licensee control under a new SFCP. 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] (TSs) for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the SRs, 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 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.

No new or different accidents result from utilizing the proposed changes. 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.

Consequently, 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 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 TSs), 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, I&M will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI [Nuclear Energy Institute] 04–10, Rev. 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 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: Robert B. Haemer, Senior Nuclear Counsel, One Cook Place, Bridgman, MI 49106.

NRC Branch Chief: David L. Pelton.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: October 9, 2015. A publicly-available version is in ADAMS under Accession No. ML15282A309.

Description of amendment request: The proposed change, if approved, is to change the VCSNS, Units 2 and 3, Tier 2, Final Safety Analysis Report, with new plant-specific Emergency Action Levels (EALs) and License Conditions 2.D(12)(c), relating to initial EALs.

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, including the modification of VCSNS Units 2&3 License Conditions and submittal of the new plant-specific EALs for both units, do not impact the physical function of plant structures, systems, or components (SSC) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes.

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 changes, including the modification of VCSNS Units 2&3 License Conditions and submittal of the new plant-specific EALs for both units, do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the changes do not alter assumptions made in the safety analysis. The proposed changes are not initiators of any accidents.

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.

Margin of safety is associated with 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, including the modification of VCSNS Units 2&3 License Conditions and submittal of the new plant-specific EALs for both units, do not impact operation of the plant or its response to transients or accidents. The proposed changes do 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.

Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these proposed changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition.

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 M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC, 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: October 21, 2015. A publicly-available version is in ADAMS under Accession No. ML15295A090.

Description of amendment request: The proposed change, if approved, to depart from certified AP1000 DCD Tier 1 information and from the plant-specific Tier 2 and Tier 2* information in the Updated Final Safety Analysis Report (UFSAR) for VCSNS, Units 2 and 3, by modifying the overall design of the Central Chilled Water subsystem to relocate the Air Cooled Chiller Pump 3 (VWS–MP–03) and associated equipment from the Auxiliary Building to the Annex Building, for each unit respectively. The proposed changes include information in the combined license, Appendix C. An exemption request relating to the proposed changes to the AP1000 DCD Tier 1 is included with the request.

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 Central Chilled Water System (VWS) performs the nonsafety-related function of supplying chilled water to the heating, ventilation, and air conditioning (HVAC) systems. The only safety-related function of the VWS is to provide isolation of the VWS lines penetrating the containment. The low capacity VWS is non-seismically designed.

The change to relocate an air cooled chiller pump and associated equipment and add a chemical feed tank to this pump does not adversely affect the capability of either low capacity VWS subsystem loop to perform the system design function. This change does not have an adverse impact on the response to anticipated transient or postulated accident conditions because the low capacity VWS is a nonsafety-related and non-seismic system. No safety-related structure, system, component (SSC) or function is involved with or affected by this change. The changes to the low capacity VWS subsystem do not involve an interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the plant-specific [Updated Final Safety Analysis Report] UFSAR are not affected. The proposed VWS change does not involve a change to the predicted radiological releases due to postulated accident conditions, thus, the consequences of the accidents evaluated in the UFSAR are not affected.

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 changes to the nonsafety-related low capacity VWS subsystem do not affect any safety-related equipment, nor do they add any new interfaces to safety-related SSCs. No system or design function or equipment qualification is affected by these changes. The changes do not introduce a new failure mode, malfunction or sequence of events that could affect safety-related equipment.

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 VWS is a nonsafety-related system that performs the defense-in-depth function of providing a reliable source of chilled water to various HVAC subsystems and unit coolers and the safety-related function of providing isolation of the VWS lines penetrating the containment. The changes to the VWS do not affect the VWS containment penetrations or any other safety-related equipment or fission product barriers. The requested changes will not affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested 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: Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC, 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: November 4, 2015. A publicly-available version is in ADAMS under Accession No. ML15308A595. This accession number is corrected in this notice.

Description of amendment request: The proposed change, if approved, to depart from certified AP1000 Tier 1 information and from the plant-specific Tier 2 Updated Final Safety Analysis Report (UFSAR) information by reconfiguring the signal processing in the two processor cabinets currently planned for the Annex Building and relocating the cabinets to the Auxiliary Building. The proposed changes also change the hardware and reduce the number of functions of the cabinet as well as changing the power supply to one backed by separate diesel generators. Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1). The accession number associated with this amendment request and previous sentence are the subject of this correction.

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 design of the diverse actuation system (DAS) conform to the DAS fire-induced spurious actuation (smart fire) of the squib valves and single point failure criteria. The DAS is a nonsafety-related diverse backup to the safety-related protection and safety monitoring system (PMS). The proposed changes do not involve any accident initiating component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected. The affected equipment does not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the Updated Final Safety Analysis Report (UFSAR) accident analyses are not affected.

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 changes to the design of the DAS do not alter the performance of the DAS as a nonsafety-related diverse backup to the

PMS. The new configuration within two independent and separate processor cabinets located in the Auxiliary Building do not adversely affect any safety-related equipment or function, therefore no new accident initiator or failure mode is created. The changes to provide independent power supplies to the separate processor cabinets do not have any impact on any safety-related equipment or function, and no new accident or failure mode is created. The proposed changes do not create a new fault or sequence of events that could lead to a radioactive release. The changes do not adversely affect any safety-related equipment or structure. 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 changes to the design of the DAS do not affect any safety-related equipment or function. The proposed changes do not have any adverse effect on the ability of safety-related structures, systems, or components to perform their design basis functions. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced. 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: Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC, 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

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 Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: November 24, 2014, as supplemented by letters dated January 15, 2015, July 31, 2015, August 17, 2015, and October 23, 2015.

Brief description of amendments: The amendments revised Technical Specifications to correct non-conservative setpoints. Specifically, the Allowable Value and Nominal Trip Setpoint for the Auxiliary Feedwater Loss of Offsite Power (Function 6.d) are modified. Additionally, the values in the associated Surveillance Requirement 3.3.5.2 would be modified to the same values. As part of the change, the licensee is also proposing to add the applicable footnotes in accordance with Technical Specification Task Force-493, Revision 4, ''Clarify Application of Setpoint Methodology for LSSS Functions.''

Date of issuance: December 18, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 277 and 273. A publicly-available version is in ADAMS under Accession No. ML15320A333; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register**:* March 31, 2015 (80 FR 17085). The supplemental letters dated January 15, 2015, July 31, 2015, August 17, 2015, and October 23, 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 December 18, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: February 13, 2014, as supplemented by letter dated June 22, 2015.

Brief description of amendments: These amendments revise Technical Specification (TS) 3.4.10, ''Pressurizer Safety Valves,'' to modify as-found lift tolerances in the surveillance requirement (SR). The changes to the SR reduce the lift setpoint for valve RC–201, and increase the allowable as-found setpoint tolerance on valves RC–200 and RC–201.

Date of issuance: December 30, 2015.

Effective date: As of the date of issuance and shall be implemented at or before the end of the second refueling outage following issuance.

Amendment Nos.: 315 and 293. A publicly-available version is in ADAMS under Accession No. ML15279A191; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register***: July 22, 2014 (79 FR 42549). The supplemental letter dated June 22, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC 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 December 30, 2015.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 26, 2015.

Brief description of amendment: The amendment revised the Duane Arnold Energy Center technical specifications (TSs) Section 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' by removing the current stored diesel fuel oil, and lube oil numerical volume requirements from the TS and replacing them with diesel operating time requirements consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.''

Date of issuance: December 22, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 292. A publicly-available version is in ADAMS under Accession No. ML15310A082; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Renewed Facility Operating License No. DPR–49: The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register***: May 12, 2015 (80 FR 27200).

The Commission's related evaluation of the amendment is contained in an SE dated December 22, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: June 12, 2014, supplemented by letters dated July 9, October 9, and November 21, 2014 and June 2, 2015.

Description of amendment: The amendment authorizes a departure from VCSNS Units 2 and 3 plant-specific AP1000 Design Control Document (DCD) Tier 2* material contained within the VCSNS Units 2 and 3 Updated Final Safety Analysis Report to correct editorial errors and ensure consistency with the existing UFSAR Tier 1 and Tier 2 information.

Date of issuance: November 20, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 37. A publicly-available version is in ADAMS at Accession No. ML15280A438; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register***: September 30, 2014 (79 FR 58812).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated November 20, 2015. The supplemental letters dated July 9, October 9, and November 21, 2014 and June 2, 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**.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2 (STP), Matagorda County, Texas

Date of amendment request: April 23, 2015.

Brief description of amendment: The amendment revised the STP Technical Specification Limiting Condition for Operation (LCO) 3.4.5, ''Steam Generator Tube Integrity,'' Surveillance Requirement 4.4.5.2, Administrative Controls Specification 6.8.3.o, ''Steam Generator Program,'' and Specification 6.9.1.7, ''Steam Generator Tube Inspection Report.'' These changes are needed to address implementation issues associated with the inspection periods, and address other administrative changes and clarifications.

Date of issuance: December 28, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: Unit 1—209; Unit 2—196. A publicly-available version is in ADAMS under Accession No. ML15342A003; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register***: June 23, 2015 (80 FR 35985).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 28, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: February 17, 2015, as supplemented by letter dated September 25, 2015.

Brief description of amendments: The amendments revised Table 3.3.6.1–1, ''Primary Containment Isolation Instrumentation,'' of the Technical Specifications (TSs) to correct an inadvertent omission made by Amendment Nos. 251, 290, and 249, for Units 1, 2, and 3, respectively (ADAMS Accession No. ML042730028). Specifically, the revision added the number ''3'' to indicate Mode 3 for Function 5.g, Standby Liquid Control System (SLCS) initiation, to the column titled ''Applicable Modes or Other Specified Conditions.'' With this inadvertent error corrected, SLCS is required to be operable in Modes 1, 2, and 3.

Date of issuance: December 23, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 294 (Unit 1), 319 (Unit 2), and 277 (Unit 3). A publicly-available version is in ADAMS under Accession No. ML15321A472; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register***: May 26, 2015 (80 FR 30102). The supplemental letter dated September 25, 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 December 23, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBNP), Unit 1, Rhea County, Tennessee

Date of amendment request: August 13, 2015, as supplemented by letter dated August 27, 2015.

Brief description of amendment: The amendment revised the facility operating license to modify a license condition and add a new license condition to reflect the implementation

of the dual-unit Fire Protection Report for the WBNP.

Date of issuance: December 23, 2015.

Effective date: As of the date of issuance and shall be implemented prior to WBNP, Unit 2, entry into Mode 4, ''Hot Shutdown.''

Amendment No.: 105. A publicly-available version is in ADAMS under Accession No. ML15344A318; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Facility Operating License No. NPF–90: Amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register:*** September 4, 2015 (80 FR 53581). The supplemental letter dated August 27, 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 December 23, 2015.

No significant hazards consideration comments received: No.

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

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–00686 Filed 1–15–16; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Senior Executive Service Performance Review Board Membership

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Annual notice.

SUMMARY: Notice is given under 5 U.S.C. 4314(c)(4) of the appointment of members to the Performance Review Board (PRB) of the Occupational Safety and Health Review Commission.

DATES: Membership is effective on January 19, 2016.

FOR FURTHER INFORMATION CONTACT: Linda M. Beard, Human Resources Specialist, U.S. Occupational Safety and Health Review Commission, 1120 20th Street NW., Washington, DC 20036, (202) 606–5393.

SUPPLEMENTARY INFORMATION: The Review Commission, as required by 5 U.S.C. 4314(c)(1) through (5), has established a Senior Executive Service PRB. The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chairman of the Review Commission regarding performance ratings, performance awards, and pay-for-performance adjustments. Members of the PRB serve for a period of 24 months. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees, pursuant to 5 U.S.C. 4314(c)(5). The names and titles of the PRB members are as follows:

- Nancy P. Bray, Director, Spaceport Integration and Services, National Aeronautics and Space Administration;
- Christine M. Condon, Principal Director, Deputy Chief Information Officer for Resources and Analysis, Office of the Secretary of Defense, DOD;
- Gerri Ratliff, Deputy Division Director, National Science Foundation; and
- Monica R. Shephard, Vice Director, Joint Force Development.

Dated: January 11, 2016.

Cynthia L. Attwood,

Acting Chairman.

[FR Doc. 2016–00913 Filed 1–15–16; 8:45 am]

BILLING CODE 7600–01–P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Submission for Approval: Information Collection 3206–0259; Freedom of Information/Privacy Act Record Request Form, INV 100

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: Federal Investigative Services (FIS), U.S. Office of Personnel Management (OPM) is notifying the general public and other Federal agencies that OPM is seeking Office of Management and Budget (OMB) approval for renewal of information collection control number 3206–0259, Freedom of Information/Privacy Act Record Request Form, INV 100. OPM is soliciting comments for this collection as required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until March 21, 2016. This process is conducted in accordance with 5 CFR 1320.8(d).

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

SUPPLEMENTARY INFORMATION: The Freedom of Information/Privacy Act Record Request Form, INV 100, is an information collection completed by individuals submitting Freedom of Information (FOIA), Privacy Act, and Amendment record requests to OPM's Federal Investigative Services (FIS), Freedom of Information and Privacy Act (FOI/PA) office. OPM's FIS–FOI/PA office utilizes the optional form INV 100 to standardize collection of data elements specific to the types of record requests. Current record requests can be submitted to FIS–FOI/PA in a format chosen by the requester. Often, requests are missing data elements which require contact with the requester, thereby adding time to the process. Standardization of the data elements collected can assist with enabling FIS–FOI/PA to fulfill FOIA, Privacy Act, and Amendment requests in an efficient manner.

OPM proposes no changes to the form.

Analysis

Agency: Federal Investigative Services, U.S. Office of Personnel Management.

Title: Freedom of Information/Privacy Act Record Request Form, INV 100.

OMB Number: 3206–0259.

Affected Public: Individuals submitting FOIA and Privacy Act record requests to FIS–FOI/PA.

Number of Respondents: 15,682.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 1,307.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–00990 Filed 1–15–16; 8:45 am]

BILLING CODE 6325–53–P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Submission for Approval: Information Collection 3206–0150; Fingerprint Chart Standard Form 87, SF 87

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: Federal Investigative Services (FIS), U.S. Office of Personnel Management (OPM) is notifying the general public and other Federal agencies that OPM is seeking Office of Management and Budget (OMB) approval of a revised information collection control number 3206–0150, Fingerprint Chart Standard Form 87, SF 87. OPM is soliciting comments for this collection as required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until March 21, 2016. This process is conducted in accordance with 5 CFR 1320.8(d).

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Federal Investigative Services, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

SUPPLEMENTARY INFORMATION: The SF 87 is a fingerprint card, which is utilized to conduct a national criminal history check, which is a component of the background investigation. The SF 87 is completed by individuals who are under consideration for appointment to or retention in a Federal position or performance of work on behalf of the Government. The SF 87 fingerprint chart is used in background investigations to establish that such persons are eligible for logical and physical access to Government facilities and systems; suitable or fit to perform work for, on behalf of, the Federal Government; suitable for employment or retention in a public trust position, suitable for employment or retention in a national security position, and/or eligible for access to classified national security information. The SF 87 form is only utilized when a hardcopy fingerprint chart must be obtained, as opposed to the electronic collection of fingerprints.

Due to the SF 87 form's small size and the fact that it may be maintained in multiple systems of records, it does not list all potentially applicable routine uses under the Privacy Act. Accordingly 5 U.S.C. 552a(e)(3)(C) requires that an agency issuing the SF 87 form must also give the subject a copy of the routine uses for the applicable system of records and FBI's Privacy Act Notice and Privacy Rights. OPM proposes to add clarifying language to the Purpose, Authority, and Privacy Statement to further explain uses of the form.

Analysis

Agency: Federal Investigative Services, U.S. Office of Personnel Management.

Title: Fingerprint Chart Standard Form 87, SF 87.

OMB Number: 3206–0150.

Affected Public: Applicants who are under consideration for Federal or Federal contract employment, or continued such employment, and by persons seeking long-term access to Federal facilities and systems.

Number of Respondents: 52,318.

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 4,360.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2016–00993 Filed 1–15–16; 8:45 am]

BILLING CODE 6325–53–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–104; Order No. 3025]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a modification to a Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 20, 2016.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

On January 12, 2016, the Postal Service filed notice that it has agreed to

a Modification to the existing Global Expedited Package Services 3 negotiated service agreement approved in this docket.[1] In support of its Notice, the Postal Service includes a redacted copy of the Modification and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Modification and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1–2.

The Modification ''revises a few articles in the agreement and replaces Annex 1 of the agreement.'' *Id.* at 1.

