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DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 550

RIN–0518–AA06

General Administrative Policy for Non-Assistance Cooperative Agreements

AGENCY: Agricultural Research Service, (ARS), Research, Education, and Economics (REE), Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This final rule amends ARS regulations and adopts the Office of Management and Budget (OMB) guidance entitled, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' as the uniform guidance within the REE mission area on the use, award, and administration of non-assistance cooperative agreements awarded pursuant to National Agricultural Research, Extension, and Teaching Policy Act of 1977. It thereby gives regulatory effect to the OMB guidance.

DATES: This final rule is effective October 11, 2016.

FOR FURTHER INFORMATION CONTACT: Kim Hicks, 301–504–1141, or *Kim.Hicks@ars.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 1424 of the Food Security Act of 1985, Public Law 99–198, amended Section 1472(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318(b)) to authorize the Secretary to use a cooperative agreement as a legal instrument reflecting a relationship between the Secretary and a State cooperative institution, State department of agriculture, college, university, other research or educational institution or organization, Federal or private agency or organization, individual, or any other party, if the Secretary determines (a) the objectives of the agreement will serve a mutual interest of the parties to the agreement in agricultural research, extension, and teaching activities, including statistical reporting; and (b) all parties will contribute resources to the accomplishment of those objectives.

The cooperative agreements authorized by 7 U.S.C. 3318(b) have been determined to be neither procurement nor assistance in nature and, therefore, not subject to the provisions of Federal Grant and Cooperative Agreement Act of 1977 or the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards codified at 2 CFR part 200. Many of the standards and provisions of the OMB grants management circulars were adopted in whole or in part in 7 CFR part 550. Subparts A through D of Part 550, consisting of sections 550.1 through 550.62, included specific provisions of Federal assistance regulations and cost principles because they embody principles of good management and sound financial stewardship important to all Federal assistance and non-assistance awards.

Although the non-assistance cooperative agreements described in this rule are substantially different than the Federal assistance-type cooperative agreements used by most Federal awarding agencies, as a matter of good business practice REE is amending 7 CFR part 550 to adopt 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' (78 FR 78589) published on December 26, 2013, as supplemented by this part, and to update and streamline the existing REE administrative requirements applicable to non-assistance cooperative agreements. This rulemaking will reduce administrative burden for non-Federal entities receiving Federal funds under non-assistance cooperative agreements while reducing the risk of waste, fraud, and abuse. Accordingly, proper use of these non-assistance cooperative agreements promote and facilitate partnerships between the REE Agency and the Cooperator in support of research, extension, and education projects of mutual benefit to each party.

List of Subjects in Part 550

Agricultural research, Non-assistance, Procedural rules, Research, Science, Technology.

For the reasons stated in the preamble, the Department of Agriculture, REE, revises 7 CFR part 550 to read as follows:

PART 550—GENERAL ADMINISTRATIVE POLICY FOR NON-ASSISTANCE COOPERATIVE AGREEMENTS

Sec.

550.100 Purpose and scope.
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Authority: Section 1472(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3318(b)).

§ 550.100 Purpose and scope.

(a) *Purpose.* This part adopts the OMB guidance in subparts A through F of 2 CFR part 200, as supplemented by this part, as REE policies and procedures for non-assistance cooperative agreements executed under the authority of Section 1472(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C 3318(b)). It thereby makes applicable for REE non-assistance cooperative

agreements the OMB guidance, as supplemented by this part.

(b) *Scope.* The REE Agencies subject to this rule include ARS, National Agricultural Statistics Service (NASS), Economics Research Service (ERS), and the National Institute of Food and Agriculture (NIFA). These agreements are neither procurement nor assistance in nature, and therefore, are not subject to the Federal Grant and Cooperative Agreements Act of 1977.

§ 550.101 Definitions.

As used in this part:

Agency Principal Investigator means the REE Agency technical representative, acting within the scope of delegated authority, who is responsible for participating with the cooperator in the accomplishment of a non-assistance cooperative agreement's objective(s), and monitoring and evaluating the cooperator's performance (*i.e.,* ARS PI).

Authorized Departmental Officer (ADO) means the REE Agency's official with delegated authority to negotiate, award, administer, and terminate non-assistance cooperative agreements.

Award means an executed non-assistance cooperative agreement.

Cooperator means an eligible entity, as defined in 7 U.S.C. 3318(b), who enters into a non-assistance cooperative agreement with a REE Agency to further research, extension, or teaching programs in the food and agricultural sciences.

Cooperator resource contributions means a real and substantial contribution of resources (more than nominal), in furtherance of the objective(s) of the award, in order to evoke a partnership such that all parties to the agreement have a true stake in the project.

Funding period means the period of time when Federal funding is available for obligation by the cooperator (start date through end date).

Non-Assistance Cooperative Agreement (NACA) means a legal instrument which is neither a procurement contract nor an assistance-type cooperative agreement, that furthers agricultural research, extension, or teaching programs in which the objectives of the agreement serve a mutual interest of the parties in agricultural research, extension, and teaching activities and all parties contribute resources to the accomplishment of those objectives.

Peer Review is a process utilized by REE Agencies to determine if agency sponsored research projects have scientific merit and program relevance; to provide peer input, and make improvements to project design and technical approaches; and to provide insight on how to conduct the highest quality research in support of REE Agency missions and programs.

Principle Investigator (PI) means the individual, designated by the cooperator, responsible for directing and monitoring the performance, the day-to-day activities, and the scientific and technical aspects of the cooperator's portion of a REE funded project. The PI works jointly with the REE Agency PI in the development of project objectives and all other technical and performance related aspects of the program or project. See additional responsibilities of PI in § 550.111 of this part.

REE Agency means the USDA, REE Mission Area agency (ARS, ERS, NASS, or NIFA) that enters into a non-assistance cooperative agreement.

State Cooperative Institution is defined in 7 U.S.C. 3103(18) as institutions designated or receiving funds pursuant to the following eight statutory requirements, as may be amended:

(1) The First Morrill Act—The Land Grant Institutions.

(2) The Second Morrill Act—The 1890 Institutions, including Tuskegee University.

(3) The Hatch Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i)—The State Agricultural Experiment Stations.

(4) The Smith-Lever Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–349)—The State Extension Services.

(5) The McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a *et seq.*—Cooperating Forestry Schools.

(6) Public Law 95–113, Section 1430—A college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology or similar unit conducting animal health and disease research in a State Agricultural Experiment Station.

(7) Public Law 95–113, Section 1475(b), as added by Public Law 97–98, section 1440—Colleges, universities, and Federal laboratories having a demonstrated capacity in aquaculture research.

(8) Public Law 95–113, section 1480, as added by Public Law 97–98, section 1440—Colleges, universities, and Federal laboratories having a demonstrated capacity of rangeland research.

§ 550.102 Applicability.

This part applies to all REE non-assistance cooperative agreements awarded under the authority of 7 U.S.C. 3318(b).

§ 550.103 Eligibility.

REE Agencies may enter into a non-assistance cooperative agreements with eligible entities to further research, extension, or teaching programs in the food and agricultural sciences. Eligible entities are any State agricultural experimental station, State cooperative extension service, any college or university, other research or education institution or organization, Federal or private agency or organization, an individual, or other party, either foreign or domestic.

§ 550.104 Competition.

REE Agencies may enter into non-assistance cooperative agreements, as authorized by this part, without regard to any requirements for competition specified in 2 CFR 200.202 and 200.206. (7 U.S.C. 3318(e)).

§ 550.105 Duration.

REE Agencies may enter into non-assistance cooperative agreements for a period not to exceed five years. (7 U.S.C. 3318(c)).

§ 550.106 Mutuality of interest.

The REE Agency must document all parties' interest in the project. Mutual interest exists when all parties benefit in the same qualitative way from the objectives of the award. If one party to the non-assistance cooperative agreement would independently have an interest in the project, which is shared by the other party, and all parties contribute resources to obtain the end result of the project, mutual interest exists.

§ 550.107 Exceptions.

This part does not apply to:

(a) USDA Federal Financial Assistance agreements subject to 2 CFR parts 400 and 415;

(b) Procurement contracts or other agreements subject to the Federal Acquisition Regulation (FAR) or the Agriculture Acquisition Regulation (AgAR); or

(c) Agreements providing loans or insurance directly to an individual.

§ 550.108 Conflicting policies and deviations.

This part supersedes and takes precedence over any individual REE regulations and directives dealing with executed and administered non-assistance cooperative agreements entered into under the delegated authority of 7 U.S.C. 3318(b). This part may only be superseded, in whole or in part, by a specifically worded Federal

statute, regulation, or Executive Order. Deviations from specific provisions of part 550 must be authorized by the USDA-REE-Administrative and Financial Management (AFM)-Financial Management and Agreements Division (FMAD), or any successor organization, based on a documented justification. In the interest of maximum uniformity, exceptions from any requirements of this Part will be permitted only in unusual circumstances. Responsibility for developing, interpreting, and updating this Part is assigned to the USDA-REE-AFM-FMAD, or any successor organization.

§ 550.109 Formation of non-assistance cooperative agreements.

In lieu of 2 CFR 200.201 through 200.204, 200.206, and 200.306, this section establishes project development, resource contributions, indirect cost reimbursement, and tuition remission provisions for non-assistance cooperative agreements.

(a) *Project development.* REE Agencies provide partial funding to cooperators to support research projects that contribute to REE program objectives and help carry out the REE mission. The project must consist of a project plan and/or statement of work, and a budget as follows:

(1) *Project plan.* A *project plan* must be jointly developed by the Agency PI and the cooperator, and be compliant with a REE program requirement. The REE Agency may include program-specific requirements, as applicable. These requirements should be aligned with Agency strategic goals, strategic objectives, or performance goals that are relevant to the program.

(2) *Statement of work.* A detailed *statement of work* must be jointly planned, developed, and prepared by the cooperator's PI and the Agency PI to address the objective(s), approach, statement of mutual interest, performance responsibilities (which may include specific performance goals, indicators, milestones, or expected outcomes, such as outputs, or services performed or public impacts of any of these, with an expected timeline for accomplishment), and any mutual agreements.

(3) *Budget.* The *budget* is a funding plan that must be jointly developed by the Agency PI and the Cooperator PI. The approved budget must identify the cooperator resource contributions, both direct and indirect, by budget line item. The cooperator must provide a budget justification/narrative.

(b) *Resource contributions.* Each party must contribute resources towards the successful completion of the non-assistance cooperative agreement.

(1) *Agency resource contributions.* The *Agency's contribution* is the Federal share as reflected in the award.

(2) *Cooperator resource contributions.* The *Cooperator's contribution* may consist of funds, services, or in-kind contributions, must be no less than 20 percent of the total funding provided by the REE Agency, and cannot fall below 20 percent of the total Federal funding throughout the period of performance. All cooperator contributions must consist of a sufficient amount of itemized direct costs to demonstrate a true stake in the project, as determined by the ADO. All contributions must be documented in the budget and be consistent with the cooperator's institution classification of costs.

(i) Cooperator resource contributions must meet all of the following criteria:

(A) Are verifiable from the Cooperator's records;

(B) Are not included as contributions for any other Federal award;

(C) Are necessary and reasonable for accomplishment of project or program objectives;

(D) Are allowable under 2 CFR part 200, subpart E;

(E) Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to cooperator resource contributions of other Federal programs;

(F) Conform to other provisions of this Part, as applicable.

(ii) Cooperator's share of contributions to the project may include:

(A) Unrecovered indirect costs, including indirect costs of the cooperator's resource contributions. Unrecovered indirect cost means the difference between the amount charged to the award and the amount which could have been charged to the award under the cooperator's approved negotiated indirect cost rate.

(B) Values for cooperator's contributions of services and property, established in accordance with 2 CFR 200.434. If the REE Agency authorizes the cooperator to donate buildings or land for construction/facilities acquisition projects or long term use, the value of the donated property for cooperator contributions must be the lesser of paragraph (b)(2)(ii)(B)(*1*) or (*2*) of this section (refer to paragraph (b)(2)(ii)(H) of this section for more on the value of donated property):

(*1*) The value of the remaining life of the property recorded in the cooperator's accounting records at the time of donation.

(*2*) The current fair market value. However, when there is sufficient justification, the REE Agency may approve the use of the current fair market value of the donated property, even if it exceeds the value described in paragraph (b)(2)(ii)(B)(*1*) of this section at the time of donation.

(C) Volunteer services furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor, if the service is an integral and necessary part of an approved project or program. Rates for third-party volunteer services must be consistent with those paid for similar work by the cooperator. In those instances in which the required skills are not found in the cooperator, rates must be consistent with those paid for similar work in the labor market in which the cooperator competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, necessary, allocable, and otherwise allowable may be included in the valuation. (Refer to paragraph (b)(2)(ii)(H) of this section for more on third-party in-kind contributions.)

(D) Donated employee services furnished by third-party organization. These services must be valued at the employee's regular rate of pay plus an amount of fringe benefits that is reasonable, necessary, allocable, and otherwise allowable, and indirect costs at either the third-party organization's approved federally negotiated indirect cost rate, or, a rate in accordance with 2 CFR 200.414(d), provided these services employ the same skill(s) for which the employee is normally paid. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donated services so that reimbursement for the donated services will not be made. (Refer to paragraph (b)(2)(ii)(H) of this section for more on third-party in-kind contributions.)

(E) Donated property from third parties, which may include such items as office supplies, laboratory supplies, or workshop and classroom supplies. Value assessed to donated property included in the cooperator contributions must not exceed the fair market value of the property at the time of the donation. (Refer to paragraph (b)(2)(ii)(H) in this section for more on third-party in-kind contributions.)

(F) Third-party-donated equipment, buildings and land. The method used for determining cooperator contributions for which title passes to the cooperator may differ according to the purpose of the Award, if paragraph

(b)(2)(ii)(F)(*1*) or (*2*) of this section apply:

(*1*) If the purpose of the Federal award is to assist the non-Federal entity in the acquisition of equipment, buildings or land, the aggregate value of the donated property may be claimed as cooperator resource contributions.

(*2*) If the purpose of the Award is to support activities that require the use of equipment, buildings or land, normally only depreciation charges for equipment and buildings may be made. However, the fair market value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the REE Agency has approved the charges. See also 2 CFR 200.420.

(G) The value of donated property must be determined in accordance with the usual accounting policies of the cooperator, with the following qualifications:

(*1*) The value of donated land and buildings must not exceed its fair market value at the time of donation to the Cooperator as established by an independent appraiser (*e.g.,* certified real property appraiser or General Services Administration representative) and certified by a responsible official of the cooperator as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601–4655) (Uniform Act) except as provided in the implementing regulations at 49 CFR part 24.

(*2*) The value of donated equipment must not exceed the fair market value of equipment of the same age and condition at the time of donation.

(*3*) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(*4*) The value of loaned equipment must not exceed its fair rental value.

(H) For third-party in-kind contributions, the fair market value of these goods and services must be documented and to the extent feasible supported by the same methods used internally by the cooperator.

(c) *Indirect costs and tuition remission*—(1) *Reimbursement of indirect costs.* Reimbursement of indirect costs is either prohibited or limited as further described in paragraphs (c)(1)(i) through (iii) of this section, and the limit is identified on the approved budget, when applicable.

(i) *State cooperative institutions.* Payment of indirect costs to State cooperative institutions in connection with a non-assistance cooperative agreement is prohibited, as described in 7 U.S.C. 3319. This prohibition does not apply to funds for international agricultural programs conducted by a State cooperative institution and administered by the Secretary, or to funds provided by a Federal agency for such cooperative program or project through a fund transfer, advance, or reimbursement.

(ii) *Non-profit organizations.* Payment of indirect costs to non-profit organizations in connection with a non-assistance cooperative agreement is limited to 10 percent of the total direct cost of the Award. (Annual Appropriations Bill for Agriculture and Related agencies, General Provisions.)

(iii) *All other cooperating entities.* With the exception of paragraphs (c)(1)(i) and (ii) of this section, payment of indirect costs is allowable in connection with a non-assistance cooperative agreement. Reimbursement of indirect costs is limited to the percentage(s) established in the cooperator's approved negotiated indirect cost rate or, if applicable, the de minimis indirect cost rate.

(2) *Tuition remission.* Reimbursement of tuition expenses to State cooperative institutions in connection with non-assistance cooperative agreements is prohibited. (7 U.S.C. 3319)

(d) *Terms and conditions.* The Agency may impose award-specific terms and conditions or require additional assurances when appropriate.

§ 550.110 Certifications and compliance with statutory and national policy requirements; REE conflict of interest policy.

(a) *Federal statutory and national policy* requirements. The Cooperator must adhere to and comply with, all statutory and national policy requirements of the Federal Government. All signed certifications and assurances must be received by the REE Agency prior to execution of the award.

(b) *REE conflict of interest policy.* (1) The Cooperator must disclose in writing any potential conflict of interest to the REE awarding agency, prior to award, and when a potential conflict arises during NACA period of performance.

(2) The Cooperator must maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award and administration of contracts, and any subawards.

§ 550.111 Project supervision and responsibilities.

(a) The Cooperator is responsible and accountable for the performance and conduct of all its employees assigned to the project. REE Agencies do not have authority to supervise cooperator employees nor engage in the employer/employee relationship.

(b) The Cooperator PI must:

(1) Work jointly with the Agency PI on developing the project statement of work and budget;

(2) Assure that technical project performance and financial status reports are timely submitted in accordance with the terms and conditions of the award;

(3) Advise the Agency PI of any issues that may affect the timely completion of the project (award);

(4) Assure that appropriate acknowledgements of support are included in all publications and audiovisuals, in accordance with § 550.119 of this part;

(5) Assure that inventions are appropriately reported, in accordance with § 550.124 of this part;

(6) Upon request, provide the Agency a project plan for use during external peer reviews; and

(7) When appropriate, work with the Agency PI to prepare findings for peer-reviewed publication in scientific journals, and make presentations/talks to shareholders, etc.

§ 550.112 Administrative supervision.

The Cooperator is responsible for employer/employee relations such as personnel, performance, and time management issues. The Cooperator is solely responsible for the administrative supervision of its employees, even when its employees are working in Agency facilities.

§ 550.113 Rules of the workplace.

Cooperator employees, while engaged in work at REE facilities, will abide by the Agency's standard operating procedures with regard to the maintenance of laboratory notebooks, dissemination of information, equipment operation standards, facility access, hours of work, Federal agency required training, and the Rules and Regulations Governing Conduct on Federal Property (41 CFR part 102–74, subpart C). Cooperator employees will also undergo any background investigations/clearances, and submit to any health monitoring medical surveillance requirements associated with the REE facility where they will work.

§ 550.114 Availability of funds.

Unless otherwise stated in the agreement, the funding period will begin on the start date of the period of performance specified on the Award Face Sheet.

§ 550.115 Payment.

Reimbursement is the standard method of payment for non-assistance cooperative agreements. All payments to the Cooperator will be made in U.S. dollars by Electronic Funds Transfer (EFT), utilizing the Cooperator's DUNS number and current SAM registration information. The method of payment will be identified on the Award Face Sheet and includes:

(a) *Electronic payment system.* The Agency-accepted electronic payment system is the default method of payment.

(b) *EFT/Treasury Check.* When the payment method identified on the Award Face Sheet is ''EFT/Treasury Check,'' the Cooperator must submit invoices to the Agency on the OMB-approved SF–270, ''Request for Advance or Reimbursement.'' In addition to the SF–270, the Cooperator must provide:

(1) Total dollar amount requested for reimbursement itemized by approved budget categories, including the indirect cost rate for the award, when applicable.

(2) Name, phone number, email address, and the Cooperator's financial contact, should the ADO or Agency PI have any invoice questions.

§ 550.116 Prior approvals.

(a) *Approval.* With regard to 2 CFR 200.308(d)(4), prior documented approval from the REE Agency ADO is required for all prior approval requirements described in paragraph 2 CFR 200.308(d)(2).

(b) *No cost extensions.* With regard to 2 CFR 200.308(d)(2), all time extensions will only be approved by an amendment to the award. The Cooperator shall prepare and submit a written request to the ADO (which must be received no later than 10 days prior to the expiration date of the award). The request must contain, at a minimum, the following information:

(1) The length of additional time required to complete project objectives and a justification for the extension;

(2) A summary of progress to date (a copy of the most recent progress report is acceptable provided the information is current); and,

(3) Signature of the Authorized Representative and the Principal Investigator requesting the extension. Any request received by the ADO that does not meet this requirement will be returned for the necessary signature(s).

(c) *Budget revisions.* Budget revisions among direct cost categories or programs, functions, and activities for awards in which the Federal share of the project *exceeds* the Simplified Acquisition Threshold and the cumulative amount of such transfers *exceeds* or *is expected to exceed* 10 percent of the total budget as last approved by the REE Agency requires prior documented approval.

(d) *Advertising.* See § 550.121 of this part.

§ 550.117 Program income.

(a) *Use of program income.* (1) Program income earned must be added to the non-assistance cooperative agreement, unless otherwise specified in the award.

(2) When specified in the award, program income can be used towards fulfilling the cooperator's resource contributions for the same award.

(b) *Disclosing program income.* The Cooperator must disclose program income in financial reports. Refer to § 550.123 of this part.

(c) *Program income closeout.* The REE Agency and the Cooperator will negotiate appropriate uses of income earned balances, after the period of performance, as part of the agreement closeout process.

§ 550.118 Peer review.

Upon request of the REE Agency, Cooperators may be required to provide documentation in support of peer review activities, and Cooperator's personnel may be requested to participate in peer review forums to assist the REE Agency with their reviews.

§ 550.119 Publications and audiovisuals.

In addition to 2 CFR 415.2, ''Acknowledgement of USDA Support on Publications and Audiovisuals,'' the Cooperator must adhere to the following:

(a) The REE Agency acknowledgment of support must read: ''This material is based upon work supported by the Department of Agriculture, (type Agency name) under Agreement No. (type the Federal Award Identification Number (FAIN) here).''

(b) All material described in 2 CFR 415.2 must also contain the following disclaimer unless the publication or audiovisual is formally cleared by the REE Agency: ''Any opinions, findings, conclusion, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the Department of Agriculture.''

(c) Any public or technical information related to work carried out under a non-assistance cooperative agreement must be submitted by the developing party to the other for advice and comment. Information released to the public must describe the contributions of both parties to the work effort. In the event of a dispute, a separate publication or audiovisual may be made with effective statements of acknowledgment and disclaimer.

(d) The Cooperator must submit to the Agency PI copies of all final publications and audiovisuals resulting from the research conducted under the non-assistance cooperative agreement.

(e) REE Agencies and the Federal Government shall enjoy a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, for Federal purposes any materials developed in conjunction with a non-assistance cooperative agreement or contract under such a cooperative agreement.

§ 550.120 Press releases.

Press releases or other forms of public notification for a broad public audience will be submitted to the REE Agency for review, prior to release to the public. The REE Agency will be given the opportunity to review, in advance, all written press releases and any other written information (including web content postings) to be released to the public by the Cooperator, and require changes as deemed necessary, if the material mentions by name the REE Agency, or the USDA, or any REE or USDA employee or research unit or location.

§ 550.121 Advertising.

The Cooperator will not refer in any manner to the USDA or any REE Agency in connection with the use of the results of the award, without prior specific written authorization by the REE Agency. Information obtained as a result of the award will be made available to the public in printed or other forms by the REE Agency at its discretion. The Cooperator will be given due credit for its cooperation in the project. Prior approval is required.

§ 550.122 Vesting of title.

Title to equipment and supplies and other tangible personal property will vest in the Cooperator as described in 2 CFR 200.313 and 200.314, unless otherwise specified in the award. (7 U.S.C. 3318(d))

§ 550.123 Financial reporting.

The Cooperator must submit financial reports at the interval required by the REE Agency, as identified on the Award Face Sheet, and may submit financial reports to the ADO electronically (refer to 2 CFR 200.335 Methods for collection, transmission, and storage of information).

(a) The OMB-approved SF–425, ''Federal Financial Report,'' may be

used to report the financial status of an award; however, a financial report must contain an itemization of actual dollar amounts expended on the project during the reporting period (in line with the approved budget), and cumulative totals expended for each budget category from the start date of the award.

(b) Financial reporting due dates:

(1) Quarterly and semi-annual reports are due no later than 30 calendar days after the reporting period.

(2) Annual reports are due no later than 90 days following the end of the award anniversary date (*i.e.,* one year following the month and day when the period of performance begins, and each year thereafter up until a final report is required).

(c) Final financial report:

(1) Requests for extensions must be submitted to the ADO.

(2) Regardless of Agency-provided extensions for submission of the final financial report, funds will not be available for any drawdowns/payments that exceed statutory limits, as well as any expiring appropriations.

§ 550.124 Technical and property reporting requirements.

(a) *Technical performance report.* The Cooperator must submit technical performance reports at the interval required by the REE Agency, as identified on the Award Face Sheet, and may submit performance reports to the REE Agency electronically.

(1) The performance report must follow the format of the Government wide Research Performance Progress Report, and must include the information described in 2 CFR 200.328(b)(2)(i) through (iii). (2) The final performance report covers the entire period of performance of the award, and must describe progress made during the entire timeframe of the project.

(b) *Intellectual property reporting.* Reporting intellectual property resulting from a REE Agency award will be carried out through Interagency Edison (iEdison). The non-Federal entity must submit Invention Reports and Utilization Reports, including other relevant reports, at the iEdison web interface: *www.iedison.gov.*

(c) *Tangible personal property report.* Upon termination or expiration of the award, the non-Federal entity must identify personal property/equipment purchased with any Federal funds under the award on the OMB-approved SF–428, ''Tangible Personal Property Report and Instructions.''

Dated: September 23, 2016.

Catherine Woteki,

Chief Scientist, USDA, Under Secretary, Research, Education, and Economics.

[FR Doc. 2016–23884 Filed 10–7–16; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2015–0270]

RIN 3150–AJ71

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System; Certificate of Compliance No. 1014, Amendment No. 10

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; comment responses.

SUMMARY: On May 31, 2016, the U.S. Nuclear Regulatory Commission (NRC) confirmed the effective date of May 31, 2016, for the direct final rule that was published in the **Federal Register** on March 14, 2016. The direct final rule amended the NRC's spent fuel storage regulations by revising the Holtec International (Holtec) HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 10 to Certificate of Compliance (CoC) No. 1014. The NRC confirmed the effective date because it determined that none of the comments submitted on the direct final rule met any of the criteria for a significant adverse comment. The purpose of this document is to provide responses to the comments received on the direct final rule.

DATES: The comment responses are available on October 11, 2016.

ADDRESSES: Please refer to Docket ID NRC–2015–0270 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–2015–0270. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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*.
- *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.

FOR FURTHER INFORMATION CONTACT: Robert MacDougall, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5175; email: *Robert.MacDougall@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 14, 2016 (81 FR 13265), the NRC published a direct final rule amending its regulations in § 72.214 of title 10 of the *Code of Federal Regulations* (10 CFR) by revising the Holtec HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 10 to CoC No. 1014. Amendment No. 10 adds new fuel classes to the contents approved for the loading of 16 × 16 class fuel assemblies into a HI–STORM 100 Cask System; allows a minor increase in manganese in an alloy material for the system's overpack and transfer cask; clarifies the minimum water displacement required of a dummy fuel rod (*i.e.,* a rod not filled with uranium pellets); and clarifies the design pressures needed for normal operation of forced helium drying systems. Additionally, Amendment No. 10 revises Condition No. 9 of CoC No. 1014 to provide clearer direction on the measurement of air velocity and modeling of heat distribution through the storage system.

The NRC received four comment submissions with 22 individual comments on the companion proposed rule (81 FR 13295; March 14, 2016). Electronic copies of these comments can be obtained from the Federal Rulemaking Web site, *http://www.regulations.gov,* by searching for Docket ID NRC–2015–0270. The comments are also available in ADAMS under Accession Nos. ML16105A426, ML16105A425, ML16105A424, and ML16105A423. As explained in the March 14, 2016, direct final rule, the

NRC would withdraw the direct final rule only if it received a ''significant adverse comment.'' This is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications (TSs).

The NRC determined that none of the comments submitted on the direct final rule met any of these criteria and confirmed the effective date of May 31, 2016, for the direct final rule on May 31, 2016 (81 FR 34241). The comments either were already addressed by the NRC staff's preliminary safety evaluation report (SER) (ADAMS Accession No. ML15331A309) for this rulemaking, were beyond the scope of this rulemaking, or were already addressed in a previous rulemaking. The NRC did not make any changes to the direct final rule as a result of the public comments. However, in Section II, ''Public Comment Analysis,'' of this document, the NRC is taking this opportunity to respond to the comments in an effort to clarify information about the 10 CFR part 72 CoC rulemaking process.

II. Public Comment Analysis

For rulemakings amending or revising a CoC, the scope of the rulemaking is limited to the specific changes in the applicant's request for the amendment or amendment revision. Therefore, comments about the system or spent fuel storage in general that are not applicable to the changes requested are outside the scope of this rulemaking. Comments about details of the particular system subject to the rulemaking that do not address the rulemaking's specific proposed changes have already been resolved in prior rulemakings. Persons who have concerns about prior rulemakings and the resulting final rules may consider the NRC's process for petitions for rulemaking under 10 CFR 2.802. Additionally, safety concerns about any NRC-regulated activity may be reported to the NRC in accordance with the guidance posted on the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html*. This Web page provides information on how to notify the NRC of emergency or non-emergency issues.

The following paragraphs summarize each individual comment followed by the NRC response.

Comment 1: Noting that this is Holtec's tenth request to amend CoC No. 1014 for the HI–STORM 100 Cask System, one commenter stated that many people find this pattern disturbing. The nine earlier amendments and revisions to CoC No. 1014 suggest that Holtec's overall performance in achieving technical accuracy has been poor, not only in the originally-submitted TSs and quality assurance (QA) for this cask, but in the nine subsequent amendments and revisions that the NRC has approved. Because this is Holtec's tenth amendment, this commenter asserted that Holtec has failed to address the full range of the cask's technical deficiencies comprehensively, and appears instead to have applied the needed QA only in incremental steps.

NRC Response: This comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The NRC is providing a specific response, however, to clarify the NRC's process for issuing and amending CoCs for dry storage system (DSS) casks.

When the NRC first approves a CoC for a particular storage cask design, the CoC is based on a postulated generic spent fuel design using a composite of fuel characteristics and engineered features of the DSS. Important fuel characteristics include the level of the uranium enrichment in the fuel pellets and their burnup time in the reactor. Fuel assembly variables include the composition of the alloys used in the fuel cladding and assembly hardware; the diameter, number, and length of the fuel rods; and the spacing between them. These fuel characteristics and assembly design variables affect the overall heat load that the cask and multipurpose canister (MPC) holding the fuel assemblies inside the cask must be able to withstand, with a conservative margin of safety, to maintain their integrity for long-term storage under normal, off-normal, and accident conditions. The residual heat and level of uranium burnup in the spent fuel, and the spacing of the fuel in the assemblies, in turn affect the number of fuel assemblies that can be loaded into the MPC, which must have internal components tailored to maintain the configuration of the fuel in the canister. Burnup also affects the composition and physical configuration of the neutron-absorbing materials arranged around the assemblies within the MPC. Each of these considerations must be evaluated with each fuel design to ensure the long-term performance of the overall cask system with an adequate margin of safety.

Fuel and fuel assembly designs have evolved since each storage cask design was originally certified by the NRC. Contemporary fuel assembly designs now differ in several important respects from the generic designs postulated for the casks' original CoCs. To save costs and reduce worker exposures to radiation, for example, many contemporary assembly designs are optimized for fuel with higher enrichment levels to stay in the reactor's core to ''burn,'' or fission, a larger fraction of uranium for a longer period. This produces fewer spent fuel assemblies per unit of power generated. It also stretches out the time between re-fuelings, when workers need to remove the reactor's head to load new fuel assemblies, off-load used ones, and rearrange partially-burned assemblies to maintain the efficiency of the overall fuel burnup within the reactor core. To accommodate the changes in fuel enrichment, fuel cladding materials, and fuel assembly materials and configurations, a similar evolution is continuing in MPC componentry, including neutron-absorbing alloys and other materials, so that casks can safely accept evolving fuel designs.

Therefore, the nine amendments to CoC No. 1014, like amendments to other CoCs, each represent an NRC safety finding about the vendor's analysis of proposed measures to adapt the cask to a new fuel design for long-term storage. The nine amendments, and the tenth issued in May 2016, are not the product of trial and error, nor of the incremental application of QA, which must be applied in a safety-graded fashion to all aspects of cask design, fabrication, loading, and deployment.

The NRC made no changes to the rule as a result of this comment.

Comment 2: One commenter asserted that in the absence of actual evidence

from operational experience or testing, using computer models to estimate a system's behavior or performance has produced ''extreme failures'' and ''major departures between [the computer model's] predictions and [the system's] actual performance.'' These departures, the commenter stated, resulted in a January 2012, radiation release at San Onofre Nuclear Generating Station's (SONGS) Unit 2 that eventually led to its premature retirement.

NRC Response: This comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The commenter does not identify an issue related to any of the specific revisions proposed in Amendment No. 10 to CoC No. 1014. Instead, this comment is about a reactor licensee's computer models for the performance of a reactor system, not the cask vendor's models for the performance of the HI–STORM 100 Cask System at issue in this rulemaking. Different types of computer models are typically validated using different methods. The NRC uses industry accepted practices to evaluate an applicant's computational modeling software for storage casks in accordance with Interim Staff Guidance SFST–ISG–21, ''Use of Computational Modeling Software'' (ADAMS Accession No. ML061080669). Because Amendment No. 10 does not involve computational modeling for reactor systems, the comment is not within the scope of this rulemaking.

As the commenter pointed out, there was a radiation release to the environment at SONGS in January 2012. This comment too is about an issue beyond the scope of this rulemaking. The commenter can obtain more information about the release, which was well below allowable limits, in Southern California Edison's (SCE) report to the NRC on the incident (ADAMS Accession No. ML12090A153), and a report by the NRC Office of the Inspector General (ADAMS Accession No. ML14276A478).

The NRC made no changes to the rule as a result of this comment.

Comment 3: One commenter stated that the proposed CoC amendment pertains to the same or similar Holtec cask as that to be installed at SONGS, and southern California stakeholders are ''extremely disappointed'' that SONGS' licensee, SCE, has chosen Holtec's ⅝″ thin metal cask over 14″-to-20″ thick casks that the commenter stated can be inspected in real time to monitor the condition of the spent fuel and measure the depth of stress corrosion cracking.

NRC Response: This comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The commenter does not identify an issue related to any of the specific revisions proposed in Amendment No. 10 to CoC No. 1014, and this rulemaking does not concern SCE's choice of cask products. In addition, the NRC has not approved any spent fuel dry storage cask design that permits the continuous real time inspection or monitoring of the condition of the fuel in the cask, or the continuous or periodic direct measurement of the extent or depth of stress corrosion cracking. Such inspection, monitoring, and measurement cannot be accomplished without the additional worker radiation exposures that would be necessary to open the cask overpack and canister. The NRC's regulation at 10 CFR 20.1101(b), however, requires radiation doses to workers and members of the public to be as low as is reasonably achievable. This makes such additional exposures to open casks and overpacks difficult to justify in light of the very slow rates of degradation in the cask system and its contents that have been measured under realistic conditions in a laboratory.

The commenter's description of Holtec's product as a ''⅝″ thin metal cask,'' however, compels a response for clarification purposes. The comment appears to conflate the MPC, which is not a cask, with the entirety of the HI–STORM dry cask storage system. The HI–STORM 100 MPC, which has ½″ thick stainless steel walls, holds the spent fuel assemblies and their hardware within an overpack. The overpack consists of outer and inner steel walls with the annulus between them filled with concrete. The overpack, with 29½″ thick concrete and steel walls, provides radiation shielding and mass for stability against such natural phenomena as winds, floods, and earthquakes. The MPC, an internal component of the cask system, is not directly exposed to these outside phenomena.

The NRC made no changes to the rule as a result of this comment.

Comment 4: One commenter stated that the NRC has ''mostly 'dismissed' multiple credible public safety concerns.'' The commenter also noted that SCE's ''Community Engagement Panel'' has failed to function as an independent advisory panel of experts, and instead ''functions more as a promotional extension of [SCE's] marketing and media platforms.''

NRC Response: These comments are not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The commenter did not identify any of the ''multiple credible public safety concerns'' that the NRC is said to have dismissed. Nor did the commenter explain how any of these concerns pertain to any specific revision proposed in Amendment No. 10 to CoC No. 1014.

The NRC made no changes to the rule as a result of these comments.

Comment 5: One commenter asserted that many stakeholders believe that the NRC has allowed ''a utility to improperly apply credit for performing an 'educational' function'' that has involved, among other things, ''extensive private meetings with elected officials in adjacent communities in San Diego and Orange County.''

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. In addition, the NRC's safety-focused mission does not include authority to allow or prohibit a licensee from engaging in public relations activities, which do not directly relate to the design, fabrication, configuration, loading, or deployment of the dry cask storage system at issue here.

The NRC made no changes to the rule as a result of this comment.

Comment 6: A commenter stated that many stakeholders are asserting that SONGS licensee, SCE, ''consistently underestimates'' the actual extent of potential public safety risks associated with its decommissioning plan.

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The SCE's decommissioning plan does not pertain to the specific revisions proposed in Amendment No. 10 to CoC No. 1014; nor does the comment identify any specific potential public safety risks pertinent to the other purposes of this amendment.

The NRC has a safety hotline that members of the public can use to report any identified public safety risk, such as may be associated with any decommissioning action. The hotline number is 1–800–695–7403. Note that a call during normal business hours (7:00 a.m. to 5:00 p.m., Eastern Time) will automatically be directed to the NRC Regional Office for the caller's geographical area. If the call is placed after normal business hours, or can't be

answered by the Regional Office during its normal business hours, the call will be directed to the NRC's Headquarters Operations Center, which is staffed 24 hours a day and has a recorded telephone line.

The NRC made no changes to the rule as a result of this comment.

Comment 7: A commenter stated that the licensee expecting to acquire the Holtec casks subject to Amendment No. 10 for spent fuel storage at SONGS has ''severely overestimated performance capabilities of equipment, components and parts, defense in depth, operator training, emergency response capability, system reliability, cost containment, and technical capability to safely implement Aging Management Programs.''

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. As noted in the response to Comment 6, the NRC has a safety hotline that members of the public can use to report any identified public safety risk.

The NRC made no changes to the rule as a result of this comment.

Comment 8: Noting the ''large inventory'' of high-burnup fuel (HBF) in storage at SONGS, a commenter stated that stakeholders have ''extreme safety concerns'' about the accuracy of the predicted service life of the Holtec underground maximum capacity (UMAX) casks containing HBF, which typically has higher heat loads and radiation levels. Among these concerns, the commenter explained, are ''thermal tolerance variability, measurement of air velocity, modeling of heat load distribution, performance capability and integrity of fuel cladding.''

This commenter also stated that with the applicant's proposed changes in the composition of alloy material in MPC componentry, stakeholders have concerns about the accuracy of predicted helium pressure limits for the MPC in underground installations where closed loop forced helium dehydration (FHD) is mandatory for drying MPCs with one or more HBF assemblies or a higher heat load.

NRC Response: The comment about HBF storage at SONGS is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. None of these revisions included a change in spent fuel burnup specifications. The comment is about the HI–STORM UMAX Canister Storage system, which was authorized generically for underground emplacement under CoC No. 1040 and approved on March 6, 2015 (80 FR 12073). The SONGS will be utilizing cask systems specified by Amendment No. 1 to CoC No. 1040, not Amendment No. 10 to CoC No. 1014.

The commenter also expressed concerns about the accuracy of predicted helium pressure limits for the MPC where closed loop forced FHD is mandatory for drying MPCs with one or more HBF assemblies or a higher heat load. The comment does not explain the basis for the commenter's concern about the predicted pressure limit for drying. This limit was established to provide an ample safety margin against both inadequate pressure for thorough drying and excessive pressure that could result in damage to the spent fuel or other hardware. To maintain this margin, helium pressure limits are controlled during FHD operations at all times. During FHD drying, the MPC's inlet (drain port) and exit (vent port) each have calibrated pressure-indicating devices that show inlet and outlet pressure during drying operations. Trained operators use the helium regulator in accordance with the site's procedures to ensure that the 75-psi limit is not exceeded.

The NRC made no changes to the rule as a result of this comment.

Comment 9: One stakeholder stated that despite Holtec's unproven assurances about the performance capabilities of its casks, a 2015 Sandia National Laboratory report contained evidence that similar thin-metal casks had through-wall cracks in only 5 years.

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The Sandia National Laboratory report referred to by the commenter was for a set of design specifications for a Standardized Transportation, Aging, and Disposal (STAD) canister for eventual emplacement in a geologic repository (ADAMS Accession No. ML16132A321). The NRC could find nothing in this report to support the commenter's assertion that it ''contained evidence that similar thin metal casks had through-wall cracks in only 5 years.''

The NRC made no changes to the rule as a result of this comment.

Comment 10: As evidence that Holtec casks are ''an inferior choice'' for spent fuel storage, one commenter, speaking for ''stakeholders in California,'' referred the NRC to the Web site ''*sanonofresafety.org*.''

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014 and does not concern SCE's choice of cask products. Beyond the issue of SCE's choice, if the commenter has concerns about prior spent fuel storage cask rulemakings, or other issues beyond the scope of this rulemaking that make Holtec casks ''an inferior choice,'' the commenter may consider the NRC's process for petitions for rulemaking under 10 CFR 2.802. Additionally, safety concerns about any NRC-regulated activity may be reported to the NRC in accordance with the guidance posted on the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html*. This Web page provides information on how to notify the NRC of emergency or non-emergency issues.

The NRC made no changes to the rule as a result of this comment.

Comment 11: One commenter criticized the NRC for giving in to Holtec's corporate lawyers and failing to hold the company responsible for ''creating inadequate safety measures within this [cask] design.'' The commenter exhorted the NRC to ''stop paying for fraud'' and force Holtec to ''spend [its] own treasure . . ., not tax dollars,'' to fix the problem.

NRC Response: This comment does not provide sufficient information to identify the ''inadequate safety measures'' in the Holtec cask's design that the commenter has in mind. With respect to the concern regarding payment for the NRC's review and oversight, these functions are not performed at taxpayers' expense. The vendor, in this case Holtec, pays for the NRC's evaluation of the application, as the NRC bills the vendor for the review.

The NRC made no changes to the rule as a result of this comment.

Comment 12: A commenter expressed concern that in permitting a cask system to accept additional classes of spent fuel, the NRC does not decrease the ability of these storage systems to contain the fuel under adverse conditions. The commenter wanted to know whether current requirements for the durability of spent fuel storage systems are sufficient to contain these additional fuels, whatever they may be, in the event of a disaster.

NRC Response: The general issue of the durability of spent fuel storage systems to contain additional types of spent fuel in the event of a disaster is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The NRC is addressing the commenter's concern, however, for educational and clarification purposes.

The NRC addressed a similar comment about the ability of HI–

STORM UMAX Canister Storage Systems to withstand seismic events during the CoC No. 1040 certification rulemaking. It should be noted that the certification provided by approval of the HI–STORM 100 Cask System does not, in and of itself, authorize the use of this system at any specific site. Under 10 CFR 72.212(b)(5), before applying the changes authorized by an amended CoC and loading a cask, a general licensee wishing to use this cask system must perform written evaluations in accordance with 10 CFR 72.212 to establish, among other things, that:

- Cask storage pads and areas have been designed to adequately support the static and dynamic loads of the stored casks, considering potential amplification of earthquakes through soil-structure interaction, and soil liquefaction potential or other soil instability due to vibratory ground motion; and
- The independent spent fuel storage installation at the reactor site where the casks will be located will meet the requirements of 10 CFR 72.104 to ensure that radiation doses beyond the reactor's controlled area do not exceed 0.25 mSv (25 mrem) to the whole body, 0.75 mSv (75 mrem) to the thyroid, and 0.25 mSv (25 mrem) to any other critical organ, and are further controlled to a level as low as is reasonably achievable.

The seismic design levels of the HI–STORM 100 Cask System CoC are acceptable for most areas in the continental United States. For locations with potential for seismic activity beyond those analyzed for this system, additional NRC evaluations and certifications may be required before the system may be used in those locations.

Similarly, although the design levels of the HI–STORM 100 Cask System CoC for flooding are also acceptable for most areas in the continental United States—again depending on site-specific analyses—the NRC staff previously evaluated the impacts of flooding during the review of the initial certification for the HI–STORM Flood/Wind (FW) System. In its March 28, 2011, SER for the initial certification of the HI–STORM FW MPC Storage System (see Sections 4.8.2 and 7.3.1 of ADAMS Accession No. ML103020151), the NRC staff considered both full and partial flooding for both the vertical and horizontal positions for the MPC. The NRC staff found that the fully flooded condition would produce the highest reactivity in the spent fuel, and that the fully flooded model for safety evaluations ''is acceptable and applicable to all of the assembly configurations that are to be stored in the HI–STORM FW MPC Storage system,'' including damaged fuel configurations. In its March 28, 2011, SER, the NRC staff also noted the system's design measures to limit the rise in fuel cladding temperature under the most adverse flood event (one with a water level just high enough to block the MPC overpack's air convection inlet duct). The changes requested in Amendment No. 10 to CoC No. 1014 do not affect the NRC's prior flooding evaluation for the initial certification of this system.

In addition, under 10 CFR 72.212(b)(6), before using the general license, the reactor licensee must review the Safety Analysis Report (SAR) referenced in the CoC or amended CoC and the NRC's SER evaluating the SAR to determine whether the reactor site parameters, including analyses of earthquake intensity, tornado missiles, and flooding, are enveloped by the cask design bases considered in these reports. Like those for seismic activity, the flooding and tornado missile design levels of the HI–STORM 100 Cask System CoC are acceptable for most areas in the continental United States. For locations with potential for flooding or tornado activity beyond those analyzed for this system, additional NRC evaluations and certifications may be required before the system may be used in those locations.

Therefore, the ability of a particular cask system to protect additional spent fuel types against postulated natural disasters is required to be subject to rigorous analyses, both generic and site-specific, before the fuel can be loaded at any given site. If the design basis of the HI–STORM 100 Cask System CoC No. 1014, Amendment No. 10, cannot be shown to envelop a particular site's parameters, Holtec or another vendor would need to obtain NRC certification for another system meeting the design specifications of the subject spent fuel before it could be loaded for dry storage.

The NRC made no changes to the rule as a result of this comment.

Comment 13: One commenter suggested that the NRC was in collusion with the licensee and cited an email exchange between the licensee and a member of the NRC staff as evidence of such collusion.

NRC Response: The NRC disagrees with the comment. In its capacity as a regulator, the NRC regularly engages in discussions with licensees and applicants to facilitate a mutual understanding of the need for any licensing action, as well as the scope and intent of the licensing action. The NRC strives to make as much information as possible, including these interactions, publicly available whenever possible except where legal obligations dictate otherwise, such as for proprietary or security-related sensitive information. (see NRC Management Directive 3.4, ''Release of Information to the Public'' (ADAMS Accession No. ML080310417)). The email exchange cited by the commenter, which is a publicly available document in ADAMS, is one such example of this type of discussion. The NRC grounds its licensing actions on thorough and documented reviews of technical documents that enable the NRC to reach findings that public health and safety, as well as the common defense and security, will be adequately protected.

The NRC made no changes to the rule as a result of this comment.

Comment 14: One commenter objected to the use of a newer American Society of Mechanical Engineers (ASME) code standard for the manganese content in a carbon steel alloy used in some components of the cask system and one commenter asserted that at the 1.5 percent manganese content in the proposed standard, the steel becomes brittle. Furthermore, the commenter contended, these standards are not specific to the nuclear industry, and cannot compensate for poor design. Therefore, the alloy formula must be tested and specific for this particular design and nuclear spent fuel use.

NRC Response: The NRC disagrees with these comments, and has provided its detailed assessment in the preliminary SER for Amendment No. 10 to CoC No. 1014 (ADAMS Accession No. ML15331A309). The minor change in manganese and carbon content of the proposed alloy has been endorsed by the ASME. This endorsement provides a high level of confidence in the quality and safety of the material for nuclear as well as non-nuclear applications. Any change in an ASME standard must be documented by rigorous testing under carefully controlled conditions. Based on this extensive and peer-reviewed testing, the fact that there is no change to the properties used in the original technical basis for the HI–STORM 100 Cask System CoC, and the fact that none of the safety analyses for this CoC are affected by the minor change in manganese content, the NRC believes that further testing for this specific application is unnecessary.

The proposed increase in manganese content from 1.2 percent to 1.5 percent maintains, if not improves, the toughness properties of the SA–516 Grade 70 steel used in the HI–STORM 100 Cask System overpack. The NRC's preliminary SER for Amendment No. 10 to CoC No. 1014 analyzed this proposed

amendment and related Holtec documents and found that there is no change to the material strength, material density, or thermal properties of the SA–516 alloy steel, as indicated in the ASME 2007 and 2010 codes. In order to use the alloy approved in the updated 2007–2010 ASME codes, Holtec was required to request an amendment to use these codes for this alloy because the original HI–STORM 100 Cask System CoC references only the 1995–1997 ASME codes.

The NRC made no changes to the rule as a result of this comment.

Comment 15: A commenter stated that concrete temperature should be properly measured on a continuous basis. The same commenter also stated that each cask should be tested due to possible defects or damage during loading, as well as differences in the types and ages of spent fuel. Because conditions change over time, monitoring should be constant.

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The NRC agrees that concrete temperatures are important and should be properly measured, but disagrees that continuous measurement of these temperatures and constant monitoring are needed. Continuous measurement and constant monitoring of temperatures are unnecessary in an operating environment of very gradual temperature changes. Revision 1 of NUREG–1536, ''Standard Review Plan for Spent Fuel Dry Storage Systems at a General License Facility'' (ADAMS Accession No. ML101040620), notes that for storage systems with internal air flow passages, the NRC has accepted periodic visual inspection of vents coupled with temperature measurements to verify proper thermal performance and detect flow blockages. The inspections are to take place within an interval that will allow sufficient time for corrective actions to be taken before the limiting accident temperature for spent fuel cladding is reached. The inspection interval should be more frequent than the time interval required for the fuel to heat up to the established accident temperature criteria, assuming a total blockage of all inlets and outlets.

The NRC made no changes to the rule as a result of this comment.

Comment 16: A commenter contended that all airflow and temperature measurements should be made ''constantly . . . not one time only,'' and performed ''on intake and output and within the annulus and with an up to date measurement device and not an antiquated anemometer.''

NRC Response: The NRC disagrees with these comments. The NRC evaluated the proposed conditions for airflow and temperature measurements in its final SER (ADAMS Accession No. ML003711865) for the initial issuance of CoC No. 1014 in 2000, and did not find that constant temperature measurements were necessary. That SER noted that in addition to the mandatory initial air temperature rise test when the system is first placed in service, the overpack air inlet and outlet vents would be periodically surveyed or an optional overpack air temperature program would be implemented to verify continued operability of the heat removal system. Operating experience with this cask system since that time has given the NRC no reason to change its initial position on the need for constant temperature measurement.

Concerning the commenter's statement about the need for an up-to-date measurement device, the NRC has not specifically required the use of hot-wire anemometer or any other airflow measurement technology. The applicant may propose the use of any technology it believes will measure airflow with sufficient accuracy and reliability. The NRC is not aware of any basis to prohibit the use of hot-wire anemometer technology for measuring airflow or temperature.

The NRC made no changes to the rule as a result of these comments.

Comment 17: The same commenter that provided Comment 16 objected that Holtec and the NRC did not provide adequate information on ''other topics,'' and that this must be presumed to diminish the safety of the ''flimsy'' Holtec cask system.

NRC Response: The commenter did not specify any grounds for pronouncing the HI–STORM 100 Cask System flimsy, or any ''other topics'' for which additional information might be considered adequate.

The NRC made no changes to the rule as a result of this comment.

Comment 18: A commenter contended that ''measurements are not supposed to validate methods outside of experiments testing theory,'' and that the requirement to ''demonstrate'' an airflow model with measurements implies ''fraudulent'' intent to ''play with numbers to get what [NRC] and/or Holtec want'' to show the safety of the storage cask system.

NRC Response: These comments are not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The NRC also disagrees with these comments. The NRC does not require measurements to validate methods that cannot be tested experimentally. The commenter particularly disapproved of a draft NRC requirement in an email to Holtec (ADAMS Accession No. ML15327A043) in which users of the HI–STORM 100 Cask System would be required to perform a ''thermal validation test'' to measure the total air mass flow rate through the cask system using direct measurements of air velocity in the inlet vents. The user would then be required to do an analysis of the cask system with these measurements ''to demonstrate that the measurements validate the analytic methods'' described in Chapter 4 of Holtec's Final Safety Analysis Report (ADAMS Accession No. ML14086A412), supporting its application for CoC No. 1014. The NRC has reason to require a licensee to demonstrate that an analytic method for thermal modeling of airflow through a cask is supported by real-world measurements. In making this demonstration, a licensee could ''play with numbers'' if it were allowed to measure anywhere it chose, but that is not the case here. The licensee is required to take measurements at NRC-specified locations.

The NRC made no changes to the rule as a result of these comments.

Comment 19: Citing NRC regulations at 10 CFR 72.236, ''Specific requirements for spent fuel storage cask approval and fabrication,'' one commenter alleged that Holtec violated U.S. law because ''the only protection from lethal radiation leaks is the ½ inch MPC, whereas 'The spent fuel storage cask must be designed to provide redundant sealing of confinement systems.' ''

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The NRC also disagrees with this comment. The MPC does provide protection from radiation leaks, but it is not the only protective barrier. Radiation shielding is also provided by the HI–STORM 100 Cask System overpack that is composed of inner and outer steel shells with the annulus between them filled with concrete, which is the primary radiation shielding material. If the commenter was referring only to leakage of radioactive materials from the MPC, however, Section 7.1 of the SER (ADAMS Accession No. ML003711865) for the HI–STORM 100 Cask System confirms the presence of redundant sealing of confinement systems in the canister's design:

The [MPC] confinement boundary includes the MPC shell, the bottom baseplate, the MPC lid (including the vent and drain port cover plates), the MPC closure ring, and the associated welds. . . . The MPC lid (with the vent and drain port cover plates welded to the lid) and closure ring are welded to the upper part of the MPC shell at the loading site. This provides redundant sealing of the confinement boundary. . . . The redundant closures of the MPC satisfy the requirements of 10 CFR 72.236(e) for redundant sealing of confinement systems.

The MPC's confinement design has multiple related purposes. The confinement design ensures that potentially contaminated air is contained within the MPC and that the MPC remains filled with helium coolant, so that the MPC can fulfill a third purpose: to keep outside air from contacting the spent nuclear fuel for the licensed life of the system.

In addition to the redundant barriers to airborne radiation leakage in the design of the HI–STORM 100 MPC and cask system, there are procedural requirements to ensure that the system and its components function in operation as designed. In accordance with the CoC itself (ADAMS Accession No. ML15331A307), the design, purchase, fabrication, assembly, inspection, testing, operation, maintenance, repair, and modification of all structures, systems, and components that are important to safety, both for the MPC and the system as a whole, must be conducted in accordance with a Commission-approved quality assurance program that satisfies the applicable requirements of 10 CFR part 72, subpart G.

The CoC also requires that when the MPC shell is welded to its baseplate, the fabricator must perform a helium leak test of the MPC weld's confinement using a helium mass spectrometer. This weld leakage test must include the base metals of the MPC shell and baseplate. Another helium leak test must be performed on the base metal of the fabricated MPC lid. Then, in the field, a helium leak test must be performed on the vent and drain port confinement welds and cover plate base metal before the loaded MPC can be emplaced within the concrete overpack. All MPC confinement boundary leakage rate tests must be performed in accordance with ANSI N14.5 to ''leaktight'' criteria. If the user detects a leakage rate exceeding the acceptance criteria, the user must determine the area of leakage and repair it to meet ASME Code Section III, Subsection NB requirements. The affected area must then be re-tested until the leakage rate acceptance criterion is met.

The NRC made no changes to the rule as a result of this comment.

Comment 20: Citing NRC regulations at 10 CFR 72.236, ''Specific requirements for spent fuel storage cask approval and fabrication,'' a commenter asserted that Holtec violated U.S. law also because its storage cask is not designed to provide adequate heat removal capacity without active cooling systems, and ''[t]he refusal to properly test [the cask's heat removal capacity] appears intentional to avoid knowing if it properly removes heat.''

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. The comment also does not explain how Holtec storage casks are not designed to meet the 10 CFR 72.236 requirement to provide adequate heat removal capacity without active cooling systems. HI–STORM 100 Cask Systems have been deployed at independent spent fuel storage installations for more than a decade without active cooling systems.

The NRC disagrees with the comment. The NRC's preliminary SER evaluated Holtec's supporting thermal analysis for Amendment No. 10 to CoC No. 1014 and found that the HI–STORM 100 Cask System certification ''continues to be designed with a heat-removal capability having verifiability and reliability consistent with its importance to safety.'' The SER also found that spent fuel cladding continues to be protected against thermal degradation leading to gross ruptures, and other cask component temperatures continue to be maintained below the allowable limits for the accidents evaluated.

There has been no refusal to test the cask system's heat removal capacity. The CoC language has been revised to require CoC No. 1014, Amendment No. 10, users to submit thermal validation test and analysis results in a letter report to the NRC within 180 days of either the user's loading of the first cask or undertaking the first spent fuel transfer operation with a cask fabricated to Amendment No. 10 specifications. The revised condition also states, however, that for casks of the same system type, users may document in their 10 CFR 72.212 report a previously performed test and analysis that has demonstrated adequate validation of the analytic thermal methods. The NRC will evaluate whether this previous test and analysis continues to demonstrate adequate validation of thermal analysis methods in light of the uncertainty of airflow measurements at the previously-specified locations.

The NRC made no changes to the rule as a result of this comment.

Comment 21: One commenter stated that the NRC has violated the Plain Writing Act of 2010 by failing to make the topics associated with this rulemaking clear, and failing to ''attach . . . the relevant documents in an orderly, clear manner.''

NRC Response: The NRC disagrees with these comments. The topics associated with this rulemaking must necessarily address the CoC amendments requested by the applicant, and these are by nature highly technical. The March 14, 2016 (81 FR 13265), **Federal Register** notice of the direct final rule does, however, seek to explain in language as non-technical as possible the practical effects of the amendment requests for the use of the Holtec HI–STORM 100 Cask System under Amendment No. 10 of CoC No. 1014. In general, the NRC strives to write agency documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject and the intended audience.

As to the comment that documents relevant to this rulemaking were not ''attached . . . in an orderly, clear manner,'' the NRC followed its normal process of providing the ADAMS accession numbers to referenced documents so that interested persons may obtain access to the documents. If the commenter was referring instead to the table of references provided in the **Federal Register** notice for the direct final rule, the NRC also disagrees that the relevant documents were not presented in an orderly, clear manner. The order of the references starts with the applicant's amendment request, moves to the proposed revised CoC and TS documents supporting it, and concludes with the NRC's response to these submittals in the form of its SER on the proposed revisions.

The NRC made no changes to the rule as a result of these comments.

Comment 22: One commenter stated that the percentage of the NRC's budget that must be recovered should be recovered in fines and not fees.

NRC Response: The comment is not within the scope of this rulemaking, which is limited to the specific revisions proposed in Amendment No. 10 to CoC No. 1014. Under the Omnibus Budget Reconciliation Act of 1990, as amended, the NRC is required by law to recover 90 percent of its budget through fees for licensing and other actions. Therefore, any change in this requirement can only be achieved by an act of Congress.

The NRC made no changes to the rule as a result of this comment.

In summary, the NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, none of these comments required a change in the rule's effective date of May 31, 2016.

Dated at Rockville, Maryland, this 28th day of September, 2016

For the Nuclear Regulatory Commission.

Michael R. Johnson,

Acting Executive Director for Operations.

[FR Doc. 2016–24466 Filed 10–7–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5042; Directorate Identifier 2015–NM–140–AD; Amendment 39–18680; AD 2016–20–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that certain fastener locations in the window corner surround structure are subject to widespread fatigue damage (WFD). This AD requires repetitive high frequency eddy current (HFEC) inspections for cracking in certain fastener locations in the window corner surround structure, and repair if necessary. We are issuing this AD to detect and correct fatigue cracking around certain fastener locations that could cause multiple window corner skin cracks, which could result in rapid decompression and consequent loss of structural integrity of the airplane.

DATES: This AD is effective November 15, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 15, 2016.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone: 206–544–5000, extension 1; fax: 206–766–5680; Internet: *https://www.myboeingfleet.com.*You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5042.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5042; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gaetano Settineri, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *gaetano.settineri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes. The NPRM published in the **Federal Register** on April 5, 2016 (81 FR 19512) (''the NPRM''). The NPRM was prompted by an evaluation by the DAH indicating that certain fastener locations in the window corner surround structure are subject to WFD. The NPRM proposed to require repetitive HFEC inspections for cracking in certain fastener locations in the window corner surround structure, and repair if necessary. We are issuing this AD to detect and correct fatigue cracking around certain fastener locations that could cause multiple window corner skin cracks, which could result in rapid decompression and consequent loss of structural integrity of the airplane.

Comments

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

Support for the NPRM

Boeing and the Airline Pilots Association, International supported the content of the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST00830SE does not affect compliance with the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) as (c)(1) and added a new paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this final rule. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request for Clarification of Extent of Boeing Organization Designation Authority (ODA)

Southwest Airlines (SWA) asked for clarification that the Boeing ODA identified in paragraph (i)(3) of the proposed AD can provide an AMOC for any ''repair, modification, or alteration'' that includes the authority to approve existing repairs in the inspection area that inhibit accomplishment of the AD requirements as terminating action to paragraph (g) of the proposed AD. SWA also asked if the ODA has the authority to provide alternative inspection procedures for repaired areas where the inspection in paragraph (g) of the proposed AD cannot be accomplished. Additionally, SWA asked that we clarify that the Boeing ODA identified in paragraph (i)(3) of the proposed AD is able to issue an AMOC to the proposed AD for an existing repair at the S–14 lap joint (where the location of the repair inhibits accomplishing the initial inspection), provided the repair was approved by any FAA designation authority, and there is a minimum of three fastener rows above and below the lap joint. SWA stated that neither Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015, nor the NPRM clearly state how to address existing repairs that prevent

accomplishment of the inspections specified in paragraph (g) of the proposed AD.

We agree with the commenter that clarification of the extent of the authority of the Boeing ODA is necessary. The Boeing ODA has the authority to evaluate existing repairs and provide alternative inspection programs in the repaired area, including authority to approve alternative inspections as AMOCs if needed.

We infer that SWA is also asking if the Boeing ODA can issue a global AMOC for the referenced repair at the S–14 lap joint. The Boeing ODA does not have the authority to approve global AMOCs. In addition, we have not received any information from Boeing that defines such a repair that would be considered for a global AMOC. If Boeing provides supporting data, we will evaluate the data to determine if that repair and any associated inspections provide an acceptable level of safety for such an AMOC. We have not changed this AD in this regard.

Change to This AD

We have determined that the end level effect of the unsafe condition in the NPRM should be changed to more closely match the service information. Therefore, we have changed ''. . . reduced structural integrity'' to ''. . . loss of structural integrity'' in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections and in paragraph (e) of this AD accordingly.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015. The service information describes procedures for HFEC inspections and repair for cracking in certain fastener locations in the window corner surround structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 1,528 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	38 work-hours × $85 per hour = $3,230 per inspection cycle.	$0	$3,230 per inspection cycle	$4,935,440 per inspection cycle

We have received no definitive data that will enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2016–20–14 The Boeing Company: Amendment 39–18680; FAA–2016–5042; Directorate Identifier 2015–NM–140–AD.

(a) Effective Date

This AD is effective November 15, 2016.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE (*http://*

rgl.faa.gov/Regulatory_and_Guidance_Library/rgSTC.nsf/0/38B606833BBD98B386257FAA00602538?OpenDocument&Highlight=st00830se) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that certain fastener locations in the window corner surround structure are subject to widespread fatigue damage. We are issuing this AD to detect and correct fatigue cracking around certain fastener locations that could cause multiple window corner skin cracks, which could result in rapid decompression and consequent loss of structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Repair

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015: Do an external high frequency eddy current (HFEC) inspection for cracking of the skin around the fastener locations at the upper forward and lower aft corners of each window between station (STA) 360 and STA 540, as applicable, and at the lower forward and upper aft corners of each window between STA 727 and STA 887, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015. Repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015. If any crack is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(h) Exception to the Service Bulletin Specifications

Although Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

For more information about this AD, contact Gaetano Settineri, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *gaetano.settineri@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 737–53A1351, dated July 8, 2015.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on September 28, 2016.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–24197 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0866]

Drawbridge Operation Regulation; James River, Isle of Wight and Newport News, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations; Cancellation.

SUMMARY: The Coast Guard is canceling the temporary deviation concerning the James River Bridge (US17) across the James River, mile 5.0, at Isle of Wight and Newport News, VA. The deviation was necessary to perform bridge maintenance and repairs, which have been completed. The deviation allowed the bridge to remain in the closed-to-navigation position.

DATES: The temporary deviation published on September 16, 2016, in the **Federal Register** (81 FR 63700) is cancelled as of October 11, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0866] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this cancelation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6222, email *Hal.R.Pitts@uscg.mil.*

SUPPLEMENTARY INFORMATION: On September 16, 2016, we published a temporary deviation entitled ''Drawbridge Operation Regulation; James River, Isle of Wight and Newport News, VA'' in the **Federal Register** (81

FR 63700). The temporary deviation concerned allowed the bridge to remain in the closed-to-navigation position to facilitate repairs to the aerial electrical cable connecting the north tower to the south tower. This deviation from the operating regulations was authorized under 33 CFR 117.35.

On September 26, 2016, The Virginia Department of Transportation, that owns and operates the James River Bridge (US17), across the James River, mile 5.0, at Isle of Wight and Newport News, VA, notified the Coast Guard that repairs had been completed on September 24, 2016, and that the temporary deviation was no longer needed.

Dated: October 5, 2016.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2016–24476 Filed 10–7–16; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010–21 and CP2010–36]

Update to Product Lists

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is updating the product lists. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The product lists, which are re-published in their entirety, include these updates.

DATES: *Effective Date:* October 11, 2016.