The Postal Service states that it will ''notify the Mailer of the Effective Date of this Modification within thirty (30) days after receiving the approval of the entities that have oversight responsibilities for the USPS.'' *Id.,* Attachment 1 at 2. The Postal Service asserts that the Modification will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.,* Attachment 2.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than January 20, 2016. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis E. Kidd to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2015–104 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Curtis E. Kidd to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than January 20, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

[1] Notice of the United States Postal Service of Filing Modification to Global Expedited Package Services 3 Negotiated Service Agreement, January 12, 2016 (Notice).

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–00876 Filed 1–15–16; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76875; File No. SR–BX–2016–002]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a)(6) of Rule 1120 (Continuing Education Requirements)

January 12, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that, on January 7, 2016, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II 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 section (a)(6) of Rule 1120 (Continuing Education Requirements) to provide for web-based delivery of the Exchange's continuing education (''CE'') program. The proposed rule change would phase out the current option of completing the Regulatory Element in a test center, and eliminates the rule providing for in-house delivery of the Regulatory Element of the CE program. The amendments will delete the current text of Rule 1120(a)(6) (In-Firm Delivery of the Regulatory Element). The Exchange's proposal is materially similar to a recent FINRA filing to amend FINRA Rule 1250, which was recently approved by the Securities and Exchange Commission (''SEC'' or ''Commission'').[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015). *See also* Securities Exchange Act Release No. 76107 (October 8, 2015), 80 FR 62139 (October 15, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Delivery of the Regulatory Element of the Exchange's Continuing Education Program) (SR–CBOE–2015–084).

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 CE requirements under Rule 1120 consist of a Regulatory Element [4] and a Firm Element.[5] The Regulatory Element applies to all registered persons [6] and consists of periodic computer-based training on regulatory, compliance, ethical, and supervisory subjects and sales practice standards, which must be completed within prescribed timeframes.[7] In addition, a registered person is required to retake the Regulatory Element in the event that such person (A) is subject to any statutory disqualification as defined in Section 3(a)(39) of the Act; (B) is subject

[4] *See* Rule 1120(a) (Regulatory Element).

[5] *See* Rule 1120(b) (Firm Element).

[6] For purposes of the Regulatory Element, a ''registered person'' means any person registered with the Exchange as a representative, principal, or assistant representative pursuant to the Rule 1020, 1030 and 1110 Series. *See* Rule 1120(a)(5).

[7] Pursuant to Rule 1120(a)(1), each registered person shall complete the Regulatory Element of the continuing education program beginning with the occurrence of their second registration anniversary date and every three years thereafter, or as otherwise prescribed by the Exchange. On each occasion, the Regulatory Element must be completed within 120 days after the person's registration anniversary date. A person's initial registration date, also known as the ''base date'', shall establish the cycle of anniversary dates for purposes of the Rule. The content of the Regulatory Element of the program shall be determined by the Exchange and shall be appropriate to either the registered representative or principal status of the person subject to the Rule.

to suspension or to the imposition of a fine of $5,000 or more for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or (C) is ordered as a sanction in a disciplinary action to retake the Regulatory Element by any securities governmental agency or self-regulatory organization. Rule 1120(a)(1) provides that the following Regulatory Elements administered by FINRA shall be required: The S201 Supervisor Program for registered principals and supervisors, the S501 Series 56 Proprietary Trader continuing education program for Series 56 registered persons, and the S101 General Program for Series 7 and all other registered persons. Currently, the rules state that Regulatory Element may be administered or in-firm subject to specified procedures.[8] The Regulatory Element may also be administered in a test center.

The Firm Element consists of annual, member-developed and administered training programs for covered registered persons,[9] which must be appropriate for the business of the member and, at a minimum, must cover the following matters concerning securities products, services and strategies offered by the member: (i) General investment features and associated risk factors; (ii) suitability and sales practice considerations; and (iii) applicable regulatory requirements.

Today, most registered persons complete the Regulatory Element in a test center rather than in-firm. Given the advances in Web-based technology, the Exchange believes that there is diminishing utility in the test center and in-firm delivery methods. Moreover, according to FINRA,[10] registered persons have raised concerns with the test center delivery method because of the travel involved, the limited time currently available to complete a Regulatory Element session [11] and the use of rigorous security measures at test centers, which are appropriate for taking qualification examinations but onerous for a CE program.[12] Also, according to FINRA, the test center is expensive to operate.[13]

In response to the issues noted above, FINRA engaged in extensive outreach with the industry and completed a pilot of a Web-based delivery system for administering the Regulatory Element.[14] According to FINRA, the proposed Web-based system performed well during the pilot in terms of both performance and accessibility.[15] FINRA also received positive feedback from firms and the individual pilot participants.[16] FINRA noted that among other things, pilot participants appreciated the expanded time to focus on the provided learning materials without the pressure of a timed session and the ability to resume or complete their session from where they left off.[17]

Proposal

Based on the recent amendments to FINRA Rule 1250,[18] the Exchange proposes to amend Rule 1120(a)(6) to provide for a Web-based delivery method for completing the Regulatory Element. Specifically, the Exchange proposes to amend Rule 1120(a)(6) to provide that the continuing education Regulatory Element set forth in paragraph (a) of Rule 1120(a) will be administered through Web-based delivery or such other technological manner and format as specified by the Exchange. Should the Exchange determine to administer the Regulatory Element through a delivery mechanism other than Web-based delivery, however, the Exchange would notify the Commission and would need to file a further rule change with the Commission.

The first phase of the Web-based delivery system was launched October 1, 2015 and includes the Regulatory Element of the S201 Supervisor Program for registered principals and supervisors. The second phase of the Web-based delivery system was launched January 4, 2016 and includes the Regulatory Element of the S101 General Program for Series 7 and all other registered persons, including, but not limited to Securities Traders.

The Exchange is proposing to phase out test-center delivery by no later than six months after January 4, 2016. Registered persons will continue to have the option of completing the Regulatory Element in a test center, but they will be required to use the Web-based system after the test-center delivery is phased out.[19]

Further, the Exchange is deleting the current language in Rule 1120(a)(6) relating to in-firm delivery of the CE Regulatory Element. The proposed Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at a location of their choosing, including their private residence, at any time during their 120-day window for completion of the Regulatory Element.[20]

The Exchange notes that the Web-based format will include safeguards to authenticate the identity of the CE candidate. For instance, prior to commencing a Web-based session, the candidate will be asked to provide a portion of their [sic] SSN (either first five or last four digits) and their [sic]

[8] Pursuant to Rule 1120(a)(6), Exchange Members that are also FINRA members are currently permitted to administer the continuing education Regulatory Element program to their registered persons by instituting an in-firm program to the extent such program has been deemed acceptable to FINRA in accordance with NASD Rule 1120(a)(6). (The Exchange notes that NASD Rule 1120 has previously been superseded by FINRA Rule 1250 which FINRA has amended, as discussed above, to delete the in-firm CE option on a phased basis.) Rule 1120(a)(6) provides that the Exchange and FINRA are parties to the Regulatory Contract pursuant to which FINRA has agreed to perform certain functions on behalf of the Exchange. Therefore, Exchange members are complying with Exchange Rule 1120(a)(6) by complying with NASD Rule 1250. In addition, functions performed by FINRA, FINRA departments, and FINRA staff under Rule 1120(a)(6) are being performed by FINRA on behalf of the Exchange. Exchange Members that are not FINRA members are not permitted to institute in-firm delivery of the Regulatory Element program.

[9] Under Rule 1120(b)(1) (Persons Subject to the Firm Element), a ''covered registered person'' means any person registered with a member who has direct contact with customers in the conduct of the member's securities sales, trading and investment banking activities, and to the immediate supervisors of such persons.

[10] FINRA is currently responsible for the operation of the test centers used for test center delivery method of the Regulatory Element.

[11] The current session time is three-and-a-half hours.

[12] *See* Securities Exchange Act Release No. 75154 (June 11, 2015), 80 FR 34777 (June 17, 2015) (Notice of Filing of a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[13] *Id.* at 34779.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *See* FINRA Rule 1250 (Continuing Education Requirements). *See also* Securities Exchange Act Release No. 75581 (July 31, 2015) 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[19] The Exchange has recently filed a separate proposed rule change, SR–BX–2015–090, to amend Rule 7003, Registration and Processing Fees, to reduce the cost for the CE Regulatory Element from $100 to $55 if administered by Web-delivery. Fees for completing the CE Regulatory Element at a test center will remain $100.

[20] Although the proposed rule change provides flexibility, firms may choose to impose their own conditions based on their supervisory and compliance needs. For instance, a firm that wishes to have registered persons complete CE on the firm's premises can do so by having the registered person access Web-based CE from a firm device and location. Moreover, firms would have to update their written policies and procedures regarding the Regulatory Element to reflect the transition to Web-based CE and communicate the update to registered persons.

date of birth. This information will only be used for matching data in FINRA's Web-CRD system. The Web CE system will discard this information after the matching process. Further, before commencing a Web-based session, each candidate will be required to agree to the Rules of Conduct for Web-based delivery. Among other things, the Rules of Conduct will require each candidate to attest that he or she is in fact the person who is taking the Web-based session. The Rules of Conduct will also require that each candidate agree that the Regulatory Element content is intellectual property and that the content cannot be copied or redistributed by any means. If the Exchange discovers that a candidate has violated the Rules of Conduct, the candidate will forfeit the results of the Web-based session and may be subject to disciplinary action by the Exchange. Violation of the Rules of Conduct will be considered conduct inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of Rule 2110, Standards of Commercial Honor and Principles of Trade. The Exchange is not proposing any changes to the Firm Element requirements under Rule 1120(b).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [21] in general, and furthers the objectives of Section 6(b)(5) of the Act [22] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers and Section 6(c)(3) [24] of the Act, which authorizes the Exchange to, among other things, prescribe standards of financial responsibility or operational capability and standards of training, experience and competence for its members and persons associated with members.

In particular, the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend a greater amount of time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. Further, while the proposed rule change will provide more flexibility to members and registered persons, it will maintain the integrity of the Regulatory Element of the CE program and the CE program in general.

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 notes that the proposed rule change is specifically intended to reduce the burden on firms while preserving the integrity of the CE program. As described above, the Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at any location that they choose. Further, Web-based delivery is efficient and offers significant cost savings over test-center and in-firm deliveries. With respect to the authentication process for Web-based delivery, the CE candidate's personal identifying information will be masked and will be submitted to FINRA through a secure, encrypted, network. The personal identifying information submitted via the Web-based system will be used for authentication purposes only—the information will not be stored in the Web-based system.

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 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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and Rule 19b–4(f)(6) thereunder.[26]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange states the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend more time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. In addition, waiving the operative delay will make BX's rules consistent with those of the other exchanges. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative upon filing.[27]

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 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–2016–002 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–2016–002. 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

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(c)(3).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the 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.

[27] 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).

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–BX–2016–002 and should be submitted on or before February 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00786 Filed 1–15–16; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76880; File No. SR–Phlx–2015–118]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a)(4) of Rule 640, Continuing Education for Registered Persons

January 12, 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 December 30, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, of which Items I and II have been 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 Section (a)(4) of Rule 640, Continuing Education for Registered Persons, to provide for web-based delivery of the Exchange's continuing education (''CE'') program. The proposed rule change would phase out the current option of completing the Regulatory Element in a test center, delete the current option for in-house delivery of the Regulatory Element of the CE program and also delete the existing text of Rule 640(a)(4), In-Firm Delivery of the Regulatory Element. The Exchange's proposal, which is being filed for immediate effectiveness and will be operative January 4, 2016, is materially similar to a recent FINRA filing to amend FINRA Rule 1250, which was recently approved by the Securities and Exchange Commission (''Commission'').

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.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 CE requirements under Rule 640 consist of a Regulatory Element [3] and a Firm Element.[4] The Regulatory Element applies to all registered persons and consists of periodic computer-based training on regulatory, compliance, ethical, and supervisory subjects and sales practice standards, which must be completed within prescribed timeframes.[5] In addition, unless otherwise determined by the Exchange, a registered person is required to re-take the Regulatory Element of the program and satisfy the program's requirements in their entirety in the event such person: (i) Becomes subject to any statutory disqualification as defined in Section 3(a)(39) of the Securities Exchange Act of 1934; (ii) becomes subject to suspension or to the imposition of a fine of $5,000 or more for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or (iii) is ordered as a sanction in a disciplinary action to re-take the Regulatory Element by any securities governmental agency or securities self-regulatory organization.

Rule 640(a)(1) provides that the following Regulatory Elements administered by FINRA shall be required: The S201 Supervisor Program for registered principals and supervisors, the S501 Series 56 Proprietary Trader continuing education program for Series 56 registered persons, and the S101 General Program for Series 7 and all other registered persons. Currently, the Regulatory Element may be administered in a test center or in-firm subject to specified procedures.[6]

[3] *See* Rule 640(a) (Regulatory Element).

[4] *See* Rule 640(b) (Firm Element).

[5] Pursuant to Rule 640, each registered person shall complete the Regulatory Element of the continuing education program on the occurrence of their second registration anniversary date(s), and every three years thereafter or as otherwise prescribed by the Exchange. On each occasion, the Regulatory Element must be completed within 120 days after the person's registration anniversary date. A person's initial registration date, also known as the ''base date,'' shall establish the cycle of anniversary dates for purposes of this Rule.

[6] Under current Rule 640(a)(4), In-Firm Delivery of the Regulatory Element, members and member organizations are permitted to administer the continuing education Regulatory Element program to their registered persons by instituting an in-firm program acceptable to the Exchange. Among others, the following procedures are required in order to administer the Regulatory Element of the CE program in-house: (1) The firm must designate a principal/officer-in-charge to be responsible for the in-firm delivery of the Regulatory Element; (2) the location of the delivery site must be under the control of the firm; (3) the communication links and firm delivery computer hardware must comply with standards defined by the Exchange or its designated vendor; (4) the firm's written supervisory procedures must contain the procedures implemented to comply with requirements of in-firm delivery of the Regulatory Element continuing

The Firm Element consists of annual, member-developed and administered training programs for covered registered persons,[7] which must be appropriate for the business of the member organization and, at a minimum, must cover the following matters concerning securities products, services and strategies offered by the member organization: (a) General investment features and associated risk factors; (b) suitability and sales practice considerations; and (c) applicable regulatory requirements.

Currently, most registered persons complete the Regulatory Element in a test center rather than in-firm. Given the advances in Web-based technology, the Exchange believes that there is diminishing utility in the test center and in-firm delivery methods. Moreover, according to FINRA,[8] registered persons have raised concerns with the test center delivery method because of the travel involved, the limited time currently available to complete a Regulatory Element session [9] and the use of rigorous security measures at test centers, which are appropriate for taking qualification examinations but onerous for a CE program.[10] Also, according to FINRA, the test center is expensive to operate.[11]

In response to the issues noted above, FINRA engaged in extensive outreach with the industry and completed a pilot of a Web-based delivery system for administering the Regulatory Element.[12] According to FINRA, the proposed Web-based system performed well during the pilot in terms of both performance and accessibility.[13] FINRA also received positive feedback from firms and the individual pilot participants.[14] FINRA noted that among other things, pilot participants appreciated the expanded time to focus on the provided learning materials without the pressure of a timed session and the ability to resume or complete their session from where they left off.[15]

Proposal

Based on the recent amendments to FINRA Rule 1250,[16] the Exchange proposes to amend Rule 640(a)(4) to provide for a Web-based delivery method for completing the Regulatory Element. Specifically, the Exchange proposes to amend Rule 640(a)(4) to provide that the continuing education Regulatory Element set forth in paragraph (a) of Rule 640 will be administered through Web-based delivery or such other technological manner and format as specified by the Exchange. Should the Exchange determine to administer the Regulatory Element through a delivery mechanism other than Web-based delivery, however, the Exchange would notify the Commission and would need to file a further rule change with the Commission.