Applicability Dates: July 6, 2016, Priority Mail & First-Class Package Service Contract 20 (MC2016–158 and CP2016–229); July 6, 2016, Priority Mail Contract 228 (MC2016–157 and CP2016–228); July 7, 2016, Priority Mail Express Contract 38 (MC2016–161 and CP2016–232); July 7, 2016, Priority Mail Express, Priority Mail & First-Class Package Service Contract 10 (MC2016–160 and CP2016–231); July 7, 2016, Priority Mail Contract 229 (MC2016–159 and CP2016–230); July 8, 2016, Priority Mail Contract 214 (MC2016–131 and CP2016–167); July 13, 2016, Priority Mail Contract 230 (MC2016–162 and CP2016–235); July 13, 2016, Priority Mail Contract 231 (MC2016–163 and CP2016–236); July 19, 2016, Priority Mail & First-Class Package Service Contract 21 (MC2016–165 and CP2016–239); July 19, 2016, Priority Mail Express Contract 39 (MC2016–164 and CP2016–238); July 19, 2016, Priority Mail & First-Class Package Service Contract 22 (MC2016–166 and CP2016–240); July 19, 2016, Priority Mail & First-Class Package Service Contract 23 (MC2016–167 and CP2016–241); August 1, 2016, First-Class Package Service Contract 58 (MC2016–170 and CP2016–248); August 1, 2016, First-Class Package Service Contract 59 (MC2016–171 and CP2016–249); August 1, 2016, Priority Mail Express Contract 40 (MC2016–169 and CP2016–247); August 15, 2016, Priority Mail & First-Class Package Service Contract 24 (MC2016–173 and CP2016–252); August 15, 2016, Priority Mail & First-Class Package Service Contract 25 (MC2016–174 and CP2016–253); August 15, 2016, Priority Mail Express & Priority Mail Contract 30 (MC2016–175 and CP2016–254); August 17, 2016, Inbound Market Dominant Registered Service Agreement 1 (MC2016–168 and R2016–6); August 23, 2016, Priority Mail & First-Class Package Service Contract 26 (MC2016–177 and CP2016–256); August 23, 2016, First-Class Package Service Contract 60 (MC2016–176 and CP2016–255); August 23, 2016, Priority Mail Contract 233 (MC2016–179 and CP2016–258); August 23, 2016, Priority Mail Express Contract 41 (MC2016–180 and CP2016–259); August 23, 2016, Priority Mail Contract 234 (MC2016–181 and CP2016–260); August 24, 2016, Priority Mail Contract 232 (MC2016–178 and CP2016–257); August 25, 2016, Priority Mail Express & Priority Mail Contract 31 (MC2016–182 and CP2016–262); August 25, 2016, Priority Mail & First-Class Package Service Contract 27 (MC2016–183 and CP2016–263); August 25, 2016, Priority Mail & First-Class Package Service Contract 28 (MC2016–184 and CP2016–264); September 9, 2016, Priority Mail Express & Priority Mail Contract 33 (MC2016–186 and CP2016–267); September 9, 2016, Priority Mail Express & Priority Mail Contract 32 (MC2016–185 and CP2016–266); September 9, 2016, Priority Mail Express & Priority Mail Contract 34 (MC2016–187 and CP2016–268); September 14, 2016, Priority Mail Contract 236 (MC2016–191 and CP2016–274); September 14, 2016, Priority Mail Contract 237 (MC2016–192 and CP2016–275); September 14, 2016, Priority Mail & First-Class Package Service Contract 30 (MC2016–189 and CP2016–272); September 14, 2016, Priority Mail Contract 235 (MC2016–190 and CP2016–273); September 14, 2016, Priority Mail & First-Class Package Service Contract 29 (MC2016–188 and CP2016–271); September 20, 2016, Priority Mail Contract 238 (MC2016–193 and CP2016–276); September 20, 2016, Priority Mail & First-Class Package Service Contract 31 (MC2016–194 and CP2016–277); September 20, 2016, First-Class Package Service Contract 61 (MC2016–195 and CP2016–278); September 23, 2016, First-Class Package Service Contract 63 (MC2016–198 and CP2016–282); September 23, 2016, Priority Mail Contract 239 (MC2016–199 and CP2016–283); September 23, 2016, First-Class Package Service Contract 62 (MC2016–197 and CP2016–281); September 27, 2016, Global Expedited Package Services 7 Contracts (MC2016–196 and CP2016–280).

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION: This document identifies updates to the market dominant and the competitive product lists, which appear as 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List, respectively. Publication of the updated product lists in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

Authorization. The Commission process for periodic publication of updates was established in Docket Nos. MC2010–21 and CP2010–36, Order No. 445, April 22, 2010, at 8.

Changes. The product lists are being updated by publishing replacements in their entirety of 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List. The following products are being added, removed, or moved within the product lists:

1. Priority Mail & First-Class Package Service Contract 20 (MC2016–158 and CP2016–229) (Order No. 3414), added July 6, 2016.
2. Priority Mail Contract 228 (MC2016–157 and CP2016–228) (Order No. 3415), added July 6, 2016.
3. Priority Mail Express Contract 38 (MC2016–161 and CP2016–232) (Order No. 3416), added July 7, 2016.
4. Priority Mail Express, Priority Mail & First-Class Package Service Contract 10 (MC2016–160 and CP2016–231) (Order No. 3417), added July 7, 2016.
5. Priority Mail Contract 229 (MC2016–159 and CP2016–230) (Order No. 3418), added July 7, 2016.
6. Priority Mail Contract 214 (MC2016–131 and CP2016–167) (Order No. 3419), added July 8, 2016.
7. Priority Mail Contract 230 (MC2016–162 and CP2016–235) (Order No. 3425), added July 13, 2016.

8. Priority Mail Contract 231 (MC2016–163 and CP2016–236) (Order No. 3426), added July 13, 2016.
9. Priority Mail & First-Class Package Service Contract 21 (MC2016–165 and CP2016–239) (Order No. 3437), added July 19, 2016.
10. Priority Mail Express Contract 39 (MC2016–164 and CP2016–238) (Order No. 3438), added July 19, 2016.
11. Priority Mail & First-Class Package Service Contract 22 (MC2016–166 and CP2016–240) (Order No. 3439), added July 19, 2016.
12. Priority Mail & First-Class Package Service Contract 23 (MC2016–167 and CP2016–241) (Order No. 3440), added July 19, 2016.
13. First-Class Package Service Contract 58 (MC2016–170 and CP2016–248) (Order No. 3452), added August 1, 2016.
14. First-Class Package Service Contract 59 (MC2016–171 and CP2016–249) (Order No. 3453), added August 1, 2016.
15. Priority Mail Express Contract 40 (MC2016–169 and CP2016–247) (Order No. 3454), added August 1, 2016.
16. Priority Mail & First-Class Package Service Contract 24 (MC2016–173 and CP2016–252) (Order No. 3464), added August 15, 2016.
17. Priority Mail & First-Class Package Service Contract 25 (MC2016–174 and CP2016–253) (Order No. 3465), added August 15, 2016.
18. Priority Mail Express & Priority Mail Contract 30 (MC2016–175 and CP2016–254) (Order No. 3466), added August 15, 2016.
19. Inbound Market Dominant Registered Service Agreement 1 (MC2016–168 and R2016–6) (Order No. 3471), added August 17, 2016.
20. Priority Mail & First-Class Package Service Contract 26 (MC2016–177 and CP2016–256) (Order No. 3476), added August 23, 2016.
21. First-Class Package Service Contract 60 (MC2016–176 and CP2016–255) (Order No. 3477), added August 23, 2016.
22. Priority Mail Contract 233 (MC2016–179 and CP2016–258) (Order No. 3478), added August 23, 2016.
23. Priority Mail Express Contract 41 (MC2016–180 and CP2016–259) (Order No. 3479), added August 23, 2016.
24. Priority Mail Contract 234 (MC2016–181 and CP2016–260) (Order No. 3480), added August 23, 2016.
25. Priority Mail Contract 232 (MC2016–178 and CP2016–257) (Order No. 3481), added August 24, 2016.
26. Priority Mail Express & Priority Mail Contract 31 (MC2016–182 and CP2016–262) (Order No. 3483), added August 25, 2016.
27. Priority Mail & First-Class Package Service Contract 27 (MC2016–183 and CP2016–263) (Order No. 3485), added August 25, 2016.
28. Priority Mail & First-Class Package Service Contract 28 (MC2016–184 and CP2016–264) (Order No. 3486), added August 25, 2016.
29. Priority Mail Express & Priority Mail Contract 33 (MC2016–186 and CP2016–267) (Order No. 3503), added September 9, 2016.
30. Priority Mail Express & Priority Mail Contract 32 (MC2016–185 and CP2016–266) (Order No. 3504), added September 9, 2016.
31. Priority Mail Express & Priority Mail Contract 34 (MC2016–187 and CP2016–268) (Order No. 3508), added September 9, 2016.
32. Priority Mail Contract 236 (MC2016–191 and CP2016–274) (Order No. 3512), added September 14, 2016.
33. Priority Mail Contract 237 (MC2016–192 and CP2016–275) (Order No. 3513), added September 14, 2016.
34. Priority Mail & First-Class Package Service Contract 30 (MC2016–189 and CP2016–272) (Order No. 3514), added September 14, 2016.
35. Priority Mail Contract 235 (MC2016–190 and CP2016–273) (Order No. 3515), added September 14, 2016.
36. Priority Mail & First-Class Package Service Contract 29 (MC2016–188 and CP2016–271) (Order No. 3516), added September 14, 2016.
37. Priority Mail Contract 238 (MC2016–193 and CP2016–276) (Order No. 3522), added September 20, 2016.
38. Priority Mail & First-Class Package Service Contract 31 (MC2016–194 and CP2016–277) (Order No. 3523), added September 20, 2016.
39. First-Class Package Service Contract 61 (MC2016–195 and CP2016–278) (Order No. 3524), added September 20, 2016.
40. First-Class Package Service Contract 63 (MC2016–198 and CP2016–282) (Order No. 3529), added September 23, 2016.
41. Priority Mail Contract 239 (MC2016–199 and CP2016–283) (Order No. 3533), added September 23, 2016.
42. First-Class Package Service Contract 62 (MC2016–197 and CP2016–281) (Order No. 3534), added September 23, 2016.
43. Global Expedited Package Services 7 Contracts (MC2016–196 and CP2016–280) (Order No. 3542), added September 27, 2016.

The following negotiated service agreements have expired and are being deleted from the Competitive Product List:

1. Priority Mail Contract 60 (MC2013–54 and CP2013–70) (Order No. 1773).
2. Priority Mail Contract 61 (MC2013–55 and CP2013–73) (Order No. 1790).
3. Priority Mail Contract 62 (MC2013–56 and CP2013–74) (Order No. 1784).
4. Priority Mail Express & Priority Mail Contract 14 (MC2013–58 and CP2013–79) (Order No. 1831).
5. Priority Mail Express & Priority Mail Contract 26 (MC2016–56 and CP2016–71) (Order No. 2990).
6. Parcel Select Contract 5 (MC2012–34 and CP2012–42) (Order No. 1416).
7. Parcel Select Contract 7 (MC2013–59 and CP2013–80) (Order No. 1832).
8. Priority Mail & First-Class Package Service Contract 5 (MC2015–57 and CP2015–85) (Order No. 2560).

The following market test has expired and is being deleted from the Competitive Product List:

1. International Merchandise Return Service Non-Published Rates (MT2013–2) (Order No. 1806).

Updated product lists. The referenced changes to the product lists are incorporated into 39 CFR Appendix A to Subpart A of Part 3020—Market Dominant Product List and 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A of Subpart A of Part 3020—Market Dominant Product List to read as follows:

Appendix A to Subpart A of Part 3020—Market Dominant Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

First-Class Mail *
- Single-Piece Letters/Postcards
- Presorted Letters/Postcards
- Flats
- Parcels
- Outbound Single-Piece First-Class Mail International
- Inbound Letter Post

Standard Mail (Commercial and Nonprofit) *
- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route
- Letters
- Flats
- Parcels
- Every Door Direct Mail—Retail

Periodicals *
In-County Periodicals
Outside County Periodicals
Package Services *
Alaska Bypass Service
Bound Printed Matter Flats
Bound Printed Matter Parcels
Media Mail/Library Mail
Special Services *
Ancillary Services
International Ancillary Services
Address Management Services
Caller Service
Credit Card Authentication
International Reply Coupon Service
International Business Reply Mail Service
Money Orders
Post Office Box Service
Customized Postage
Stamp Fulfillment Services
Negotiated Service Agreements *
Domestic *
PHI Acquisitions, Inc. Negotiated Service Agreement International *
Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1
Inbound Market Dominant Exprés Service Agreement 1
Inbound Market Dominant Registered Service Agreement 1
Nonpostal Services *
Alliances with the Private Sector to Defray Cost of Key Postal Functions
Philatelic Sales
Market Tests *

■ 3. Revise and Appendix B of Subpart A of Part 3020—Competitive Product List to read as follows:

Appendix B to Subpart A of Part 3020—Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)
Domestic Products *
Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
Retail Ground
International Products *
Outbound International Expedited Services
Inbound Parcel Post (at UPU rates)
Outbound Priority Mail International
International Priority Airmail (IPA)
International Surface Air List (ISAL)
International Direct Sacks—M-Bags
Outbound Single-Piece First-Class Package International Service
Negotiated Service Agreements *
Domestic *
Priority Mail Express Contract 8
Priority Mail Express Contract 16
Priority Mail Express Contract 17
Priority Mail Express Contract 18
Priority Mail Express Contract 19
Priority Mail Express Contract 20
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Priority Mail Express Contract 22
Priority Mail Express Contract 23
Priority Mail Express Contract 24
Priority Mail Express Contract 25
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Priority Mail Express Contract 31
Priority Mail Express Contract 32
Priority Mail Express Contract 33
Priority Mail Express Contract 34
Priority Mail Express Contract 35
Priority Mail Express Contract 36
Priority Mail Express Contract 37
Priority Mail Express Contract 38
Priority Mail Express Contract 39
Priority Mail Express Contract 40
Priority Mail Express Contract 41
Parcel Return Service Contract 5
Parcel Return Service Contract 6
Parcel Return Service Contract 7
Parcel Return Service Contract 8
Parcel Return Service Contract 9
Parcel Return Service Contract 10
Priority Mail Contract 24
Priority Mail Contract 59
Priority Mail Contract 63
Priority Mail Contract 64
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Priority Mail Express, Priority Mail & First-Class Package Service Contract 4
Priority Mail Express, Priority Mail & First-Class Package Service Contract 5
Priority Mail Express, Priority Mail & First-Class Package Service Contract 6
Priority Mail Express, Priority Mail & First-Class Package Service Contract 7
Priority Mail Express, Priority Mail & First-Class Package Service Contract 8
Priority Mail Express, Priority Mail & First-Class Package Service Contract 9
Priority Mail Express, Priority Mail & First-Class Package Service Contract 10
Priority Mail & First-Class Package Service Contract 2
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Priority Mail & First-Class Package Service Contract 26
Priority Mail & First-Class Package Service Contract 27
Priority Mail & First-Class Package Service Contract 28
Priority Mail & First-Class Package Service Contract 29
Priority Mail & First-Class Package Service Contract 30
Priority Mail & First-Class Package Service Contract 31
Priority Mail & Parcel Select Contract 1
Outbound International *
Global Expedited Package Services (GEPS) Contracts
GEPS 3
GEPS 5
GEPS 6
GEPS 7
Global Bulk Economy (GBE) Contracts
Global Plus Contracts
Global Plus 1C
Global Plus 1D
Global Plus 2C
Global Plus 3
Global Reseller Expedited Package Contracts
Global Reseller Expedited Package Services 1
Global Reseller Expedited Package Services 2

Global Reseller Expedited Package Services 3
Global Reseller Expedited Package Services 4
Global Expedited Package Services (GEPS)—Non-Published Rates
Global Expedited Package Services (GEPS)—Non-Published Rates 2
Global Expedited Package Services (GEPS)—Non-Published Rates 3
Global Expedited Package Services (GEPS)—Non-Published Rates 4
Global Expedited Package Services (GEPS)—Non-Published Rates 5
Global Expedited Package Services (GEPS)—Non-Published Rates 6
Global Expedited Package Services (GEPS)—Non-Published Rates 7
Global Expedited Package Services (GEPS)—Non-Published Rates 8
Global Expedited Package Services (GEPS)—Non-Published Rates 9
Global Expedited Package Services (GEPS)—Non-Published Rates 10
Priority Mail International Regional Rate Boxes—Non-Published Rates
Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd.
Priority Mail International Regional Rate Boxes Contracts
Priority Mail International Regional Rate Boxes Contracts 1
Competitive International Merchandise Return Service Agreements with Foreign Postal Operators
Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1
Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2
Inbound International *
International Business Reply Service (IBRS) Competitive Contracts
International Business Reply Service Competitive Contract 1
International Business Reply Service Competitive Contract 3
Inbound Direct Entry Contracts with Customers
Inbound Direct Entry Contracts with Foreign Postal Administrations
Inbound Direct Entry Contracts with Foreign Postal Administrations
Inbound Direct Entry Contracts with Foreign Postal Administrations 1
Inbound EMS
Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1
Special Services *
Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services
Nonpostal Services *
Advertising
Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program
Market Tests *
Customized Delivery
Global eCommerce Marketplace (GeM)

Stacy L. Ruble,

Secretary.

[FR Doc. 2016–24511 Filed 10–7–16; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0367; FRL–9952–17–Region 9]

Approval of California Air Plan Revisions, Butte County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Butte County Air Quality Management District (BCAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of particulate matter (PM) from open burning. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on December 12, 2016 without further notice, unless the EPA receives adverse comments by November 10, 2016. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0367 at *http://www.regulations.gov,* or via email to Andrew Steckel, Rulemaking Office Chief at *Steckel.Andrew@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the 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. The 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Kevin Gong, EPA Region IX, (415) 972–3073, *Gong.Kevin@epa.gov.*

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

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I. The State's Submittal

A. What rule did the State submit?

This action addresses BCAQMD Rule 300, ''Open Burning Requirements, Prohibitions and Exemptions'' as amended by the district on August 27, 2015 and submitted to the EPA on March 11, 2016 by the California Air Resources Board.

On April 19, 2016, the EPA determined that the submittal for BCAQMD Rule 300 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

The EPA promulgated a limited approval of an earlier version of Rule 300 into the SIP on July 8, 2015 (80 FR 38966). The EPA also simultaneously promulgated a limited disapproval because two provisions in the rule provided discretion to the District Air Pollution Control Officer (APCO) to independently interpret the SIP without explicit and replicable procedures within the rule.

C. What is the purpose of the submitted rule revision?

PM, including PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$) and PM equal to or less than 10 microns in diameter (PM_{10}), contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions.

BCAQMD Rule 300 controls PM emissions by establishing requirements on when and how to conduct various types of open burning activities, including but not limited to agricultural burning, non-agricultural burning (such as land use conversion), and residential burning. The EPA finalized a limited approval of a previous version of this rule because it is largely consistent with applicable CAA requirements. However, the EPA simultaneously promulgated a limited disapproval of the rule for two instances of APCO discretion that did not meet CAA requirements for enforceability. BCAQMD's 2015 rule revision corrects the two deficiencies identified in our previous action. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must implement Reasonably Available Control Measures (RACM) in moderate PM nonattainment areas (see CAA sections 172(c)(1) and 189(a)(1)(C)). BCAQMD regulates the Chico nonattainment area, which was classified as ''nonattainment'' for the 2006 24-hour $PM_{2.5}$ NAAQS on November 13, 2009 (74 FR 58688). On September 10, 2013 (78 FR 55225), EPA issued a determination that the area had attained the 2006 24-hour $PM_{2.5}$ standard based on complete, quality-assured, and certified ambient air monitoring data for the 2010–2012 monitoring period. Under EPA's Clean Data Policy and the regulations that embody it (40 CFR 51.1004(c) for $PM_{2.5}$), an EPA determination that an area is attaining the relevant standard suspends the area's obligations to submit RACM for as long as the area continues to attain. Therefore, BCAQMD is not currently required to implement RACM for $PM_{2.5}$. If the Chico nonattainment area is redesignated to attainment, RACM requirements for $PM_{2.5}$ will no longer apply.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' (''the Little Bluebook'', EPA Region 9, August 21, 2001).

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements.[1] This approval remedies both deficiencies identified by our limited approval and limited disapproval action at 80 FR 38966, and therefore terminates the CAA sanction and Federal Implementation Plan clocks triggered by that action. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule. If we receive adverse comments by November 10, 2016, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 12, 2016. This will incorporate the rule into the federally enforceable SIP.

[1] Upon the effective date of this final action, BCAQMD Rule 300 would supersede existing BCAQMD Rule 300, approved at 80 FR 38966, in the applicable SIP.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the BCAQMD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 21, 2016.

Alexis Strauss,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(423)(i)(G)(*2*) and (c)(474)(i)(C)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(423) * * *

(i) * * *

(G) * * *

(*2*) Previously approved on July 8, 2015 in paragraph (c)(423)(i)(G)(*1*) of this section and now deleted with replacement in paragraph (c)(474)(i)(C)(*1*), Rule 300, ''Open Burning Requirements, Prohibitions and Exemptions,'' approved on February 24, 2011.

* * * * *

(474) * * *

(i) * * *

(C) Butte County Air Quality Management District

(*1*) Rule 300, ''Open Burning Requirements, Prohibitions and Exemptions'' amended on August 27, 2015.

* * * * *

[FR Doc. 2016–24498 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0199; FRL–9953–74–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Revision of Regulations for Sulfur Content of Fuel Oil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the District of Columbia state implementation plan (SIP). The revision pertains to the update of the District of Columbia Municipal Regulations (DCMR) to lower the sulfur content of fuel oil. This action is being taken under the Clean Air Act (CAA).

DATES: This rule is effective on December 12, 2016 without further notice, unless EPA receives adverse written comment by November 10, 2016. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0199 at *http://www.regulations.gov,* or via email to *pino.maria@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 20, 2016, the District of Columbia (the District) through the District of Columbia Department of Energy and Environment submitted a revision to the District's SIP. The SIP revision consists of revisions to the DCMR for sulfur content of fuel oil which is used for combustion. The revisions to the DCMR reduce the sulfur content of fuel oil that can be combusted within the District and prohibit the combustion of certain higher sulfur content fuel oils.

I. Background

The combustion of fuel oil which contains sulfur leads to emissions of fine particulate matter ($PM_{2.5}$) and sulfur dioxide (SO_2), which is a precursor to $PM_{2.5}$. In addition, SO_2 oxidizes to form sulfates, which are one of the largest contributors to the formation of regional haze. Sulfates cause visibility impairment, also known as regional haze, by the scattering and absorption of sunlight by fine particles. Visibility impairment reduces the clarity, color, and visible distance that one can see. The District asserts these regulations will decrease SO_2 emissions in the District from certain fuel combustion sources and therefore strengthen the District's SIP. The reduction to SO_2 emissions helps the District to maintain the national ambient air quality standards (NAAQS) for SO_2 and $PM_{2.5}$. Additional SO_2 emission reductions and subsequent reductions in sulfates from District sources combusting lower sulfur fuel will assist the District in achieving further reasonable progress towards reducing regional haze. Under section 169A of the CAA, it is a national goal to remedy and prevent regional haze in any Class I areas.[1] Section 169A requires states which contain Class I areas and states from which emissions may reasonably be anticipated to cause or contribute to visibility impairment in Class I areas to submit SIP revisions to make reasonable progress toward meeting the national goal (''regional haze SIPs''). The District's regional haze program to address visibility impairment requirements in Class I areas was fully approved into the District's SIP by EPA on February 2, 2012. *See* 77 FR 5191.[2] The District has submitted revised regulations for SIP approval to implement its low sulfur fuel oil program.

II. Summary of SIP Revision and EPA Analysis

The SIP revision consists of revisions to the DCMR Chapters 1, 5, and 8 of Title 20. These revisions to the DCMR reduce the allowable sulfur content of fuel oils that are used in oil-burning combustion units in the District. These revisions require that the sulfur content of number 2 (No. 2) fuel oil be no greater than 500 parts per million (ppm); the sulfur content of No. 4 fuel oil be no greater than 2,500 ppm; and prohibit the use of No. 5 and heavier fuel oils in the District. Additionally, beginning July 1, 2018, the sulfur content of No. 2 fuel can be no greater than 15 ppm. Any fuel oil stored by the ultimate consumer in the District prior to the applicable compliance date may be used after the applicable compliance date. The revisions also include changes to reporting and recordkeeping requirements related to the use and storage of the aforementioned fuel oils. Definitions for terminology which relate to reporting and recordkeeping requirements were added.

The updates to Chapter 1 include amendments to the definitions of American Standards of Testing Materials (ASTM) and distillate oil. The revision to Chapter 5 includes updates to the sampling and testing practices for fuel oils. The amended Chapter 5 regulations require the use of various ASTM methods for the sampling of petroleum; an ASTM standard for the determination of fuel oil grade; and various ASTM methods for the determination of sulfur content in fuel oil. Chapter 8 includes the revised sulfur content for No. 2 and No. 4 fuel oils and prohibits combustion of No. 5 and heavier fuel oils in the District. Chapter 8 also includes the aforementioned compliance provision and definitions related to reporting and recordkeeping requirements.[3]

By reducing the sulfur in fuel oils, sulfur oxide emissions and $PM_{2.5}$ emissions will be reduced, which will improve visibility while also helping the District to maintain the NAAQS for SO_2 and $PM_{2.5}$. EPA believes these regulations strengthen the District's SIP. EPA notes that existing provisions and the adoption of a low sulfur fuel oil program in the District will lead to SO_2 emission reductions and provide additional SO_2 and $PM_{2.5}$ emission reductions from the District to achieve further reasonable progress towards reducing regional haze in Class I areas which may be impacted by emissions from the District.

III. Final Action

EPA is approving revisions to the DCMR Chapters 1, 5, and 8 of Title 20 as meeting the requirements of the CAA in section 110 with limits on sulfur content in fuels to be combusted within the District. EPA is approving the amendments to the District's regulations for fuel oil sulfur limits for combustion units. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on December 12, 2016 without further notice unless EPA receives adverse comment by November 10, 2016. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

[1] Class I areas are areas of national parks, wilderness areas or other areas of national importance that have visibility protection requirements.

[2] The District's regional haze SIP addressing the planning period from 2008 to 2018 is consistent with EPA's requirements in 40 CFR 51.308 and 51.309. The SIP addressed contribution to visibility impairment related to emissions of $PM_{2.5}$ and its precursors, and included measures to address emissions that would interfere with reasonable progress goals of neighboring states set to protect Class I areas. During the development of the first round of regional haze SIPs, the regional planning organization for the Northeastern and Mid-Atlantic states, Mid-atlantic/Northeast Visibility Union (MANE–VU), established a strategy for these states to meet the requirements of reasonable progress goals by implementing certain measures, including pursuing a low sulfur fuel oil strategy to reduce sulfur content in fuels by 2018.

[3] Chapter 8 also includes provisions allowing waiver of fuel oil limits when EPA has granted fuel waivers. Chapter 8 also addresses fuel oil sulfur limits when a person, owner, or operator of a stationary source employs equipment or a process to reduce sulfur emissions from burning fuel oil.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the DCMR Chapters 1, 5, and 8 of Title 20. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update of the SIP compilation.[4] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region III Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action which proposes to approve revisions to the District of Columbia's regulations to lower the sulfur content of fuel oil may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 23, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart J—District of Columbia

■ 2. In § 52.470, the table in paragraph (c) is amended by revising the entries ''Section 199'', ''Sections 502.1 through 502.15'', ''Section 801'', and ''Section 899'' to read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

[4] 62 FR 27968 (May 22, 1997).

EPA-APPROVED REGULATIONS AND STATUTES IN THE DISTRICT OF COLUMBIA SIP

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
District of Columbia Municipal Regulations (DCMR), Title 20—Environment				
Chapter 1 General				
* *	*	*	*	* *
Section 199	Definitions and Abbreviations	08/16/15	10/11/16, [Insert **Federal Register** citation].	Added two new definitions.
* *	*	*	*	* *
Chapter 5 Source Monitoring and Testing				
* *	*	*	*	* *
Sections 502.1 through 502.15	Sampling, Tests, and Measurements.	08/16/15	10/11/16, [Insert **Federal Register** citation].	Updates to sampling and testing practices for fuel oils. Exceptions: Paragraphs 502.11, 502.12 and 502.14 are not part of the SIP.
* *	*	*	*	* *
Chapter 8 Asbestos, Sulfur and Nitrogen Oxides				
Section 801	Sulfur Content of Fuel Oils	08/16/15	10/11/16, [Insert **Federal Register** citation].	Updates to the sulfur content of No. 2 and No.4 fuel oils and the prohibition of the use of No. 5 fuel oil.
* *	*	*	*	* *
Section 899	Definitions and Abbreviations	08/16/15	10/11/16, [Insert **Federal Register** citation].	Addition of new definitions that relate to the handling and storage of fuel oil.
* *	*	*	*	* *

* * * * *

[FR Doc. 2016–24372 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2016–0556; FRL–9953–61–Region 7]

Approval of Nebraska's Air Quality Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State Implementation Plan (SIP) for the State of Nebraska as submitted on March 6, 2014, and July 14, 2014. This action will amend the SIP to include revisions to title 129 of the Nebraska Air Quality Regulations, chapter 4, ''Ambient Air Quality Standards''; chapter 19, ''Prevention of Significant Deterioration of Air Quality''; and chapter 22, ''Incinerators; Emission Standards''. This amendment makes the state regulation consistent with the National Ambient Air Quality Standards (NAAQS) for particulate matter 10 micrometers or less (PM_{10}), fine particulate matter 25 micrometers or less ($PM_{2.5}$), Sulfur dioxide, Nitrogen dioxide, Carbon monoxide, Ozone, and Lead, as of the date of the state submittal. This action also makes formatting and grammatical corrections to title 129, chapters 19 and 22.

DATES: This direct final rule will be effective December 12, 2016, without further notice, unless EPA receives adverse comment by November 10, 2016. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2016–0556, to *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: Greg Crable, Environmental Protection

Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7391, or by email at *crable.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?

I. What is being addressed in this document?

EPA is approving revisions into the SIP to include amendments to title 129 of the Nebraska Air Quality Regulations as they apply to chapter 4, ''Ambient Air Quality Standards''; chapter 19, ''Prevention of Significant Deterioration of Air Quality''; and chapter 22, ''Incinerators; Emission Standards''. Chapter 4 is amended making it consistent with the Federal standards found at 40 CFR part 50, in regards to the NAAQS for all six criteria air pollutants, as of July 14, 2014. The amendments submitted on March 6, 2014, make formatting and grammatical corrections to chapters 19 and 22. For additional information on the revisions to chapter 4, 19 and 22 see the detailed discussion table in the docket.

II. Have the requirements for approval of a SIP revision been met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is EPA taking?

EPA is approving the state's request submitted on July 14, 2014, to revise the SIP to include revisions to the National Ambient Air Quality Standards for all six criteria pollutants consistent with the Federal standards, as of the date of the state's submittal. Per the state's March 6, 2014, submittal EPA is also approving minor formatting and grammatical corrections to chapters 19 and 22.

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. EPA does not anticipate adverse comment because the revisions to the existing rules are routine and consistent with the Federal regulations, thereby, strengthening the SIP. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to revise title 129 of the Nebraska Air Quality Regulations, chapters 4, 19 and 22 if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Nebraska Regulations described in the direct final amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

[1] 62 FR 27968 (May 22, 1997).

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: September 27, 2016.

Mike Brincks,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CC—Nebraska

■ 2. Section 52.1420(c) is amended by revising entries for 129–4, 129–19 and 129–22 to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA Approval date	Explanation
STATE OF NEBRASKA				
Department of Environmental Quality				
Title 129—Nebraska Air Quality Regulations				
*	*	*	*	*
129–4	Ambient Air Quality Standards.	5/13/14	10/11/16, [Insert **Federal Register** citation].	This revision to Chapter 4 amends the ambient air quality standards for PM_{10}, $PM_{2.5}$, SO_2, NO_2, CO, O_3, and Pb making them consistent with National Ambient Air Quality Standards (NAAQS) found at 40 CFR part 50, as of the date of the state's submittal, July 14, 2014.
*	*	*	*	*
129–19	Prevention of Significant Deterioration of Air Quality.	12/9/13	10/11/16, [Insert **Federal Register** citation].	
*	*	*	*	*
129–22	Incinerators; Emission Standards.	12/9/13	10/11/16, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2016–23975 Filed 10–7–16; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2016–0571; FRL–9953–77–Region 7]

Approval of Missouri's Air Quality Implementation Plans, Operating Permits Program, and 112(l) Plan; Construction Permits Required

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is taking direct final action to approve revisions to Missouri's State Implementation Plan (SIP), Operating Permits Program, and 112(l) Plan. The April 6, 2016, request from Missouri revises fees for permitting services provided by the air quality program, including construction permit applications and operating permit applications. Missouri also removed the basic operating permit requirement in their ''Operating Permits'' rule for incinerators with emissions less than the de minimis levels. While EPA has never approved the basic operating permit program into Missouri's SIP or Missouri's Operating Permits Program, one statement on incinerators in the approved SIP and Operating Permits Program is removed by the submission. This statement applied the ''Operating Permits'' rule to all incinerators within the State. Any permittees with incinerators already required to have either Intermediate State Operating Permits or part 70 Operating Permits will still have the same permitting requirements. This revision does not exempt any incinerators from appropriate permitting. Likewise, any future permittees with incinerators under the former version of the SIP and Operating Permits Program would have required either an Intermediate State Operating Permit or a part 70 Operating Permit will still have the same

permitting requirement under the revised SIP and Operating Permits Program. Finally the submission from Missouri makes non-substantive style changes.

DATES: This direct final rule will be effective December 12, 2016, without further notice, unless EPA receives adverse comment by November 10, 2016. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2016–0571, to *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: Jed D. Wolkins, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7588, or by email at *wolkins.jed@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. What part 52 revision is EPA approving?
III. What part 70 Revision is EPA approving?
IV. What 112(l) revision is EPA approving?
V. Have the requirements for approval of a SIP revision been met?
VI. What action is EPA taking?