The first phase of the Web-based delivery system was launched October 1, 2015 and includes the Regulatory Element of the S201 Supervisor Program for registered principals and supervisors. The second phase of the Web-based delivery system will be launched January 4, 2016 and include the Regulatory Element of the S101 General Program for Series 7 and all other registered persons, including, but not limited to Securities Traders. The Exchange is proposing to phase out test-center delivery by no later than six months after January 4, 2016. Registered persons will continue to have the option of completing the Regulatory Element in a test center, but they will be required to use the Web-based system after the test-center delivery is phased out.[17]

Further, the Exchange is proposing to eliminate the current option for in-firm delivery and is deleting the current text of Rule 640(a)(4) relating to in-firm delivery of the Regulatory Element of the CE programs. The proposed Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at a location of their choosing, including their private residence, at any time during their 120-day window for completion of the Regulatory Element.[18]

The Exchange notes that the Web-based format will include safeguards to authenticate the identity of the CE candidate. For instance, prior to commencing a Web-based session, the candidate will be asked to provide a portion of their [sic] SSN (either first five or last four digits) and their [sic] date of birth. This information will only be used for matching data in FINRA's Web-CRD system. The Web CE system will discard this information after the matching process. Further, before commencing a Web-based session, each candidate will be required to agree to the Rules of Conduct for Web-based delivery. Among other things, the Rules of Conduct will require each candidate to attest that he or she is in fact the person who is taking the Web-based session. The Rules of Conduct will also require that each candidate agree that the Regulatory Element content is intellectual property and that the content cannot be copied or redistributed by any means. If the Exchange discovers that a candidate has violated the Rules of Conduct, the candidate will forfeit the results of the Web-based session and may be subject to disciplinary action by the Exchange. Violation of the Rules of Conduct will be considered conduct inconsistent with just and equitable principles of trade, in violation of Rule 707, Conduct Inconsistent with Just and Equitable Principles of Trade. The Exchange is not proposing any changes to the Firm Element requirements under Rule 640(b).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [19] in general, and furthers the objectives of Section 6(b)(5) of the Act [20]

education; (5) all sessions must be proctored by an authorized person during the entire Regulatory Element continuing education session and proctors must be present in the session room or must be able to view the person(s) sitting for Regulatory Element continuing education through a window or by video monitor; (6) all appointments must be scheduled in advance using the procedures and software specified by the Exchange to communicate with the Exchange's system and designated vendor; and (7) a Letter of Attestation for In-Firm Delivery of Regulatory Element CE must be delivered.

[7] Under Rule 640(b) (Persons Subject to the Firm Element), a ''covered registered person'' means any registered person who has direct contact with customers in the conduct of the member organization's securities sales, trading or investment banking activities, and to the immediate supervisors of such persons.

[8] FINRA is currently responsible for the operation of the test centers used for test center delivery method of the Regulatory Element.

[9] The current session time is three-and-a-half hours.

[10] *See* Securities Exchange Act Release No. 75154 (June 11, 2015), 80 FR 34777 (June 17, 2015) (Notice of Filing of a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[11] *Id.* at 34779.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *See* FINRA Rule 1250 (Continuing Education Requirements). *See also* Securities Exchange Act Release No. 75581 (July 31, 2015) 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[17] The Exchange intends to amend its fee schedule to reduce the cost for Regulatory Element CE from $100 to $55 if administered by Web-delivery. Fees for completing the Regulatory Element at a test center will remain $100.

[18] Although the proposed rule change provides flexibility, firms may choose to impose their own conditions based on their supervisory and compliance needs. For instance, a firm that wishes to have registered persons complete CE on the firm's premises can do so by having the registered person access Web-based CE from a firm device and location. Moreover, firms would have to update their written policies and procedures regarding the Regulatory Element to reflect the transition to Web-based CE and communicate the update to registered persons.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers and Section 6(c)(3) [22] of the Act, which authorizes the Exchange to, among other things, prescribe standards of financial responsibility or operational capability and standards of training, experience and competence for its members and persons associated with members.

In particular, the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend a greater amount of time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. Further, while the proposed rule change will provide more flexibility to members and registered persons, it will maintain the integrity of the Regulatory Element of the CE program and the CE program in general.

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. The Exchange notes that the proposed rule change is specifically intended to reduce the burden on firms while preserving the integrity of the CE program. As described above, the Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at any location that they choose. Further, Web-based delivery is efficient and offers significant cost savings over test-center and in-firm deliveries. With respect to the authentication process for Web-based delivery, the CE candidate's personal identifying information will be masked and will be submitted to FINRA through a secure, encrypted, network. The personal identifying information submitted via the Web-based system will be used for authentication purposes only—the information will not be stored in the Web-based system.

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78f(c)(3).

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 [23] and subparagraph (f)(6) of Rule 19b–4 thereunder.[24]

The Exchange has requested that the Commission waive the thirty-day operative delay so that the proposal may become operative as of January 4, 2016. The Commission believes that waiving the thirty day delay is consistent with the protection of investors and the public interest, as it will enable the Exchange to have the new requirements in effect at the same time as the other SROs. Therefore, the Commission hereby waives the thirty-day operative delay and designates the proposal operative as of January 4, 2016.[25]

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.

[23] 15 U.S.C. 78s(b)(3)(a)(iii).

[24] 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.

[25] For purposes 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).

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–Phlx–2015–118 on the subject line.*

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2015–118. 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–Phlx–2015–118 and should be submitted on or before February 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00785 Filed 1–15–16; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76883; File No. 265–29]

Equity Market Structure Advisory Committee

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: The Securities and Exchange Commission Equity Market Structure Advisory Committee is providing notice that it will hold a public meeting on Tuesday, February 2, 2016, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (EST) and will be open to the public. The public portions of the meeting will be webcast on the Commission's Web site at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will focus on the events of August 24, 2015 and certain issues affecting customers in the current equity market structure.

DATES: The public meeting will be held on Tuesday, February 2, 2016. Written statements should be received on or before January 27, 2016.

ADDRESSES: The meeting will be held at the Commission's headquarters, 100 F Street NE., Washington, DC. 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 *rule-comments@sec.gov.* Please include File Number 265–29 on the subject line; or

Paper Statements

- Send paper statements in triplicate to Brent J. Fields, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. 265–29. 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. The Commission will post all statements on the Commission's Internet Web site at SEC Web site at (*http://www.sec.gov/comments/265-29/265-29.shtml*).

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: Arisa Tinaves Kettig, Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Stephen Luparello, Designated Federal Officer of the Committee, has ordered publication of this notice.

Dated: January 13, 2016.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2016–00837 Filed 1–13–16; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76881; File No. SR–CBOE–2015–119]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

January 12, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 30, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''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 the Fees Schedule relating to Continuing Education Fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fees Schedule. Specifically, the Exchange proposes to make changes to the Continuing Education Fees section of the Fees Schedule to delete references to the Series 56 registration and to provide that continuing education (''CE'') fees for all registration categories will be $100 if conducted at a test center or $55 if conducted via Web-based delivery. This filing is being submitted pursuant to recent changes to Interpretation and Policy .08 to Rule 3.6A (Qualification and Registration of Trading Permit Holders and Associated Persons) and to Rule 9.3A (Continuing Education for Registered Persons), which provide that effective January 4, 2016, the S501 Series 56 Proprietary Trader CE Program for Series 56 registered persons will cease to exist and that Series 57 registered persons are instead permitted [sic] to enroll in the S101 General Program for Series 7 and all other registered persons, which will be made available via Web-delivery as of that date.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76247 (October 23, 2015), 80 FR 66605 (October 29, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Qualification and Registration of Trading Permit Holders and Associated Persons) (SR–CBOE–2015–094); Securities Exchange Act Release No. 76107 (October 8, 2015), 80 FR 62139 (October 15, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Delivery of the Regulatory

Continued

Pursuant to Rule 9.3A (Continuing Education for Registered Persons), no Trading Permit Holder (''TPH'') or TPH organization shall permit any registered person to continue to, and no registered person shall continue to perform duties as a registered person unless such person has complied with the Exchange's CE requirements as prescribed under the Rules.[4] The CE requirements under Rule 9.3A consist of a Regulatory Element[5] and a Firm Element.[6] The Regulatory Element applies to all registered persons[7] and consists of periodic computer-based training on regulatory, compliance, ethical, and supervisory subjects and sales practice standards, which must be completed within prescribed timeframes.[8] Currently, the Exchange offers the following Regulatory Elements for Exchange registered persons: the S201 Supervisor Program for registered principals and supervisors; the S106 Series 6 Program for Series 6 registered persons; the S501 Series 56 Proprietary Trader CE Program for Series 56 registered persons, and the S101 General Program for Series 7 and all other registered persons.[9]

The Financial Regulatory Authority (''FINRA'') administers the Exchange's CE Programs on behalf of the Exchange. On August 6, 2015, the Securities and Exchange Commission (''Commission'' or ''SEC'') approved amendments to FINRA Rule 1250 (Continuing Education Requirements) to provide a Web-based delivery method for completing the Regulatory Element of the CE requirements and to establish a fee for Web-based delivery of the Regulatory Element of the CE requirements.[10] Consistent with the changes to FINRA Rule 1250, the Exchange submitted a rule filing to make similar changes to its CE Program requirements on September 30, 2015.[11] Accordingly, effective October 1, 2015, the Regulatory Elements of Exchange's CE Programs for the S106 for Investment Company and Variable Contracts Representatives, the S201 for Registered Principals and Supervisors, and the S901 for Operations Professionals were made available via Web-based delivery pursuant to Rule 9.3A.

In addition to the changes to Rule 9.3A with respect to Web-based delivery of the Regulatory Element of the CE Programs for the S106 for Investment Company and Variable Contracts Representatives, S201 for Registered Principals and Supervisors, and S901 for Operations Professionals, the Exchange also amended Rule 9.3A to remove the option for Series 56 registered persons to participate in the S501 Series 56 Proprietary Trader CE program in order to satisfy the Regulatory Element of the Exchange's CE Program. Pursuant to recent changes to Interpretation and Policy .08 to Rule 3.6A, the S501 Series 56 Proprietary Trader CE program is being phased out along with the Series 56 Proprietary Trader qualification examination and being replaced with the Series 57 Securities Trader qualification examination.[12] As a result, effective January 4, 2016, the S501 Series 56 Proprietary Trader CE Program for Series 56 registered persons will cease to exist. In place of the S501 Series 56 Proprietary Trader CE Program for Series 56 registered persons, Series 57 registered persons will be permitted [sic] to enroll in the S101 General Program for Series 7 and all other registered persons, including, but not limited to Series 57 registered persons beginning January 4, 2016.

Consistent with SR–FINRA–2015–015, the purpose of this filing is to amend the Fees Schedule to reflect the $55 fee [sic] for Web-based delivery of the Regulatory Element of the S101 General Program for Series 7 and all other registered persons, including, but not limited to Series 57 registered Securities Traders.[13] Pursuant to SR–FINRA–2015–015, delivery of the Regulatory Element of the S101, S106, S201, and S901 CE Programs will continue to be offered at testing centers for a period up to no later than six months after January 4, 2016 and the fees for test center delivery of the Regulatory Element of the S101, S106, S201, and S901 CE Programs will continue to be $100 for so long as such programs are available at testing centers.[14] Consistent with SR–FINRA–2015–015, under the Exchange's proposed rule change, test center delivery of the Regulatory Element of the S101 CE Program would continue to be $100 for so long as such programs are available at testing centers. In addition, also consistent with SR–FINRA–2015–015, under the Exchange's proposed rule change, Web-based delivery of the Regulatory Element of the S101 CE Program would be $55, beginning January 4, 2016.[15]

Element of the Exchange's Continuing Education Program) (SR–CBOE–2015–084).

[4] *See* Rule 9.3A(a) (Regulatory Element).

[5] *See id.*

[6] *See* Rule 9.3A(c) (Firm Element).

[7] For purposes of the Regulatory Element, a ''registered person'' means a TPH, associated person, and/or Representative approved by and registered with the Exchange. *See* Interpretation and Policy .01 to Rule 9.3A.

[8] Pursuant to Rule 9.3A(a), each registered person shall complete the Regulatory Element of the CE Program beginning with the occurrence of their second registration anniversary date and every three years thereafter, or as otherwise prescribed by the Exchange. On each occasion, the Regulatory Element must be completed within 120 days after the person's registration anniversary date. A person's initial registration date, also known as the ''base date,'' shall establish the cycle of anniversary dates for purposes of the Rule. The content of the Regulatory Element of the Program is determined by the Exchange for each registration category of persons subject to the Rule. In addition, a registered person is required to retake the Regulatory Element in the event that such person: (i) becomes subject to any statutory disqualification as defined in Section 3(a)(39) of the Securities Exchange Act of 1934 (the ''Act''); (ii) becomes subject to suspension or to the imposition of a fine of $5,000 or more for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or (iii) is ordered as a sanction in a disciplinary action to re-take the Regulatory Element by any securities governmental agency or securities self-regulatory organization. *See* Rule 9.3A(a)(2) (Disciplinary Actions).

[9] *See* Rule 9.3A(a)(3) (Required Programs).

[10] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[11] *See* Securities Exchange Act Release No. 76107 (October 8, 2015), 80 FR 62139 (October 15, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Delivery of the Regulatory Element of the Exchange's Continuing Education Program) (SR–CBOE–2015–084).

[12] *See* Securities Exchange Act Release No. 76247 (October 23, 2015), 80 FR 66605 (October 29, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Qualification and Registration of Trading Permit Holders and Associated Persons) (SR–CBOE–2015–094); *see also* Securities Exchange Act Release No. 75783 (August 28, 2015) (Order Approving a Proposed Rule Change to Establish the Securities Trader and Securities Trader Principal Registration Categories) (SR–FINRA–2015–017).

[13] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[14] Test-center delivery of the Regulatory Element will be phased out by no later than six months after January 4, 2016. *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education) (SR–FINRA–2015–015). At that time, the Exchange will file another fee filing to remove the test center option for delivery of the Regulatory Element from the Fees Schedule. *See* Securities Exchange Act Release No. 76352 (November 4, 2015), 80 FR 69760 (November 10, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend the Fees Schedule) (SR–CBOE–2015–093). The Exchange has already amended the Fees schedule to reflect the $55 fee for Web-based delivery of the Regulatory Elements of the S106, S201, and S901 CE Programs. *See id.*

[15] *See id.*

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[16] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirements that the rules of an exchange 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 regulating, clearing, settling, processing information with respect to, and 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that Web-based administration of the Regulatory Element of the Exchange's CE Program and the lower costs associated with Web-based administration of the Regulatory Element of the Exchange's CE Program are ends that may serve to increase access to the markets, which is in the interests of investors and consistent with the Act. In general, Web-based delivery of the Regulatory Element of the Exchange's CE Programs at a reduced cost lowers barriers to entry [sic] and removes impediments to a free and open market and national market system by making it easier and less costly for TPHs to participate in the markets. Accordingly, the Exchange believes that offering Web-based delivery of the Regulatory Element of Exchange's CE Program at a reduced cost and that lowering the cost of CE in general are goals that are consistent with the Act.

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. As FINRA has stated, the proposed rule change is specifically intended to reduce the burdens of continuing education on market participants while preserving the integrity its CE Programs. In general, reduction in cost and removal of barriers to entry encourages competition among market participants, particularly in situations where such rules are consistently employed across the markets. By bringing the Exchange's fees structure in line with that of FINRA, the Exchange believes it is removing impediments to free and open markets and encouraging competition between the Exchange and other markets that utilize FINRA's CE Programs. For the foregoing reasons, the Exchange believes that the proposed rule change will relieve burdens on, and otherwise promote, competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and paragraph (f) of Rule 19b–4 [20] thereunder. 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 will 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–CBOE–2015–119 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–CBOE–2015–119. 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–CBOE–2015–119 and should be submitted on or before February 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00784 Filed 1–15–16; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17f–4, SEC File No. 270–232, OMB Control No. 3235–0225.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l–3520) (the ''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 17(f) (15 U.S.C. 80a–17(f)) under the Investment Company Act of 1940 (the ''Act'') [1] permits registered management investment companies and their custodians to deposit the securities they own in a system for the central handling of securities (''securities depositories''), subject to rules adopted by the Commission.

Rule 17f–4 (17 CFR 270.17f–4) under the Act specifies the conditions for the use of securities depositories by funds [2] and their custodians.

The Commission staff estimates that 152 respondents (including an estimated 81 active funds that may deal directly with a securities depository, an estimated 50 custodians, and 21 possible securities depositories) [3] are subject to the requirements in rule 17f–4. The rule is elective, but most, if not all, funds use depository custody arrangements.[4]

Rule 17f–4 contains two general conditions. First, a fund's custodian must be obligated, at a minimum, to exercise due care in accordance with reasonable commercial standards in discharging its duty as a securities intermediary to obtain and thereafter maintain financial assets.[5] This obligation does not contain a collection of information because it does not impose identical reporting, recordkeeping or disclosure requirements. Funds and custodians may determine the specific measures the custodian will take to comply with this obligation.[6] If the fund deals directly with a depository, the depository's contract or written rules for its participants must provide that the depository will meet similar obligations,[7] which is a collection of information for purposes of the Paperwork Reduction Act. All funds that deal directly with securities depositories in reliance on rule 17f–4 should have either modified their contracts with the relevant securities depository, or negotiated a modification in the securities depository's written rules when the rule was amended. Therefore, we estimate there is no ongoing burden associated with this collection of information.[8]

Second, the custodian must provide, promptly upon request by the fund, such reports as are available about the internal accounting controls and financial strength of the custodian.[9] If a fund deals directly with a depository, the depository's contract with or written rules for its participants must provide that the depository will provide similar financial reports,[10] which is a collection of information for purposes of the Paperwork Reduction Act. Custodians and depositories usually transmit financial reports to funds twice each year.[11] The Commission staff estimates that 50 custodians spend approximately 926 hours (by support staff) annually in transmitting such reports to funds.[12] In addition, approximately 81 funds (*i.e.,* two percent of all funds) deal directly with a securities depository and may request periodic reports from their depository. Commission staff estimates that depositories spend approximately 19 hours (by support staff) annually transmitting reports to the 81 funds.[13] The total annual burden estimate for compliance with rule 17f–4's reporting requirement is therefore 945 hours.[14]

If a fund deals directly with a securities depository, rule 17f–4 requires that the fund implement internal control systems reasonably designed to prevent an unauthorized officer's instructions (by providing at least for the form, content, and means of giving, recording, and reviewing all officers' instructions).[15] All funds that seek to rely on rule 17f–4 should have already implemented these internal control systems when the rule was amended. Therefore, there is no ongoing burden associated with this collection of information requirement.[16]

Based on the foregoing, the Commission staff estimates that the total annual hour burden of the rule's collection of information requirement is 945 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. This estimate is not derived from a comprehensive or even representative survey or study of the costs of Commission rules.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission,

[1] 15 U.S.C. 80a.

[2] As amended in 2003, rule 17f–4 permits any registered investment company, including a unit investment trust or a face-amount certificate company, to use a security depository. *See* Custody of Investment Company Assets With a Securities Depository, Investment Company Act Release No. 25934 (Feb. 13, 2003) (68 FR 8438 (Feb. 20, 2003)). The term ''fund'' is used in this Notice to mean a registered investment company.

[3] The Commission staff estimates that, as permitted by the rule, an estimated 2% of all active funds may deal directly with a securities depository instead of using an intermediary. The number of custodians is estimated based on information from Morningstar Direct℠. The Commission staff estimates the number of possible securities depositories by adding the 12 Federal Reserve Banks and 9 active registered clearing agencies. The Commission staff recognizes that not all of these entities may currently be acting as a securities depository for fund securities.

[4] Based on responses to Item 18 of Form N–SAR (17 CFR 274.101), approximately 97 percent of funds' custodians maintain some or all fund securities in a securities depository pursuant to rule 17f–4.

[5] Rule 17f–4(a)(1). This provision incorporates into the rule the standard of care provided by section 504(c) of Article 8 of the Uniform Commercial Code when the parties have not agreed to a standard. Rule 17f–4 does not impose any substantive obligations beyond those contained in Article 8. Uniform Commercial Code, Revised Article 8—Investment Securities (1994 Official Text with Comments) (''Revised Article 8'').

[6] Moreover, the rule does not impose any requirement regarding evidence of the obligation.

[7] Rule 17f–4(b)(1)(i).

[8] The Commission staff assumes that new funds relying on 17f–4 would choose to use a custodian instead of directly dealing with a securities depository because of the high costs associated with maintaining an account with a securities depository. Thus, new funds would not be subject to this condition.

[9] Rule 17f–4(a)(2).

[10] Rule 17f–4(b)(1)(ii).

[11] The estimated 50 custodians would handle requests for reports from an estimated 3,968 fund clients (approximately 80 fund clients per custodian) and the depositories from the remaining 81 funds that choose to deal directly with a depository. It is our understanding based on staff conversations with industry representatives that custodians and depositories transmit these reports to clients in the normal course of their activities as a good business practice regardless of whether they are requested. Therefore, for purposes of this Paperwork Reduction Act estimate, the Commission staff assumes that custodians transmit the reports to all fund clients.

[12] (3,968 fund clients × 2 reports) = 7,936 transmissions. The staff estimates that each transmission would take approximately 7 minutes for a total of approximately 926 hours (7 minutes × 7,936 transmissions).

[13] (81 fund clients who may deal directly with a securities depository × 2 reports) = 162 transmissions. The staff estimates that each transmission would take approximately 7 minutes for a total of approximately 19 hours (7 minutes × 162 transmissions).

[14] 926 hours for custodians and 19 hours for securities depositories.

[15] Rule 17f–4(b)(2).

[16] The Commission staff assumes that new funds relying on 17f–4 would choose to use a custodian instead of directly dealing with a securities depository because of the high costs associated with maintaining an account with a securities depository. Thus new funds would not be subject to this condition.

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 12, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00788 Filed 1–15–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76874; File No. SR–NASDAQ–2015–167]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a)(6) of Rule 1120, Continuing Education Requirements

January 12, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that, on December 30, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II 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 section (a)(6) of Rule 1120 (Continuing Education Requirements) to provide for web-based delivery of the Exchange's continuing education (''CE'') program. The proposed rule change would phase out the current option of completing the Regulatory Element in a test center, and eliminate the current option for in-house delivery of the Regulatory Element of the CE program. The amendments will delete the current text of Rule 1120(a)(6) (In-Firm Delivery of the Regulatory Element). The Exchange's proposal is materially similar to a recent FINRA filing to amend FINRA Rule 1250, which was recently approved by the Securities and Exchange Commission.[3] The proposed rule change will become operative January 4, 2016.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CE requirements under Rule 1120 consist of a Regulatory Element [4] and a Firm Element.[5] The Regulatory Element applies to all registered persons [6] and consists of periodic computer-based training on regulatory, compliance, ethical, and supervisory subjects and sales practice standards, which must be completed within prescribed timeframes.[7] In addition, a registered person is required to retake the Regulatory Element in the event that such person (A) is subject to any statutory disqualification as defined in Section 3(a)(39) of the Act; (B) is subject to suspension or to the imposition of a fine of $5,000 or more for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or (C) is ordered as a sanction in a disciplinary action to retake the Regulatory Element by any securities governmental agency or self-regulatory organization. Rule 1120(a)(1) provides that the following Regulatory Elements administered by FINRA shall be required: the S201 Supervisor Program for registered principals and supervisors, the S501 Series 56 Proprietary Trader continuing education program for Series 56 registered persons, and the S101 General Program for Series 7 and all other registered persons. Currently, the Regulatory Element may be administered in a test center or in-firm subject to specified procedures.[8]

The Firm Element consists of annual, member-developed and administered training programs for covered registered persons,[9] which must be appropriate for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015). *See also* Securities Exchange Act Release No. 76107 (October 8, 2015), 80 FR 62139 (October 15, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Delivery of the Regulatory Element of the Exchange's Continuing Education Program) (SR–CBOE–2015–084).

[4] *See* Rule 1120(a) (Regulatory Element).

[5] *See* Rule 1120(b) (Firm Element).

[6] For purposes of the Regulatory Element, a ''registered person'' means any person registered with Nasdaq as a representative, principal, or assistant representative pursuant to the Rule 1020, 1030, 1040, and 1110 Series. *See* Rule 1120(a)(5).

[7] Pursuant to Rule 1120(a)(1), each registered person shall complete the Regulatory Element of the continuing education program beginning with the occurrence of their second registration anniversary date and every three years thereafter, or as otherwise prescribed by the Exchange. On each occasion, the Regulatory Element must be completed within 120 days after the person's registration anniversary date. A person's initial registration date, also known as the ''base date,'' shall establish the cycle of anniversary dates for purposes of the Rule. The content of the Regulatory Element of the program shall be determined by Nasdaq and shall be appropriate to either the registered representative or principal status of the person subject to the Rule.

[8] Pursuant to Rule 1120(a)(6), Nasdaq Members that are also FINRA members are currently permitted to administer the continuing education Regulatory Element program to their registered persons by instituting an in-firm program to the extent such program has been deemed acceptable to FINRA in accordance with NASD Rule 1120(a)(6). (The Exchange notes that NASD Rule 1120 has previously been superseded by FINRA Rule 1250 which FINRA has amended, as discussed above, to delete the in-firm CE option on a phased basis.) Nasdaq and FINRA are parties to the Regulatory Contract pursuant to which FINRA has agreed to perform certain functions on behalf of Nasdaq. Therefore, Nasdaq members are complying with Nasdaq Rule 1120(a)(6) by complying with NASD Rule 1250. In addition, functions performed by FINRA, FINRA departments, and FINRA staff under Nasdaq Rule 1120(a)(6) are being performed by FINRA on behalf of Nasdaq. Nasdaq Members that are not FINRA members are not permitted to institute in-firm delivery of the Regulatory Element program.

[9] Under Rule 1120(b)(1) (Persons Subject to the Firm Element), a ''covered registered person'' means any person registered with a member who

Continued

the business of the member and, at a minimum, must cover the following matters concerning securities products, services and strategies offered by the member: (i) General investment features and associated risk factors; (ii) suitability and sales practice considerations; and (iii) applicable regulatory requirements.

Today, most registered persons complete the Regulatory Element in a test center rather than in-firm. Given the advances in Web-based technology, the Exchange believes that there is diminishing utility in the test center and in-firm delivery methods. Moreover, according to FINRA,[10] registered persons have raised concerns with the test center delivery method because of the travel involved, the limited time currently available to complete a Regulatory Element session [11] and the use of rigorous security measures at test centers, which are appropriate for taking qualification examinations but onerous for a CE program.[12] Also, according to FINRA, the test center is expensive to operate.[13]

In response to the issues noted above, FINRA engaged in extensive outreach with the industry and completed a pilot of a Web-based delivery system for administering the Regulatory Element.[14] According to FINRA, the proposed Web-based system performed well during the pilot in terms of both performance and accessibility.[15] FINRA also received positive feedback from firms and the individual pilot participants.[16] FINRA noted that among other things, pilot participants appreciated the expanded time to focus on the provided learning materials without the pressure of a timed session and the ability to resume or complete their session from where they left off.[17]

Proposal

Based on the recent amendments to FINRA Rule 1250,[18] the Exchange proposes to amend Rule 1120(a)(6) to provide for a Web-based delivery method for completing the Regulatory Element. Specifically, the Exchange proposes to amend Rule 1120(a)(6) to provide that the continuing education Regulatory Element set forth in paragraph (a) of Rule 1120(a) will be administered through Web-based delivery or such other technological manner and format as specified by the Exchange. Should the Exchange determine to administer the Regulatory Element through a delivery mechanism other than Web-based delivery, however, the Exchange would notify the Commission and would need to file a further rule change with the Commission.

The first phase of the Web-based delivery system was launched October 1, 2015 and includes the Regulatory Element of the S201 Supervisor Program for registered principals and supervisors. The second phase of the Web-based delivery system will be launched January 4, 2016 and include the Regulatory Element of the S101 General Program for Series 7 and all other registered persons, including, but not limited to Securities Traders.

The Exchange is proposing to phase out test-center delivery by no later than six months after January 4, 2016. Registered persons will continue to have the option of completing the Regulatory Element in a test center, but they will be required to use the Web-based system after the test-center delivery is phased out.[19]

Further, the Exchange is proposing to eliminate the current option for in-firm delivery and is deleting the current language in Rule 1120(a)(6) relating to in-firm delivery of the CE Regulatory Element. The proposed Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at a location of their choosing, including their private residence, at any time during their 120-day window for completion of the Regulatory Element.[20]

The Exchange notes that the Web-based format will include safeguards to authenticate the identity of the CE candidate. For instance, prior to commencing a Web-based session, the candidate will be asked to provide a portion of their [sic] SSN (either first five or last four digits) and their [sic] date of birth. This information will only be used for matching data in FINRA's Web-CRD system. The Web CE system will discard this information after the matching process. Further, before commencing a Web-based session, each candidate will be required to agree to the Rules of Conduct for Web-based delivery. Among other things, the Rules of Conduct will require each candidate to attest that he or she is in fact the person who is taking the Web-based session. The Rules of Conduct will also require that each candidate agree that the Regulatory Element content is intellectual property and that the content cannot be copied or redistributed by any means. If the Exchange discovers that a candidate has violated the Rules of Conduct, the candidate will forfeit the results of the Web-based session and may be subject to disciplinary action by the Exchange. Violation of the Rules of Conduct will be considered conduct inconsistent with high standards of commercial honor and just and equitable principles of trade, in violation of Rule 2010A (Standards of Commercial Honor and Principles of Trade). The Exchange is not proposing any changes to the Firm Element requirements under Rule 1120(b).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] 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. Additionally, the Exchange believes the

has direct contact with customers in the conduct of the member's securities sales, trading and investment banking activities, and to the immediate supervisors of such persons.

[10] FINRA is currently responsible for the operation of the test centers used for test center delivery method of the Regulatory Element.

[11] The current session time is three-and-a-half hours.

[12] *See* Securities Exchange Act Release No. 75154 (June 11, 2015), 80 FR 34777 (June 17, 2015) (Notice of Filing of a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[13] *Id.* at 34779.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *See* FINRA Rule 1250 (Continuing Education Requirements). *See also* Securities Exchange Act Release No. 75581 (July 31, 2015) 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR–FINRA–2015–015).

[19] The Exchange intends to amend Rule 7003, Registration and Processing Fees, to reduce the cost for Web-delivery of the Regulatory Element from $100 to $55 if administered by Web-delivery. Fees for completing the CE Regulatory Element at a test center will remain $100.

[20] Although the proposed rule change provides flexibility, firms may choose to impose their own conditions based on their supervisory and compliance needs. For instance, a firm that wishes to have registered persons complete CE on the firm's premises can do so by having the registered person access Web-based CE from a firm device and location. Moreover, firms would have to update their written policies and procedures regarding the Regulatory Element to reflect the transition to Web-based CE and communicate the update to registered persons.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

proposed rule change is consistent with the Section 6(b)(5) [23] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers and Section 6(c)(3) [24] of the Act, which authorizes the Exchange to, among other things, prescribe standards of financial responsibility or operational capability and standards of training, experience, and competence for its members and persons associated with members.

In particular, the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend a greater amount of time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. Further, while the proposed rule change will provide more flexibility to members and registered persons, it will maintain the integrity of the Regulatory Element of the CE program and the CE program in general.

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 notes that the proposed rule change is specifically intended to reduce the burden on firms while preserving the integrity of the CE program. As described above, the Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at any location that they choose. Further, Web-based delivery is efficient and offers significant cost savings over test-center and in-firm deliveries. With respect to the authentication process for Web-based delivery, the CE candidate's personal identifying information will be masked and will be submitted to FINRA through a secure, encrypted, network. The personal identifying information submitted via the Web-based system will be used for authentication purposes only—the information will not be stored in the Web-based system.

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.

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(c)(3).

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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and Rule 19b–4(f)(6) thereunder.[26]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative on January 4, 2016. The Exchange states the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend more time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. In addition, waiving the operative delay will make NASDAQ's rules consistent with those of the other exchanges. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative on January 4, 2016.[27]

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 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–2015–167 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–2015–167. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–167 and should be submitted on or before February 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–00787 Filed 1–15–16; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the 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.

[27] 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).

[28] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2016–0001]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and an extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2016–0001].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than March 21, 2016. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Supplemental Statement Regarding Farming Activities of Person Living Outside the U.S.A.—0960–0103. When a beneficiary or claimant reports farm work from outside the United States, SSA documents this work on Form SSA–7163A–F4. Specifically, SSA uses the form to determine if we should apply foreign work deductions to the recipient's Title II benefits. We collect the information either annually or every other year, depending on the respondent's country of residence. Respondents are Social Security recipients engaged in farming activities outside the United States.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7163A–F4	1,000	1	60	1,000

2. Employer Verification of Earnings After Death—20 CFR 404.821 and 404.822—0960–0472. When SSA records show a wage earner is deceased and we receive wage reports from an employer for the wage earner for a year subsequent to the year of death, SSA mails the employer Form SSA–L4112 (Employer Verification of Earnings After Death). SSA uses the information Form SSA–L4112 provides to verify wage information previously received from the employer is correct for the employee and the year in question. The respondents are employers who report wages for employees who have died.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4112	50,000	1	10	8,333

3. Certificate of Incapacity—5 CFR 890.302(d)—0960–0739. Rules governing the Federal Employee Health Benefits (FEHB) plan require a physician to verify the disability of Federal employees' children ages 26 and over for these children to retain health benefits under their employed parents' plans. The physician must verify the adult child's disability: (1) Pre-dates the child's 26th birthday; (2) is very serious; and (3) will continue for at least one year. Physicians use Form SSA–604, the Certificate of Incapacity, to document and certify this information, and the Social Security Administration uses the information provided to determine the eligibility for these children, ages 26 and over, for coverage under a parent's FEHB plan. The respondents are physicians of SSA employees' children ages 26 or over who are seeking to retain health benefits under their parent's FEHB coverage.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–604	50	1	45	38

4. Certificate of Election for Reduced Widow(er)s and Surviving Divorced Spouse's Benefits—20 CFR 404.335—0960–0759. Section 202(q) of the Act provides SSA the authority to reduce benefits under certain conditions when elected by a Title II beneficiary. However, reduced benefits are not payable to an already entitled spouse (or divorced spouse) who:

• Is at least age 62 and under full retirement age in the month of the number holder's death; and

• Is receiving both reduced spouse's (or divorced spouse's) benefits and either retirement or disability benefits in the month before the month of the number holder's death.