I. What is being addressed in this document?

The submission from Missouri revises 10 CSR 10–6.060, Construction Permits Required, and 10 CSR 10–6.065, Operating Permits. Missouri's revisions increase fees for permitting services provided by the air quality program, including construction permit applications and operating permit applications. Missouri also removed the basic operating permit requirement, under 10 CSR 10–6.065, for incinerators with emissions less than the de minimis levels. While EPA has never approved the basic operating permit program into the Missouri's SIP or Missouri's Operating Permits Program, one statement on incinerators, 10 CSR 6.065(1)(B), in the approved SIP and Operating Permits Program is removed by the submission. This statement applied 10 CSR 10–6.065 to all incinerators within the State. Any Permittees with incinerators already required to have either Intermediate State Operating Permits or part 70 Operating Permits will still have the same permitting requirements. This revision does not exempt any incinerators from appropriate permitting. Likewise, any future permittees with incinerators under the former version of the SIP and Operating Permits Program would have required either an Intermediate State Operating Permits or a part 70 Operating Permits will still have the same permitting requirement under the revised SIP and Operating Permits Program. Finally the submission from Missouri makes non-substantive style changes.

II. What Part 52 revision is EPA approving?

The revisions increase the fees charged for construction and operating permits. After stakeholder outreach, Missouri has increased fees in order to ensure that the department can continue to provide services and to keep the Air program solvent. The De minimis, the Minor, and the Temporary/Pilot construction permit filing fees increased from one hundred dollars ($100) to two hundred fifty dollars ($250). The New Source Review (NSR), the Prevention of Significant Deterioration (PSD), the Hazardous Air Pollutants (HAP), and the Initial Plantwide applicability limit (PAL) construction permit filing fees increased from one hundred dollars ($100) to five thousand dollars ($5,000). The Renewal PAL construction permit filing fee increased from one hundred dollars ($100) to two thousand five hundred dollars ($2,500). The Portable Source Relocation Request construction permit filing fee increased from two hundred dollars ($200) to three hundred dollars ($300). The processing fees for all types of construction permits, except the Portable Source Relocation Request, increased from fifty dollars per hour ($50/hr) to seventy-five dollars per hour ($75/hr). The initial and renewal Intermediate State Operating Permit and part 70 Operating Permit filing fees increased from a flat one hundred dollar ($100) fee to a variable fee based on number of units and additional complexity. The operating permit filing fees have a cap of six thousand dollars ($6,000).

Specifically, revisions in the SIP add new fee tables within the following rule sections:

- 10 CSR 10–6.060(10)—Permit Fees and Amendments;
- 10 CSR 10–6.065(5)—Intermediate State Operating Permits; and
- 10 CSR 10–6.065(6)—Part 70 Operating Permits.

Revisions in the SIP amend the following rules to reference the new fee tables as follows:

- 10 CSR 10–6.060(4)—Portable Equipment;
- 10 CSR 10–6.060(10)(A)—Permit Fees and Amendments; and
- 10 CSR 10–6.060(12)(A)—Appendix A, Permit Review Procedures.

Revision in the SIP remove the blanket applicability of operating permits to incinerators as follows:

- 10 CSR 10–6.065(1)(B)—Applicability, Incinerators.

Revisions in the SIP also make non-substantive style changes throughout.

Details of Missouri's SIP revisions can be found in the Technical Support Document located in this docket.

II. What Part 70 revision is EPA approving?

The initial and renewal Intermediate State Operating Permit and part 70 Operating Permit filing fees increased from a flat one hundred dollar ($100) fee to a variable fee based on number of units and additional complexity. The filing fee has a cap of six thousand dollars ($6,000).

Revisions in part 70 add new fee tables within the following rule sections:

- 10 CSR 10–6.065(5)—Intermediate State Operating Permits; and
- 10 CSR 10–6.065(6)—Part 70 Operating Permits.

Revision in the SIP remove the blanket applicability of operating permits to incinerators as follows:

- 10 CSR 10–6.065(1)(B)—Applicability, Incinerators.

Revisions in the SIP also make non-substantive style changes throughout.

Details of Missouri's part 70 revisions can be found in the Technical Support Document located in this docket.

IV. What 112(l) revision is EPA approving?

Missouri's submission indicated that the revisions made to 10 CSR 10–6.065 ''include any revisions necessary to retain 112(l) approval under the Clean Air Act.'' The John S. Seitz Memo of April 13, 1993, titled ''Title V Program Approval Criteria for Section 112 Activities,'' provides guidance on revisions to state Title V programs and how they intersect with section 112 requirements. It states, ''As for part 70 program revisions, no formal amendment to the initial title V program should typically be needed with respect to section 112 requirements taking effect after the effective date of the program. The State's up-front commitment and demonstrations (*i.e.,* legal authorities and mechanisms to adopt additional section 112 requirements) coupled with EPA's ability to review individual permits and to audit part 70 programs periodically should provide reasonable assurance of adequate State implementation.'' The guidance further explains that, ''The State, however, remains responsible for maintaining and enhancing as necessary its authority to implement section 112, including any new regulations. In light of the demonstrations and/or commitments required for part 70 approval, the EPA will presume that a State's request for approval of its operating permits program will be an implicit request under section 112(l) for delegation of authority to implement Federally-promulgated section 112 requirements in the same form in which EPA issues them.'' Our September 25, 1995, 112(l) delegation to Missouri remains in effect.

V. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The State of Missouri provided the rule changes for public notice on September 29, 2016. The State of Missouri held a public hearing on the rule changes on October 29, 2016. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

VI. What action is EPA taking?

We are publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. The Missouri conducted outreach with stakeholders prior to proposing the rule changes; and, conducted public notice on the rule changes. The Missouri received substantive comments on one topic, the fee for PAL renewal. Missouri revised the fee based on those comments. Based on the rulemaking history, we do not anticipate adverse comments. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP and Operating Permit Program if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Missouri Construction Permit Required Rule, 10 CSR 10–6.060, and Operating Permit Rule, 10 CSR 10–6.065. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rulemaking would approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

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

This action also does not have Federalism implications because it 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Thus Executive Order 13132 does not apply to this action. This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rulemaking also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission,

[1] 62 FR 27968 (May 22, 1997).

to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this proposed rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**.

A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the final rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 27, 2016.

Mike Brincks,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 70 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. Section 52.1320(c) is amended by revising the entries for 10–6.060 and 10–6.065 to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA Approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	* * *
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	* * *
10–6.060	Construction Permits Required.	3/30/16	10/11/16 and [Insert **Federal Register** citation].	—Provisions of the 2010 $PM_{2.5}$ PSD—Increments, SILs and SMCs rule (75 FR 64865, October 20, 2010) relating to SILs and SMCs that were affected by the January 22, 2013 U.S. Court of Appeals decision are not SIP approved. —Provisions of the 2002 NSR reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP approved. —In addition, we have not approved Missouri's rule incorporating EPA's 2007 revision of the definition of ''chemical processing plants'' (the ''Ethanol Rule,'' 72 FR 24060 (May 1, 2007) or EPA's 2008 ''fugitive emissions rule,'' 73 FR 77882 (December 19, 2008). —Although exemptions previously listed in 10 CSR 10–6.060 have been transferred to 10 CSR 10–6.061, the Federally-approved SIP continues to include the following exemption, ''Livestock and livestock handling systems from which the only potential contaminant is odorous gas.''

EPA-APPROVED MISSOURI REGULATIONS—Continued

Missouri citation	Title	State effective date	EPA Approval date	Explanation
				—Section 9, pertaining to hazardous air pollutants, is not SIP approved. —The phrase "including the revision published at 75 FR 31606–07 (effective August 2, 2010)" in subsection (8)(A) is not SIP approved.
*	*	*	*	* * *
10–6.065	Operating Permits ..	3/30/16	10/11/16 and [Insert **Federal Register** citation].	Section (4) Basic State Operating Permits, has not been approved as part of the SIP. Subparagraphs (2)(A)2.A., (2)(A)2.B., and the words "except that" in paragraph (2)(A)2 have not been approved as part of the SIP.
*	*	*	*	* * *

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. Amend Appendix A to part 70 by adding paragraph (gg) under Missouri to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Missouri

* * * * *

(gg) The Missouri Department of Natural Resources submitted revisions to Missouri rule 10 CSR 10–6.065, ''Operating Permits'' on April 6, 2016. We are approving this rule except for Section (4) which relates to the State Basic Operating Permits; Subparagraph (2)(A)2.A.; Subparagraph(2)(A)2.B.; and the words ''except that'' in Paragraph (2)(A)2. The state effective date is March 30, 2016. This revision is effective December 12, 2016.

* * * * *

[FR Doc. 2016–24375 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2003–0118; FRL–9953–72–OAR]

RIN 2060–AG12

Protection of Stratospheric Ozone: Determination 32 for Significant New Alternatives Policy Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Determination of acceptability.

SUMMARY: This determination of acceptability expands the list of acceptable substitutes pursuant to the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning sector and fire suppression and explosion protection sectors.

DATES: This determination is effective on October 11, 2016.

ADDRESSES: EPA established a docket for this action under Docket ID No. EPA–HQ–OAR–2003–0118 (continuation of Air Docket A–91–42). All electronic documents in the docket are listed in the index at *www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the EPA Air Docket (Nos. A–91–42 and EPA–HQ–OAR–2003–0118), EPA Docket Center (EPA/DC), William J. Clinton West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Gerald Wozniak by telephone at (202) 343–9624, by email at *wozniak.gerald@epa.gov,* or by mail at U.S. Environmental Protection Agency, Mail Code 6205T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 1201 Constitution Avenue NW., Washington, DC 20004.

For more information on the Agency's process for administering the SNAP program or criteria for the evaluation of substitutes, refer to the initial SNAP rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044). Notices and rulemakings under the SNAP program, as well as other EPA publications on protection of stratospheric ozone, are available at EPA's Ozone Layer Protection Web site at *www.epa.gov/ozone-layer-protection* including the SNAP portion at *www.epa.gov/snap/.*

SUPPLEMENTARY INFORMATION:

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C. How the Regulations for the SNAP Program Work
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Appendix A: Summary of Decisions for New Acceptable Substitutes

I. Listing of New Acceptable Substitutes

This action presents EPA's most recent decision to list as acceptable several substitutes in the refrigeration and air conditioning and fire suppression and explosion protection sectors. New substitutes are:

- R-448A in retail food refrigeration—refrigerated food processing and dispensing equipment;
- R-449A in retail food refrigeration—refrigerated food processing and dispensing equipment;
- R-449B in several refrigeration end-uses; and
- *trans*-1-chloro-3,3,3,-trifluoroprop-1-ene in total flooding fire suppression.

For copies of the full list of acceptable substitutes for ozone depleting

substances (ODS) in all industrial sectors, visit the SNAP portion of EPA's Ozone Layer Protection Web site at *www.epa.gov/snap/substitutes-sector.* Substitutes listed as unacceptable; acceptable, subject to narrowed use limits; or acceptable, subject to use conditions are also listed in the appendices to 40 CFR part 82, subpart G.

The sections below discuss each substitute listing in detail. Appendix A contains tables summarizing today's listing decisions for these new substitutes. The statements in the ''Further Information'' column in the tables provide additional information, but are not legally binding under section 612 of the Clean Air Act (CAA). In addition, the ''Further Information'' column may not include a comprehensive list of other legal obligations you may need to meet when using the substitute. Although you are not required to follow recommendations in the ''Further Information'' column of the table to use a substitute consistent with section 612 of the CAA, some of these statements may refer to obligations that are enforceable or binding under federal or state programs other than the SNAP program. In many instances, the information simply refers to standard operating practices in existing industry standards and/or building codes. When using these substitutes, EPA strongly encourages you to apply the information in this column. Many of these recommendations, if adopted, would not require significant changes to existing operating practices.

You can find submissions to EPA for the substitutes listed in this document, as well as other materials supporting the decisions in this action, in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov.*

A. Refrigeration and Air Conditioning

1. R-448A

EPA's decision: EPA finds R-448A acceptable as a substitute for use in:

- Retail food refrigeration—refrigerated food processing and dispensing equipment (new and retrofit equipment)

R-448A, marketed under the trade name Solstice® N-40, is a weighted blend of 26 percent HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); 26 percent HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); 21 percent HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); 20 percent HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No 754–12–1); and 7 percent HFO-1234ze(E), which is also known as *trans*-1,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 29118–24–9).

You may find the redacted submission in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Solstice® N-40 (R-448A) SNAP Information Notice.'' EPA performed assessments to examine the health and environmental risks of this substitute. These assessments are available in Docket EPA–HQ–OAR–2003–0118 under the following name:

- ''Risk Screen on Substitutes in Retail Food Refrigeration Substitute: R-448A (Solstice® N-40)''

EPA previously listed R-448A as an acceptable refrigerant in a number of other refrigeration and air conditioning end-uses (*e.g.,* July, 16, 2015, 80 FR 42053).

Environmental information: R-448A has an ODP of zero. Its components, HFC-32, HFC-125, HFC-134a, HFO-1234yf, and HFO-1234ze(E) have a 100-year integrated global warming potentials (100-yr GWPs) of 675; 3,500; 1,430; one to four; [1] [2] and one to six; [3] respectively. If these values are weighted by mass percentage, then R-448A has a GWP of about 1,390. The components of R-448A are excluded from the definition of volatile organic compound (VOC) under CAA regulations (see 40 CFR 51.100(s)) addressing the development of State Implementation Plans (SIPs) to attain and maintain the National Ambient Air Quality Standards (NAAQS). Knowingly venting or releasing this refrigerant blend is limited by the venting prohibition under section 608(c)(2) of the CAA, codified at 40 CFR 82.154(a)(1).

Flammability information: R-448A, as formulated and even considering the worst-case of fractionation for flammability, is not flammable.

Toxicity and exposure data: Potential health effects of exposure to this substitute include drowsiness or dizziness. The substitute may also irritate the skin or eyes or cause frostbite. At sufficiently high concentrations, the substitute may cause irregular heartbeat. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

The American Industrial Hygiene Association (AIHA) has established Workplace Environmental Exposure Levels (WEELs) of 1,000 ppm as an 8-hr time-weighted average (TWA) for HFC-32, HFC-125, and HFC-134a; 500 ppm for HFO-1234yf; and 800 ppm for HFO-1234ze(E), the components of R-448A. The manufacturer of R-448A recommends an acceptable exposure limit (AEL) of 890 ppm on an 8-hour TWA for the blend. EPA anticipates that users will be able to meet the AIHA WEELs and manufacturer's AEL, and address potential health risks by following requirements and recommendations in the manufacturer's safety data sheet (SDS), in the American Society for Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 15, and other safety precautions common to the refrigeration and air conditioning industry.

Comparison to other substitutes in this end-use: R-448A has an ODP of zero, comparable [4] to or lower than other listed substitutes in this end-use, with ODPs ranging from zero to 0.098.

R-448A's GWP of about 1,390 is comparable to or lower than that of HFC-134a with a GWP of 1,430 and a number of HFC blends in this end-use. R-448A's GWP of about 1,390 is higher than those of some other acceptable substitutes in this end-use, including ammonia vapor compression with a secondary loop, CO_2, R-450A, R-513A, and certain blends with GWPs ranging from zero to 920; of these substitutes, ammonia and CO_2 are not listed as acceptable for use in retrofit equipment. We note that R-448A has a GWP toward the higher end of the scale of acceptable alternatives in this end-use. This end-use is a subset of retail food refrigeration and in some instances the equipment in this end use has specialized technical requirements that may limit or prevent use of acceptable substitutes with lower GWPs. In this end-use, we are not aware of significant success in the United States using alternatives with GWPs significantly lower than that for R-448A. However, if it is demonstrated in the future that lower GWP alternatives—either those currently listed or new alternatives added to the list in the future—can be used in this end-use, EPA may evaluate whether those alternatives pose lower overall risk than R-448A and other listed substitutes with similar GWPs.

[1] Hodnebrog *et al.,* 2013. *Op. cit.*

[2] Nielsen, O. J., Javadi, M. S., Sulbaek Andersen, M. P., Hurley, M. D., Wallington, T. J., Singh, R. Atmospheric chemistry of $CF_3CF{=}CH_2$: Kinetics and mechanisms of gas-phase reactions with Cl atoms, OH radicals, and O_3. *Chemical Physics Letters* 439, 18–22, 2007.

[3] Hodnebrog *et al.,* 2013 and Javadi *et al.,* 2008. *Op. cit.*

[4] This is in contrast to the historically used ODS CFC–12, R-502A, and HCFC–22 with ODPs ranging from 0.055 to 1.0.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Flammability risks are low, as discussed above. Toxicity risks can be minimized by use consistent with the AIHA WEELs, ASHRAE 15 and other industry standards, recommendations in the SDS, and other safety precautions common in the refrigeration and air conditioning industry.

EPA finds R-448A acceptable in the end-use listed above, because the overall environmental and human health risk posed by R-448A is lower than or comparable to the risks posed by other available substitutes in the same end-use.

2. R-449A

EPA's decision: EPA finds R-449A acceptable as a substitute for use in:

- Retail food refrigeration—refrigerated food processing and dispensing equipment (new and retrofit equipment)

R-449A, marketed under the trade name Opteon® XP 40, is a weighted blend of 24.3 percent HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); 24.7 percent HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); 25.7 percent HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and 25.3 percent HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 754–12–1).

You may find the redacted submission in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Opteon® XP 40 (R-449A) SNAP Information Notice.'' EPA performed assessments to examine the health and environmental risks of this substitute. These assessments are available in Docket EPA–HQ–OAR–2003–0118 under the following name:

- ''Risk Screen on Substitutes in Retail Food Refrigeration Substitute: R-449A (Opteon® XP40)''

EPA previously listed R-449A as an acceptable refrigerant in a number of other refrigeration and air conditioning end-uses (*e.g.*, July, 16, 2015, 80 FR 42053).

Environmental information: R-449A has an ODP of zero. Its components, HFC-32, HFC-125, HFC-134a, and HFO-1234yf have GWPs of 675; 3,500; 1,430; and one to four,[5] respectively. If these values are weighted by mass percentage, then R-449A has a GWP of about 1,400. The components of R-449A are excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. Knowingly venting or releasing this refrigerant blend is limited by the venting prohibition under section 608(c)(2) of the CAA, codified at 40 CFR 82.154(a)(1).

Flammability information: R-449A, as formulated and even considering the worst-case of fractionation for flammability, is not flammable.

Toxicity and exposure data: Potential health effects of exposure to this substitute include drowsiness or dizziness. The substitute may also irritate the skin or eyes or cause frostbite. At sufficiently high concentrations, the substitute may cause irregular heartbeat. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

The AIHA has established WEELs of 1,000 ppm as an 8-hr TWA for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf, the components of R-449A. The manufacturer of R-449A recommends an AEL of 830 ppm on an 8-hour TWA for the blend. EPA anticipates that users will be able to meet each of the AIHA WEELs and the manufacturer's AEL and address potential health risks by following requirements and recommendations in the SDS, in ASHRAE 15, and other safety precautions common to the refrigeration and air conditioning industry.

Comparison to other substitutes in these end-uses: R-449A has an ODP of zero, comparable[6] to or lower than the other listed substitutes in this end-use, with ODPs ranging from zero to 0.098.

R-449A's GWP of about 1,400 is comparable to or lower than that of HFC-134a with a GWP of 1,430 and a number of HFC blends in this end-use. R-449A's GWP of about 1,400 is higher than those of some other acceptable substitutes in this end-use, including ammonia vapor compression with a secondary loop, CO_2, R-450A, R-513A, and certain blends, with GWPs ranging from zero to 920. Ammonia and CO_2 are not listed as acceptable for use in retrofit equipment. We note that R-449A has a GWP toward the higher end of the scale of acceptable alternatives in this end-use. This end-use is a subset of retail food refrigeration with equipment that in some instances has specialized technical requirements that may limit or prevent use of acceptable substitutes with lower GWPs. In this end-use, we are not aware of significant success in the United States using alternatives with GWPs significantly lower than that for R-449A. However, if it is demonstrated in the future that lower GWP alternatives—either those currently listed or new alternatives added to the list in the future—can be used in this end-use, EPA may evaluate whether those alternatives pose lower overall risk than R-449A and other listed substitutes with similar GWPs. Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Flammability risks are low, as discussed above. Toxicity risks can be minimized by use consistent with the AIHA WEELs, ASHRAE 15 and other industry standards, recommendations in the SDS, and other safety precautions common in the refrigeration and air conditioning industry.

EPA finds R-449A acceptable in the end-use listed above, because the overall environmental and human health risk posed by R-449A is lower than or comparable to the risks posed by other available substitutes in the same end-use.

3. R-449B

EPA's decision: EPA finds R-449B acceptable as a substitute for use in:

- Commercial ice machines (new and retrofit equipment)
- Refrigerated transport (new and retrofit equipment)
- Retail food refrigeration—refrigerated food processing and dispensing equipment (new and retrofit equipment)
- Retail food refrigeration-low-temperature stand-alone equipment (*i.e.*, equipment designed to maintain internal temperatures at 32 °F (0 °C) or below) (new and retrofit)
- Retail food refrigeration—supermarket systems and remote condensing units (new and retrofit)

R-449B, marketed under the trade name Forane® 449B, is a weighted blend of 25.2 percent HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); 24.3 percent HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); 27.3 percent HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and 23.2 percent HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 754–12–1).

You may find the redacted submission in Docket EPA–HQ–OAR–

[5] Hodnebrog *et al.*, 2013 and Nielsen *et al.*, 2007. *Op. cit.*

[6] This is in contrast to the historically used ODS CFC–12, R-502A, and HCFC–22 with ODPs ranging from 0.055 to 1.0.

2003–0118 at *www.regulations.gov* under the name, ''Forane® 449B (R-449B) SNAP Information Notice.'' EPA performed assessments to examine the health and environmental risks of this substitute. These assessments are available in Docket EPA–HQ–OAR–2003–0118 under the following names:

- Risk Screen on Substitutes in Commercial Ice Machines
  Substitute: R-449B (Forane® 449B)''
- ''Risk Screen on Substitutes in Refrigerated Transport
  Substitute: R-449B (Forane® 449B)''
- ''Risk Screen on Substitutes in Retail Food Refrigeration
  Substitute: R-449B (Forane® 449B)''
- ''Risk Screen on Substitutes in Retail Food Refrigeration—Refrigerated Food Processing and Dispensing Equipment
  Substitute: R-449B (Forane® 449B)''

Environmental information: R-449B has an ODP of zero. Its components, HFC-32, HFC-125, HFC-134a, and HFO-1234yf have GWPs of 675; 3,500; 1,430; and one to four,[7] respectively. If these values are weighted by mass percentage, then R-449B has a GWP of about 1,410. The components of R-449B are excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS. Knowingly venting or releasing this refrigerant blend is limited by the venting prohibition under section 608(c)(2) of the CAA, codified at 40 CFR 82.154(a)(1).

Flammability information: R-449B, as formulated and even considering the worst-case of fractionation for flammability, is not flammable.

Toxicity and exposure data: Potential health effects of exposure to this substitute include drowsiness or dizziness. The substitute may also irritate the skin or eyes or cause frostbite. At sufficiently high concentrations, the substitute may cause irregular heartbeat. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

The AIHA has established WEELs of 1,000 ppm as an 8-hr TWA for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf, the components of R-449B. The manufacturer of R-449B recommends an AEL of 865 ppm on an 8-hour TWA for the blend. EPA anticipates that users will be able to meet each of the AIHA WEELs and the manufacturer's AEL and address potential health risks by following requirements and recommendations in the SDS, in ASHRAE 15, and other safety precautions common to the refrigeration and air conditioning industry.

Comparison to other substitutes in these end-uses: R-449B has an ODP of zero, comparable[8] to or lower than the other listed substitutes in these end-uses, with ODPs ranging from zero to 0.098.

For commercial ice machines, many substitutes listed as acceptable have comparable or higher GWPs than R-449B's GWP of about 1,410, such as HFC-134a, R-404A, R-448A, R-449A, and other HFC refrigerant blends, with GWPs ranging from 1,390 to approximately 3,990; other substitutes listed as acceptable substitutes for commercial ice machines have a lower GWP including ammonia absorption, ammonia vapor compression, Stirling cycle, propane,[9] R-450A, and R-513A with GWPs ranging from zero to about 630.

In refrigerated transport, many substitutes listed as acceptable have comparable or higher GWPs than R-449B's GWP of about 1,410, such as HFC-134a, R-404A, R-448A, R-449A, and other HFC refrigerant blends, with GWPs ranging from 1,390 to approximately 3,990; other substitutes listed as acceptable substitutes for refrigerated transport have a lower GWP including R-450A, R-513A, CO_2, direct nitrogen expansion, and Stirling cycle, with GWPs ranging from zero to about 630.

R-449B's GWP of about 1,410 is comparable to or lower than that of HFC-134a and a number of HFC and HFC/HFO blends in retail food refrigeration—refrigerated food processing and dispensing equipment. R-449B's GWP of about 1,410 is higher than those of some other acceptable substitutes in new retail food refrigeration—refrigerated food processing and dispensing equipment, including ammonia vapor compression with a secondary loop, CO_2, R-450A, R-513A, and certain blends, with GWPs ranging from zero to 920. Ammonia and CO_2 are not listed as acceptable for use in retrofit equipment. We note that R-449B has a GWP toward the higher end of the scale of acceptable alternatives in this end-use. This end-use is a subset of retail food refrigeration with equipment that in some instances has specialized technical requirements that may limit or prevent use of acceptable substitutes with lower GWPs. In this end-use, we are not aware of significant success in the United States using alternatives with GWPs significantly lower than that for R-449B. However, if it is demonstrated in the future that lower GWP alternatives—either those currently listed or new alternatives added to the list in the future—can be used in this end-use, EPA may evaluate whether those alternatives pose lower overall risk than R-449B and other listed substitutes with similar GWPs.

R-449B's GWP of about 1,410 is comparable to or lower than a number of other substitutes listed as acceptable in retail food refrigeration—supermarket systems and remote condensing units, including HFC-134a, R–407A, R-448A, R-449A, and other HFC refrigerant blends, with GWPs ranging from 1,390 to approximately 2,110. R-449B's GWP of about 1,410 is higher than the GWP of some other acceptable substitutes in retail food refrigeration-supermarket refrigeration systems and remote condensing units, including CO_2, R-450A, and R-513A with GWPs ranging from zero to about 630.

R-449B's GWP of about 1,410 is comparable to the GWP of substitutes listed as acceptable for retail food refrigeration-low-temperature stand-alone equipment, including the HFO/HFC blends R-448A and R-449A with GWPs of 1,390 and 1,400, HFC-134a with a GWP of 1,430, as well as other HFC blends. R-449B's GWP of about 1,410 is higher than the GWP of some other listed substitutes in this end-use, including CO_2, propane, isobutane, R–441A, R-450A, and R-513A, with GWPs ranging from one to approximately 630.[10] We note that R-449B has a GWP toward the higher end of the scale of acceptable alternatives in the retail food refrigeration—low temperature stand-alone equipment end-use. This end-use is a subset of retail food refrigeration with equipment that in some instances have specialized technical requirements that may limit use of acceptable substitutes with lower GWPs. In this end-use, we are not aware of significant success in the United States using alternatives with GWPs significantly lower than that for R-449B. However, if it is demonstrated in the future that lower GWP alternatives—either those currently listed or new alternatives

[7] Hodnebrog *et al.*, 2013 and Nielsen *et al.*, 2007. *Op. cit.*

[8] This is in contrast to the historically used ODS CFC–12, R-502A, and HCFC–22 with ODPs ranging from 0.055 to 1.0.

[9] Propane (R–290) is listed as acceptable, subject to use conditions, in this end-use. This substitute is subject to a use condition restricting charge sizes to 150 g or less and thus may limit its use for equipment that requires larger charge sizes.

[10] Propane (R–290), isobutane (R–600a), and R–441A are acceptable, subject to use conditions, in this end-use. These three substitutes are subject to a use condition restricting charge sizes to 150 g or less and thus may limit their use for equipment that requires larger charge sizes.

added to the list in the future—can be used in this end-use, EPA may evaluate whether those alternatives pose lower overall risk than R-449B and other listed substitutes with similar GWPs.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Flammability risks are low, as discussed above. Toxicity risks can be minimized by use consistent with the AIHA WEELs, ASHRAE 15 and other industry standards, recommendations in the SDS, and other safety precautions common in the refrigeration and air conditioning industry.

EPA finds R-449B acceptable in the end-uses listed above, because the overall environmental and human health risk posed by R-449B is lower than or comparable to the risks posed by other available substitutes in the same end-uses.

B. Fire Suppression and Explosion Protection

1. *Trans*-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice® FS)

EPA's decision: EPA finds trans-*1-chloro-3,3,3-trifluoroprop-1-ene acceptable as a substitute for use in:*

- Total flooding uses in both normally occupied and unoccupied spaces.

Trans-1-chloro-3,3,3-trifluoroprop-1-ene ((E)-1-chloro-3,3,3-trifluoroprop-1-ene, CAS Reg. No. 102687–65–0) is a chlorofluoroalkene marketed under the trade name Solstice® FS for this end-use. Solstice® FS is proposed for use in applications including data centers, telecommunication centers, power plants, manufacturing plants, historical buildings, warehouses, and engine nacelles and auxiliary power units (APUs) aboard aircraft.

You may find the redacted submission in Docket item EPA–HQ–OAR–2003–0118–0285 in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov.* EPA has performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in docket EPA–HQ–OAR–2003–0118 under the name, ''Risk Screen on Substitutes for Total Flooding Systems in Normally Occupied and Unoccupied Spaces—Substitute: *Trans*-1-Chloro-3,3,3,-trifluoroprop-1-ene (Solstice® FS).''

We have previously listed *trans*-1-chloro-3,3,3-trifluoroprop-1-ene as a refrigerant for use in new equipment in centrifugal chillers and non-mechanical heat transfer, as a foam blowing agent, as a cleaning solvent, as an aerosol solvent, and as a carrier solvent in adhesives coatings, and inks (*e.g.*, August 10, 2012, 77 FR 47768; October 21, 2014, 79 FR 62863).

Environmental information: Solstice® FS has an ODP of 0.00024–0.001512.[11] [12] [13] The submitter indicates that Solstice® FS has a GWP of 4.7–7 and an atmospheric lifetime of approximately 26 days. Solstice® FS is excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)).

Flammability information: Solstice® FS is not flammable.

Toxicity and exposure data: Potential health effects of this substitute include serious eye irritation, skin irritation, and frostbite. It may cause central nervous system effects such as drowsiness and dizziness. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. The potential health effects of Solstice® FS are unlikely to occur when following good industrial hygiene practices and the personnel protective equipment (PPE) and engineering control (*e.g.*, ventilation) recommendations outlined in the Safety Data Sheet (SDS) for Solstice® FS.

To assess potential health risks from exposure to this substitute, EPA considered both occupational and end-user exposure. We evaluated potential risks from chronic occupational exposure, such as during manufacture, installation, and servicing. The AIHA has established a WEEL of 800 ppm for *trans*-1-chloro-3,3,3,-trifluoroprop-1-ene. The WEEL represents the maximum 8-hour TWA at which a worker can be exposed regularly without adverse effects. The Solstice® FS cylinder filling process utilizes quick coupling devices to transfer the substitute from a storage supply to the agent container, which minimizes agent release and keeps potential exposures to levels significantly below the 8-hour WEEL.

During installation or servicing of Solstice® FS total flooding systems, if the proper instructions on system installation and servicing included in manuals for the Solstice® FS systems and relevant industry standards (*i.e.*, latest edition of the National Fire Protection Association (NFPA) 2001 Standard for Clean Agent Fire Extinguishing Systems and Underwriters' Laboratories (UL) 2166) are adhered to, exposure to the substitute is not likely. In the event of an accidental release of the substitute from the total flooding system, potential acute exposures may be of concern, primarily cardiac sensitization. The manufacturer's maximum design concentration of 6.8 percent covering Class C hazards (energized electrical fires) is significantly below the cardiotoxic NOAEL of 10 percent. Appropriate protective measures should be taken and proper training administered for the manufacture, clean-up and disposal of this product and for the installation and maintenance of the total flooding systems using this product.

NFPA 2001 provides that in the case of accidental release in normally occupied spaces, required engineering controls as specified in NFPA 2001 should be employed to limit personnel exposure to clean agent discharges. Specifically, audible and visual pre-discharge alarms and a 30–60 second time delay should be employed within the protected space to indicate the operation of the system and pending discharge to ensure egress for all personnel prior to activation.

EPA's evaluation indicates that the use of Solstice® FS is not expected to pose a significant toxicity risk to personnel or the general population. In addition, the risks it may pose after exposure are common to many total flooding agents, including those already listed as acceptable under SNAP for this same end-use. EPA evaluated the risks associated with potential exposures to Solstice® FS during production operations as well as in the case of an inadvertent discharge of the system during maintenance activities on the fire extinguishing system. EPA's review of the human health impacts of Solstice® FS, including the summary of available toxicity studies, is in the docket for this action (EPA–HQ–OAR–2003–0118).[14]

Protective gloves and tightly sealed goggles should be worn for installation and servicing activities, to protect workers in any event of potential discharge of the proposed substitute, accidental or otherwise. Filling or servicing operations should be performed in well-ventilated areas.

[11] The lower bound of the range reflects ODP values for surface emissions. The upper bound of the range takes into account predicted ODP values for higher altitude emissions at various latitudes.

[12] Wang D., Olsen S., Wuebbles D. 2011. ''Preliminary Report: Analyses of tCFP's Potential Impact on Atmospheric Ozone.'' Department of Atmospheric Sciences. University of Illinois, Urbana, IL. September 26, 2011.

[13] Patten and Wuebbles, 2010. ''Atmospheric Lifetimes and Ozone Depletion Potentials of *trans*-1-chloro-3,3,3-trichloropropylene and *trans*-1,2-dichloroethylene in a three-dimensional model.'' *Atmos. Chem. Phys.*, 10, 10867–10874, 2010.

[14] ICF, 2016. Significant New Alternatives Policy Program. Fire Extinguishing and Explosion Prevention Sector. Risk Screen on Substitutes for Total Flooding Systems in Normally Occupied and Unoccupied Spaces—Substitute: *Trans*-1-Chloro-3,3,3,-trifluoroprop-1-ene (Solstice® FS).

Toxicity risks can be minimized by use consistent with NFPA 2001 standard, recommendations in the SDS, and other safety precautions common in the fire suppression industry. In the ''Further Information'' column of the listing for total flooding agents, EPA is providing the following additional information for establishments manufacturing, installing and maintaining equipment using this agent:

- In the case that Solstice® FS is inhaled, person(s) should be immediately removed and exposed to fresh air; if breathing is difficult, person(s) should seek medical attention.
- Eye wash and quick drench facilities should be available. In case of ocular exposure, person(s) should immediately flush the eyes, including under the eyelids, with water for 15 minutes; should frostbite occur, affected areas should be rinsed with lukewarm water, and medical attention should be sought if irritation develops or persists.
- In the case of dermal exposure, the SDS recommends that person(s) should immediately wash the affected area with water and remove all contaminated clothing to avoid irritation; should frostbite occur, bathe (do not rub) the affected area with lukewarm, no hot, water. If water is not available, cover the affected area with a clean soft cloth; and medical attention should be sought if irritation develops or persists.
- Although unlikely, in case of ingestion of Solstice® FS, the person(s) should drink a cup of water, if fully conscious, and consult a physician immediately.
- Manufacturing space should be equipped with engineering controls, specifically an adequate exhaust ventilation system, to effectively mitigate potential occupational exposure.
- Employees responsible for chemical processing should wear the appropriate personnel protective equipment (PPE), such as protective gloves, tightly sealed goggles, protective work clothing, and suitable respiratory protection in case of accidental release or insufficient ventilation.
- All spills should be cleaned up immediately in accordance with good industrial hygiene practices.
- Training for safe handling procedures should be provided to all employees that would be likely to handle containers of the agent or extinguishing units filled with the agent.
- This agent should be used in accordance with the safety guidelines in the latest edition of the NFPA 2001 Standard for Clean Agent Fire Extinguishing Systems.
- Safety features that are typical of total flooding systems such as pre-discharge alarms, time delays, and system abort switches should be provided, as directed by applicable OSHA regulations and NFPA standards.

Comparison to other substitutes in these end-uses: Solstice® FS has an ODP of 0.00024–0.001512 which is comparable to or lower than the ODP of other acceptable total flooding agents with ODPs that range from zero to 0.048. Solstice® FS's GWP of 4.7–7 is significantly lower than that of some of the other alternatives listed as acceptable total flooding agents- such as HFC-227ea, other HFCs, the H-Galden hydrofluoropolyethers, and some HCFC fire suppressants, with GWPs which range from about 1,550 to 14,800. Other acceptable substitutes in this end-use have comparable GWPs ranging from zero to one, such as water, C6-perfluoroketone, and inert gases. Like a number of other acceptable substitutes in this end-use, Solstice® FS is excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s).

The toxicity risks due to inhalation exposure are common to many total flooding agents, including those already listed as acceptable under SNAP for this same end-use, such as C6-perfluoroketone. Solstice® FS is nonflammable, as are all other available total flooding agents.

EPA finds Solstice® FS acceptable in the end-use listed above, because the overall environmental and human health risk posed by Solstice® FS is lower than or comparable to the risks posed by other available substitutes in the same end-use.

II. Section 612 Program

A. Statutory Requirements and Authority for the SNAP Program

Section 612 of the CAA requires EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

1. Rulemaking

Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I substance (CFC, halon, carbon tetrachloride, methyl chloroform, methyl bromide, hydrobromofluorocarbon, and chlorobromomethane) or class II substance (HCFC) with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

2. Listing of Unacceptable/Acceptable Substitutes

Section 612(c) requires EPA to publish a list of the substitutes unacceptable for specific uses and to publish a corresponding list of acceptable alternatives for specific uses. The list of ''acceptable'' substitutes is found at *www.epa.gov/snap/substitutes-sector* and the lists of ''unacceptable,'' ''acceptable subject to use conditions,'' and ''acceptable subject to narrowed use limits'' substitutes are found in the appendices to 40 CFR part 82 subpart G.

3. Petition Process

Section 612(d) grants the right to any person to petition EPA to add a substance to, or delete a substance from, the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

4. 90-Day Notification

Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

5. Outreach

Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

6. Clearinghouse

Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. EPA's Regulations Implementing Section 612

On March 18, 1994, EPA published the initial SNAP rule (59 FR 13044) which established the process for

administering the SNAP program and issued EPA's first lists identifying acceptable and unacceptable substitutes in the major industrial use sectors (subpart G of 40 CFR part 82). These sectors are the following: Refrigeration and air conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors comprise the principal industrial sectors that historically consumed the largest volumes of ODS.

Section 612 of the CAA requires EPA to list as acceptable those substitutes that do not present a significantly greater risk to human health and the environment as compared with other substitutes that are currently or potentially available.

C. How the Regulations for the SNAP Program Work

Under the SNAP regulations, anyone who plans to market or produce a substitute to replace a class I substance or class II substance in one of the eight major industrial use sectors must provide the Agency with notice and the required health and safety information on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative (40 CFR 82.176(a)). While this requirement typically applies to chemical manufacturers as the entity likely to be planning to introduce the substitute into interstate commerce,[15] it may also apply to importers, formulators, equipment manufacturers, and end users [16] when they are responsible for introducing a substitute into commerce. The 90-day SNAP review process begins once EPA receives the submission and determines that the submission includes complete and adequate data (40 CFR 82.180(a)). The CAA and the SNAP regulations, 40 CFR 82.174(a), prohibit use of a substitute earlier than 90 days after notice has been provided to the agency.

The Agency has identified four possible decision categories for substitute submissions: Acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable (40 CFR 82.180(b)).[17] Use conditions and narrowed use limits are both considered ''use restrictions'' and are explained below. Substitutes that are deemed acceptable without use conditions may be used for all applications within the relevant end-uses within the sector and without limits under SNAP on how they may be used. Substitutes that are acceptable subject to use restrictions may be used only in accordance with those restrictions. Substitutes that are found to be unacceptable may not be used after the date specified in the rulemaking adding such substitute to the list of unacceptable substitutes.[18]

After reviewing a substitute, the Agency may make a determination that a substitute is acceptable only if certain conditions in the way that the substitute is used are met to minimize risks to human health and the environment. EPA describes such substitutes as ''acceptable subject to use conditions.'' Entities that use these substitutes without meeting the associated use conditions are in violation of EPA's SNAP regulations (40 CFR 82.174(c)).

For some substitutes, the Agency may permit a narrowed range of use within an end-use or sector. For example, the Agency may limit the use of a substitute to certain end-uses or specific applications within an industry sector. The Agency generally requires a user of a substitute subject to narrowed use limits to demonstrate that no other acceptable substitutes are available for their specific application.[19] EPA describes these substitutes as ''acceptable subject to narrowed use limits.'' A person using a substitute that is acceptable subject to narrowed use limits in applications and end-uses that are not consistent with the narrowed use limit is using the substitute in violation of section 612 of the CAA and EPA's SNAP regulations (40 CFR 82.174(c)).

The section 612 mandate for EPA to prohibit the use of a substitute that may present risk to human health or the environment where a lower risk alternative is available or potentially available [20] provides EPA with the authority to change the listing status of a particular substitute if such a change is justified by new information or changed circumstance.

As described in this document and elsewhere, including the initial SNAP rule published in the **Federal Register** at 59 FR 13044 on March 18, 1994, the SNAP program evaluates substitutes within a comparative risk framework. The SNAP program compares new substitutes both to the ozone-depleting substances being phased out under the *Montreal Protocol on Substances that Deplete the Ozone Layer* and the CAA, and to other available or potentially available alternatives for the same end-uses. The environmental and health risk factors that the SNAP program considers include ozone depletion potential, flammability, toxicity, occupational and consumer health and safety, as well as contributions to global warming and other environmental factors. Environmental and human health exposures can vary significantly depending on the particular application of a substitute—and over time, information applicable to a substitute can change. This approach does not imply fundamental tradeoffs with respect to different types of risk, either to the environment or to human health. Over the past twenty years, the menu of substitutes has become much broader and a great deal of new information has been developed on many substitutes. Because the overall goal of the SNAP program is to ensure that substitutes listed as acceptable do not pose

[15] As defined at 40 CFR 82.104, ''interstate commerce'' means the distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points for which a product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance.

[16] As defined at 40 CFR 82.172, ''end-use'' means processes or classes of specific applications within major industrial sectors where a substitute is used to replace an ODS.

[17] The SNAP regulations also include ''pending,'' referring to submissions for which EPA has not reached a determination, under this provision.

[18] As defined at 40 CFR 82.172, ''use'' means any use of a substitute for a Class I or Class II ozone-depleting compound, including but not limited to use in a manufacturing process or product, in consumption by the end-user, or in intermediate uses, such as formulation or packaging for other subsequent uses. This definition of use encompasses manufacturing process of products both for domestic use and for export. Substitutes manufactured within the United States exclusively for export are subject to SNAP requirements since the definition of use in the rule includes use in the manufacturing process, which occurs within the United States.

[19] In the case of the July 20, 2015, final rule, EPA established narrowed use limits for certain substitutes over a limited period of time for specific MVAC and foam applications, on the basis that other acceptable alternatives would not be available for those specific applications within broader end-uses, but acceptable alternatives were expected to become available over time, *e.g.*, after military qualification testing for foam blowing agents in military applications or after development of improved servicing infrastructure in a destination country for MVAC in vehicles destined for export.

[20] In addition to acceptable commercially available substitutes, the SNAP program may consider potentially available substitutes. The SNAP program's definition of ''potentially available'' is ''any alternative for which adequate health, safety, and environmental data, as required for the SNAP notification process, exist to make a determination of acceptability, and which the agency reasonably believes to be technically feasible, even if not all testing has yet been completed and the alternative is not yet produced or sold.'' (40 CFR 82.172).

significantly greater risk to human health and the environment than other available substitutes, the SNAP criteria should be informed by our current overall understanding of environmental and human health impacts and our experience with and current knowledge about available and potentially available substitutes. Over time, the range of substitutes reviewed by SNAP has changed, and, at the same time, scientific approaches have evolved to more accurately assess the potential environmental and human health impacts of these chemicals and alternative technologies. The Agency publishes its SNAP program decisions in the **Federal Register**. EPA uses notice-and-comment rulemaking to place any alternative on the list of prohibited substitutes, to list a substitute as acceptable only subject to use conditions or narrowed use limits, or to remove a substitute from either the list of prohibited or acceptable substitutes.

In contrast, EPA publishes ''notices of acceptability'' or ''determinations of acceptability,'' to notify the public of substitutes that are deemed acceptable with no restrictions. As described in the preamble to the rule initially implementing the SNAP program (59 FR 13044; March 18, 1994), EPA does not believe that rulemaking procedures are necessary to list alternatives that are acceptable without restrictions because such listings neither impose any sanction nor prevent anyone from using a substitute.

Many SNAP listings include ''comments'' or ''further information'' to provide additional information on substitutes. Since this additional information is not part of the regulatory decision, these statements are not binding for use of the substitute under the SNAP program. However, regulatory requirements so listed are binding under other regulatory programs (*e.g.*, worker protection regulations promulgated by OSHA). The ''further information'' classification does not necessarily include all other legal obligations pertaining to the use of the substitute. While the items listed are not legally binding under the SNAP program, EPA encourages users of substitutes to apply all statements in the ''further information'' column in their use of these substitutes. In many instances, the information simply refers to sound operating practices that have already been identified in existing industry and/or building codes or standards. Thus many of the statements, if adopted, would not require the affected user to make significant changes in existing operating practices.

D. Additional Information About the SNAP Program

For copies of the comprehensive SNAP lists of substitutes or additional information on SNAP, refer to EPA's Ozone Depletion Web site at: *www.epa.gov/snap.* For more information on the agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the initial SNAP rulemaking published March 18, 1994 (59 FR 13044), codified at 40 CFR part 82, subpart G. SNAP decisions and the appropriate **Federal Register** citations are found at: *www.epa.gov/snap/snap-regulations.*

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Date: September 28, 2016.

Sarah Dunham,

Director, Office of Atmospheric Programs.

Appendix A: Summary of Decisions for New Acceptable Substitutes

REFRIGERATION AND AIR CONDITIONING

End-use	Substitute	Decision	Further information [1]
Commercial ice machines *(new and retrofit equipment).*	R-449B (Forane® 449B).	Acceptable	R-449B has a 100-year global warming potential (GWP) of approximately 1,410. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 754–12–1). The blend is nonflammable. The American Industrial Hygiene Association (AIHA) has established workplace environmental exposure limits (WEELs) of 1,000 ppm (8-hr time weighted average (TWA)) for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf. The manufacturer recommends an acceptable exposure level (AEL) for the workplace for R-449B of 865 ppm (8-hr TWA).
Refrigerated transport *(new and retrofit equipment).*	R-449B (Forane® 449B).	Acceptable	R-449B has a 100-year GWP of approximately 1,410. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 754–12–1). The blend is nonflammable. The AIHA has established WEELs of 1,000 ppm (8-hr TWA) for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf. The manufacturer recommends an AEL for the workplace for R-449B of 865 ppm (8-hr TWA).

REFRIGERATION AND AIR CONDITIONING—Continued

End-use	Substitute	Decision	Further information [1]
Retail food refrigeration *(new and retrofit refrigerated food processing and dispensing equipment).*	R-448A (Solstice® N-40).	Acceptable	R-448A has a 100-yr GWP of approximately 1,390. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); HFO-1234yf, which is also known as 2,3,3,3-tetrafluoro-prop-l-ene (CAS Reg. No. 754–12–1); and HFO-1234ze(E), which is also known as *trans*-1,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 29118–24–9). The blend is nonflammable. The AIHA has established WEELs of 1,000 ppm (8-hr TWA) for HFC-32, HFC-125, and HFC-134a; 500 ppm for HFO-1234yf; and 800 ppm for HFO-1234ze(E). The manufacturer recommends an AEL for the workplace for R-448A of 890 ppm (8-hr TWA).
Retail food refrigeration *(new and retrofit refrigerated food processing and dispensing equipment).*	R-449A (Opteon® XP 40).	Acceptable	R-449A has a 100-year GWP of approximately 1,400. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 754–12–1). The blend is nonflammable. The AIHA has established WEELs of 1,000 ppm (8-hr TWA) for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf. The manufacturer recommends an AEL for the workplace for R-449A of 830 ppm (8-hr TWA).
Retail food refrigeration (*new and retrofit refrigerated food processing and dispensing equipment*).	R-449B (Forane® 449B).	Acceptable	R-449B has a 100-year GWP of approximately 1,410. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 754–12–1). The blend is nonflammable. The AIHA has established WEELs of 1,000 ppm (8-hr TWA) for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf. The manufacturer recommends an AEL for the workplace for R-449B of 865 ppm (8-hr TWA).
Retail food refrigeration (*supermarket systems, remote condensing units, and low-temperature [2] stand-alone equipment only, new and retrofit equipment*).	R-449B (Forane® 449B).	Acceptable	R-449B has a 100-year GWP of approximately 1,410. This substitute is a blend of HFC-32, which is also known as difluoromethane (CAS Reg. No. 75–10–5); HFC-125, which is also known as 1,1,1,2,2-pentafluoroethane (CAS Reg. No. 354–33–6); HFC-134a, which is also known as 1,1,1,2-tetrafluoroethane (CAS Reg. No. 811–97–2); and HFO-1234yf, which is also known as 2,3,3,3-tetrafluoroprop-l-ene (CAS Reg. No. 754–12–1). The blend is nonflammable. The AIHA has established WEELs of 1,000 ppm (8-hr TWA) for HFC-32, HFC-125, and HFC-134a; and 500 ppm for HFO-1234yf. The manufacturer recommends an AEL for the workplace for R-449B of 865 ppm (8-hr TWA).

[1] Observe recommendations in the manufacturer's SDS and guidance for all listed refrigerants.
[2] "Low-temperature" refers to equipment that maintains food or beverages at temperatures at or below 32 °F (0 °C). See appendix U to 40 CFR part 82, subpart G.

FIRE SUPPRESSION AND EXPLOSION PROTECTION

End-use	Substitute	Decision	Further information
Total flooding	*Trans*-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice® FS).	Acceptable	Use of this agent should be in accordance with the safety guidelines in the latest edition of the National Fire Protection Association (NFPA) 2001 Standard on Clean Agent Fire Extinguishing Systems. Safety features that are typical of total flooding systems such as pre-discharge alarms, time delays, and system abort switches should be provided, as directed by applicable OSHA regulations and NFPA standards. For establishments manufacturing, installing and maintaining equipment using this agent, EPA recommends the following:

FIRE SUPPRESSION AND EXPLOSION PROTECTION—Continued

End-use	Substitute	Decision	Further information
			• In the case that Solstice® FS is inhaled, person(s) should be immediately removed and exposed to fresh air; if breathing is difficult, person(s) should seek medical attention; • Eye wash and quick drench facilities should be available. In case of ocular exposure, person(s) should immediately flush the eyes, including under the eyelids, with water for 15 minutes; should frostbite occur, affected areas should be rinsed with lukewarm water, and medical attention should be sought if irritation develops or persists; • In the case of dermal exposure, the SDS recommends that person(s) should immediately wash the affected area with water and remove all contaminated clothing to avoid irritation; should frostbite occur, bathe (do not rub) the affected area with lukewarm, no hot, water. If water is not available, cover the affected area with a clean soft cloth; and medical attention should be sought if irritation develops or persists. • Although unlikely, in case of ingestion of Solstice® FS, the person(s) should drink a cup of water, if fully conscious, and consult a physician immediately; • Manufacturing space should be equipped with engineering controls, specifically an adequate exhaust ventilation system, to effectively mitigate potential occupational exposure; • Employees responsible for chemical processing should wear the appropriate personal protective equipment (PPE), such as protective gloves, tightly sealed goggles, protective work clothing, and suitable respiratory protection in case of accidental release or insufficient ventilation; • All spills should be cleaned up immediately in accordance with good industrial hygiene practices;\ • Training for safe handling procedures should be provided to all employees that would be likely to handle containers of the agent or extinguishing units filled with the agent; See additional comments 1, 2, 3, 4, 5.

1. The EPA recommends that users consult Section VIII of the OSHA Technical Manual for information on selecting the appropriate types of personal protective equipment for all listed fire suppression agents. The EPA has no intention of duplicating or displacing OSHA coverage related to the use of personal protective equipment (*e.g.*, respiratory protection), fire protection, hazard communication, worker training or any other occupational safety and health standard with respect to halon substitutes.
2. Use of all listed fire suppression agents should conform to relevant OSHA requirements, including 29 CFR part 1910, subpart L, sections 1910.160 and 1910.162.
3. Per OSHA requirements, protective gear (SCBA) should be available in the event personnel should reenter the area.
4. Discharge testing should be strictly limited to that which is essential to meet safety or performance requirements.
5. The agent should be recovered from the fire protection system in conjunction with testing or servicing, and recycled for later use or destroyed.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0285; FRL–9945–37]

Mandestrobin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of S–2200 (here after referred to within this document as mandestrobin) in or on multiple commodities which are identified and discussed later in this document. Valent U.S.A., Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 11, 2016. Objections and requests for hearings must be received on or before December 12, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0285, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (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.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (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.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather

provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0285 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before December 12, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0285, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-for Tolerances

In the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8224) by Valent U.S.A., Corporation,1600 Riviera Ave., Suite 200, Walnut Creek, California, 94596. The petition requested that 40 CFR 180 be amended by establishing tolerances for residues of the fungicide mandestrobin, (2-[(2,5-dimethylphenoxy)methyl]-α-methoxy-N-methyl-benzeneacetamide), in or on small fruit vine climbing except fuzzy kiwifruit crop subgroup 13–07F, fruit at 5 parts per million (ppm), juice at 7 ppm, and dried fruit at 10 ppm; low growing berry subgroup 13–07G, fruit at 3 ppm; and rapeseed crop subgroup 20A, seed at 0.6 ppm. That document referenced a summary of the petition prepared by Valent U.S.A. Corporation, the registrant, which is available to the public in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA lowered the requested tolerance levels for grape, raisin. Tolerances for juice and dried fruit are not required. At this time, EPA is not granting a tolerance for rapeseed crop group 20A. The reason for these changes is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for mandestrobin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with mandestrobin as follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The main target organs for mandestrobin toxicity in all mammalian species tested are the liver and gall bladder with effects ranging from hepatocyte hypertrophy and increased liver weight (usually considered not adverse in the absence of corroborative hepatic enzyme changes or histopathology) to centrilobular degeneration, hepatocyte and bile duct pigmentation, periductular inflammation and gall stones. Dogs were more sensitive to the adverse liver effects than rats; mice showed only non-adverse liver effects.

Thyroid effects were observed in rats (increased weight, follicular cell hypertrophy, decreased serum hormone levels) at higher doses than early signs of liver effects suggesting that effects in the thyroid may be secondary to liver effects.

Gonadal effects were observed at higher doses than the liver effects, and were more evident in dogs (immature prostate and/or testes, low sperm count, immature ovaries, decrease uterus weight) but equivocal and/or not adverse in rats. Gonadal effects did not affect the reproductive capacity of rats.

No developmental effects were observed in rats or rabbits, and no adverse reproductive, immunotoxic, or neurotoxic effects were observed in any of the studies. No adverse effects were

seen in a route-specific dermal toxicity study. Mutagenicity studies were negative. There is no evidence of carcinogenicity because there was no increase in tumor incidence in rat and mouse long-term studies. The Agency classified mandestrobin as ''not likely to be a human carcinogen''.

Specific information on the studies received and the nature of the toxic effects caused by mandestrobin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in: Mandestrobin. Human Health Risk Assessment for Proposed Foliar Uses on Small Fruit Vine Climbing (Except Fuzzy Kiwifruit) (Subgroup 13–07F), Low Growing Berry (Subgroup 13–07G) (Except Cranberry), Turf, and Seed Treatment Uses on Corn (Field, Pop, Sweet), Sorghum Grain (Milo), and Legume Vegetables (Crop Group 6C) (Except Cowpea and Field Pea) at page 18 in docket ID number EPA–HQ–OPP–2014–0285.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for mandestrobin used for human risk assessment is shown in Table 1.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR MANDESTROBIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	No toxicity was observed that could be attributed to a single exposure.		
Chronic dietary (All populations)	NOAEL = 92 mg/kg/day.	Chronic RfD = 0.92 mg/kg/day. cPAD = 0.92 mg/kg/day	Chronic Toxicity—Dog LOAEL = 181 mg/kg/day based on incidence of liver centrilobular degeneration, hepatocytehypertrophy, hepatocyte pigment, and elevated serum ALP and ALT.
Incidental Oral Short-Term (1–30 days) and Intermediate-Term (1–6 months).	UF_A = 10×	LOC for MOE <100	*Additional supportive study:* Subchronic Toxicity—Dog NOAEL = 91 mg/kg/day LOAEL = 268 mg/kg/day based on incidence of liver centrilobular degeneration in both sexes and elevated serum ALP in females.
Inhalation Short-Term (1–30 days) and Intermediate-Term (1–6 months).	UF_H = 10× ..... FQPA SF = 1×		
Dermal Short-Term (1–30 days) and Intermediate-Term (1–6 months), all populations.	No hazard was identified for dermal exposure; therefore a quantitative dermal assessment is not needed.		
Cancer (Oral, dermal, inhalation).	Not likely a human carcinogen.		

NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern. ALP = alkaline phosphatase. ALT = alanine aminotransferase.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to mandestrobin, EPA considered exposure from the petitioned-for tolerances only as there are no existing mandestrobin tolerances. EPA assessed dietary exposures from mandestrobin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for mandestrobin; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues, 100 percent crops treated (PCT), and default processing factors for all proposed commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that mandestrobin does not

pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for mandestrobin. Tolerance-level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for mandestrobin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of mandestrobin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the First Index Reservoir Screening Tool (FIRST) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of mandestrobin for chronic exposures for non-cancer assessments are estimated to be 38 parts per billion (ppb) for surface water and 3.9 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 38 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Mandestrobin is currently proposed for use on turf at golf courses, sod farms, recreational/athletic fields, and residential/commercial lawns. EPA assessed residential exposure using the following scenarios. For residential handlers, the worst-case scenario was determined to be short-term inhalation exposures to adults from mixing, loading, and applying mandestrobin to turf. For post-application exposures, the worst-case scenario was determined to be short-term post-application incidental oral exposure to children from hand-to-mouth activities on turf. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found mandestrobin to share a common mechanism of toxicity with any other substances, and mandestrobin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that mandestrobin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of sensitivity/susceptibility in the offspring following mandestrobin exposure, including developmental toxicity studies in rats and rabbits, and a 2-generation reproductive study in rats. Although pup weights were decreased in the rat reproductive study, this change was observed at the same dose as maternal liver effects, which included periportal/bile duct pigment, periductular inflammatory cell infiltration, and bile duct proliferation.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for the mandestrobin tolerances being established is complete.

ii. There is no indication that mandestrobin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that mandestrobin results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to mandestrobin in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by mandestrobin.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, mandestrobin is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to mandestrobin from food and water will utilize 2.6% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to

residues of mandestrobin is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Mandestrobin could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to mandestrobin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 19,000 for adults and 2,900 for children 1–2 years old. Because EPA's level of concern for mandestrobin is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Since the short-and intermediate-term PODs are the same and short-term exposure estimates are greater than their intermediate-term counterparts, the short-term aggregate risk assessment is protective of the intermediate-term aggregate exposure. Therefore a separate intermediate-term aggregate assessment is not necessary.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, mandestrobin is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to mandestrobin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (RM–48C–2A, which uses high performance liquid chromatography with tandem mass spectrometry (HPLC/MS–MS)) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for mandestrobin.

C. Revisions to Petitioned-for Tolerances

Based on an analysis of residue levels from crop field trials, EPA is establishing a tolerance for grape, raisin at 7 ppm, rather than the requested level of 10 ppm. The highest average field trial (HAFT) for grape and the processing factor for raisins supports a 7 ppm tolerance.

The petitioner requested tolerances for juice and dried fruit covered under crop subgroup 13–07F, small fruit. The available processing data for grape, the representative commodity for subgroup 13–07F, indicates that residues in juice will be covered by the tolerance being established for subgroup 13–07F. At this time, the Agency is not aware of any dried commodities derived from crops in subgroup 13–07F other than raisin, for which the Agency is establishing a separate tolerance, as indicated in the paragraph above.

After the petitioner submitted its petition for tolerances on subgroup 13–07G, it withdrew its request to include cranberry; therefore, the Agency is only establishing tolerances for subgroup 13–07G, except cranberry.

At this time, EPA is not establishing a tolerance for rapeseed subgroup 20A. The full three year freezer storage stability data (OPPTS guideline number 860.1380) for crop field trial data are needed to support tolerances. These data are required since samples from crop field trials are often stored for a number of years prior to analysis. Therefore, it is a requirement to ensure that the residues that are found multiple years later are actually representative of the residues that would be found on the day of harvest. This ensures that the Agency has set a tolerance high enough to cover residues expected in/on the commodity of interest. Accordingly, EPA has not made a determination with regard to this petitioned-for tolerance at this time.

V. Conclusion

Therefore, tolerances are established for residues of mandestrobin, 2-[(2,5-dimethylphenoxy)methyl]-α-methoxy-N-methylbenzeneacetamide, in or on berry, low growing, subgroup 13–07G, except cranberry at 3.0 ppm; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 5.0 ppm; grape, raisin at 7.0 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency

has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 30, 2016.

Jack E. Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.690 to subpart C to read as follows:

§ 180.690 Mandestrobin; tolerances for residues.

(a) *General.* Tolerances are established for residues of mandestrobin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only mandestrobin, 2-[(2,5-dimethylphenoxy)methyl]-α-methoxy-N-methylbenzeneacetamide.

Commodity	Parts per million
Berry, low growing, subgroup 13–07G, except cranberry	3.0
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	5.0
Grape, raisin	7.0

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent tolerances.* [Reserved]

[FR Doc. 2016–24492 Filed 10–7–16; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2014–0054; FXES11130900000 167 FF09E42000]

RIN 1018–BA46

Endangered and Threatened Wildlife and Plants; Removal of Solidago albopilosa (White-haired Goldenrod) From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule and notice of availability of final post-delisting monitoring plan.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are removing the plant *Solidago albopilosa* (white-haired goldenrod) from the Federal List of Endangered and Threatened Plants. This action is based on a thorough review of the best available scientific and commercial information, which indicates that the threats to this species have been eliminated or reduced to the point that the species no longer meets the definition of an endangered or threatened species under the Endangered Species Act of 1973, as amended. This rule also announces the availability of a final post-delisting monitoring (PDM) plan for white-haired goldenrod.

DATES: This rule is effective on November 10, 2016.

ADDRESSES: This final rule and the PDM plan are available on the Internet at *http://www.regulations.gov* at Docket Number FWS–R4–ES–2014–0054. Comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection by appointment, during normal business hours, at the Service's Kentucky Ecological Services Field Office, 330 West Broadway, Suite 265, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Virgil Lee Andrews, Jr., Field Supervisor, U.S. Fish and Wildlife Service, Kentucky Ecological Services Field Office, 330 West Broadway, Suite 265, Frankfort, KY 40601; telephone (502) 695–0468. Individuals who are hearing-impaired or speech-impaired may call the Federal Information Relay Service at (800) 877–8339 for TTY assistance 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Executive Summary

This document contains: (1) A final rule to remove *Solidago albopilosa* from the Federal List of Endangered and Threatened Plants at 50 CFR 17.12(h); and (2) a notice of availability of a final PDM plan.

Species addressed—Solidago albopilosa (white-haired goldenrod) is an upright, herbaceous plant with soft, white hairs covering its leaves and stems (Andreasen and Eshbaugh 1973, p. 123). The species produces clusters of small, fragrant, yellow flowers from September to November. *S. albopilosa* is restricted to sandstone rock shelters or rocky ledges of a highly dissected region known as the Red River Gorge in Menifee, Powell, and Wolfe Counties, KY.

The Service listed *Solidago albopilosa* as a threatened species under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), primarily because of its limited range and threats associated with ground disturbance and trampling caused by unlawful archaeological activities and recreational activities such as camping, hiking, and rock climbing (53 FR 11612, April 7, 1988). Other identified threats included the inadequacy of regulatory mechanisms and minor vegetational changes in the surrounding forest.

When the recovery plan for *S. albopilosa* (white-haired goldenrod) (Recovery Plan) was completed in 1993, the Service knew of 90 extant occurrences of *S. albopilosa* (Service 1993, p. 2), containing an estimated 45,000 stems (each individual plant can

have multiple stems (or branches); stem counts have been the focus of most survey efforts, rather than the number of individual plants, which is often not discernable) (Service 1993, p. 2). The Recovery Plan defined an occurrence as a ''discrete group of plants beneath a single rock shelter or on a single rock ledge.'' All of these locations were situated within the proclamation boundary of the Daniel Boone National Forest (DBNF), and 69 occurrences (77 percent) were in Federal ownership.

Currently, 117 extant occurrences of *S. albopilosa* are known, containing an estimated 174,000 stems. All extant occurrences continue to be located within the proclamation boundary of the DBNF, and 111 occurrences (95 percent) are in Federal ownership and receive management and protection through DBNF's Land and Resource Management Plan (LRMP) (U.S. Forest Service (USFS) 2004, pp. 1.1–1.10). We consider 81 of the extant occurrences (69 percent) to be stable, meaning no change has been detected in their general rank or status over the last 12 years. We consider 46 of the 81 stable occurrences to be adequately protected and self-sustaining as defined by the Recovery Plan, and these occurrences account for approximately 131,000 stems, or about 75 percent of the species' total number.

Over the past 12 years, the Service has worked closely with the Kentucky State Nature Preserves Commission (KSNPC) and DBNF on the management and protection of the species. Management activities have included trail diversion (away from *S. albopilosa* occurrences), installation of protective fencing, and placement of informational signs in rock shelters, along trails, and at trailheads. These activities and other management actions included in the DBNF's LRMP (USFS 2004, pp. 3.5–3.8) have assisted in recovery of the species. Furthermore, a new cooperative management agreement among the Service, DBNF, and KSNPC, which was signed on August 29, 2016, will assist in the long-term protection of the species.

Considering the number of stable, self-sustaining, protected occurrences, the management and protection of habitats provided by DBNF's LRMP and the new cooperative management agreement, and the lack of significant threats to the species or its habitats, we conclude that *Solidago albopilosa* no longer meets the definition of a threatened species under the Act.

Purpose of the Regulatory Action—The purpose of this action is to remove *Solidago albopilosa* from the Federal List of Endangered and Threatened Plants, based on the reduction or removal of threats.

Basis for the Regulatory Action—Under the Act, we may determine that a species is an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the Act. We must consider the same factors in removing a species from the List (delisting). Further, we may delist a species if the best scientific and commercial data indicate the species is neither a threatened species nor an endangered species for one or more of the following reasons: (1) the species is extinct; (2) the species has recovered and is no longer threatened or endangered; or (3) the original scientific data used at the time the species was classified were in error. Here, in addition to the application of the five factors, we are delisting the species based on recovery.