To elect reduced widow(er) benefits, a recipient completes Form SSA–4111. SSA uses the information collected to pay a qualified dually entitled widow(er) (or surviving divorced spouse) who elects to receive a reduced widow(er) benefit. The respondents are qualified dually entitled widow(er)s (or surviving divorced spouse) who elect to receive a reduced widow(er) benefit.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–4111	30,000	1	2	1,000

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than February 18, 2016. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Child Relationship Statement—20 CFR 404.355 & 404.731—0960–0116. To help determine a child's entitlement to Social Security benefits, SSA uses criteria under section 216(h)(3) of the Social Security Act, deemed child provision. SSA may deem a child to an insured individual if: (1) The insured individual presents SSA with satisfactory evidence of parenthood, and was living with or contributing to the child's support at certain specified times; or (2) the insured individual (a) acknowledged the child in writing; (b) was court decreed as the child's parent; or (c) was court ordered to support the child. To obtain this information, SSA uses Form SSA–2519, Child Relationship Statement. The respondents are people with knowledge of the relationship between certain individuals filing for Social Security benefits and their alleged biological children.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2519	50,000	1	15	12,500

2. Request for Reinstatement (Title XVI)—20 CFR 416.999–416.999d—0960–0744. SSA uses Form SSA–372 to (1) inform previously entitled beneficiaries of the expedited reinstatement (EXR) requirements of Supplemental Security Income (SSI) payments under Title XVI of the Social Security Act (Act), and (2) document their requests for EXR. We require this application for reinstatement of benefits for respondents to obtain SSI disability payments for EXR. When an SSA claims representative learns of individuals whose medical conditions no longer permit them to perform substantial gainful activity as defined in the Act, the claims representative gives or mails the form to the previously entitled individuals if they request EXR over the phone. SSA employees collect this information whenever an individual files for EXR benefits. The respondents are applicants for EXR of SSI disability payments.

Type of Request: Revision of an OMB-approved information collection.

Regulation section	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–372	2,000	1	2	67

Dated: January 13, 2016.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2016–00855 Filed 1–15–16; 8:45 am]

BILLING CODE 4191–02–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

International Trade Data System Visa Requirements Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative is directing the Commissioner of Customs and Border Protection to permit importers to submit electronic images of an appropriate export visa from a beneficiary sub-Saharan African country when claiming preferential treatment for entries of textile and apparel products under the African Growth and Opportunity Act.

DATES: *Effective Date:* February 8, 2016.

FOR FURTHER INFORMATION CONTACT: Constance Hamilton, Deputy Assistant United States Trade Representative for Africa, Office of African Affairs, 202 395 9576, *Constance_Hamilton@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Public Law 106–200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of designated beneficiary sub-Saharan African countries.

In January 2001 (66 FR 7837 Jan. 25, 2001), the United States Trade Representative (USTR) directed the Commissioner of Customs (now, the Commissioner of Customs and Border Protection) to take the actions necessary to ensure that textile and apparel articles described in section 112(b) of the AGOA (19 U.S.C. 3721(b)) that are entered or withdrawn from a warehouse for consumption are accompanied by an appropriate export visa, if the preferential treatment described in section 112(a) of the AGOA (19 U.S.C. 3721(a)) is claimed with respect to such articles. The directions to the Commissioner required that a shipment be visaed by stamping an original circular visa, in blue ink only, on the front of the original commercial invoice. Duplicate copies were not permitted. In order to obtain preferential tariff treatment under section 112(a) of the AGOA, the original of the invoice with the original visa stamp was required.

On February 19, 2014, President Obama issued Executive Order 13659 titled ''Streamlining the Export/Import Process for America's Businesses'' (79 FR 10657, Feb 25, 2014), which directed the U.S. Customs and Border Protection (CBP) to develop a more efficient and cost effective trade processing infrastructure called the International Trade Data System (ITDS) to modernize and simplify the way that executive departments and agencies interact with traders. The ITDS includes an electronic information exchange capability or ''single window'' known as the Automated Commercial Environment (ACE), through which businesses will transmit data required by agencies with trade-related responsibilities for the importation or exportation of cargo. When fully implemented in December 2016, ACE/ITDS will be the primary means by which participating agencies will receive from users the standard set of data and other relevant documentation required for the release of imported cargo and the clearance of cargo for export.

With this notice, the USTR is modifying the 2001 directions to the Commissioner to implement use of the ACE by importers from a beneficiary sub-Saharan African country when claiming preferential treatment under section 112(a) of the AGOA for eligible textile and apparel products that are entered or withdrawn from a warehouse for consumption. More specifically, the USTR is directing the Commissioner to allow importers to provide an appropriate export visa submitted electronically via the Document Image System or other approved functionality in ACE or any CBP approved successor system. A shipment still must be visaed by stamping an original circular visa, in blue ink only, on the front of the original commercial invoice. For ease of use, the visa stamp requirements published in 2001 are reproduced below without substantive change. Providing an electronic image of the original visa stamped invoice is not considered duplication for purposes of these instructions. The USTR also advises the Commissioner that an importer must provide the original of the invoice with the original visa stamp for physical inspection upon request by CBP personnel in accordance with 19 CFR part 163.

Each visa stamp shall include the following information:

1. *Visa Number.* The visa stamp is a nine digit format beginning with one numeric digit for the designated grouping (1 to 9), as described below. This number is followed by the two character alpha code specified by the International Organization for Standardization (ISO) for the designated beneficiary sub-Saharan African country, followed by a six digit numerical serial number identifying the shipment.

Grouping 1: Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States.

Grouping 2: Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States if, after assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subject to stone washing, enzyme washing, acid washing, perma pressing, oven baking, bleaching, garment dyeing, screen printing, or other similar processes.

Grouping 3: Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States if the articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

Grouping 4: Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarn originating either in the United States or one or more beneficiary sub-Saharan African countries.

Grouping 5: Apparel articles wholly assembled in one or more lesser-developed beneficiary sub-Saharan countries regardless of the country of origin of the fabric used to make the articles.

Grouping 6: Sweaters in chief weight of cashmere, knit to shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the Harmonized Tariff Schedule of the United States.

Grouping 7: Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

Grouping 8: Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn not formed in the United States or any beneficiary sub-Saharan African country, if (1) apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the North American Free Trade Agreement, or (2) the President proclaims that apparel articles of such fabric or yarn may be accorded preferential tariff treatment under the AGOA.

Grouping 9: Handmade, hand-loomed, or folklore articles (qualifying articles will be determined following bilateral consultations).

The product groupings described above are in summary form. Interested persons should refer to section 112(b) of the AGOA for a complete description of the textile and apparel products for which preferential treatment may be claimed under section 112(a) of the AGOA.

2. *Date of Issuance.* The date of issuance is the day, month and year on which the visa was signed by an authorized government official.

3. *Authorized Signature.* The original signature of an authorized official of the beneficiary sub-Saharan African country or his designate.

4. *Correct Grouping and Quantity.* The correct grouping, the total quantity, and the unit of quantity in the shipment must be provided within the visa stamp. Quantities must be stated in whole numbers. Decimals or fractions will not

be accepted. If the quantity indicated on the visa is less than that of the shipment, only the quantity shown on the visa is eligible for preferential tariff treatment under section 112(a) of the AGOA. If the quantity indicated on the visa is more than that of the shipment, only the quantity of the shipment is eligible for preferential tariff treatment under section 112(a) of the AGOA. Any overage cannot be applied to any other shipment.

A visa will not be accepted and preferential tariff treatment under section 112(a) of the AGOA will not be permitted if the visa number, date of issuance, authorized signature, correct grouping, quantity or the unit of quantity is missing, incorrect, illegible or has been crossed out or altered in any way. If the visa is not acceptable, a new visa must be obtained from an authorized official of the beneficiary sub-Saharan African country, or his designate, before preferential tariff treatment under section 112(a) of the AGOA can be claimed. Waivers are not permitted.

Florizelle Liser,

Assistant United States Trade Representative for African Affairs, Office of the United States Trade Representative.

[FR Doc. 2016–00838 Filed 1–15–16; 8:45 am]

BILLING CODE 3290–F6–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–85]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–8006 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *deana.stedman@faa.gov,* phone (425) 227–2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 11, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–8006.

Petitioner: The Boeing Company.

Section(s) of 14 CFR Affected: § 25.981(a)(3).

Description of Relief Sought: The petitioner seeks an exemption from the requirements of 14 CFR 25.981(a)(3) at Amendment 25–125, with respect to fuel tank ignition prevention for the 777–9 model airplane. This petition is made in accordance with FAA Policy PS–ANM–25.981–02 dated June 24, 2014, providing alternate requirements in lieu of full compliance to ensure that an acceptable level of safety is provided.

[FR Doc. 2016–00755 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2016–0001]

Petition for Exemption; Summary of Petition Received; Innova Flights Training and Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–0137 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael J. Cameron, (202) 267–4549, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 12, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–0137

Petitioner: Innova Flight Training and Systems

Section(s) of 14 CFR Affected: 21, and §§ 61.3, 61.113(a), 91.109 (a), 91.119, 91.121, and 91.151(a).

Description of Relief Sought: The petitioner is requesting relief in order to instruct students on Unmanned Aircraft Systems (UAS) operations in the National Airspace System (NAS). Petitioner's curriculum includes non-certified and certificated aviation students manipulating UAS controls with an aviation certificated pilot as the pilot in command (PIC) acting as an instructor who is able to take control of the UAS at any time.

[FR Doc. 2016–00753 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–70]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–6811 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *deana.stedman@faa.gov,* phone (425) 227–2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 11, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–6811.

Petitioner: The Boeing Company.

Section(s) of 14 CFR Affected: § 25.341(a).

Description of Relief Sought: The petitioner requests an exemption from 14 CFR 25.341(a) for the STC-modified 767–2C ARB and its local attachment structure.

[FR Doc. 2016–00754 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–84]

Petition for Exemption; Summary of Petition Received; JP Morgan Chase & Co.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–1677 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 11, 2016.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–1677.

Petitioner: JP Morgan Chase & Co.

Section(s) of 14 CFR Affected: § 61.57(a).

Description of Relief Sought: JP Morgan Chase & Co. (JPMC) seeks relief to allow pilots employed by JPMC to use any one of JPMC's G550 (GV) or G650ER (GVI), Gulfstream airplanes or a Level B, C, or D simulator that represents one of the types of Gulfstream airplanes to meet the recent takeoff and landing experience requirements of § 61.57.

[FR Doc. 2016–00756 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on United States Highway 181 (U.S. 181), Harbor Bridge Project in Texas

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other federal agencies

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(l). The actions relate to the U.S. 181 Harbor Bridge Project in the City of Corpus Christi, Nueces County, Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(l). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before June 17, 2016. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Achille Alonzi, Division Administrator, Texas Division, Federal Highway Administration, 300 E. 8th Street, Room 826, Austin, Texas 78701; 8:00 a.m. to 5:00 p.m. (central daylight time) Monday through Friday, 512–536–5900; email: *al.alonzi@dot.gov.*

You may also contact Mr. Carlos Swonke, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in Texas: U.S. 181 Harbor Bridge Project in Nueces County. The project limits include: US 181 at Beach Avenue on the north; Crosstown Expressway at Morgan Avenue on the south; I–37 and Up River Road on the west; and I–37 and Shoreline Boulevard on the east. The project would replace the existing Harbor Bridge and reconstruct portions of U.S. 181, I–37 and the Crosstown Expressway.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved by FHWA on November 25, 2014, in the FHWA Record of Decision (ROD) approved by FHWA on January 8, 2016, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting FHWA or the Texas Department of Transportation at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the following Web sites: *ccharborbridgeproject.com* or *txdot.gov.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 42 U.S.C. 7401–7671(q).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.
8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(l).

Issued on: January 8, 2016.

Achille Alonzi,

Division Administrator, Austin, Texas.

[FR Doc. 2016–00811 Filed 1–15–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0283]

Pipeline Safety: Potential for Damage to Pipeline Facilities Caused by Flooding, River Scour, and River Channel Migration

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice; Issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing this advisory bulletin to remind all owners and operators of gas and hazardous liquid pipelines of the potential for damage to pipeline facilities caused by severe flooding and actions that operators should consider taking to ensure the integrity of pipelines in the event of flooding, river scour, and river channel migration.

FOR FURTHER INFORMATION CONTACT: Operators of pipelines subject to regulation by PHMSA should contact the appropriate PHMSA Region Office. The PHMSA Region Offices and their contact information are as follows:

- Central Region: 816–329–3800
  Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin
- Eastern Region: 609–989–2171
  Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia
- Southern Region: 404–832–1147
  Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee
- Southwest Region: 713–272–2859
  Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
- Western Region: 720–963–3160
  Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming

Intrastate pipeline operators should contact the appropriate state pipeline safety authority. A list of state pipeline safety authorities is provided at: *www.napsr.org.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 192.613(a) of the Pipeline Safety Regulations (49 CFR parts 190–199) states that ''[e]ach operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.'' Section 192.613(b) further states that ''[i]f a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with § 192.619(a) and (b).''

Likewise, § 195.401(b)(1) of the Pipeline Safety Regulations states that ''[w]henever an operator discovers any condition that could adversely affect the safe operation of its pipeline system, it must correct the condition within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the operator may not operate the affected part of the system until it has corrected the unsafe condition.'' Section 195.401(b)(2) further states that ''[w]hen an operator discovers a condition on a pipeline covered under [the integrity management requirements in] § 195.452, the operator must correct the condition as prescribed in § 195.452(h).'' Severe flooding, river scour, and river channel migration are the types of unusual operating conditions that can adversely affect the safe operation of a pipeline and require corrective action under §§ 192.613(a) and 195.401(b).

In addition, Part 194 requires operators of onshore oil pipelines to ''include procedures and a list of resources for responding, to the maximum extent practicable, to a worst case discharge and to a substantial threat of such a discharge'' under § 194.107(a). Per § 194.115, the operator must ''identify, and ensure, by contract or other approved means, the resources necessary to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent a substantial threat of a worst case discharge''.

Furthermore, an operator must take additional preventative and mitigative measures beyond those already required in Parts 192, 194, and 195 to prevent a pipeline failure and to mitigate the consequences of a pipeline failure per §§ 192.935, 194.107(a) and 195.452(i). An operator must base the additional measures on the threats the operator has identified for each pipeline segment. If an operator determines outside force damage (*e.g.,* earth movement, floods) is a threat to the pipeline, the operator must take steps to minimize the probability of damage and the consequences of a release.

PHMSA has released five Advisory Bulletins on this subject, with the earliest issued July 29, 1993, (ADB–93–03), and the most recent on July 27, 2011, (ADB–11–04; 76 FR 44985). Each of these bulletins followed an event that involved severe flooding that affected pipelines in the areas of rising waters. Four of the more notable events are briefly described below:

On August 13, 2011, Enterprise Products Operating, LLC discovered a release of 28,350 gallons (675 barrels) of natural gasoline in the Missouri River in Iowa. The rupture, according to the metallurgical report, was the result of fatigue crack growth driven by vibrations in the pipe from vortex shedding.

On July 1, 2011, ExxonMobil Pipeline Company experienced a pipeline failure near Laurel, Montana, resulting in the release of 63,000 gallons (1,500 barrels) of crude oil into the Yellowstone River. According to the results of PHMSA's accident investigation, the rupture was caused by channel migration and river bottom scour, leaving a large span of the pipeline exposed to prolonged current forces and debris washing downstream in the river. Those external forces damaged the exposed pipeline.

On July 15, 2011, NuStar Pipeline Operating Partnership, L.P. reported a 4,200 gallon (100 barrels) anhydrous ammonia spill in the Missouri River in Nebraska requiring extensive environmental response and causing supply disruption. The 6-inch-diameter pipeline was exposed by scouring during extreme flooding.

On January 17, 2015, a breach in the Bridger Pipeline Company's Poplar system resulted in another spill into the Yellowstone River near the town of Glendive, Montana, releasing an estimated 28,434 gallons (677 barrels) of crude oil into the river and impacting local water supplies. Preliminary information indicates over 100 feet of pipeline was exposed on the river bottom, and a release point was near a girth weld.