We reviewed the best available scientific and commercial information pertaining to the five threat factors for white-haired goldenrod. All 4 peer reviewers and 7 of 10 public commenters supported the proposed action to delist white-haired goldenrod. Our results are summarized as follows:

- We consider *Solidago albopilosa* to be recovered because all substantial threats to this species have been eliminated or reduced and adequate regulatory mechanisms exist.
- The species has met all recovery criteria as outlined in the Recovery Plan (there is a sufficient number of distinct, stable, self-sustaining, and adequately protected occurrences).

Previous Federal Actions

Please refer to the proposed rule to remove *Solidago albopilosa* from the Federal List of Endangered and Threatened Plants (80 FR 52717, September 1, 2015) for a detailed description of previous Federal actions concerning this species. We reopened the comment period for the proposed rule on February 26, 2016 (81 FR 9798), in order to conduct peer review and provide interested parties an additional opportunity to comment on the proposed rule and draft post-delisting monitoring plan. We requested that all interested parties submit written comments by March 28, 2016.

Background

It is our intent to discuss in this final rule only those topics directly relevant to the removal of *Solidago albopilosa* from the Federal List of Endangered and Threatened Plants.

Species Information

The following section contains information updated from that presented in the proposed rule.

Species Description and Life History—*Solidago albopilosa* (Braun 1942) is an upright to slightly arching, herbaceous, perennial plant that attains a height of 30 to 100 centimeters (12 to 39 inches). The species is commonly multi-stemmed because it produces rhizomes (horizontal, usually underground stems) that often root below and produce new stems above. Because of this, the number of plants at a single site is often not discernable from above ground stem distributions. The long, soft, white hairs that cover the leaves and stems are the species' most distinguishing characteristic (Andreasen and Eshbaugh 1973, p. 123). The alternate leaves of *S. albopilosa* are widest at their base and are prominently veined with a dark-green upper surface and a pale underside. They vary in length from 6 to 10 centimeters (2.5 to 4.0 inches), with the larger leaves closer to the base of the stem. Hairs cover both surfaces of the leaves and are most dense along the veins. The stem is cylindrical and densely covered with fine white hairs. Axillary (positioned along the main axis of the plant) clusters of small, fragrant, yellow flowers begin blooming in late August. The flower heads are composed of three to five ray florets (small flowers in the marginal part of the flower head) and more than 15 disk florets (small flowers in the central part of the flower head). The ray florets are about 6 mm long (0.24 inch), and the disk flowers are about 3 mm long (0.12 inch). The pale-brown, pubescent, oblong achenes (dry single-seed fruits) appear in October (Braun 1942, pp. 1–4; Andreasen and Eshbaugh 1973, p. 123; Service 1993, p. 1).

Solidago albopilosa flowers from September through November and sets fruit in mid-October through December. The flowers are visited by bees (Families Apidae and Halictidae), moths (Order Lepidoptera), and syrphid flies (Family Syrphidae), which are likely attracted by the fragrant, yellow flowers (Braun 1942, pp. 1–4; Service 1993, p. 6). Viability of the species' pollen is reported to be high (Andreason and Eshbaugh 1973, pp. 129–130). Seeds are most likely dispersed by wind, but germination rates and the extent of vegetative reproduction in the wild are unknown (Service 1993, p. 6). Seedlings are observed frequently in the wild, but the percentage of seeds that germinate in the wild is unknown (Taylor 2016, U.S. Forest Service, pers. comm.). Germination of seed collected from the

wild has high viability in the laboratory (near 100 percent), and plants grow readily from seed (Taylor 2016, pers. comm.).

Braun (1942, pp. 1–4) described *S. albopilosa* based on specimens discovered in the summer of 1940 in the Red River Gorge area of Menifee County, KY. *S. albopilosa* is in the family Asteraceae, and there are no synonyms for the species. Andreasen and Eshbaugh (1973, pp. 126–128) studied variation among four separate occurrences (populations) of *S. albopilosa* in Menifee and Powell Counties. Their population analysis of characteristics such as plant height, leaf length and width, stem pubescence, and number of ray flowers per head showed that some morphological characteristics (*e.g.,* plant height, leaf shape and size, stem pubescence) can vary widely between populations.

Solidago albopilosa can be distinguished from its closest relative, *S. flexicaulis* (broad-leaf goldenrod), by its shorter height, smaller and thinner leaves, and generally downy (hairy) appearance (the leaves of S. *flexicaulis* have a slick, smooth appearance) (Medley 1980, p. 6). The two species also differ in habitat preference. *S. albopilosa* is restricted to sandstone rock shelters or ledges, while *S. flexicaulis* is a woodland species that occurs on the forest floor. Esselman and Crawford (1997, pp. 245–256) used molecular and morphological analyses to examine the relationship between *S. albopilosa* and *S. flexicaulis.* They concluded that *S. albopilosa* is most closely related to *S. flexicaulis;* however, there was no evidence that either *S. flexicaulis* or *S. caesia* (wreath or blue-stemmed goldenrod) is a parent or has a recent close relationship with *S. albopilosa* as was previously speculated by Braun (1942, pp. 1–4). Esselman and Crawford (1997, pp. 245–256) also examined genetic diversity within the species *S. albopilosa* (using Random Amplified Polymorphic DNA and isozyme markers) and reported genetic variation both within and between populations (genetic diversity is widely spread among populations, and populations are not very genetically homogenous). The highest level of genetic diversity was observed among (across) versus within populations. Consequently, Esselman and Crawford (1997, pp. 245–256) recommended that conservation efforts include the maintenance of as many populations as possible to capture the full genetic diversity of the species.

Solidago albopilosa is restricted to outcroppings of Pottsville sandstone in a rugged, highly dissected area known as the Red River Gorge in Menifee, Powell, and Wolfe Counties, KY (Service 1993, p. 2; White and Drozda 2006, p. 124). The Red River Gorge is well known for its scenic beauty and outdoor recreational opportunities, and much of the area is located within the DBNF, an approximate 2,860-km^2 (706,000-acre) area in eastern Kentucky that is managed by the U.S. Forest Service (White and Drozda 2006, p. 124). The Red River Gorge lies within the Northern Forested Plateau Escarpment of the Western Allegheny Plateau ecoregion (Woods et al. 2002, p. 1). The hills and ridges of this region are characterized as rugged and highly dissected, with erosion-resistant, Pennsylvanian quartzose sandstone (contains 90 percent quartz) capping the ridges and exposed layers of Mississippian limestone, shale, and siltstone on lower slopes and in the valleys.

Solidago albopilosa occurs on the floors of sandstone rock shelters (natural, shallow, cave-like formations) and on sheltered cliffs (cliffs with overhanging ledges) at elevations between 243 and 396 m (800 and 1,300 ft) (Andreasen and Eshbaugh 1973; Service 1993, p. 5). The species may also be found on ledges or vertical walls of these habitats, but, regardless of the specific location, *S. albopilosa* is restricted to areas of partial shade behind the dripline (53 FR 11612; April 7, 1988) and typically does not grow in the deepest part of rock shelters (Harker et al. 1981, p. 4). Campbell et al. (1989, p. 40) noted that this plant species is known from all possible moisture regimes and aspects in these habitats, but plants on northern exposures appeared to be smaller than average. Seven of nine occurrences examined by Nieves and Day (2014, pp. 8–9) were located in easterly or northerly facing shelters, which receive minimal direct sunlight. Nieves and Day examined only a small percentage of the species' 117 known occurrences (8 percent), so further study is required to determine the importance of the solar aspect on the species' biology and distribution. Ten rock shelter habitats examined by Nieves and Day (2014, p. 7) were significantly cooler and more humid than the surrounding environment (areas outside and above the rock shelter), but the species' requirements with respect to air temperature and relative humidity are unknown.

Typical herbaceous associates of this plant include roundleaf catchfly (*Silene rotundifolia*) and alumroot (*Heuchera parviflora*) and less commonly white baneberry (*Actaea pacypoda*), maidenhair fern (*Adiantum pedatum*), fourleaf yam (*Dioscorea quaternata*), intermediate woodfern (*Dryopteris intermedia*), Indian cucumber-root (*Medeola virginiana*), Japanese stilt grass (*Microstegium vimineum;* invasive, non-native), Christmas fern (*Polystichum acrostichoides*), rhododendron (*Rhododendron maximum*), and little mountain meadow-rue (*Thalicturm mirabile*) (Braun 1942, pp. 1–4; Andreason and Eshbaugh 1973, p. 128; Kral 1983, p. 1253; Campbell et al. 1989, p. 40; White and Drozda 2006, p. 124). Associated woody species of the mixed mesophytic forest adjacent to *S. albopilosa* occurrences include red maple (*Acer rubrum*), sugar maple (*Acer saccharum*), American beech (*Fagus grandifolia*), American holly (*Ilex opaca*), mountain laurel (*Kalmia latifolia*), tulip poplar (*Liriodendron tulipifera*), bigleaf magnolia (*Magnolia macrophylla*), umbrella magnolia (*M. tripetala*), black gum (*Nyssa sylvatica*), oaks (*Quercus* spp.), basswood (*Tilia americana*), and eastern hemlock (*Tsuga canadensis)* (Andreason and Eshbaugh 1973, p. 128; Kral 1983, p. 1253; Campbell et al. 1989, p. 40).

When the Recovery Plan was completed in 1993, 90 extant occurrences were known (Service 1993, p. 2), containing an estimated 45,000 stems (Service 1993, p. 2). All of these locations were situated within the proclamation boundary of the DBNF, and 69 occurrences (approximately 76 percent) were located on Federal lands. The remaining occurrences (21) were located on private property. Rather than try to determine what constituted a population, the Recovery Plan (Service 1993, p. 1) used ''occurrence,'' defining it as a ''discrete group of plants beneath a single rock shelter or on a single rock ledge.'' In making this definition, the Service (1993, p. 6) explained that pollinators (bees and syrphid flies) likely carried pollen between rock shelters and may even move between adjacent ravines. If there were sufficient gene flow between occurrences via pollinators, clusters of nearby rock shelters or adjacent ravines could comprise a population. However, without additional research, it was impossible to determine the species' actual population boundaries.

Subsequently, the KSNPC completed surveys in 1996, 1999, 2002, 2004, and 2005 (White and Drozda 2006, pp. 124–128; KSNPC 2010, p. 4), and these surveys documented an increase in the number of *S. albopilosa* occurrences from 90 to 141. Despite the increased number of occurrences, the total range of *S. albopilosa* did not increase significantly as it was still restricted to

the same general area within the Red River Gorge. KSNPC (2010, pp. 4–8) completed the first range-wide survey during the 2008 and 2009 field seasons. During this 2-year period, KSNPC ranked each occurrence based on population size and viability, habitat condition, and degree of threat. KSNPC also evaluated the stability of each occurrence by comparing their 2008–2009 survey data with data collected in previous years. The following specifications were used to rank the occurrences (KSNPC 2010, p. 21):

A (excellent estimated viability): 2,500 or more stems in habitat with low degree of recreational impact or a minimum of 4,000 stems where the degree of recreational impact is medium or high.

B (good estimated viability): 1,000 to 2,499 stems and some areas of habitat with a low degree of recreational impact or higher numbers of stems (2,500 to 4,000) at sites where the degree of recreational impact is medium or high.

C (fair estimated viability): 300 to 999 stems where recreational impacts are low or higher numbers of stems (1,000 to 2,000) at sites affected by a medium or high degree of recreational impact; may also include sites with little opportunity for habitat recovery or population expansion.

D (poor estimated viability): fewer than 300 stems in any habitat.

H (historical): taxon or natural community has not been reliably reported in Kentucky since 1990 but is not considered extinct or extirpated.

X (extirpated): A taxon for which habitat loss has been pervasive and/or concerted efforts by knowledgeable biologists to collect or observe specimens within appropriate habitats have failed.

F (failed to find): occurrence not located in current survey; original mapping may be in wrong location.

During their 2-year range wide survey, KSNPC (2010, p. 6) documented a total of 116 extant occurrences, producing ranks with the following categorical results: A-rank (11 occurrences), B (26), C (25), and D (54) (see table 1). The remaining 25 occurrences were considered to be historical, extirpated, or could not be relocated (failed to find). The goldenrod's range has been searched extensively by KSNPC and of the 116 extant occurrences, only 6 were located on private land, with the remainder located on the DBNF. There is limited private ownership in the area where this plant occurs and the species' habitat as described above has only been located in a few privately-owned occurrences and nowhere else that has been surveyed. For all extant occurrences, 79 (68 percent) were considered to be stable, including ranks of A (10 occurrences), B (21), C (18), and D (30). Stability was estimated through comparisons of historical and more recent survey data. Occurrences were considered ''stable'' if no change was detected in their general rank/status over the course of monitoring, stem numbers increased over the course of monitoring, and/or slight decreases in stem numbers could be attributed to natural climatic variation. Ranks were based on population size and perceived viability, habitat condition, and degree of threat. For all stable occurrences, KSNPC reported an average monitoring period of 10.2 years and an average of 3.6 monitoring events for each occurrence. Also, the level or degree of recreational impact is based on KSNPC's assessment of recreational use and threats from that use at each occurrence. For those sites where the degree of impact was higher, more stems were required to achieve a higher rank (*i.e.,* fair to excellent viability). For example, 4 of the 11 ''A'' ranked occurrences had a medium/high degree of impact (equals a minimum of 4,000 stems). The rest of the 11 ''A'' ranked occurrences had a low degree of impact (equals 2,500 stems or more). All of the ''A'' ranked occurrences have proven stable (for over 11 years) with a high number of stems. Due to future conservation actions with DBNF, we expect the 4 ''A'' ranked occurrences with medium to high recreational impacts to remain stable (numbers of stems will remain constant or increase) and the degree of recreational impact may decrease.

TABLE 1—SUMMARY OF *Solidago albopilosa* RANKS AND STATUS BASED ON RANGE-WIDE SURVEYS COMPLETED BY THE KENTUCKY STATE NATURE PRESERVES COMMISSION IN 2008 AND 2009

[KSNPC 2010]

Status	Ranks of extant occurrences				
	A	B	C	D	Total
Stable	10	21	18	30	79
Declining	0	5	4	22	31
Unknown	1	0	3	2	6
Total	11	26	25	54	116

For the remaining extant occurrences, 31 were considered to be declining and 6 were of unknown status. For the declining occurrences, ranks included B (5 occurrences), C (4), and D (22). For the unknown occurrences, ranks included A (1 occurrence), C (3), and D (2). Occurrences were considered to be declining if a negative change was detected in the general rank/status over the course of monitoring and/or there was a greater than 30 percent decline in stem count. Unknown status meant surveys of that occurrence were not performed more than once or prior surveys could not be compared to more recent surveys due to discrepancies in survey methodology.

KSNPC and the Service completed additional surveys from June to October 2013 at 30 widely separated occurrences, resulting in the discovery of one new occurrence and revised status information for two unknown occurrences (USFWS 2014, entire). Combining these results with occurrence totals reported by KSNPC (2010, 24 pp.), there are now 81 stable occurrences with the following categorical results: A (11 occurrences), B (22), C (18), and D (30) (table 2). The average monitoring period increased from 10.2 to 11.1 years, with an average of 3.7 monitoring events for each occurrence. The total number of stems now stands at 174,357, compared to 45,000 when the Recovery Plan was completed.

TABLE 2—SUMMARY OF CURRENT *Solidago albopilosa* RANKS AND STATUS (KSNPC 2010, 2014) SHOWING AN INCREASE IN A- AND B-RANKED OCCURRENCES

Status	Ranks of extant occurrences				
	A	B	C	D	Total
Stable	11	22	18	30	81
Declining	0	5	4	23	32
Unknown	0	0	2	2	4
Total	11	27	24	55	117

In summary, considering recent survey efforts by KSNPC and the Service (KSNPC 2010, entire; USFWS 2014, entire), the following conditions exist for white-haired goldenrod:

(1) A total of 117 extant occurrences are known. Of these, 81 occurrences are considered to be stable with the following categorical results: A (11 occurrences), B (22), C (18), and D (30). As of 2015, the average monitoring period per occurrence was 11.1 years, with an average of 3.7 monitoring events for each occurrence.

(2) Fifty-one of the 81 stable occurrences (all A-, B-, and C-ranked occurrences) are considered to be self-sustaining as defined by the Recovery Plan. These occurrences are considered to be self-sustaining because there is evidence of successful reproduction and the number of stems is stable or increasing.

(3) Forty-six of the 51 stable, self-sustaining occurrences are adequately protected as defined by the recovery plan (species is legally protected, has received adequate physical protection, and is assured of all required management).

(4) The total number of stems now stands at approximately 174,000, and the 46 secure, self-sustaining occurrences contain approximately 131,000 stems, or about 75 percent of the species' total number.

Recovery and Recovery Plan Implementation

Background—Section 4(f) of the Act (16 U.S.C. 1531 *et seq.*) directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Under section 4(f)(1)(B)(ii), recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the list. However, revisions to the list (adding, removing, or reclassifying a species) must reflect determinations made in accordance with sections 4(a)(1) and 4(b) of the Act. Section 4(a)(1) requires that the Secretary determine whether a species is endangered or threatened (or not) because of one or more of five threat factors. Section 4(b) of the Act requires that the determination be made ''solely on the basis of the best scientific and commercial data available.'' Therefore, recovery criteria should help indicate when we would anticipate that an analysis of the five threat factors under section 4(a)(1) would result in a determination that the species is no longer an endangered species or threatened species because of any of the five statutory factors (see Summary of Factors Affecting the Species section). However, while recovery plans provide important guidance to the Service, States, and other partners on methods of minimizing threats to listed species and measurable criteria against which to measure progress towards recovery, they are not regulatory documents and cannot substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of or remove a species from the Federal List of Endangered and Threatened Plants at 50 CFR 17.12(h) is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered or threatened species, regardless of whether that information differs from the recovery plan.

Recovery plans may be revised to address continuing or new threats to the species, as new, substantive information becomes available. The recovery plan identifies site-specific management actions that will achieve recovery of the species, measurable criteria that set a trigger for review of the species' status, and methods for monitoring recovery progress. Recovery plans are intended to establish goals for long-term conservation of listed species and define criteria that are designed to indicate when the substantial threats facing a species have been removed or reduced to such an extent that the species may no longer need the protections of the Act.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all criteria being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and the species is robust enough to delist. In other cases, recovery opportunities may be discovered that were not known when the recovery plan was finalized. These opportunities may be used instead of methods identified in the recovery plan. Likewise, information on the species may be discovered that was not known at the time the recovery plan was finalized. The new information may change the extent to which criteria need to be met for recognizing recovery of the species. Recovery of a species is a dynamic process requiring adaptive management that may, or may not, fully follow the guidance provided in a recovery plan.

Recovery Planning and Implementation—The Recovery Plan was approved by the Service on September 28, 1993 (Service 1993, 40 pp.). The Recovery Plan includes recovery criteria intended to indicate when threats to the species have been adequately addressed, and prescribes actions necessary to achieve those criteria. We first discuss progress on completing the primary recovery actions, then discuss recovery criteria. The Recovery Plan identifies five primary actions necessary for recovering *S. albopilosa:*

(1) Protect existing occurrences;

(2) Continue inventories;

(3) Conduct studies on life history and ecological requirements;

(4) Maintain plants and seeds *ex situ;* and

(5) Provide the public with information.

Three of five recovery actions (1, 2, and 5) have been accomplished. Completion of the remaining actions (3

and 4) is discussed in greater detail below.

The Service entered into a cooperative agreement with KSNPC in 1986, under section 6 of the Act, for the conservation of endangered and threatened plant species. This agreement has provided a mechanism for KSNPC to acquire Federal funds that have supported much of the recovery work described here. The Commonwealth of Kentucky and other partners have also provided matching funds under this agreement that have assisted in the species' recovery.

Recovery Action (1): Protect Existing Occurrences

The Recovery Plan states that an occurrence will be ''adequately protected'' when it is legally protected, has received adequate physical protection, and is assured of all required management (USFWS 1993, 40 pp.). Based on these criteria, we consider a total of 46 A-, B-, or C-ranked occurrences on the DBNF to be adequately protected. We base our decision regarding their level of protection on the location of these occurrences (all are in DNBF ownership, and many are in remote locations not visited by the public); trends in occurrence data gathered by KSNPC, DBNF, and the Service; observations about threats reported by KSNPC (2010, pp. 5–18); conservation actions described in DBNF's Land and Resource Management Plan (LRMP); and information in our files concerning specific DBNF conservation actions, such as trail closure, placement of signs, and fencing. We have chosen to exclude five, stable, self-sustaining occurrences from the list of ''protected'' occurrences because they are in private ownership, and no conservation agreement or plan is in place to ensure their long-term protection.

The species' primary threat has been identified as ground disturbance and trampling associated with recreational activities (*i.e.,* camping, hiking, and rock-climbing) within the Red River Gorge. To address these threats, the DBNF began to redirect trails and install fencing (chicken wire) around selected *S. albopilosa* rock shelters in February 2000. The DBNF focused on these occurrences because they were near DBNF user-defined trails and were suffering obvious recreational impacts—trampling and ground disturbance associated with camping, rock climbing, and hiking. The DBNF also placed informational signs at these shelters and at trailheads, alerting visitors to the presence of the species and warning them against potential damage to plants.

Signs or fencing were placed and have been maintained at a total of 21 occurrences identified as being impacted in the past, and DBNF personnel continue to visit these sites annually, checking the condition of signs and fencing and making repairs as needed. To guard against future impacts, the DBNF and KSNPC have proposed the addition of new or expanded fencing at five occurrences. As stated below in this recovery section, this new and expanded fencing is included as a conservation action in the Service's signed cooperative management agreement with DBNF and KSNPC (USFWS August 2016).

Monitoring results show that implementation of the LRMP, including specific conservation actions described above (fencing and sign placement), have had a positive effect on the species (KSNPC 2010, 24 pp.). Specifically, it has been demonstrated that disturbance from trampling, camping, and rock climbing is low at remote occurrences, and impacts have been reduced at more visited sites. The number of stems has remained stable or increased at 20 of 21 occurrences (95 percent) where fencing or informational signs have been added. For all extant occurrences on the DBNF, 75 (68 percent) of 111 extant occurrences are considered stable to increasing, and we consider 46 occurrences to be self-sustaining (A-, B-, or C-ranked occurrences that are stable and reproducing). Based on all these factors, we consider this recovery action to be complete.

Recovery Action (2): Continue Inventories

There were 90 extant occurrences of *S. albopilosa* when the Recovery Plan was completed (Service 1993, p. 2). In subsequent years, KSNPC completed surveys within the Red River Gorge in 1996, 1999, 2002, 2004, and 2005 (White and Drozda 2006, pp. 124–128; KSNPC 2010, p. 2), raising the number of documented *S. albopilosa* occurrences from 90 to 141. Surveys in other areas of Kentucky and adjacent States with suitable habitat (*e.g.,* sandstone rock shelters) did not show evidence of additional occurrences of the species (Campbell et al. 1989, pp. 29–43; Palmer-Ball et al. 1988, pp. 19–25; Walck et al. 1996, pp. 339–341; Norris and Harmon 2000, pp. 2–3). The first range-wide survey in the Red River Gorge was completed during the field seasons of 2008 and 2009 (KSNPC 2010, pp. 4–8), and KSNPC and the Service completed follow-up surveys at 30 extant occurrences in 2013 (See the Species Information section above for detail on surveys). During these efforts, KSNPC and the Service documented a total of 117 extant occurrences, and, of these, we consider the A-, B-, and C-ranked occurrences (total of 46) to be secure and self-sustaining. Because systematic searches for new occurrences have been conducted since the completion of the Recovery Plan and led to the discovery of previously unknown occurrences, we consider this recovery action to be completed.

Recovery Action (3): Conduct Studies on Life History and Ecological Requirements

This recovery action is incomplete (not all subactivities have been addressed completely) but significant progress has been made. Since publication of the Recovery Plan (Service 1993), studies of the species' life history and ecological requirements have included Esselman (1995, pp. 5–10), Esselman and Crawford (1997, pp. 246–251), White and Drozda (2006, p. 125), KSNPC (2010, p. 5), and Nieves and Day (2014, pp. 1–12). Esselman (1995, pp. 5–10) and Esselman and Crawford (1997, pp. 246–251) studied the ancestry of *S. albopilosa,* examined gene flow and genetic diversity within and between populations, and investigated life-history traits (*i.e.,* seed set, importance of pollinators, self-incompatibility (the inability of a plant to produce seeds when its flowers are pollinated from its own flowers or from flowers of plants that are genetically the same)). The ancestry of *S. albopilosa* was unclear, but it had the most morphological and genetic similarity with *S. flexicaulis.* Despite this, the two species were reported as genetically different, and there was no evidence of recent gene flow. Esselman (1995, pp. 16–23) and Esselman and Crawford (1997, pp. 251–253) observed the highest levels of genetic diversity between populations rather than within populations. The levels of seed production appeared to be about equal to that of other goldenrods, but the amount of seed set varied between populations and appeared to increase with increasing occurrence size. Pollination experiments indicated that pollinators are necessary for seed set, and the species is self-incompatible.

During field surveys between 1996 and 2009, KSNPC collected occurrence information throughout the species' range, recording such information as stem count, patch size, percent vegetative versus sexual reproduction, recreational disturbance (ranked from low to high), other perceived threats, and general habitat condition (White and Drozda 2006, p. 125; KSNPC 2010, p. 5). In its 2-year range-wide study,

KSNPC (2010, p. 5) used a two-page plant survey form to record more detailed biological information at each occurrence: Population structure (percent stems exhibiting vegetative versus reproductive growth), occurrence size (square meters [m^2]), plant height, number of stems, number of rosettes, population density, plant vigor, and an evaluation of threats (*e.g.,* trampling, camping, invasive plants, herbivory). KSNPC (2010, p. 5) also photographed each occurrence and made sketches that showed individual patch locations within each occurrence or rock shelter.

Nieves and Day (2014, pp. 1–12) conducted a preliminary assessment of the microclimatic and pedological (soil) conditions of 10 rock shelters inhabited by the species. They documented significant differences between the inside of rock shelters and the surrounding environment with respect to temperature and relative humidity (habitats inside rock shelters were wetter and more humid) but no significant differences with respect to soil characteristics (macronutrients and acidity/alkalinity (pH)). Most of the rock shelters they investigated were easterly or northerly facing, but their small sample size prevents any significant conclusions with respect to the importance of sunlight and solar radiation.

Under recovery action 3.0, two of seven subactivities remain to be completed—the use of quantitative, permanent plots (3.1) and determination of specific habitat requirements (3.3). Permanent plots have not been established, but the species' known occurrences have been visited and evaluated repeatedly (average of 3.6 times) since completion of the recovery plan. These visits have allowed us to evaluate the species' status and track the number of stems and flowers. The purpose of recovery subactivity 3.1 was to evaluate demography, and we believe the visits and work done in cooperation with KSNPC provided enough population data on this plant for us to propose delisting it without establishing permanent plots. The species' specific habitat requirements (*e.g.,* light, moisture, soils) are not well understood, but preliminary investigations into the microclimate and soil conditions of rock shelters were completed by Nieves and Day (2014, pp. 1–12), and additional research is planned (Nieves and Day 2014, pp. 11–12). In partnership with DBNF and KSNPC, we have done extensive work together to reduce threats such as disturbance. The purpose of recovery subactivity 3.3 was to learn about habitat requirements of this plant for the purposes of determining if reintroduction or artificial propagation may be necessary to help recover this plant. *Solidago albopilosa* occurrences have grown in number and size as recovery implementation actions have been implemented and threats have been removed or reduced. These successful actions have negated the necessity of having to reintroduce or augment plants. We will continue to learn more about the species' habitat requirements as we work with DBNF and KSNPC through post-delisting monitoring. In the course of this work, if a new threat of any kind presents itself, we have identified in the PDM plan how we will evaluate it.

The majority of recovery subactivities (3.2, 3.4–3.7) have been addressed; information has been gained regarding the species' life history and ecological requirements; and the species' status has improved since publication of the recovery plan. We were able to obtain the intended information identified in recovery subactivity 3.3 (analyze habitat requirements) through implementation of other actions. Although the need to conduct subactivity 3.3 has been removed with positive progress in this plant's recovery program, we intend throughout post-delisting monitoring to continue to work closely with researchers as they learn more about this species and its habitat.

Recovery Action (4): Maintain Plants and Seeds Ex Situ

Seeds and plants of *S. albopilosa* have not been maintained ex situ in any museum, botanical garden, or other seed storage facility; however, an August 29, 2016, conservation agreement between the Service, the Kentucky Natural Lands Trust, and the Missouri Botanical Garden (MOBOT) will facilitate a seed-banking effort for *S. albopilosa.* Through the agreement, MOBOT has secured funding that will allow it to collect, curate, and maintain genetically diverse and representative seed-bank accessions to safeguard against future population declines. These efforts will take place as part of post-delisting monitoring activities and will involve collection of seed from across the species' range with deposition of the material at the MOBOT. Seed collection will occur in the fall of 2016. Because of the conservation agreement described above, which outlines future seed-banking activities by MOBOT, we consider this recovery action to be on a path toward completion and sufficient to contribute towards delisting.

Recovery Action (5): Provide the Public With Information

The KSNPC and DBNF have prepared several species factsheets and signs that have been posted at gas stations, restaurants, kiosks, and trailheads throughout the Red River Gorge. These signs are intended to educate Red River Gorge visitors about the species and its threats. Signs about *S. albopilosa* have also been posted in five archaeologically sensitive rock shelters to aid in the protection of historical artifacts while promoting the conservation of *S. albopilosa.* DBNF also displays photographs and provides information on *S. albopilosa* at its Gladie Cultural-Environmental Learning Center. KSNPC makes available on its Web site (*http://naturepreserves.ky.gov*) an *S. albopilosa* factsheet and several threatened and endangered species lists that include information on *S. albopilosa.* In June 2009, the Kentucky Department of Fish and Wildlife Resources published 2,000 copies of a revised threatened and endangered species booklet (second edition), which contained a species account for *S. albopilosa.* Because of the numerous public information and education projects listed above, we consider this recovery action completed.

Recovery Criteria

The Recovery Plan states that *S. albopilosa* will be considered for delisting when 40 geographically distinct, self-sustaining occurrences are adequately protected and have been maintained for 10 years. An occurrence is considered as self-sustaining if there is evidence of successful reproduction and the number of stems is stable or increasing. An occurrence is considered to be adequately protected when it is legally protected, receives adequate physical protection, and is assured of all required management. The Recovery Plan also noted that the requirements for delisting were preliminary and could change as more information about the biology of the species was known. Based on our current understanding of the species' range, biology, and threats, we believe that the delisting criteria continue to be relevant. While the number of occurrences has increased since completion of the Recovery Plan, the species' overall range and the type of threats have not changed dramatically. Furthermore, our current knowledge of the species' biology indicates that multiple, distinct populations should be maintained in order to provide redundancy (protect against stochastic events) and preserve genetic diversity. We believe the recovery goal of 40 stable, self-

sustaining, and protected occurrences is sufficient to address these needs. The species' current number of stable, self-sustaining, and protected occurrences (46) has exceeded this recovery goal (see discussion of Recovery Action 1 above). These occurrences are distributed across the species' range and contain more than 75 percent of the species' total number of stems.

The criteria for delisting *S. albopilosa* have been met, as described below. Additionally, the level of protection currently afforded to the species and its habitat, as well as the current status of threats, are outlined below in the Summary of Factors Affecting the Species section.

Currently, there are 117 extant occurrences. As described above, an occurrence is defined as a ''discrete group of plants beneath a single rock shelter or on a single rock ledge,'' and each occurrence is considered ''geographically distinct'' as described in the recovery criteria. We currently consider 81 (69 percent) of the 117 extant *Solidago albopilosa* occurrences to be stable, meaning no change has been detected (over an average monitoring period of 11.1 years) in their general rank or status. Of these, we consider the A-, B-, and C-ranked occurrences (total of 46) to be adequately protected and self-sustaining as defined by the Recovery Plan. We consider these occurrences to be self-sustaining for the following reasons:

(1) The number of stems at these occurrences has been stable or increasing over an average monitoring period of 11.1 years;

(2) these natural occurrences contain a relatively high number of stems (range of 797–9,200);

(3) the estimated viability of these occurrences ranges from fair to excellent;

(4) the threat level at these occurrences is generally low (average recreational impact of 2.5 or less on a scale of 1 (low impact) to 5 (high)); and

(5) the observed reproduction (flowering stems) at these occurrences has been relatively high, averaging 75–90 percent of stems in nearly all cases (KSNPC 2010, p. 10).

We consider these occurrences to be adequately protected because of their location (all are located on DBNF land); trends in occurrence data gathered by KSNPC, DBNF, and the Service; observations about threats reported by KSNPC (2010, pp. 5–18); conservation actions described in DBNF's LRMP; and information in our files concerning specific DBNF conservation actions, such as trail closure, placement of signs, and fencing. We do not consider the stable, D-ranked occurrences (total of 30) to be self-sustaining, primarily due to their poor estimated viability and the low number of stems (fewer than 300) observed at these sites. However, due to the existence of 46 geographically distinct, self-sustaining occurrences, we conclude that we have met and exceeded the criterion of 40 geographically distinct, self-sustaining occurrences.