As shown in these events, river bottom scour and channel migration may occur due to seasonal flooding, increased stream velocities, and man-made and natural river bank restrictions. River scour and channel migration may damage a pipeline as a result of additional stresses imposed on the pipe by undermining underlying support soils, exposing the pipeline to lateral water forces and impact from waterborne debris. Lateral water forces may cause excessive bending loads that lead to pipeline failures, and possible impact forces from debris in the river or harmonic vibrations from water rapidly passing over pipelines can also increase the potential for pipeline failures.

Additionally, the safety of valves, regulators, relief sets, pressure sensors, and other facilities normally above ground or above water can be jeopardized when covered by water. Not

only can these facilities become inoperable when submerged, but they are also at a greater risk of damage by outside forces, floating debris, river currents, and craft operating on the water. Boaters involved in rescue operations, emergency support functions, sightseeing, and other activities are generally not aware of the seriousness of an incident that could result from their craft damaging a pipeline facility that is unseen beneath the surface of the water. Depending on the size of the craft and the pipeline facility struck, significant pipeline damage may result.

Although accidents at river crossings account for less than one percent of the total number of pipeline accidents, the consequences of a release in water can be much more severe because of the threats to drinking water supplies and the environment. Unlike hazardous liquid releases on land where it can be easier to respond to and contain spills, swift-moving river currents will carry hazardous liquids further downstream, potentially impacting much larger geographical areas and more communities. Product releases in rivers can create difficult, costly, and lengthy spill response and remediation scenarios and activities for operators, communities, and local, state, and federal responders.

II. Advisory Bulletin (ADB–2016–01)

To: Owners and Operators of Gas and Hazardous Liquid Pipeline Systems.

Subject: Potential for Damage to Pipeline Facilities Caused by Severe Flooding.

Advisory: Severe flooding can adversely affect the safe operation of a pipeline. Operators need to direct their resources in a manner that will enable them to determine and mitigate the potential effects of flooding on their pipeline systems in accordance with applicable regulations. Operators are urged to take the following actions to prevent and mitigate damage to pipeline facilities and ensure public and environmental safety in areas affected by flooding:

1. Utilize experts in river flow, such as hydrologists or fluvial geomorphologists, to evaluate a river's potential for scour or channel migration at each pipeline river crossing.

2. Evaluate each pipeline crossing a river to determine the pipeline's installation method and determine if that method (and the pipeline's current condition) is sufficient to withstand the risks posed by anticipated flood conditions, river scour, or river channel migration. In areas prone to these conditions and risks, consider installing pipelines using horizontal directional drilling to help place pipelines below elevations of maximum scour and outside the limits of lateral channel migration.

3. Determine the maximum flow or flooding conditions at rivers where pipeline integrity is at risk in the event of flooding (*e.g.,* where scour can occur) and have contingency plans to shut down and isolate those pipelines when those conditions occur.

4. Evaluate the accessibility of pipeline facilities and components that may be in jeopardy, such as valve settings, which are needed to isolate water crossings or other sections of pipelines.

5. Extend regulator vents and relief stacks above the level of anticipated flooding as appropriate.

6. Coordinate with emergency and spill responders on pipeline locations, crossing conditions, and the commodities transported. Provide maps and other relevant information to such responders so they can develop appropriate response strategies.

7. Coordinate with other pipeline operators in flood areas and establish emergency response centers to act as a liaison for pipeline problems and solutions.

8. Deploy personnel so that they will be in position to shut down, isolate, contain, or perform any other emergency action on an affected pipeline.

9. Determine if facilities that are normally above ground (*e.g.,* valves, regulators, relief sets, etc.) have become submerged and are in danger of being struck by vessels or debris and, if possible, mark such facilities with U.S. Coast Guard approval and an appropriate buoy.

10. Perform frequent patrols, including appropriate overflights, to evaluate right-of-way conditions at water crossings during flooding and after waters subside. Report any flooding, either localized or systemic, to integrity staff to determine if pipeline crossings may have been damaged or would be in imminent jeopardy from future flooding.

11. Have open communications with local and state officials to address their concerns regarding observed pipeline exposures, localized flooding, ice dams, debris dams, and extensive bank erosion that may affect the integrity of pipeline crossings.

12. Following floods, and when safe river access is first available, determine if flooding has exposed or undermined pipelines because of new river channel profiles. This is best done by a depth of cover survey.

13. Where appropriate, surveys of underwater pipe should include the use of visual inspection by divers or instrumented detection. Pipelines in recently flooded lands adjacent to rivers should also be evaluated to determine the remaining depth of cover. You should share information gathered by these surveys with affected landowners. Agricultural agencies may help to inform farmers of potential hazards from reduced cover over pipelines.

14. Ensure that line markers are still in place or are replaced in a timely manner. Notify contractors, highway departments, and others involved in post-flood restoration activities of the presence of pipelines and the risks posed by reduced cover.

If a pipeline has suffered damage or is shut-in as a precautionary measure due to flooding, the operator should advise the appropriate PHMSA regional office or state pipeline safety authority before returning the line to service, increasing its operating pressure, or otherwise changing its operating status. Furthermore, reporting a Safety-Related Condition as prescribed in §§ 191.23 and 195.55 may also be required.

Issued in Washington, DC on January 12, 2016, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2016–00765 Filed 1–15–16; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Privacy Act of 1974, as Amended; System of Records

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, the Office of the Comptroller of the Currency, Treasury, is publishing its inventory of Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A–130, the Comptroller of the Currency (OCC) has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

Department of the Treasury regulations require the Department to publish the existence and character of all systems of records every three years as specified in 31 CFR 1.23(a)(1). With respect to its inventory of Privacy Act systems of records, the OCC has determined that the information contained in its systems of records is accurate, timely, relevant, complete, and necessary to maintain the proper performance of a documented agency function. The OCC's systems of records notice was last published in its entirety on April 3, 2012, at 77 FR 20104–20122.

This publication covers the Privacy Act systems of records that were formerly Office of Thrift Supervision (OTS) systems, which the OCC adopted on July 26, 2011, at 76 FR 44656. Treasury/OTS systems of records were transferred to the OCC pursuant to section 323 of the Dodd-Frank Act, 12 U.S.C. 5433. The OTS systems of records notices were last published in their entirety on June 29, 2009, at 74 FR 31103.

This publication gives notice of two new systems of records. Treasury/CC .341, Mass Communications System, contains records necessary to communicate with OCC employees in the event of an emergency. Treasury/CC .701, Retiree Billing System, contains records necessary to contact and to send bills to former OCC and OTS employees, retirees enrolled in OCC and OTS life insurance programs, and employees receiving annuities from the Pentegra Deferred Benefit Plan.

This publication gives notice of the following actions.

Treasury/OTS .002, Correspondence and Correspondence Tracking system has been retired. The records have been archived or destroyed in accordance with OCC records management policies.

Treasury/OTS .003, Consumer Complaint Files system will be retired at the end of July 2016. All records in this system of records will be archived or merged with Treasury/CC .600, Consumer Complaint and Inquiry Information, before the end of July 2016.

Treasury/OTS .006, Employee Locator File system has been retired. The records in this system have been merged into OCC personnel and payroll records, part of the Treasury-wide system, Treasury .001, Treasury Personnel and Payroll System dated January 2, 2014 at 79 FR 184.

Treasury/OTS .012, Payroll/Personnel Systems & Payroll Records, has been retired. The records have been merged with OCC records within Treasury .001, Treasury Personnel and Payroll System dated January 2, 2014 at 79 FR 184.

Treasury/OTS .013, Mass Communication System has been retired. The records have been merged into Treasury/CC .341, Mass Communication System.

Treasury/OTS .015, OTS Retiree Billing System has been retired. Records in the system were merged into a new OCC system, Treasury/CC .701, Retiree Billing System.

Other changes throughout the document are editorial in nature and consist principally of revising address information and minor editorial changes.

Systems Covered by This Notice

This notice covers all systems of records adopted by the OCC up to December 1, 2015. The systems notices are reprinted in their entirety following the Table of Contents.

Dated: January 12, 2016.

Helen Goff Foster,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

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TREASURY/CC .100

SYSTEM NAME:

Enforcement Action Report System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Office of Chief Counsel, Enforcement and Compliance Division, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are:

(1) Current and former directors, officers, employees, shareholders, and independent contractors of financial institutions who have had enforcement actions taken against them by the OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the National Credit Union Administration;

(2) Current and former directors, officers, employees, shareholders, and independent contractors of financial institutions who are the subjects of pending enforcement actions initiated by the OCC; and

(3) Individuals who must obtain the consent of the OCC pursuant to 12 U.S.C. 1829 to become or continue as an institution-affiliated party within the meaning of 12 U.S.C. 1813(u) of a federally-insured depository institution, a direct or indirect owner or controlling person of such an entity, or a direct or indirect participant in the conduct of the affairs of such an entity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain the names of individuals, their positions or titles with financial institutions, descriptions of offenses and alleged misconduct, pending and completed enforcement actions, and descriptions of offenses requiring OCC or Federal Deposit Insurance Corporation approval of waivers under 12 U.S.C. 1829.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 27, 481, 1817(j), 1818, 1820, and 1831i.

PURPOSE:

This system of records is used by the OCC to monitor enforcement actions and to assist it in its regulatory responsibilities, including review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of OCC-regulated entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity when the information is relevant to the entity's operations;

(2) Third parties to the extent necessary to obtain information that is relevant to an examination or investigation;

(3) The news media in accordance with guidelines contained in 28 CFR 50.2;

(4) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation

or supervision of financial service providers, including the review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of such providers;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Enforcement and Compliance Division, Office of Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from OCC personnel, OCC-regulated entities, other federal financial regulatory agencies, and criminal law enforcement authorities.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). See 31 CFR 1.36.

TREASURY/CC .110

SYSTEM NAME:

Reports of Suspicious Activities—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Office of Chief Counsel, Enforcement and Compliance Division, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. Suspicious Activity Reports (SARs) are managed by the Financial Crimes Enforcement Network (FinCEN), Department of the Treasury, 2070 Chain Bridge Road, Vienna, Virginia 22182, and stored at the IRS Computing Center in Detroit, Michigan. Information extracted from or relating to SARs or reports of crimes and suspected crimes is maintained in an OCC electronic database. This database, as well as the database managed by FinCEN, is accessible to designated OCC headquarters and district office personnel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who have been designated as suspects or witnesses in SARs or reports of crimes and suspected crimes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain the name of the entity to which a report pertains, the names of individual suspects and witnesses, the types of suspicious activity involved, and the amounts of known losses. Other records maintained in this system may contain arrest, indictment and conviction information, and information relating to administrative actions taken or initiated in connection with activities reported in a SAR or a report of crime and suspected crime.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 27, 481, 1817(j), 1818, 1820, and 1831i; 31 U.S.C. 5318.

PURPOSE:

This system of records is used by the OCC to monitor criminal law enforcement actions taken with respect to known or suspected criminal activities affecting OCC-regulated entities. System information is used to determine whether matters reported in SARs warrant the OCC's supervisory action. Information in this system also may be used for other supervisory and licensing purposes, including the

review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of OCC-regulated entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) The Department of Justice through periodic reports containing the identities of individuals suspected of having committed violations of criminal law;

(2) An OCC-regulated entity if the SAR relates to that institution;

(3) Third parties to the extent necessary to obtain information that is relevant to an examination or investigation;

(4) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation and supervision of financial service providers, including the review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of such providers;

(5) An appropriate governmental, international, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(6) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGERS AND ADDRESS:

Deputy Comptroller, Special Supervision Division, Midsize/Community Bank Supervision, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from OCC personnel, OCC-regulated entities, other financial regulatory agencies, criminal law enforcement authorities, and FinCEN.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records in this system have been designated as exempt from 5 U.S.C. 552a(c)(3) and (4), (d)(1), (2), (3), and (4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), and (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/CC .120

SYSTEM NAME:

Bank Fraud Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Bank Supervision Operations, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those who submit complaints or inquiries about fraudulent or suspicious financial instruments or transactions or who are the subjects of complaints or inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain: The name, address, or telephone number of the individual who submitted a complaint or inquiry; the name, address, or telephone number of the individual or entity who is the subject of a complaint or inquiry; the types of activity involved; the date of a complaint or inquiry; and numeric codes identifying a complaint or inquiry's nature or source. Supporting records may contain correspondence

between the OCC and the individual or entity submitting a complaint or inquiry, correspondence between the OCC and an OCC-regulated entity, or correspondence between the OCC and other law enforcement or regulatory bodies. Other records maintained in this system may contain arrest, indictment and conviction information, and information relating to administrative actions taken or initiated in connection with complaints or inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 27, 481, 1817(j), 1818, 1820, and 1831i; 31 U.S.C. 5318.

PURPOSE:

This system of records tracks complaints or inquiries concerning fraudulent or suspicious financial instruments and transactions. These records assist the OCC in its efforts to protect banks and their customers from fraudulent or suspicious banking activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity to the extent that such entity is the subject of a complaint, inquiry, or fraudulent activity;

(2) Third parties to the extent necessary to obtain information that is relevant to the resolution of a complaint or inquiry, an examination, or an investigation;

(3) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers;

(4) An appropriate governmental, international, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically, in card files, and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Deputy Comptroller, Special Supervision, Bank Supervision Operations, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from individuals and entities who submit complaints or inquiries, OCC personnel, OCC-regulated entities, criminal law enforcement authorities, and governmental or self-regulatory bodies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3) and (4), (d)(1), (2), (3), and (4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/CC .200

SYSTEM NAME:

Chain Banking Organizations System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Operations Risk Policy, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001, and the

OCC's district offices as follows: Central District Office, One Financial Place, Suite 2700, 440 South LaSalle Street, Chicago, IL 60605–1073; Northeastern District Office, 340 Madison Avenue, Fifth Floor, New York, NY 10017–2613; Southern District Office, 500 North Akard Street, Suite 1600, Dallas, TX 75201–3394; and Western District Office, 1225 17th Street, Suite 300, Denver, CO 80202–5534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who directly, indirectly, or acting through or in concert with one or more other individuals, own or control a chain banking organization. A chain banking organization exists when two or more independently chartered financial institutions, including at least one OCC-regulated entity, are controlled either directly or indirectly by the same individual, family, or group of individuals closely associated in their business dealings. Control generally exists when the common ownership has the ability or power, directly or indirectly, to:

(1) Control the vote of 25 percent or more of any class of an organization's voting securities;

(2) Control in any manner the election of a majority of the directors of an organization; or

(3) Exercise a controlling influence over the management or policies of an organization. A registered multibank holding company and its subsidiary banks are not ordinarily considered a chain banking group unless the holding company is linked to other banking organizations through common control.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system contain the names of individuals who, either alone or in concert with others, own or control a chain banking organization. Other information may include: The name, location, charter number, charter type, and date of last examination of each organization comprising a chain; the percentage of outstanding stock owned or controlled by controlling individuals or groups; and the name of any intermediate holding entity and the percentage of such entity owned or controlled by the individual or group.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 481, 1817(j), and 1820.

PURPOSE:

Information maintained in this system is used by the OCC to carry out its supervisory responsibilities with respect to national banks, federal savings associations, and District of Columbia savings associations operating under the OCC's regulatory authority, including the coordination of examinations, supervisory evaluations and analyses, and administrative enforcement actions with other financial regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity when information is relevant to the entity's operation;

(2) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers;

(3) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within the organization's jurisdiction;

(4) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(5) A Congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(6) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(7) Third parties when mandated or authorized by statute; or

(8) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Operational Risk Policy, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for

notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information maintained in this system is obtained from OCC personnel, other federal financial regulatory agencies, and individuals who file notices of their intention to acquire control over an OCC-regulated financial institution.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .210

SYSTEM NAME:

Bank Securities Dealers System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Credit and Market Risk, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who are or seek to be associated with a municipal securities dealer or a government securities broker/dealer that is a national bank, federal savings association, a District of Columbia savings association operating under the OCC's regulatory authority, or a department or division of any such bank or savings association in the capacity of a municipal securities principal, municipal securities representative, or government securities associated person.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain an individual's name, address history, date and place of birth, social security number, educational and occupational history, certain professional qualifications and testing information, disciplinary history, or information about employment termination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 481, 1464, 1818, and 1820; 15 U.S.C. 78o–4, 78o–5, 78q, and 78w.

PURPOSE:

This system of records will be used by the OCC to carry out its responsibilities under the federal securities laws relating to the professional qualifications and fitness of individuals who engage or propose to engage in securities activities on behalf of national banks, federal savings associations, and District of Columbia savings associations operating under the OCC's regulatory authority.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH SYSTEMS:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity in connection with its filing relating to the qualifications and fitness of an individual serving or proposing to serve the entity in a securities-related capacity;

(2) Third parties to the extent needed to obtain additional information concerning the professional qualifications and fitness of an individual covered by the system;

(3) Third parties inquiring about the subject of an OCC enforcement action;

(4) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers, including the review of the qualifications and fitness of individuals who are or propose to become involved in the provider's securities business;

(5) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(6) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(7) A Congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(8) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(9) Third parties when mandated or authorized by statute; or

(10) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to the electronic database is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Deputy Comptroller, Credit and Market Risk, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking

notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information maintained in this system is obtained from OCC-regulated entities that are: Municipal securities dealers and/or government securities brokers/dealers; individuals who are or propose to become municipal securities principals, municipal securities representatives, or government securities associated persons; or governmental and self-regulatory organizations that regulate the securities industry.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .220

SYSTEM NAME:

Notices of Proposed Changes in Employees, Officers and Directors Tracking System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Special Supervision, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those who are named in notices filed:

(1) Under 12 CFR 5.51 as proposed directors or senior executive officers of a national bank, or federal branches of foreign banks (Section 5.51-regulated entities) when the entities: (a) Have a composite rating of 4 or 5 under the Uniform Financial Institutions Rating System; (b) are subject to cease and desist orders, consent orders, or formal written agreements, unless otherwise informed in writing by the OCC; (c) have been determined, in writing, by the OCC to be in ''troubled condition''; (d) are not in compliance with minimum capital requirements prescribed under 12 CFR part 3; or (e) have been advised by the OCC, in connection with its review of an entity's capital restoration plan, that such filings are appropriate.

(2) Under 12 CFR 5.20(g)(2) as proposed officers or directors of national banks (Section 5.20(g)(2) entities) for a two-year period from the date they commence business.

(3) Under 12 CFR 163, subpart H (previously 12 CFR 563, subpart H) as proposed directors or senior executive officers of federal savings associations (part 163, subpart H entities) when the entities: (a) Are not in compliance with minimum capital requirements prescribed under 12 CFR 167 (previously 12 CFR 567); (b) have a composite rating of 4 or 5 under the Uniform Financial Institutions Rating system; (c) are subject to capital directives, cease and desist orders, consent orders, formal written agreements, or prompt corrective action directives relating to the safety and soundness or financial viability of the federal savings association, unless otherwise informed in writing by the OCC; (d) have been determined in writing by the OCC to be in ''troubled condition''; or (e) have been advised by the OCC, in connection with its review of an entity's capital restoration plan required by 12 U.S.C. 1831o, that such notice is required.

(4) Pursuant to 12 U.S.C. 1818(b) as proposed employees of national banks, Federal savings associations or any other entity subject to the OCC's jurisdiction (1818(b) entities), other than employees covered by 12 CFR 5.51 or 12 CFR 163, subpart H, when required to do so pursuant to 12 U.S.C. 1818(b).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this Privacy Act system may contain: the names, charter numbers, and locations of the OCC-regulated entities that have submitted notices; the names, addresses, dates of birth, and social security numbers of individuals proposed as either directors or senior executive officers; and the actions taken by the OCC in connection with these notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 27, 93a, 481, 1464, 1817(j), 1818, 1820, and 1831i.

PURPOSE:

Information maintained in this system is used by the OCC to carry out its statutory and other regulatory responsibilities, including other reviews of the qualifications and fitness of individuals who propose to become responsible for the business operations of OCC-regulated entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) A Section 5.51 entity, a Section 5.20(g)(2) entity, a part 163, subpart H entity, or a Section 1818(b) entity in connection with review and action on a notice filed by that entity;

(2) Third parties to the extent necessary to obtain information that is pertinent to the OCC's review and action on a notice received under any authority cited herein;

(3) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers, including the review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of such providers;

(4) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or

fraud; or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored both electronically and in paper files.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Paper files are stored in locked cabinets in access controlled facilities with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Deputy Comptroller, Special Supervision, Bank Supervision Operations, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information maintained in this system is obtained from OCC-regulated entities, individuals named in notices filed pursuant to 5 CFR 5.51, Federal or State financial regulatory agencies, criminal law enforcement authorities, credit bureaus, and OCC personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/CC .340

SYSTEM NAME:

Access Control System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Security Office, Office of Management, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are OCC employees, contractors, agents, and volunteers who have been issued an OCC identification card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain an individual's name, location information, and picture. The system of records also may contain time records of entrances and attempted entrances into OCC premises.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 481, and 482; 5 U.S.C. 301.

PURPOSE:

The OCC has an access control system, linked to employee and contractor identification cards, which limits access to its premises to authorized individuals and records the time that individuals enter OCC premises. This system of records is used to assist the OCC in maintaining the security of its premises and to permit the OCC to identify individuals on its premises at particular times.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) Third parties to the extent necessary to obtain information that is relevant to an investigation concerning access to or the security of the OCC's premises;

(2) An appropriate governmental authority if the information is relevant to a known or suspected violation of a law within that organization's jurisdiction;

(3) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(4) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(5) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(6) Third parties when mandated or authorized by statute, or

(7) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been system accounts.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Security (OS), Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information maintained in this system is obtained from individuals and the OCC's official personnel records. Information concerning entry and exit of OCC premises is obtained from identification card scanners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .341

SYSTEM NAME:

Mass Communication System—Treasury/Comptroller.

SYSTEM LOCATION:

The system is hosted at a contractor site in Burbank, California. The address of the contractor may be obtained by writing to the system manager below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees and contractors of the OCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees' and contractors' names, home telephone numbers, personal mobile telephone numbers, personal email addresses, official business telephone numbers, official business email addresses, official business mobile telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12148, Federal Emergency Management.

PURPOSE:

The OCC Office of Security will use the Mass Communication System to communicate with OCC personnel during and after local, regional, or national emergency events, communicate with staff during and after security incidents, disseminate time sensitive information to staff, provide Human Resources and OCC leadership with employee accountability status during emergency events, and conduct communication tests. The system is a managed service that is hosted at a contractor site. The system will allow Security staff and other authorized individuals to send messages to the OCC workforce and receive confirmation back from staff in order to help senior management assess the availability of staff during times of emergency. Employees and contractors have the right to decline to provide personal information, however, their official business contact information is entered into the system through an automated upload.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in these records may be used to:

(1) Make disclosures to a congressional office from the records of an individual in response to an inquiry made at the request of the individual to whom the record pertains;

(2) Representatives of the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

(3) A contractor for the purpose of fulfilling a contract, compiling, organizing, analyzing, programming, or otherwise refining records to accomplish an agency function subject to the same limitations applicable to Department of the Treasury officers and employees under the Privacy Act.

(4) Disclose information to the appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic format at the service provider's site.

RETRIEVABILITY:

Records are retrieved by OCC office and individual name.

SAFEGUARDS:

Safeguards in place to prevent misuse of data include: role-based user access, the use of user ID and authorization code to access the Web site, monitoring of application access and database access, encryption of passwords stored in the database, and physical access controls to the building housing the system.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Security, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from OCC personnel, OCC-regulated entities, other federal financial regulatory agencies, and criminal law enforcement authorities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .500

SYSTEM NAME:

Chief Counsel's Management Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Office of Chief Counsel, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are: Individuals who have requested information or action from the OCC; parties or witnesses in civil proceedings or administrative actions; individuals who have submitted requests for testimony and/or production of documents pursuant to 12 CFR part 4, subpart C; individuals who have been the subjects of administrative actions or investigations initiated by the OCC, including current or former shareholders, directors, officers, employees and agents of OCC-regulated entities, current, former, or potential bank customers, and OCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain the names of: Banks; requestors; parties; witnesses; current or former shareholders; directors, officers, employees and agents of OCC-regulated entities; current, former or potential bank customers; and current or former OCC employees. These records contain summarized information concerning the description and status of Law Department work assignments. Supporting records may include pleadings and discovery materials generated in connection with civil proceedings or administrative actions, and correspondence or memoranda related to work assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 93(d) (second), 481, 1818, and 1820.

PURPOSE:

This system of records is used to track the progress and disposition of OCC Law Department work assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity involved in an assigned matter;

(2) Third parties to the extent necessary to obtain information that is relevant to the resolution of an assigned matter;

(3) The news media in accordance with guidelines contained in 28 CFR 50.2;

(4) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers;

(5) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(6) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(7) A Congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(8) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(9) Third parties when mandated or authorized by statute; or

(10) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Information Systems Manager, Law Department, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from individuals who request information or action from the OCC, individuals who are involved in legal proceedings in which the OCC is a party or has an interest, OCC personnel, and OCC-regulated entities and other entities, including governmental, tribal, self-regulatory, and professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3) and (4), (d)(1), (2), (3), and (4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/CC .510

SYSTEM NAME:

Litigation Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Office of Chief Counsel, Litigation Division, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are: (1) Parties or witnesses in civil proceedings or administrative actions; (2) individuals who have submitted correspondence to the OCC regarding civil proceedings, administrative actions, including potential or anticipated claims or civil litigation; and (3) individuals who have submitted requests for testimony or the production of documents pursuant to 12 CFR part 4, subpart C.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system are: (1) Correspondence files, and (2) records generated in connection with claims, civil proceedings or administrative actions, such as discovery materials, evidentiary materials, transcripts of testimony, pleadings, memoranda, correspondence, and requests for information pursuant to 12 CFR part 4, subpart C.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 93(d) (second), 481, 1818, and 1820.

PURPOSE:

This system of records is used by the OCC in representing its interests in legal actions and proceedings in which the OCC, its employees, or the United States is a party or has an interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) Third parties to the extent necessary to obtain information that is relevant to the subject matter of claims, civil proceedings or administrative actions involving the OCC;

(2) The news media in accordance with guidelines contained in 28 CFR 50.2;

(3) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers;

(4) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A Congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems

or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

System records are maintained in locked file cabinets or rooms and in electronic format on secure drives and media.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Litigation Division, Office of Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from: Individuals or entities involved in legal proceedings in which the OCC is a party or has an interest; OCC-regulated entities; and governmental, tribal, self-regulatory or professional organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3) and (4), (d)(1), (2), (3), and (4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/CC .600

SYSTEM NAME:

Consumer Complaint and Inquiry Information System—Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, TX 77010–3034.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are individuals who submit complaints or inquiries about national banks, federal savings associations, District of Columbia savings associations operating under OCC's regulatory authority, federal branches and agencies of foreign banks, or subsidiaries of any such entity (OCC-regulated entities), and other entities that the OCC does not regulate. This includes individuals who file complaints and inquiries directly with the OCC or through other parties, such as attorneys, members of Congress, or other governmental organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain: The name and address of the individual who submitted the complaint or inquiry; when applicable, the name of the individual or organization referring a matter; the name of the entity that is the subject of the complaint or inquiry; the date of the incoming correspondence and its receipt; numeric codes identifying the complaint or inquiry's nature, source, and resolution; the OCC office and personnel assigned to review the correspondence; the status of the review; the resolution date; and, when applicable, the amount of reimbursement. Supporting records may contain correspondence between the OCC and the individual submitting the complaint or inquiry, correspondence between the OCC and the regulated entity, and correspondence between the OCC and other law enforcement or regulatory bodies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 481, 1464 and 1820; 15 U.S.C. 41 *et seq.*

PURPOSE:

This system of records is used to administer the OCC's Customer Assistance Program and to track the processing and resolution of complaints and inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) An OCC-regulated entity that is the subject of a complaint or inquiry;

(2) Third parties to the extent necessary to obtain information that is relevant to the resolution of a complaint or inquiry;

(3) The appropriate governmental, tribal, self-regulatory or professional organization if that organization has jurisdiction over the subject matter of the complaint or inquiry, or the entity that is the subject of the complaint or inquiry;

(4) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual

capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A Congressional office or appropriate governmental or tribal organization when the information is relevant to a complaint or inquiry referred to the OCC by that office or organization on behalf of the individual about whom the information is maintained;

(7) An appropriate governmental or tribal organization in communication with the OCC about a complaint or inquiry the organization has received concerning the actions of an OCC-regulated entity. Information that may be disclosed under this routine use will ordinarily consist of a description of the conclusion made by the OCC concerning the actions of such an entity and the corrective action taken, if any;

(8) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(9) Third parties when mandated or authorized by statute; or

(10) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Consumer Complaint Operations, CAG Remedy System Owner, Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, TX 77010–3034.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Non-exempt information maintained in this system is obtained from individuals and entities filing complaints and inquiries, other governmental authorities, and OCC-regulated entities that are the subjects of complaints and inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records maintained in this system have been designated as exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). See 31 CFR 1.36.

TREASURY/CC .700

SYSTEM NAME:

Correspondence Tracking System–Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency (OCC), Office of Chief Counsel, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. Components of this record system are maintained in the Comptroller of the Currency's Office and the Chief Counsel's Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system are those whose correspondence is submitted to the Comptroller of the Currency or the Chief Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system may contain the names of individuals who correspond with the OCC, information concerning the subject matter of the correspondence, correspondence disposition information, correspondence tracking dates, and internal office assignment information. Supporting records may contain correspondence between the OCC and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1; 5 U.S.C. 301.

PURPOSE:

This system of records is used by the OCC to track the Comptroller of the Currency's or the Chief Counsel's correspondence, including the progress and disposition of the OCC's response.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information maintained in this system may be disclosed to:

(1) The OCC-regulated entity involved in correspondence;

(2) Third parties to the extent necessary to obtain information that is relevant to the response;

(3) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation or supervision of financial service providers;

(4) An appropriate governmental, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(6) A Congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(7) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(8) Third parties when mandated or authorized by statute; or

(9) Appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders.

RETRIEVABILITY:

Records maintained in this system may be retrieved by the name of an individual covered by the system.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferable access codes and passwords. Other records are maintained in locked file cabinets or rooms.

RETENTION AND DISPOSAL:

Electronic and other records are retained in accordance with the OCC's records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGERS AND ADDRESSES:

Executive Assistant to the Comptroller, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. Special Assistant to the Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature (such as credit cards).

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information maintained in this system is obtained from individuals who submit correspondence and OCC personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .701

SYSTEM NAME:

Retiree Billing System–Treasury/Comptroller.

SYSTEM LOCATION:

Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pentegra Defined Benefit Plan for Financial Institutions (formerly known as FIRF) retirees, OTS employees retiring under the Civil Service Retirement System or the Federal Employees Retirement System and who participate in the OTS-sponsored life insurance plan, and OCC retirees who participate in the OCC-sponsored life insurance plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

OCC and OTS retirees' names, home and mobile telephone numbers, mailing addresses, email addresses, bank account numbers, Federal Employee Health Benefits (FEHB) codes and premiums, Federal Employee Group Life Insurance (FEGLI) insurance amounts and premiums, OTS-sponsored life insurance plan coverage amounts, premium amounts and imputed income amount, if any; OCC-sponsored life insurance plan coverage amount and imputed income amount, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 481, 482, and 1462a(h).

PURPOSE:

The Retiree Billing System (formerly the ''OTS Retiree Billing System'') is used to bill insurance premiums for upcoming FIRF retirees as well as a tracking tool for imputed income for OCC retirees (including FIRF retirees) with the OCC-sponsored life insurance plan. The system is used by HR Benefits Specialists and Assistants as well as Payroll Specialists in the Human Capital office. Retiree names and bank account information is shared with the Bureau of the Fiscal Service (BFS), a bureau of the Treasury Department, so that retirees can be properly billed for health/life insurance premiums. BFS provides Automated Clearing House (ACH) debit services on behalf of the OCC. OCC provides BFS with retiree information so that BFS can perform a debit on the bank account of the retiree for the funds

owed to the OCC and deposit the money into an OCC account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in these records may be used to:

(1) Make disclosures to a Congressional office from the records of an individual in response to an inquiry made at the request of the individual to whom the record pertains;

(2) Representatives of the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(3) A contractor for the purpose of filling a contract, compiling, organizing, analyzing, programming, or otherwise refining records to accomplish an agency function subject to the same limitations applicable to Department of the Treasury officers and employees under the Privacy Act;

(4) Disclose information to the appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and paper format.

RETRIEVABILITY:

Records are retrieved by retirees' names or social security numbers.

SAFEGUARDS:

Safeguards in place to prevent misuse of data include role-based user access, the use of user identification and authorization codes to access the system, and paper files in locked file cabinets when not in use.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with OCC records management policies and National Archives and Records Administration regulations.