While we consider only 46 out of the 117 total extant occurrences to currently be secure (adequately protected) and self-sustaining (approximately 39 percent of the total occurrences), these occurrences contain the majority of the total number of stems of the species. The total number of stems now stands at approximately 174,000, and the 46 secure, self-sustaining occurrences contain approximately 131,000 stems, or about 75 percent of the species' total number. If we consider the five additional self-sustaining occurrences located on private property, the total number of stems increases to 140,500 stems, or about 81 percent of the species' total number. While the remaining 65 occurrences on DBNF are not currently considered self-sustaining, all of these occurrences will continue to receive protection and management under DBNF's LRMP and we expect, based on the past 10 years of monitoring, their status will likely remain stable or continue to improve.

With respect to protection, 111 of 117 extant occurrences (95 percent) occur on the DBNF and receive management and protection through DBNF's LRMP (USFS 2004, pp. 1.1–1.10). As specified in the LRMP, *S. albopilosa* habitats receive protection and management consideration as part of the Cliffline Community Prescription (or management) Area (USFS 2004, pp. 3.5–3.8). The Cliffline Community is defined as the area between 100-feet slope-distance from the top of the cliff and 200-feet slope-distance from the dripline of the cliffline. A cliffline is defined as a naturally occurring, exposed, and nearly vertical rock structure at least 10 feet (3.05 meters (m)) tall and 100 feet (30.05 m) long. All known *S. albopilosa* occurrences occur within habitats fitting this description and, therefore, are included in this Prescription Area. For the Cliffline Community area, conservation goals in the LRMP include: (1) Maintenance of the unique physical and microclimatic conditions in these habitats, (2) the recovery of *S. albopilosa,* and (3) the protection of these habitats against anthropogenic disturbance (USFS 2004, p. 3.6). To meet these goals, the following activities or resource uses are prohibited within the cliffline zone: Mineral, oil, or gas exploration and development (Forest Service Standard 1.C–MIN–1); road construction (1.C–ENG–1); recreational facilities (1.C–REC–1); recreational activities such as rock climbing and rappelling (C–REC–2); camping (1.C–REC–3); and campfires (1.C–REC–4). Other activities such as wildlife management (1.C–WLF) and vegetation management (1.C–VEG) are limited and strictly controlled. This Prescription Area is classified as ''Unsuitable for Timber Production,'' but timber harvests may occur on an unscheduled basis to attain a desired future condition. Harvest of wood products may occur only as an output in pursuing other resource objectives (USFS 2004, pp. 3.5–3.8). DBNF monitors cliffline habitats and protects them as needed through law enforcement activities, construction of fences, trail diversion, and placement of signs.

Since the species was listed, we have worked closely with KSNPC and DBNF on the management and protection of *S. albopilosa.* Management activities have included trail diversion (away from *S. albopilosa* occurrences), installation of protective fencing, and placement of informational signs in rock shelters, along trails, and at trailheads. These activities and other management actions included in the DBNF's LRMP (USFS 2004, pp. 3.5–3.8) have assisted in recovery of the species, as reflected in the large number of stable occurrences (81), self-sustaining occurrences (51 occurrences with ranks of A, B, or C), and the long period (greater than 11 years) during which this trend has been maintained. On August 29, 2016, we finalized a cooperative management agreement among the Service, DBNF, and KSNPC that will provide for the long-term protection of the species. The management agreement outlines a number of conservation actions that will benefit the species:

(1) Maintenance of current fencing;

(2) installation and maintenance of fencing at five new occurrences;

(3) evaluation of trail diversion, rerouting, or closure at 39 occurrences identified by KSNPC (2010, entire);

(4) placement of new informational signs at occurrences with high visitation;

(5) monitoring of extant occurrences;

(6) protection of extant occurrences through DBNF patrols; and

(7) continuation of education and outreach efforts. The cooperative management agreement will remain in place until August 2022.

In summary, most major recovery actions are complete, and significant

progress has been made on the remaining actions (life history/ecological studies and ex situ seed conservation). Completion of these actions has contributed to achieving and exceeding the recovery criteria: 40 geographically distinct, self-sustaining occurrences are adequately protected and have been maintained for over 10 years. The 46 secure, self-sustaining occurrences contain 75 percent of the species' total number of stems, and thus represent 75 percent of the species' total population. These secure, self-sustaining occurrences, as well as 93 percent of the species' remaining occurrences, currently receive protection and management through implementation of DBNF's LRMP. Therefore, we conclude that the goals and criteria outlined in the Recovery Plan have been achieved.

Summary of Comments and Recommendations

In the proposed rule published September 1, 2015 (80 FR 52717), we requested that all interested parties submit written comments on the proposal by November 2, 2015. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Legal notices inviting general public comment were published in the Lexington Herald-Leader and Louisville Courier Journal. We reopened the comment period on February 26, 2016 (81 FR 9798), in order to conduct peer review and provide interested parties an additional opportunity to comment on the proposed rule and draft post-delisting monitoring plan. We requested that all interested parties submit written comments by March 28, 2016.

During both comment periods for the proposed rule, we received a total of 14 comment letters or statements directly addressing the proposed action. These included 4 comment letters from peer reviewers and 10 comment letters from the general public that are posted on Federal docket no. FWS–R4–ES–2014–0054. All 4 peer reviewers and 7 of 10 public commenters supported the proposed action to delist white-haired goldenrod. Three public commenters objected to the proposed action.

Several public commenters simply expressed opposition to or support for the proposed delisting of *Solidago albopilosa* without providing any additional supporting information. We have noted those responses but, as stated in our proposed rule, submissions merely stating support for or opposition to the action under consideration without providing supporting information will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that a determination as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.''

State and Peer Review Comments

In accordance with our peer review policy, which was published on July 1, 1994 (59 FR 34270), we solicited expert opinion on the proposed rule and the draft post-delisting monitoring plan from four knowledgeable, independent individuals with scientific expertise that includes familiarity with *Solidago albopilosa* and its habitat, biological needs, threats, and recovery efforts. We received responses from all four peer reviewers. All peer reviewers supported our conclusions and provided additional information, clarifications, and suggestions to improve the final rule.

Section 4(b)(5)(A)(ii) of the Act states that the Secretary must give actual notice of a proposed regulation under section 4(a) to the State agency in each State in which the species is believed to occur, and invite the comments of such agency. Section 4(i) of the Act directs that the Secretary will submit to the State agency a written justification for his or her failure to adopt regulations consistent with the agency's comments or petition. The Service submitted the proposed regulation to KNSPC, the State agency responsible for the conservation of listed plants in Kentucky. KSNPC's chief botanist provided peer review of the proposed rule.

We reviewed all comments received from the peer reviewers for substantive issues and new information regarding the delisting of white-haired goldenrod. Peer reviewer comments are addressed in the following summary.

Comment (1): Two peer reviewers stated that management may be needed beyond the period (5 years) covered by the post-delisting monitoring plan to address potential impacts from invasive plants and recreational activities (*e.g.,* hiking, rock climbing). This comment relates to just our PDM plan. Both reviewers commented that cooperative efforts among the Service, DBNF, and KSNPC should address any future threats to the species.

Our response: We agree with the reviewers that invasive plants and recreational use in some areas may adversely affect *S. albopilosa* occurrences in the future; however, the best scientific and commercial data available to the Service demonstrate that *S. albopilosa* is recovered and no longer requires the protection of the Act. Nonetheless, the Service intends to work closely with all Federal and State conservation agencies during the course of post-delisting monitoring. We will follow the benchmarks in the plan for evaluating success of efforts for this plant. We also believe protections outlined by DBNF's LRMP, which are described in the Recovery Criteria section of this document, will provide long-lasting benefits to the species. DBNF's LRMP was completed in 2004 and is still in effect, and USFS LRMPs are generally revised every 10 to 15 years or when conditions change significantly. Actually, the last LRMP to cover DBNF was in effect for 18 years (1985 to 2003). Also, on August 29, 2016, we finalized a cooperative management agreement among the Service, DBNF, and KSNPC that will provide for the long-term protection of the species until 2022.

Public Comments

Comment (2): Three commenters disagreed with the proposed delisting of white-haired goldenrod. In general, they stated that an insufficient number of protected, viable occurrences were known for delisting to be considered.

Our response: Under the Recovery Plan, *Solidago albopilosa* may be considered for delisting when 40 geographically distinct, self-sustaining occurrences are adequately protected and have been maintained for 10 years. Currently, a total of 46 geographically distinct occurrences are considered to be self-sustaining (viable) and adequately protected, and these occurrences have been maintained for more than 11 years. All remaining occurrences (of all ranks) will contribute to the viability and persistence of *S. albopilosa* into the future. Therefore, the recovery criteria for this species have been met. In addition, threats to this plant have been removed or reduced to a point where it no longer requires protection under the Act.

Comment (3): One commenter agreed with the delisting of *Solidago albopilosa* but stated that the State of Kentucky should conduct routine monitoring of rare plants, such as *S. albopilosa,* and pass legislation that protects these species.

Our response: Most *Solidago albopilosa* occurrences (about 95 percent) are located on Federal property (DBNF) and receive management and protection under DBNF's LRMP. The remaining occurrences are located on private property and, while they could benefit from protections provided by State legislation, the Service cannot

require a State to pass such legislation. With respect to monitoring and protection of rare plants like *S. albopilosa,* the DBNF and KSNPC have worked closely with the Service and other conservation partners over the past 20 years to implement conservation actions, including monitoring, that have benefited this and other rare species. We expect these collaborations to continue.

Summary of Changes From the Proposed Rule

We have considered all comments and information received during both comment periods for the proposed rule to delist white-haired goldenrod. In this final rule, we have made only minor changes based on comments received during the public comment period. We received supplementary information from DBNF on seed germination, seedling viability, and the potential threat posed by fungal infection. These details have been incorporated into this final rule.

Summary of Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for listing species, reclassifying species, or removing species from listed status. We may determine that a species is an endangered or threatened species because of one or more of the five factors described in section 4(a)(1) of the Act:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) overutilization for commercial, recreational, scientific, or educational purposes;

(C) disease or predation;

(D) the inadequacy of existing regulatory mechanisms; or

(E) other natural or manmade factors affecting its continued existence.

We must consider these same five factors in delisting a species.

A recovered species is one that no longer meets the Act's definition of endangered or threatened. Determining whether the status of a species has improved to the point that it can be delisted or downlisted requires consideration of same five categories of threats identified above. This analysis is an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting and the removal of the Act's protections.

The following analysis examines all five factors currently affecting or that are likely to affect *S. albopilosa* within the foreseeable future. It contains updated information from that presented in the proposed rule (80 FR 52717, September 1, 2015).

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The final rule to list *S. albopilosa* as threatened (53 FR 11612, April 7, 1988) identified the following habitat threats: ground disturbance and trampling associated with unlawful archaeological activities and recreational activities such as camping, hiking, and rock climbing. The species occupies a scenic and unique geological area that is heavily visited by hikers, campers, rock-climbers, and other nature enthusiasts. The U.S. Forest Service estimates recreational use of the Red River Gorge at approximately 500,000 visitor days per year (Taylor pers. comm. 2013). Recreational activities such as camping, hiking, and rock climbing can pose a threat to the species through inadvertent trampling and ground disturbance of *S. albopilosa* habitats. Evidence of trampling and ground disturbance within rock shelters has been observed repeatedly by KSNPC and DBNF personnel (KSNPC 2010, pp. 13–14).

Habitat disturbance and trampling associated with recreational activities (camping, hiking, and rock climbing) and archaeological looting in the past have posed a significant threat to the species. The Red River Gorge is a popular recreational area (Taylor pers. comm. 2013). Many trails and recreational areas within the Gorge are located near *Solidago albopilosa* occurrences, and rock shelters are often targeted as rock climbing, hiking, and camping sites. Use of rock shelters and cliff lines by campers, hikers, and rock climbers has contributed to physical habitat disturbance and has led to trampling of plants in rock shelters (Service 1993, p. 7; White and Drozda 2006, pp. 124–125; KSNPC 2010, pp. 13–14). In addition to habitat disturbance caused by recreationists, the presence of Native American artifacts within the Red River Gorge has contributed to digging and archaeological looting in *S. albopilosa* habitats (rock shelters). Approximately 18 *Solidago albopilosa* occurrences have been extirpated due to human activities, and many heavily visited rock shelters have been modified to the point that these habitats are no longer suitable for the species (KSNPC 2010, pp. 6–7).

According to the DBNF, impacts from archaeological looting are now infrequent, and these activities no longer pose a significant threat to *S. albopilosa* within the Red River Gorge (Taylor pers. comm. 2013). As for recreational impacts, most *Solidago albopilosa* occurrences are located in remote ravines of the Red River Gorge or grow along inaccessible cliff lines that are seldom visited or disturbed by campers, hikers, and rock climbers. Therefore, the threat magnitude at these sites is low.

Occurrences located in areas with more frequent visitor use, typically areas near DBNF and user-defined trails, generally have suffered more severe habitat disturbance and trampling in the past. Site protection and habitat management efforts by DBNF, working cooperatively with KSNPC and the Service, have helped to reduce the magnitude of threats at these sites. These occurrences have benefited from their location on the DBNF and management and protective actions provided under DBNF's LRMP (USFS 2004, pp. 1.1–1.10), which prevents general land disturbance and prohibits or limits logging and other DBNF-defined activities near cliffline habitats. The LRMP also protects rock shelters from vandalism and forbids removal of threatened and endangered species from these areas (see details in *Recovery Criteria* section).

The DBNF monitors these sites and protects them as needed through law enforcement efforts, construction of fences, trail diversion, and placement of signs. To protect occurrences from trampling, fire-building, and digging, signs have been posted at all entry points to the Red River Gorge asking visitors not to remove or disturb historical resources and providing visitors with biological and status information on *S. albopilosa.* Similar signs were also placed inside at least five archaeologically significant rock shelters that contained *S. albopilosa.* Beginning in February 2000, DBNF began to redirect trails and install fencing (chicken wire) around selected rock shelters (those with greatest visitation) containing *S. albopilosa.* Signs were also placed at these shelters, alerting visitors to the presence of the species and warning them against potential damage to plants. Signs and/or fencing were placed and have been maintained at a total of 21 occurrences, and DBNF personnel continue to visit these sites annually, checking the condition of signs and fencing and making repairs as needed.

Monitoring results show that implementation of DBNF's LRMP and the completion of additional conservation actions such as fencing and sign placement have had a positive effect on the species, the number of stems has increased, and the level of

habitat disturbance and trampling associated with recreational activities has been reduced (KSNPC 2010, 24 pp.). Of the 21 occurrences on the DBNF where fencing and signs were added, 20 are considered to be stable and the 1 declining occurrence will be protected through expanded fencing. Additional evidence that these conservation efforts have improved the status of *S. albopilosa* occurrences on the DBNF is the large number of stable occurrences (75) and the relatively high number of secure, self-sustaining occurrences (46) observed by DBNF, KSNPC, and the Service. The 46 secure, self-sustaining occurrences exceed the number identified in the recovery criteria to allow consideration of delisting.

Additional evidence that conservation actions have had a positive effect on the species is the relatively low recreational impacts observed by KSNPC (2010, pp. 13–14) at the majority of DBNF occurrences. Recreational impacts have been assessed by KSNPC since the mid-1990s (White and Drozda 2006, pp. 124–125; KSNPC 2010, pp. 13–14). Their qualitative ranking scheme estimates the percent disturbance of available habitat and uses a scale of 1 (little or no impact) to 5 (high impact, greater than 50 percent of available habitat disturbed) to produce a disturbance rank. Based on recent evaluations by KSNPC (KSNPC 2010, 40 pp.; White pers. comm. 2014), 70 occurrences (60 percent) are classified as low impact (rank of 1–2), 8 occurrences (7 percent) are classified as medium impact (rank of 3), and 39 occurrences (33 percent) are classified as high impact (rank of 4–5). Overall, 67 percent of DBNF's occurrences are considered to be exposed to low to medium recreational impacts. KSNPC (2010, p. 14) also noted that they did not observe many new recreational impacts during their surveys in 2008 and 2009. Most of the documented recreational impacts such as established trails, permanent structures within rock shelters (couches, chairs, fire pits), and camp sites had been in place since before *S. albopilosa* monitoring began in 1996 (KSNPC 2010, p. 14).

The six occurrences on privately owned lands currently do not benefit from any formal protection or management and, therefore, could face higher magnitude threats (*e.g.,* habitat disturbance) than those located on the DBNF. However, based on recent survey results by KSNPC, all six of these private occurrences have been ranked as ''stable,'' and five of the six are considered to be self-sustaining (A-, B-, or C-rank) (KSNPC 2010, p. 8). While these occurrences potentially could face a greater level of threats, they currently do not appear to be facing a greater level of impact, and they represent a small proportion (five percent) of the overall population of the species.

Summary of Factor A: Impacts associated with archaeological looting and recreational activities have been well documented in the past, but current monitoring data suggest that the magnitude of these threats has sufficiently decreased. Implementation of the DBNF's LRMP and specific conservation actions such as fencing and sign placement have had a positive effect on the species and have reduced the threat associated with recreational disturbance. The recovery goal of 40 stable, self-sustaining, protected occurrences has been exceeded by 6, and these trends have held for more than 10 years. Because we expect that the lands containing the 46 secure and self-sustaining occurrences will remain permanently protected in Federal ownership and will be managed to maintain or improve current habitat conditions (see Service 2016, entire), we find that the present or threatened destruction, modification, or curtailment of its habitat or range is no longer a threat to the continued existence of *S. albopilosa.*

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Both the final rule to list *S. albopilosa* as threatened (53 FR 11612, April 7, 1988) and the Recovery Plan (Service 1993, p. 7) identified overutilization for recreational purposes as a threat to the species. However, while the use of habitat for recreational purposes, as discussed under Factor A, has impacted the species in the past, there is no evidence that the plant itself is or was utilized for commercial, recreational, scientific, or educational purposes. We, therefore, discuss impacts from recreational use of habitat for *S. albopilosa* under Factor A above.

Summary of Factor B: We conclude that overutilization is not a threat to *S. albopilosa.*

C. Disease or Predation

The listing rule for *S. albopilosa* (53 FR 11612, April 7, 1988) did not identify disease or predation as a threat to the species. Plants are occasionally browsed by herbivores, such as white-tailed deer (*Odocoileus virginianus*), wood rats (*Neotoma spp.*), and caterpillars (Order Lepidoptera), but we have no information that grazing by these species represents a threat to the species (Taylor 2016, pers. comm.). In 2014, the DBNF observed a rust fungus on the leaves in one population, but the fungus was not extensive within the population and did not appear to harm the plants. The fungus may have been triggered by weather conditions in 2014 and was not observed by DBNF in 2015 (Taylor 2016, pers. comm.).

Summary of Factor C: We continue to conclude that neither disease nor predation are threats to *S. albopilosa.*

D. The Inadequacy of Existing Regulatory Mechanisms

Populations of *S. albopilosa* within the DBNF are protected from damage and unauthorized taking by Federal regulation (36 CFR 261.9). This regulation would apply regardless of whether the species is listed because *S. albopilosa* would still be considered a sensitive, rare, or unique species on the DBNF under this Federal regulation. However, the final listing rule (53 FR 11612, April 7, 1988) identified inadequate regulatory mechanisms as a threat to *S. albopilosa* because limited manpower and the remoteness of many occurrences on the DBNF makes enforcement difficult. The DBNF has taken several steps to remedy this situation. As noted above, *S. albopilosa* receives management and protection through DBNF's LRMP and its conservation goals for the Cliffline Community Prescription Area. The National Forest Management Act (NFMA), and regulations and policies implementing the NFMA are the main regulatory mechanisms that guide land management on the DBNF, which contains 111 of the 117 extant occurrences of *S. albopilosa.* Since listing, the DBNF has included *S. albopilosa* and its habitat in its resource management plans. These plans are required by the NFMA and the Federal Land Policy and Management Act of 1976. The NFMA requires revision of the Plans every 15 years; however, plans may be amended or revised as needed. Management plans are required to be in effect at all times (in other words, if the revision does not occur, the previous plan remains in effect) and to be in compliance with various Federal regulations. We expect continued implementation of the LRMP and expect that any future revisions will consider conservation of *S. albopilosa* and its Cliffline Community habitats.

Specific actions that DBNF has taken under the LRMP include measures to reduce impacts of recreational activities to *S. albopilosa* and its habitat as discussed under Factor A. As discussed above, these and other protection and management actions taken by DBNF under their LRMP (USFS 2004, pp. 1.1–1.10) have been successful at improving the status of the species. Monitoring

results from these occurrences show that these efforts have had a positive effect on the species. Specifically, disturbance from trampling, camping, and rock climbing has been reduced in these areas, and the number of stems has increased.

The species is listed as endangered by the State of Kentucky (KSNPC 2005), but this designation conveys no legal protection to occurrences located on private property. Consequently, occurrences on privately owned land could face higher magnitude threats (*e.g.,* habitat disturbance) than those located on the DBNF. Based on recent survey results by KSNPC, however, only 6 of 117 extant *S. albopilosa* occurrences (5 percent) are located on private land, and 5 of these occurrences have been ranked as ''stable'' (A-, B-, or C-rank) by KSNPC (KSNPC 2010, p. 8). Therefore, based on this greater than 10-year data set, the majority of private occurrences are also stable.

Summary of Factor D: Occurrences of *S. albopilosa* located on the DBNF receive protection due to their location on Federal property, and these occurrences are managed and protected under DBNF's LRMP (USFS 2004, pp. 1.1–1.10). This protected status and management actions included in the LRMP will continue to provide adequate regulatory protection for these occurrences. Monitoring results show that DBNF's management actions have had a positive effect on the species. Specifically, disturbance from trampling, camping, and rock climbing has been reduced and the number of stems has stabilized or increased. Based on the best available information for both private and public lands occurrences, and the fact that existing regulatory mechanisms and associated management practices will continue on public lands, we conclude that existing regulatory mechanisms are adequate.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Other natural or manmade factors were first identified as a threat to *Solidago albopilosa* due to the species' specialized habitats (sandstone rock shelters and cliff habitats of the Red River Gorge) and the perceived vulnerability of these habitats to any physical or climatic change (52 FR 13798, April 24, 1987; 53 FR 11612, April 7, 1988). In the species' final listing rule (53 FR 11612) published in 1988, the Service concluded that even minor changes in the surrounding forest (*e.g.,* loss of canopy trees) could impact the species through drying, erosion, and competition with sun-tolerant species. At the time, these potential changes were not considered to be an imminent threat to white-haired goldenrod, but the final listing rule identified the need for management planning that would take into account the requirements of the species to ensure its continued existence.

Some surveys and status assessments of *Solidago albopilosa* identified several potential threats under Factor E. These included competition from invasive plants, the loss of eastern hemlock (*Tsuga canadensis*), low genetic diversity and small population size, and the effects of climate change (Service 2009a, p. 9; Service 2009b, p. 2; KSNPC 2010, pp. 13–14). KSNPC (2010, p. 14) reported several invasive plant species in habitats occupied by white-haired goldenrod, but the most common species included Japanese stilt grass (*Microstegium vimineum*), princess tree (*Paulownia tomentosa*), Japanese spiraea (*Spiraea japonica*), common chickweed (*Stellaria media*), and common mullein (*Verbascum thapsus*). Of the invasive plant species, Japanese stilt grass was the most common species. It was observed growing in direct competition with 23 *S. albopilosa* occurrences. However, invasive species were absent from 94 of 117 extant *S. albopilosa* occurrences (about 80 percent) and 53 of 81 stable occurrences (65 percent) (KSNPC 2010, p. 14; Service 2014, pp. 1–6). For the 23 occurrences in direct competition with invasive plants, most (16 of 23 (70 percent)) were stable or increased over the 10-year monitoring period (KSNPC 2010, p. 14; Service 2014, pp. 1–6).

We do not have data that specifically address the effects of climate change with regard to invasive species attributes such as distribution or range and the relation to white haired goldenrod. There are some data showing that more common aggressive invasive species like kudzu (*Pueraria lobata*) may expand into greater ranges due to possible effects of climate change (Bradley et al. 2009). However, species like Japanese stilt grass are more recent invaders to this area of the Southeast, and other than the data presented above, we do not have further information or data that indicates competition from invasive plants will change in significance as a threat to the species. Our current data suggest that Japanese stilt grass is not a significant threat to *S. albopilosa* as 70 percent of occurrences in direct competition with Japanese stilt grass were stable or increased over the last 10 years. Therefore, we do not believe that competition from invasive plants is a significant threat to the species now or in the foreseeable future.

The hemlock woolly adelgid (*Adeleges tsugae*), an aphid-like insect that is native to Asia, has been identified as a potential threat to *Solidago albopilosa* because it has the potential to severely damage stands of eastern hemlocks (*Tsuga canadensis*) that occur near rock shelters and cliffs occupied by the species (Service 2009b, p. 2; KSNPC 2010, p. 15). The hemlock woolly adelgid was introduced in the Pacific Northwest during the 1920s and has since spread throughout the eastern United States, reaching Kentucky by 2006. The species creates an extreme amount of damage to natural stands of hemlock, specifically eastern hemlock and Carolina hemlock (*Tsuga caroliniana*). The Recovery action plan (Service 2009b, p. 2) concluded that the loss of eastern hemlock within the Red River Gorge could result in microclimatic changes (increased light, decreased moisture, increased leaf litter) in and near rock shelters that may negatively affect white-haired goldenrod. Despite this potential threat, KSNPC (2010, p. 15) demonstrated in their evaluation that eastern hemlock was actually a minor component of the canopy surrounding rock shelters inhabited by the species. Consequently, the eventual loss of eastern hemlocks would not represent a significant change to the canopy surrounding these rock shelters and would, therefore, not represent a significant threat to the species.

Potential impacts that may be associated with low genetic variability such as inbreeding depression, reduced fitness, or reduced adaptive capacity (ability to respond to and adapt to changing conditions) have been identified as a potential threat to other listed plant species, but we have no information suggesting that low genetic variability affects *S. albopilosa* (53 FR 11614, April 7, 1988; Service 2009a, entire; KSNPC 2010, 24 pp.). Esselman and Crawford (1997, pp. 245–257) reported that *S. albopilosa* exhibits genetic diversity both within and between populations (genetic diversity is widely spread among populations, and populations are not genetically homogenous). The highest level of genetic diversity was observed within (as opposed to between) populations. Consequently, we do not believe that the potential effects associated with low genetic variability threaten the continued existence of *S. albopilosa* now or in the foreseeable future.

Some *Solidago albopilosa* occurrences may be more vulnerable to extirpation due to their small population size and poor estimated viability. The low number of stems

(typically less than 300), poor estimated viability, and high recreational impacts associated with D-ranked occurrences make these occurrences more vulnerable to stochastic events. Currently, 62 of the species' 117 extant occurrences (53 percent) are D-ranked. Even though these occurrences may be more vulnerable to extirpation, the overall threat to the species is minimal because these occurrences contain less than 20 percent of the species' total number of stems. Additionally, a small population size in and of itself is not indicative of being in danger of extinction, and this was likely never a naturally common or abundant species. Some *Solidago albopilosa* occurrences may have always had fewer plants in rock shelters with less favorable conditions (*e.g.,* small size, drier conditions).

The Intergovernmental Panel on Climate Change (IPCC) concluded that warming of the climate system is unequivocal (IPCC 2014, p. 3). Effects associated with changes in climate have been observed including changes in arctic temperatures and ice, widespread changes in precipitation amounts, ocean salinity, and wind patterns and aspects of extreme weather including droughts, heavy precipitation, heat waves, and the intensity of tropical cyclones (IPCC 2014, p. 4). Species that are dependent on specialized habitat types, limited in distribution, or at the extreme periphery of their range may be most susceptible to the impacts of climate change (Byers and Norris 2011, p. 17; Anacker and Leidholm 2012, p. 2). However, while continued change is certain, the magnitude and rate of change is unknown in many cases. The magnitude and rate of change could be affected by many factors (*e.g.,* circulation patterns), but we have no additional information or data regarding these factors with respect to white-haired goldenrod.

There is evidence that some terrestrial plant populations have been able to adapt and respond to changing climatic conditions (Franks et al. 2013, entire). Both plastic (phenotypic change such as leaf size or phenology) and evolutionary (shift in allelic frequencies) responses to changes in climate have been detected. Both can occur rapidly and often simultaneously (Franks *et al.* 2013, p. 135). Relatively few studies are available, however, that (1) directly examine plant responses over time, (2) clearly demonstrate adaptation or the causal climatic driver of the responses, or (3) use quantitative methods to distinguish plastic versus evolutionary responses (Franks *et al.* 2013, p. 135).

To generate future climate projections across the range of white-haired goldenrod, one tool we used was the National Climate Change Viewer (NCCV), a climate-visualization Web site tool developed by the U.S. Geological Survey (USGS) that allows the user to visualize climate projections at the State, county, and watershed level (Adler and Hostetler 2013, entire; *http://www.usgs.gov/climate_landuse/clu_rd/nccv.asp*). Initially, the viewer was designed to provide information for States and counties on projected temperature and precipitation through the 21st century. The viewer was expanded in 2014 to provide information on associated projected changes in snowpack, soil moisture, runoff, and evaporative deficit for U.S. States and counties and for USGS Hydrologic Units or watersheds as simulated by a simple water-balance model. The model provides a way to simulate the response of the water balance to changes in temperature and precipitation in the climate models (30 separate models developed by the National Aeronautic and Space Administration). Combining the climate data with the water balance data provides further insights into the potential for climate-driven change in water resources. The viewer uses tools such as climographs (plots of monthly averages); histograms showing the distribution or spread of model simulations; monthly time series spanning 1950–2099; and tables that summarize changes (and extremes) in temperature and precipitation during these periods. The application also provides access to comprehensive, three-page summary reports for States, counties, and watersheds.

Using the NCCV and assuming the more extreme Representative Concentration Pathways (RCP) greenhouse gas emission scenario (RCP 8.5), in which greenhouse gas emissions continue to rise unchecked through the end of the century leading to an equivalent radiative forcing of 8.5 Watts m^2, we calculated projected annual mean changes for maximum temperature (+3.6 degrees Celsius (°C) (+6.5 degrees Fahrenheit (°F)), precipitation (+0.02–0.03 cm/day (+0.008–0.012 in/day)), runoff (−0.25 cm/month (−0.1 in/month), snowfall (−0.5 cm (−0.2 in)), soil storage (−2.5 cm (−1.0 in)), and evaporative deficit (+0.75 cm/month (+0.3 in/month)) for the period 2050–2074 in Menifee, Powell, and Wolfe Counties (Adler and Hostetler 2013, entire). Based on these results, all three counties within the range of *Solidago albopilosa* will be subjected to higher maximum temperatures (annual mean increase of 3.6 °C (6.5 °F)) and slightly higher precipitation (annual mean increase of 0.02–0.03 cm/day (+0.008–0.012 in/day)) relative to the period 1950–2005. Because the average annual increase in precipitation is predicted to be only slightly higher, the increased evaporative deficit and the loss in runoff, snowfall, and soil storage is primarily a result of higher maximum and minimum temperatures. The most dramatic shift is predicted for soil storage, which will decrease significantly between mid-May and late November relative to 1950–2005. Despite the slight increase in predicted precipitation, the coincident warming means that habitats are unlikely to maintain their current moisture status.

To evaluate the vulnerability of *Solidago albopilosa* to the effects of climate change, we also used NatureServe's Climate Change Vulnerability Index (CCVI) (Young *et al.* 2015, entire), a climate change model that uses downscaled climate predictions from tools such as Climate Wizard (Givertz *et al.* 2009, entire) and combines these with readily available information about a species' natural history, distribution, and landscape circumstances to predict whether it will likely suffer a range contraction and/or population reductions due to the effects of climate change. The CCVI uses an Excel platform that allows users to enter numerical or categorical weighted responses to a series of questions about risk factors related to species exposure and sensitivity to climate change. The CCVI separates vulnerability into its two primary components: A species' exposure to changes in climate within a particular assessment area and its inherent sensitivity to the effects of climate change. The tool gauges 20 scientifically documented factors and indicators of these components, as well as documented responses to climate change where they exist.

While the Index calculates anticipated increases or declines in populations of individual species, it also accommodates inherent uncertainties about how species respond within their ecological contexts. The CCVI generated a vulnerability rating of ''extremely vulnerable'' to ''highly vulnerable'' for white-haired goldenrod, suggesting that the species' abundance and/or range extent could change substantially or possibly disappear by 2050 (Young et al. 2015, p. 44). Factors influencing the species' high vulnerability were its poor movement/dispersal ability, its connection with uncommon geologic features, and its unique hydrological niche (humid, shaded rock shelters). Byers and Norris (2011, p. 16) completed a CCVI for plants in an

adjacent state, West Virginia, and concluded that top risk factors included poor dispersal ability, natural and anthropogenic barriers to dispersal, dependence on wetland habitats, restriction to areas with unique geology, and genetic bottlenecks (Byers and Norris 2011, p. 16).

Although the CCVI model (Young et al. 2015, entire) suggested that *Solidago albopilosa* is greatly exposed and sensitive to climate change and could be adversely affected in future years, Anacker and Leidholm 2012 (pp. 16–17) noted that there are a number of weaknesses associated with the CCVI: (1) It is weighted too heavily towards direct exposure to climate change (projected changes to future temperature and precipitation conditions that have high levels of uncertainties); (2) some important plant attributes are missing (mating system and pollinator specificity); (3) it is very difficult to complete scoring for a given species because some information is simply lacking; and (4) some scoring guidelines are too simplistic (Anacker and Leidholm (2012, pp. 16–17). Topographic complexity was considered to be a potential complementary factor in assessing vulnerability to climate change (Anacker and Leidholm 2012, pp. 12–16). Topographically complex areas, such as the Red River Gorge region, have been predicted to be less vulnerable to the effects of climate change (Anacker and Leidholm 2012, pp. 15–16), so species such as *Solidago albopilosa* may also be less vulnerable to such effects as compared to plants that occur in areas with low topographic complexity.