SYSTEM MANAGER AND ADDRESS:

Director, Compensation and Benefits, Office of Human Capital, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

OTS retirees and OTS payroll and personnel systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/CC .800

SYSTEM NAME:

Office of Inspector General Investigations System

SYSTEM LOCATION:

OCC Headquarters, Office of Enterprise Governance and the Ombudsman, 400 Seventh Street SW., Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former OCC employees who are being investigated by the Treasury Office of the Inspector General;

(2) Current and former OCC contractors who are being investigated by the Treasury Office of the Inspector General (OIG); and

(3) Current and former directors, officers, employees, shareholders, and independent contractors of financial institutions who are being investigated by the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Referrals regarding potential or alleged violations of laws, rules, or regulations; names of targets, complainants, managers, Enterprise Governance staff, and other government employees who may be named in referral or investigative documents; documents regarding resolutions and remedial action in connection with referrals; and other supporting documentation, including bank-related information, investigative documentation, and correspondence related to investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3; 12 U.S.C. 1, as amended; 31 CFR 0.207.

PURPOSES(S):

This system of records is used by the OCC to monitor the OIG's referrals and investigations related to the OCC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to:

(1) An OCC-regulated entity when the information is relevant to the entity's operations;

(2) Third parties to the extent necessary to obtain information that is relevant to an investigation;

(3) Appropriate governmental or self-regulatory organizations when the OCC determines that the records are relevant and necessary to the governmental or self-regulatory organization's regulation and supervision of financial service

providers, including the review of the qualifications and fitness of individuals who are or propose to become responsible for the business operations of such providers;

(4) An appropriate governmental, international, tribal, self-regulatory, or professional organization if the information is relevant to a known or suspected violation of a law or licensing standard within that organization's jurisdiction;

(5) A federal, state, local, or tribal agency, or other public authority, which has requested information relevant or necessary to hiring or retaining an employee, or issuing or continuing a contract, security clearance, license, grant, or other benefit;

(6) The Department of Justice, a court, an adjudicative body, a party in litigation, or a witness if the OCC determines that the information is relevant and necessary to a proceeding in which the OCC, any OCC employee in his or her official capacity, any OCC employee in his or her individual capacity represented by the Department of Justice or the OCC, or the United States is a party or has an interest;

(7) A congressional office when the information is relevant to an inquiry made at the request of the individual about whom the record is maintained;

(8) A contractor or agent who needs to have access to this system of records to perform an assigned activity;

(9) Third parties when mandated or authorized by statute; or

(10) Appropriate agencies, entities, and persons when: (a) The OCC suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the OCC has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the OCC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the OCC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

Records may be retrieved by name; social security number; OIG tracking number; the date a referral is received, transmitted or closed; another personal identifier of person about whom a referral is made; or by OCC employee name or identification number for the employee assigned to a particular matter.

SAFEGUARDS:

Paper records are maintained in locked file cabinets with access limited to those personnel whose official duties require access. Access to electronic systems is restricted to authorized personnel who are issued non-transferrable access codes and passwords.

RETENTION AND DISPOSAL:

Records will be retained for 7 years, and the office of Enterprise Governance and the Ombudsman will destroy records older than 7 years in accordance with OCC Records Retention Schedule item 1.2c (7-year project files), and continue to do so annually.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Deputy Comptroller for Enterprise Governance and the Ombudsman, 400 7th Street SW., Washington, DC 20219. Telephone: (202) 649–5530 (not a toll-free number).

NOTIFICATION PROCEDURE:

This system of records contains records that are exempt from the notification, access and contest requirements pursuant to 5 U.S.C. 552a(k)(2). Individuals seeking notification and access to any non-exempt record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR, Part 1, subpart C, and appendix J to subpart C. Written inquiries should be addressed to Disclosure Officer, Communications Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Identification requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and a signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identify, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORDS PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Treasury and other federal agency records, including referrals from the OCC to the OIG and referrals received from the OIG.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Some of the records in this system are exempt from sections 5 U.S.C. 552a(c)(3), (d)(1)–(4), (e)(1), (e)(4)(G)–(I), and, (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). See 31 CFR 1.36.

TREASURY/OTS .003

SYSTEM NAME:

OTS Consumer Complaint System.

SYSTEM LOCATION:

Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit inquiries or complaints concerning federally-insured depository institutions, service corporations, and subsidiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consumer's name, savings association's docket number, case number as designated by a Consumer Complaint Case number. Within these categories of records, the following information may be obtained: Consumer's address, source of inquiry or complaint, nature of the inquiry or complaint, nature of the inquiry or complaint designated by instrument and complaint code, information on the investigation and resolution of inquiries and complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 57a(f), 5 U.S.C. 301.

PURPOSE:

OTS used this system to track individual complaints and to provide information about each institution's compliance with regulatory requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in these records may be used to:

(1) Disclose information to officials of regulated savings associations in connection with the investigation and resolution of complaints and inquiries;

(2) Make relevant information available to appropriate law enforcement agencies or authorities in connection with the investigation and/or prosecution of alleged civil, criminal, and administrative violations;

(3) Disclose information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Disclose information to other federal and nonfederal governmental supervisory or regulatory authorities when the subject matter is within such other agency's jurisdiction;

(5) Disclose information in civil, criminal, administrative or arbitration proceedings before a court, magistrate, administrative or arbitration tribunal, in the course of pre-trial discovery, motions, trial, appellate review, or in settlement negotiations, when OTS, the Director of OTS, an OTS employee, the Department of the Treasury, the Secretary of the Treasury, or the United States is a party or has an interest in or is likely to be affected by such proceeding and an OCC attorney determines that the information is arguably relevant to that proceeding;

(6) Disclose relevant information to the Department of Justice, private counsel, or an insurance carrier for the purpose of defending an action or seeking legal advice, to assure that the agency and its employees receive appropriate representation in legal proceedings; or

(7) Disclose information to the appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper files and on electronic media.

RETRIEVABILITY:

By name of individual, complaint case number, savings association name, docket number, region complaint code, instrument code, source code, or by some combination thereof.

SAFEGUARDS:

Paper records are maintained in locked file cabinets with access limited to those personnel whose official duties require access. Access to computerized records is limited, through use of the system passwords, to those whose official duties require access.

RETENTION AND DISPOSAL:

Active paper files are maintained until the case is closed. Closed files are retained six (6) years then destroyed.

SYSTEM MANAGER AND ADDRESS:

Ombudsman, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219.

NOTIFICATION PROCEDURE:

An individual wishing to be notified if he or she is named in non-exempt records maintained in this system must submit a written request to the Freedom of Information Act Officer, Communications Division, Office of the Comptroller of the Currency, 400 Seventh Street SW., Suite 3E–218, Washington, DC 20219–0001. See 31 CFR part 1, subpart C, Appendix J.

Identification Requirements: An individual seeking notification through the mail must establish his or her identity by providing a signature and an address as well as one other identifier bearing the individual's name and signature (such as a photocopy of a driver's license or other official document). An individual seeking notification in person must establish his or her identity by providing proof in the form of a single official document bearing a photograph (such as a passport or identification badge) or two items of identification that bear both a name and signature.

Alternatively, identity may be established by providing a notarized statement, swearing or affirming to an individual's identity, and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining information under false pretenses.

Additional documentation establishing identity or qualification for notification may be required, such as in an instance where a legal guardian or representative seeks notification on behalf of another individual.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Inquirer or complainant (or his or her representative which may include a member of Congress or an attorney); savings association officials and employees; compliance/safety and soundness examiner(s); and other supervisory records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2016–00763 Filed 1–15–16; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8824

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8824, Like-Kind Exchanges.

DATES: Written comments should be received on or before March 21, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the form and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Like-Kind Exchanges.

OMB Number: 1545–1190.

Form Number: 8824.

Abstract: Form 8824 is used by individuals, corporations, partnerships, and other entities to report the exchange of business or investment property, and the deferral of gains from such transactions under Internal Revenue Code section 1031. It is also used to report the deferral of gain under Code section 1043 from conflict-of-interest sales by certain members of the executive branch of the Federal government.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 53,490.

Estimated Number of Respondent: 15 hours, 46 minutes.

Estimated Total Annual Burden Hours: 834,979.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 7, 2016.

Michael Joplin,

IRS Clearance Officer.

[FR Doc. 2016–00776 Filed 1–15–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2006–52

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2006–52, Deduction for Energy Efficient Commercial Buildings.

DATES: Written comments should be received on or before March 21, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the Notice should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Deduction for Energy Efficient Commercial Buildings.

OMB Number: 1545–2004.

Form Number: Notice 2006–52.

Abstract: This notice sets forth a process that allows the owner of energy efficient commercial building property to certify that the property satisfies the requirements of § 179D(c)(1) and (d). This notice also provides a procedure whereby the developer of computer software may certify to the Internal Revenue Service that the software is acceptable for use in calculating energy and power consumption for purposes of § 179D of the Code.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 21,767.

Estimated Time per Respondent: 1 hr., 40 min.

Estimated Total Annual Burden Hours: 3,761.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 7, 2016.

Michael Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2016–00775 Filed 1–15–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before March 21, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Michael Joplin, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (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 respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information. Currently, the IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

1. *Title:* Voluntary Customer Surveys To Implement E.O. 12862 on Behalf of All IRS Operations.

OMB Number: 1545–1432.

Abstract: This form is a generic clearance for an undefined number of customer satisfaction and opinion surveys and focus group interviews to be conducted over the next three years. Surveys and focus groups conducted under the generic clearance are used by the Internal Revenue Service to determine levels of customer satisfaction, as well as determining issues that contribute to customer burden. This information will be used to make quality improvements to products and services.

Current Actions: We will be conducting different customer satisfaction and opinion surveys and focus group interviews during the next three years than in the past. At the present time, is not determined what these surveys and focus groups will be.

Type of Review: Revision of a currently approved collection. Using the past three years as a baseline, we estimate that 40,000 (13,333.3 annually) burden hours will be used over the course of the next three years.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms and Federal, state, local or tribal governments.

Estimated Total Annual Burden Hours: 40,000.

2. *Title:* Miscellaneous Income.

OMB Number: 1545–0115.

Form Number: 1099–MISC.

Abstract: Form 1099–MISC is used by payers to report payments of $600 or more of rents, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, $10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of $5,000 or more.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 86,796,997.

Estimated Time per Respondent: 18 min.

Estimated Total Annual Burden Hours: 26,039,099.

3. Title: Supplemental Income and Loss.

OMB Number: 1545–1972.

Form: Schedule E (Form 1040).

Abstract: Schedule E (Form 1040) is used to report and summarize income from rents, royalties, partnerships, S corporations, estates, trusts, REMICS, etc. (IRC section 61.)

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 284,599.

4. *Title:* Profit or Loss From Farming.

OMB Number: 1545–1975.

Form: Schedule F (Form 1040).

Abstract: Schedule F (Form 1040) is used to report gross income, expenses, and net profit or loss from farming. (IRC section 61.)

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 1,907,750.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: January 11, 2016.

Michael Joplin,

IRS Reports Clearance Officer.

[FR Doc. 2016–00774 Filed 1–15–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

UNITED STATES TRADE REPRESENTATIVE

Notice of Intent To Initiate Covered Agreement Negotiations With the European Union

AGENCY: Department of the Treasury, Departmental Offices; United States Trade Representative, Services and Investment.

ACTION: Notice.

SUMMARY: This notice announces that the Department of the Treasury and the United States Trade Representative intend to initiate negotiations to enter into a covered agreement with the European Union (EU) and is intended to promote transparency, stakeholder awareness, and public engagement.

DATE: *Effective date:* January 19, 2016.

FOR FURTHER INFORMATION CONTACT:

Treasury: Philip J. Goodman, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, (202) 622–1170; Kevin K. Meehan, Policy Advisor, Federal Insurance Office, (202) 622–7009.

USTR: Sarah C. Ellerman, Director, Services & Investment, (202) 395–9556.

SUPPLEMENTARY INFORMATION:

Under Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Federal Insurance Office Act of 2010, hereinafter the FIO Act), the Secretary of the Treasury (Treasury) and the United States Trade Representative (USTR) are authorized to jointly negotiate a ''covered agreement'' with one or more foreign governments, authorities, or regulatory entities. A covered agreement is a ''written bilateral or multilateral agreement regarding prudential measures with respect to the business of insurance or reinsurance.'' The FIO Act states that Treasury and USTR shall consult with the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate (the four Committees) before initiating negotiations of a covered agreement, during such negotiations, and before entering into any such agreement.

On November 20, 2015, Treasury and USTR jointly sent identical letters to the Chair and Ranking member of each of the four Committees. The text of the letters reads:

We write because we intend to initiate negotiations to enter into a covered agreement with the European Union (EU). A covered agreement is a ''written bilateral or multilateral agreement regarding prudential measures with respect to the business of insurance or reinsurance.'' The United States and the EU are the two largest insurance markets in the world and both markets present important opportunities for organic and acquisition-based growth for insurers and reinsurers. A covered agreement with the EU would level the regulatory playing field for U.S.-based insurers and reinsurers operating there, and further confirm that the existing U.S. insurance regulatory system serves the goals of insurance sector oversight, policyholder protection, and national and global financial stability.

The Federal Insurance Office (FIO) Act of 2010 authorizes the Secretary of the Treasury (Treasury) and the United States Trade Representative (USTR) jointly to negotiate a covered agreement with one or more foreign governments, authorities, or regulatory entities. A covered agreement must ''relate[] to the recognition of prudential measures with respect to the business of insurance or reinsurance that achieves a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.'' [1]

In the United States, state insurance regulators have general authority over the business of insurance (including reinsurance). Treasury and USTR support the U.S. integrated system of state and federal insurance regulation, including the primary role of state insurance regulators as supervisors of the business of insurance. Treasury and USTR will not enter into a covered agreement with the EU unless the terms of that agreement are beneficial to the United States. State insurance regulators will have a meaningful role during the covered agreement negotiating process.

In particular, covered agreement negotiations with the EU will seek to address the following prudential measures: (1) obtain treatment of the U.S. insurance regulatory system by the EU as ''equivalent'' to allow for a level playing field for U.S. insurers and reinsurers operating in the EU; (2) obtain recognition by the EU of the integrated state and federal insurance regulatory and oversight system in the United States, including with respect to group supervision; (3) facilitate the exchange of confidential regulatory information between lead supervisors across national borders; (4) afford nationally uniform treatment of EU-based reinsurers operating in the United States, including with respect to collateral requirements; and (5) obtain permanent equivalent treatment for the solvency regime in the United States and applicable to insurance and reinsurance undertakings.

Effective January 1, 2016, the EU will implement insurance regulatory reform (known as Solvency II) that will subject an insurer to disadvantageous treatment if the insurer's country of domicile is not recognized by the EU as ''equivalent'' under the provisions of Solvency II. Through negotiating a covered agreement, Treasury and USTR will seek to ensure that U.S. insurers and reinsurers will be permitted to operate in the EU on the same regulatory terms as insurers and reinsurers domiciled in the EU or in jurisdictions deemed equivalent under Solvency II.

The FIO Act provides that Treasury and USTR jointly shall consult with the Financial Services and Ways and Means Committees of the House of Representatives and the Banking, Housing, and Urban Affairs and Finance Committees of the Senate before initiating negotiations of a covered agreement, during such negotiations, and before entering into any such agreement. Treasury and USTR welcome the opportunity to meet with Committee members and staff to consult before we initiate negotiations on this covered agreement and on developments during the negotiations.

The letters can also be found at the following link:

https://www.treasury.gov/initiatives/fio/reports-and-notices/Documents/Covered%20Agreement%20Letters%20to%20Congress.pdf.

Michael T. McRaith,

Director, Federal Insurance Office, U.S. Department of the Treasury.

Sarah C. Ellerman,

Director, Services & Investment, Office of the United States Trade Representative.

[FR Doc. 2016–00856 Filed 1–15–16; 8:45 am]

BILLING CODE 4810–25–P

[1] 31 U.S.C. 313(r)(2)(B). Moreover, the FIO Act defines the term ''substantively equivalent to the level of protection achieved.'' 31 U.S.C. 313(r)(9).

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on Disability Compensation (Committee) will meet on March 21–22, 2016. The Committee will meet at 1800–G Street Northwest, Washington, DC 20001, on the Sixth Floor in Conference Room 645A. The sessions will begin at 8:30 a.m. and end at 4:30 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for

Veterans with service-connected disabilities and other VA benefits programs. Time will be allocated for receiving public comments. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Dr. Ioulia Vvedenskaya, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Policy Staff (211C), 810 Vermont Avenue NW., Washington, DC 20420 or email at *Ioulia.Vvedenskaya@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting or seeking additional information should email Dr. Vvedenskaya or call her at (202) 461–9882.

Dated: January 13, 2016.

Jelessa Burney,

Federal Advisory Committee Mangement Officer.

[FR Doc. 2016–00846 Filed 1–15–16; 8:45 am]

BILLING CODE 8320–01–P

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