Additionally, Phillips (2010, entire) found that efforts to predict responses to climate change and to interpret both modern and paleoclimate indicators are influenced by several levels of potential amplifiers, which can either increase or exaggerate climate impacts, and/or filters, which reduce or mute impacts. He notes that climate forcings (factors that drive or ''force'' the climate system to change such as the energy output of the sun, volcanic eruptions, or changes in greenhouse gases) are partly mediated by ecological, hydrological, and other processes that may amplify or filter impacts on surface processes and landforms. For example, resistance or resilience of geomorphic systems may minimize the effects of changes. Thus, a given geomorphic response to climate could represent amplification and/or filtering (Phillips 2010, p. 571). Due to white-haired goldenrod's habitat specificity in rock shelters and cliff overhangs, the effects of climate change are likely muted or diminished due to this species' specific habitat conditions.

Based on observations of climatic conditions over a period of 25 years (KSNPC (2010, p. 13), there is some biological and historical evidence to suggest that *S. albopilosa* is adapted to endure some of the potential effects of climate change, including more frequent droughts and an estimated 2.6–3.6 °C (4.7–6.5 °F) increase in average annual maximum temperature. Habitats within the Red River Gorge often experience multiyear droughts, and *S. albopilosa* occurrences can become stressed during these periods. For example, the Cumberland Plateau region of Kentucky experienced a several-year drought prior to KSNPC's 2008–2009 survey. These dry conditions continued during 2008, and KSNPC observed many drought-stressed occurrences. The following year (2009) was relatively wet, and several of these drought-stressed occurrences quickly improved (KSNPC 2010, p. 13). Despite this most recent dry period and others in the past, the species has demonstrated a resiliency to prolonged periods of drought. Although downscaling models exist at the county level (Alder and Hostetler 2013), we do not have data at the proper scale (inside rock shelters or in cliff overhangs) to determine, for example, how the species is affected by decreased relative humidity during a drought year, but periodic drought may be a normal cyclical event needed to increase production. The shaded, cooler, and more humid environment of rock shelters (Nieves and Day 2014, p. 7) and the topographic complexity of the Red River Gorge region (Anacker and Leidholm 2012, pp. 15–16) may offer some relief from drying and may contribute to the species' ability to survive these conditions.

Although climate change is almost certain to affect terrestrial habitats in the Red River Gorge region of Kentucky (Adler and Hostetler 2013, entire), there is uncertainty about the specific effects of climate change on white-haired goldenrod. Currently, we have no evidence that climate change effects observed to date have had any adverse impact on *S. albopilosa* or its habitats, and we are uncertain about how projected future changes in temperature, precipitation, and other factors will influence the species. However, the best available information indicates that the effects of climate change do not represent an imminent threat now or in the foreseeable future.

Summary of Factor E: Other potential threats such as minor vegetational changes in the surrounding forest, competition with invasive species, low genetic variability, small population size, and the effects of climate change have been identified as potential threats to *S. albopilosa.* Invasive species occur in only 23 of 117 extant occurrences, and most of these occurrences (16) have remained stable. We do not expect the loss of eastern hemlock to have a significant impact on the species because eastern hemlock is a minor component of the forest canopy surrounding *S. albopilosa* occurrences. The potential effects of low genetic diversity do not represent a threat as the species has relatively high genetic diversity. Small populations may be vulnerable to stochastic events, but these occurrences contain only a small proportion of the species' total number of stems. We do not consider climate change to be an imminent threat based on the species' current status, its demonstrated resiliency to periods of drought, and our uncertainty regarding the species' vulnerability to the effects of climate change. Based on all these factors, we find that other natural or manmade factors considered here are no longer a significant threat to *S. albopilosa.*

Overall Summary of Factors Affecting White-Haired Goldenrod

The primary factors that led to white-haired goldenrod's listing under the Act were its limited range and habitat threats associated with ground disturbance and trampling caused by unlawful archaeological activities and recreational activities such as camping, hiking, and rock climbing. Other factors included the inadequate protection of occurrences on the DBNF and potential minor vegetational changes in forests surrounding *Solidago albopilosa* occurrences. We have carefully assessed the best scientific and commercial information available regarding the threats faced by white-haired goldenrod. These threats have been removed or ameliorated by conservation actions of multiple conservation partners for more than 20 years. These activities and other management actions included in the DBNF's LRMP (USFS 2004, pp. 3.5–3.8) have assisted in recovery of the species as reflected in the large number of stable, self-sustaining, protected occurrences (46), and the long period (greater than 11 years) during which this trend has been maintained. Furthermore, a new cooperative management agreement among the Service, DBNF, and KSNPC was signed on August 29, 2016, and will provide for the long-term protection of the species.

Based on our assessment of factors potentially impacting the species and its habitat, the species' improved status (a

sufficient number of viable occurrences), and multiple conservation efforts by the Service and its partners, we conclude that *Solidago albopilosa* is not in danger of extinction throughout all of its range or likely to become endangered within the foreseeable future throughout all of its range.

Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to and removing species from the Federal Lists of Endangered and Threatened Wildlife and Plants. An assessment of the need for a species' protection under the Act is based on whether a species is in danger of extinction or likely to become so because of any of five factors as required by section 4(a)(1) of the Act. We conducted a review of the status of this species and assessed the five factors to evaluate whether *Solidago albopilosa* is endangered or threatened throughout all of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by *Solidago albopilosa* and its habitat. We reviewed the information available in our files and other available published and unpublished information, and we consulted with recognized experts and other Federal and State agencies.

In considering what factors might constitute threats, we must look beyond the mere exposure of the species to the factor to determine whether the exposure causes actual impacts to the species. If there is exposure to a factor, but no response, or only a positive response, that factor is not a threat. If there is exposure and the species responds negatively, the factor may be a threat and we then attempt to determine how significant the threat is. If the threat is significant, it may drive, or contribute to, the risk of extinction of the species such that the species warrants listing as endangered or threatened as those terms are defined by the Act. This determination does not necessarily require empirical proof of a threat. The combination of exposure and some corroborating evidence of how the species is likely impacted could suffice. The mere identification of factors that could impact a species negatively is not sufficient to compel a finding that listing is appropriate; we require evidence that these factors are operative threats that act on the species to the point that the species meets the definition of an endangered species or threatened species under the Act.

During our analysis, we did not identify any factors that reach a magnitude that threaten the continued existence of the species. Significant impacts at the time of listing that could have resulted in the extirpation of all or parts of populations have been eliminated or reduced since listing, and we do not expect any of these conditions to substantially change post-delisting and into the foreseeable future. We conclude that the previously recognized impacts to *Solidago albopilosa* from the present or threatened destruction, modification, or curtailment of its habitat or range (Factor A), the inadequacy of regulatory mechanisms (Factor D), and minor vegetational changes in the surrounding forest (Factor E), have been ameliorated or reduced such that *S. albopilosa* is no longer in danger of extinction throughout all of its range or likely to become endangered within the foreseeable future throughout all of its range. We, therefore, conclude that *S. albopilosa* does not meet the definition of a threatened species, nor is it likely to become so in the foreseeable future.

Significant Portion of the Range Analysis

Background

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so throughout all or a significant portion of its range. Having determined that *Solidago albopilosa* is not endangered or threatened throughout all of its range, we next consider whether there are any significant portions of its range in which *Solidago albopilosa* is in danger of extinction or likely to become so. We published a final policy interpreting the phrase ''Significant Portion of its Range'' (SPR) (79 FR 37578; July 1, 2014). In pertinent part, the final policy states that (1) if a species is found to be endangered or threatened throughout a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act's protections apply to all individuals of the species wherever found; (2) a portion of the range of a species is ''significant'' if the species is not currently endangered or threatened throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range; and (3) the range of a species is considered to be the general geographical area within which that species can be found at the time the Service makes any particular status determination.

The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our analysis of the status of a species is to determine its status throughout all of its range. If we determine that the species is in danger of extinction, or likely to become endangered in the foreseeable future throughout all of its range, we list the species as an endangered species or threatened species and no SPR analysis will be required. If the species is neither in danger of extinction nor likely to become so throughout all of its range, as we have found here, we next determine whether the species is in danger of extinction or likely to become so throughout a significant portion of its range. If it is, we will continue to list the species as an endangered species or threatened species, respectively; if it is not, we conclude that listing the species is no longer warranted.

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose in analyzing portions of the range that have no reasonable potential to be significant or in analyzing portions of the range in which there is no reasonable potential for the species to be endangered or threatened. To identify only those portions that warrant further consideration, we determine whether substantial information indicates that: (1) The portions may be ''significant'' and (2) the species may be in danger of extinction there or likely to become so within the foreseeable future. Depending on the biology of the species, its range, and the threats it faces, it might be more efficient for us to address the significance question first or the status question first. Thus, if we determine that a portion of the range is not ''significant,'' we do not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we do not need to determine if that portion is ''significant.'' In practice, a key part of the determination that a species is in danger of extinction in a significant portion of its range is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to have a greater risk of extinction, and thus would not warrant further

consideration. Moreover, if any concentration of threats apply only to portions of the range that clearly do not meet the biologically based definition of ''significant'' (*i.e.,* the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species), those portions would not warrant further consideration. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. The identification of an SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is endangered or threatened. We must go through a separate analysis to determine whether the species is endangered or threatened in an SPR. To determine whether a species is endangered or threatened throughout an SPR, we will use the same standards and methodology that we use to determine if a species is endangered or threatened throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the ''significant'' question first, or the status question first. Thus, if we determine that a portion of the range is not ''significant,'' we do not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we do not need to determine if that portion is ''significant.''

SPR Analysis for White-Haired Goldenrod

Applying the process described above, in considering delisting *S. albopilosa,* we evaluated the range of this plant to determine if any areas could be considered a significant portion of its range. While there is some variability in the habitats occupied by *S. albopilosa* across its range, the basic ecological components required for the species to complete its life cycle (*e.g.,* adequate sunlight, shade, moisture, soils) are present throughout the habitats occupied by the species. No specific location within the current range of the species provides a unique or biologically significant function that is not found in other portions of the range. The currently occupied range of *S. albopilosa* encompasses approximately 114 km^2 (44 mi^2) in Menifee, Powell, and Wolfe Counties, KY. Based on examination of information on the biology and life history of the species, we determined that there are no separate areas of the range that are significantly different from others or that are likely to be of greater biological or conservation importance than any other areas.

We next examined whether any threats are geographically concentrated in some way that would indicate the species could be in danger of extinction, or likely to become so, in that area. Through our review of potential threats, we identified some areas where *Solidago albopilosa* may experience greater threats or a greater likelihood of extirpation and, therefore, may be in danger of extinction or likely to become so in those areas. These include occurrences on private lands and occurrences that are not currently considered self-sustaining. The majority (94.8 percent) of *Solidago albopilosa* occurrences are now located on DBNF and benefit from management and conservation actions implemented under the LRMP. The remaining (6 of the 117) extant occurrences are located on private lands. As explained above, these occurrences currently do not benefit from any formal protection or management and, therefore, could face higher magnitude threats. While these occurrences do not receive any formal protection, five of the six occurrences are considered to be stable and self-sustaining, indicating a low level of current impacts to those occurrences. Although the occurrences on private lands could face greater threats in the future due to lack of formal protections, these occurrences represent only 5 percent of extant occurrences and a very small proportion of the range of the species. Additionally, even if future potential threats were to cause the loss of these occurrences, that loss would not appreciably reduce the long-term viability of the species, much less cause the species in the remainder of its range to be in danger of extinction or likely to become so.

We also evaluated whether the occurrences that are not considered self-sustaining could be considered a significant portion of the species' range. We have determined that 46 secure and self-sustaining occurrences presently are distributed throughout the species' range, which accounted for more than 75 percent of the total stems estimated to exist in 2013. Of the remaining 71 extant occurrences, the 6 occurrences on private lands are not considered secure (but all 6 have been shown to be stable, and 5 have been shown to be self-sustaining). These occurrences were discussed above.

The remaining 65 occurrences are on DBNF land, and thus protected, but currently are not considered self-sustaining. Some of these occurrences have a status of declining or their status is unknown, while others are considered not self-sustaining primarily due to poor estimated viability and low number of stems observed. These occurrences could be at greater risk of extinction due to vulnerability to demographic and environmental stochasticity because of their smaller population sizes. These 65 occurrences, along with the 6 occurrences on private lands, account for the remaining 25 percent of the total stems estimated to exist in 2013. The threats to these occurrences from recreational activities are being managed and are not different from the threats affecting the 46 secure, self-sustaining occurrences.

Because these 46 occurrences exhibit stable or increasing trends, contain a relatively high number of stems, have fair to excellent viability, and exhibit relatively high reproductive rates, we expect these occurrences to persist into the future. While most of the remaining occurrences also receive protections and are not at immediate risk of extirpation, their lower population sizes and poorer viability put them at a greater risk of extirpation. However, while these occurrences may have a greater potential to become extirpated due to demographic or environmental stochasticity, the loss of some or all of those occurrences would not cause the species in the remainder of its range to be in danger of extinction or likely to become so.

In conclusion, we have determined that none of the existing or potential threats, either alone or in combination with others, are likely to cause *S. albopilosa* to be in danger of extinction throughout all or a significant portion of its range, nor is it likely to become endangered within the foreseeable future throughout all or a significant portion of its range. On the basis of this evaluation, we conclude *S. albopilosa* no longer requires the protection of the Act, and remove *S. albopilosa* from the Federal List of Endangered and Threatened Plants (50 CFR 17.12 (h)).

Conservation Measures

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been delisted due to recovery. Post-delisting monitoring (PDM) refers to

activities undertaken to verify that a species that has been delisted due to recovery remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of PDM is to ensure that the species' status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as threatened or endangered is not again needed. If, at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing under section 4(b)(7) of the Act. At the conclusion of the monitoring period, we will review all available information to determine if relisting, the continuation of monitoring, or the termination of monitoring is appropriate.

Post-Delisting Monitoring (PDM) Plan Overview

In August 2016, the Service finalized a final PDM plan in cooperation with DBNF and KSNPC (Service 2016, entire). The Plan:

(1) Summarizes the species' status at the time of delisting;

(2) Defines thresholds or triggers for potential monitoring outcomes and conclusions;

(3) Lays out frequency and duration of monitoring;

(4) Articulates monitoring methods including sampling considerations;

(5) Outlines data compilation and reporting procedures and responsibilities; and

(6) Provides a post-delisting monitoring implementation schedule including timing and responsible parties.

We will post the final PDM plan and any future revisions if necessary on our national Web site (*http://endangered.fws.gov*) and on the Kentucky Fish and Wildlife Office's Web site (*http://www.fws.gov/frankfort*).

Effects of the Rule

This final rule revises 50 CFR 17.12 by removing *Solidago albopilosa* from the Federal List of Endangered and Threatened Plants. Therefore, as of the effective date of this rule (see **DATES**), the prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, no longer apply to white-haired goldenrod. Removal of *S. albopilosa* from the Federal List of Endangered and Threatened Plants relieves Federal agencies from the need to consult with us under section 7 of the Act.

Required Determinations

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with regulations pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that no tribal lands or interests are affected by this rulemaking action.

References Cited

A complete list of all references cited in this final rule is available at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2014–0054, or upon request from the Kentucky Fish and Wildlife Office (see **ADDRESSES**).

Authors

The primary author of this rule is Dr. Michael A. Floyd in the Service's Kentucky Fish and Wildlife Service Office (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

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

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

§ 17.12 [Amended]

■ 2. Amend § 17.12(h) by removing the entry for ''*Solidago albopilosa*'' under ''FLOWERING PLANTS'' from the List of Endangered and Threatened Plants.

Dated: September 28, 2016.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–24249 Filed 10–7–16; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register

Vol. 81, No. 196

Tuesday, October 11, 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 HOMELAND SECURITY

6 CFR Chapter I

8 CFR Chapter I

19 CFR Chapter I

33 CFR Chapter I

44 CFR Chapter I

46 CFR Chapters I and III

49 CFR Chapter XII

[Docket No. DHS–2016–0072]

Retrospective Review of Existing Regulations—A Focus on Burden Reduction; Request for Public Input

AGENCY: Office of the General Counsel, DHS.

ACTION: Notice of Retrospective Review Initiative and request for comments.

SUMMARY: The Department of Homeland Security (Department or DHS) is seeking comments from the public on specific existing significant DHS regulations that the Department should consider as candidates for streamlining or repeal. These efforts will help us ensure that DHS satisfies its statutory obligations and achieves its regulatory objectives without imposing unwarranted costs.

DHS is seeking this input pursuant to the process identified in DHS's Final Plan for the Retrospective Review of Existing Regulations. According to the Final Plan, DHS will initiate its retrospective review process, on a three-year cycle, by seeking input from the public. Input that will be most helpful to DHS is input that identifies specific regulations and includes actionable data supporting the nomination of specific regulations for retrospective review.

DATES: Written comments are requested on or before November 10, 2016 Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments, identified by docket number DHS–2016–0072, through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Charlotte Skey, Senior Regulatory Economist, Office of the General Counsel, U.S. Department of Homeland Security. Email: *Regulatory.Review@dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section.

Instructions: All submissions must include the agency name and docket number for this notice. All comments received will be posted without change to *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov.*

II. Background

On January 18, 2011, the President issued E.O. 13563, ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals and that agencies give careful consideration to the benefits and costs of those regulations. 76 FR 3821. The Executive Order required each Executive Branch agency to develop a preliminary plan to periodically review its existing regulations to determine whether any regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving its regulatory objectives.

DHS's approach to conducting retrospective review focuses on public openness and transparency and on the critical role of public input in conducting retrospective review. To that end, DHS published a notice and request for comments in the **Federal Register** on March 14, 2011. 76 FR 13526. In that notice, DHS solicited public input on how DHS should structure its retrospective review and which DHS rules would benefit from retrospective review. On June 6, 2011, DHS published a notice of availability; request for comments announcing the availability of, and seeking comment on, its Preliminary Plan for the Retrospective Review of Existing Regulations. 76 FR 32331. DHS considered this public input as it developed a Final Plan.

On August 22, 2011, DHS issued its Final Plan for the Retrospective Review of Existing Regulations (Final Plan or DHS Final Plan). The DHS Final Plan is available online at *http://www.dhs.gov/xlibrary/assets/dhs-ogc-final-retrospective-review-plan-8-22-11-final.pdf.* The Final Plan established a process for identifying regulations that may be obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive. Under the Final Plan, DHS (and/or a DHS component) will publish a notice in the **Federal Register** every three years seeking public input regarding the regulations that should be subject to retrospective review. DHS published its previous **Federal Register** notice seeking such public input on February 26, 2014. 79 FR 10760. Today's notice, which requests nominations for existing significant DHS regulations that DHS should streamline or repeal, fulfills the DHS commitment to seek public input via the **Federal Register** on a three-year cycle.

DHS continually evaluates its regulatory program for rules that are candidates for retrospective review; DHS does so through legally mandated retrospective review requirements (*e.g.,* Unified Agenda reviews, and reviews under section 610 of the Regulatory Flexibility Act) and through other informal and long-established mechanisms (*e.g.,* use of Advisory Councils, feedback from DHS field personnel, input from internal working groups, and outreach to regulated entities). This **Federal Register** notice supplements these existing extensive DHS retrospective review efforts.[1]

[1] Twice a year, DHS posts a progress report on the DHS Web site; the report provides the status of DHS regulations currently under retrospective review. DHS published its most recent progress report in July 2016, and the report is available on the DHS Web site at *http://www.dhs.gov/latest-progress* under ''DHS July 2016 Retrospective Review Plan Report.''

II. DHS's Regulatory Responsibility

DHS's mission is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards. The Department carries out its mission through the Office of the Secretary and its components, including the following operational components: U.S. Citizenship and Immigration Services, U.S. Coast Guard, U.S. Customs and Border Protection, Federal Emergency Management Agency, U.S. Immigration and Customs Enforcement, U.S. Secret Service, and Transportation Security Administration.

Leading a unified national effort, DHS has five core missions: (1) Prevent terrorism and enhance security; (2) secure and manage our borders; (3) enforce and administer our immigration laws; (4) safeguard and secure cyberspace; and (5) ensure resilience to disasters. To further these areas, DHS has responsibility for a broad range of regulations. For example, to secure and manage our borders, DHS regulates people and goods entering and exiting the United States. DHS, to combat terrorism, regulates aviation security, high-risk chemical facilities, and infrastructure protection. DHS also issues regulations to administer immigration and citizenship benefits as well as regulations covering maritime safety and environmental protection. Finally, DHS promulgates a wide range of regulations concerning disaster preparedness, response, and recovery.

III. Request for Input

A. Importance of Public Feedback

A central tenet of the DHS Final Plan is the critical and essential role of public input in driving and focusing DHS retrospective review. Because the impacts and effects of a regulation tend to be widely dispersed in society, members of the public—especially the regulated entities of rulemakings—are likely to have useful information, data, and perspectives on the benefits and burdens of existing DHS regulations. Given this importance of public input, the primary factor for regulation selection in DHS retrospective review is public feedback.

B. Maximizing the Value of Public Feedback

This notice contains a list of questions, the answers to which will assist DHS in identifying those regulations that may be streamlined or repealed in order to reduce burden. DHS encourages public comment on these questions and seeks any other data commenters believe are relevant to DHS's retrospective review efforts. The DHS Final Plan provides instruction on the type of feedback that is most useful to the Department.

> DHS will afford significantly greater weight to feedback that identifies *specific regulations,* includes *actionable data,* or provides *viable alternatives* that meet statutory obligations and regulatory objectives. Feedback that simply states that a stakeholder feels strongly that DHS should change a regulation, but does not contain specific information on how the proposed change would impact the costs and benefits of the regulation, is much less useful to DHS. DHS is looking for new information and new economic data to support any proposed changes. [emphasis added]

We highlight a few of those points here, noting that comments that will be most useful to DHS are those that are guided by the below principles. Commenters should consider these principles as they answer and respond to the questions in this notice.

- For this notice, DHS is focusing on reducing the burdens of its regulations and is not seeking comment on actions that might increase the net cost of the DHS regulatory program.
- Commenters should identify, with specificity, the regulation at issue, providing the Code of Federal Regulations (CFR) cite where available.
- Commenters should provide, in as much detail as possible, an explanation why a regulation should be streamlined or repealed in order to reduce burdens, as well as specific suggestions of ways the Department can better achieve its regulatory objectives.
- Commenters should provide specific data that document the costs, burdens, and benefits of existing requirements. Commenters might also address how DHS can best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing regulations and whether there are existing sources of data that DHS can use to evaluate the post-promulgation effects of its regulations over time.
- Particularly where comments relate to a rule's costs or benefits, comments will be most useful if there are data and experience under the rule available to ascertain the rule's actual impact. For that reason, we encourage the public to emphasize those rules that have been in effect for a sufficient amount of time to warrant a fair evaluation.
- Comments that rehash debates over recently issued rules will be less useful.

C. List of Questions for Commenters

We provide the below nonexhaustive list of questions to assist members of the public in the formulation of comments, and we do not intend it to restrict the issues that commenters may address:

(1) Are there regulations that simply make no sense or have become unnecessary, ineffective, or ill-advised and, if so, what are they? Are there regulations that can simply be repealed without impairing the Department's regulatory programs and, if so, what are they?

(2) Are there regulations that have become outdated and, if so, how can DHS modernize them to accomplish our regulatory objectives at a lower cost?

(3) Are there regulations that are still necessary, but have not operated as well as expected such that a modified, stronger, or slightly different approach is justified?

(4) Does the Department currently collect information that it does not need or use effectively to achieve regulatory objectives?

(5) Are there regulations that are unnecessarily complicated or that DHS could streamline to achieve regulatory objectives in more efficient ways? If so, how can DHS make them less complicated and/or more streamlined?

(6) Are there regulations that have been overtaken by technological developments? Can DHS leverage new technologies to streamline or do away with existing regulatory requirements?

(7) Are there any Departmental regulations that are not tailored to impose the least burden on society, consistent with achieving statutory obligations and regulatory objectives?

(8) How can the Department best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing regulations? Are there existing sources of data the Department can use to evaluate the post-promulgation effects of regulations over time?

(9) Are there regulations that are working well that minimize burden and that DHS can use as a model for other DHS regulatory programs?

(10) Are there any regulations that create difficulty because of duplication, overlap, or inconsistency of requirements?

The Department issues this notice solely for information and program planning purposes. Responses to this notice do not bind DHS to any further actions related to the response.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

[FR Doc. 2016–24344 Filed 10–7–16; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9187; Directorate Identifier 2016–NM–032–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) 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 Airbus Defense and Space S.A. Model C–212 airplanes. This proposed AD was prompted by multiple reports of damaged and cracked rudder torque tube shafts. This proposed AD would require repetitive general visual and high frequency eddy current (HFEC) inspections of the inner rudder torque tube shaft for cracks, deformation, and damage; repetitive detailed inspections, and HFEC inspections if necessary, of the inner and outer rudder torque tube shaft for cracks, deformation, and damage; and corrective actions if necessary. This proposed AD also provides a modification which terminates the repetitive inspections. We are proposing this AD to detect and correct damaged and cracked rudder torque tube shafts, which could lead to structural failure of the affected rudder torque tube shaft and possible reduced control of the airplane.

DATES: We must receive comments on this proposed AD by November 25, 2016.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus Defense and Space, Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 31 27; email: *MTA.TechnicalService@Airbus.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9187; 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–2016–9187; Directorate Identifier 2016–NM–032–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA 2016–0052, dated March 14, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model C–212 airplanes. The MCAI states:

> Occurrences were reported of finding a damaged and cracked rudder torque tube shaft, Part Number (P/N) 212–46237–01. Subsequent investigation determined that this damage occurred after parking of the aeroplane during a heavy wind gust, without having set the flight control surfaces in locked position.
>
> This condition, if not detected and corrected, could lead to structural failure of the affected rudder torque tube shaft, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, EADS–CASA issued Alert Operators Transmission (AOT) AOT–C212–27–0001 to provide inspection instructions, and Service Bulletin (SB) SB–212–27–0058 providing modification instructions.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the affected rudder torque tube shaft, and introduces an optional modification [replacement], which constitutes terminating action for those repetitive inspections.

This proposed AD would require repetitive general visual and HFEC inspections of the inner rudder torque tube shaft for cracks, deformation, and damage; repetitive detailed inspections, and HFEC inspections if necessary, of the inner and outer rudder torque tube shaft for cracks, deformation, and damage; a general visual inspection to verify rudder alignment if necessary; and corrective actions if necessary. Repetitive inspections are done depending on conditions (wind conditions, gust lock engagement, and rudder deviation) identified in Airbus Defense & Space Alert Operators Transmission AOT–C212–27–0001, dated July 15, 2015. Damage may include bulging, dents, peeled paint, or visible corrosion. Corrective actions include replacement of the rudder torque tube shaft with a new rudder torque tube shaft and repair. The optional terminating action includes replacement of the rudder torque tube shaft with an improved rudder torque tube shaft. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9187.

Related Service Information Under 1 CFR Part 51

We reviewed the following EADS CASA service information.

- EADS CASA Service Bulletin SB–212–27–0058, dated April 25, 2014. This service information describes procedures for replacement of the rudder torque tube shaft with an improved rudder torque tube shaft.
- Airbus Defense & Space Alert Operators Transmission AOT–C212–27–

0001, dated July 15, 2015. This service information describes procedures for general visual and HFEC inspections of the inner rudder torque tube shaft for cracks, deformation, and damage; detailed inspections, and HFEC inspections if necessary, of the inner and outer rudder torque tube shaft for cracks, deformation, and damage; a general visual inspection to verify rudder alignment; and corrective actions if necessary.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 49 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 33 work-hours × $85 per hour = $2,805 per inspection cycle.	$0	Up to $2,805 per inspection cycle.	Up to $137,445 per inspection cycle

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Optional modification	Up to 48 work-hours × $85 per hour = $4,080.	$48,729	Up to $52,359

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions and parts cost specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2016–9187; Directorate Identifier 2016–NM–032–AD.

(a) Comments Due Date

We must receive comments by November 25, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A (formerly known as Construcciones Aeronauticas, S.A.) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DF, and C–212–DE airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by multiple reports of damaged and cracked rudder torque tube shafts. We are issuing this AD to detect and correct damaged and cracked rudder torque tube shafts, which could lead to structural failure of the affected rudder torque tube shaft and possible reduced control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

For airplanes equipped with a rudder torque tube shaft having part number (P/N) 212–46237–01: Do the actions specified in paragraphs (g)(1) and (g)(2) of this AD.

(1) Within 30 days after the effective date of this AD; do general visual, detailed, and high frequency eddy current (HFEC) inspections of the inner and outer surfaces of the rudder torque tube shaft, as applicable, for cracks, deformation, and damage, in accordance with the instructions of Airbus Defense & Space Alert Operators Transmission AOT–C212–27–0001, dated July 15, 2015.

(2) Thereafter, before further flight after the conditions identified in paragraph 3.1.1.1 of Airbus Defense & Space Alert Operators Transmission AOT–C212–27–0001, dated July 15, 2015, do the applicable inspections identified for each condition.

(h) Corrective Actions

If, during any inspection required by paragraph (g) of this AD, any crack, deformation, or damage is found, before further flight do all applicable corrective actions, in accordance with Airbus Defense & Space Alert Operators Transmission AOT–C212–27–0001, dated July 15, 2015. Where Airbus Defense & Space Alert Operators Transmission AOT–C212–27–0001, dated July 15, 2015, specifies to contact Airbus for corrective action: Before further flight, accomplish corrective actions in accordance with paragraph (k)(2) of this AD.

(i) Optional Modification

Modification of an airplane by replacing the rudder torque tube shaft P/N 212–46237–01 with an improved part, in accordance with the Accomplishment Instructions of EADS–CASA Service Bulletin SB–212–27–0058, dated April 25, 2014, constitutes terminating action for the inspections required by paragraphs (g)(1) and (g)(2) of this AD for the modified airplane.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Military All Operator Letter (AOL) AOL–212–037, Revision 01, dated April 11, 2014.

(k) 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.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA 2016–0052, dated March 14, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9187.

(2) For service information identified in this AD, contact Airbus Defense and Space, Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 31 27; email: *MTA.TechnicalService@Airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on September 29, 2016.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016–24202 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0199; FRL–9953–73–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Revision of Regulations for Sulfur Content of Fuel Oil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the state implementation plan (SIP) revision submitted by the District of Columbia for the purpose of updating the District of Columbia Municipal Regulations (DCMR) to lower the sulfur content of fuel oil. In the Final Rules section of this **Federal Register**, EPA is approving the District's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0199 at *http://www.regulations.gov,* or via email to *pino.maria@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the 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. The 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Asrah Khadr, (215) 814–2071, or by email at *khadr.asrah@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an

amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 23, 2016.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2016–24373 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0367; FRL–9952–16–Region 9]

Approval of California Air Plan Revisions, Butte County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Butte County Air Quality Management District (BCAQMD) portion of the California State Implementation Plan (SIP). This revision concerns particulate matter (PM) emissions from open burning. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by November 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0367 at *http://www.regulations.gov,* or via email to Andrew Steckel, Rulemaking Office Chief at *Steckel.Andrew@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the 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. The 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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: Kevin Gong, EPA Region IX, (415) 972 3073, *Gong.Kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA. This proposal addresses BCAQMD Rule 300, ''Open Burning, Requirements, Prohibitions and Exemptions.'' In the Rules and Regulations section of this issue of the **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: July 21, 2016.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2016–24497 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2016–0556; FRL–9953–62–Region 7]

Approval of Nebraska's Air Quality Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Nebraska. This action will amend the SIP to include revisions to Title 129 of the Nebraska Air Quality Regulations, Chapter 4, ''Ambient Air Quality Standards''; Chapter 19, ''Prevention of Significant Deterioration of Air Quality''; and Chapter 22, ''Incinerators; Emission Standards''. This amendment makes the state regulation consistent with the National Ambient Air Quality Standards (NAAQS) for particulate matter 10 micrometers or less (PM_{10}), fine particulate matter 25 micrometers or less ($PM_{2.5}$), Sulfur dioxide, Nitrogen dioxide, Carbon monoxide, Ozone, and Lead as of the date of the state submittal. This action also makes formatting and grammatical corrections to title 129, chapters 19 and 22.

DATES: Comments must be received by November 10, 2016

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2016–0556, to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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: Greg Crable, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7391, or by email at *crable.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on the State Implementation Plan (SIP) revisions submitted by the State of Nebraska. We have published a direct final rule approving the State's SIP revision (s) in the ''Rules and Regulations'' section of this **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we

will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: September 27, 2016.

Mike Brincks,

Acting Regional Administrator, Region 7.

[FR Doc. 2016–23977 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2016–0571; FRL–9953–76–Region 7]

Approval of Missouri's Air Quality Implementation Plans, Operating Permits Program, and 112(l) Plan; Construction Permits Required

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) is proposing to approve revisions to the State Implementation Plan (SIP), the Operating Permit Program, and the 112(l) plan submitted on April 6, 2016, by the State of Missouri. In the ''Rules and Regulations'' section of this **Federal Register**, we are approving the State's SIP and Operating Permit Program revisions as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule. The submission from Missouri revises fees for permitting services provided by the air quality program, including construction permit applications and operating permit applications. Missouri also removed the basic operating permit requirement for incinerators with emissions less than the de minimis levels in Missouri's ''Operating Permits'' rule. While EPA has never approved the basic operating permit program into Missouri's SIP or Missouri's Operating Permits Program, one statement on incinerators in the approved SIP and Operating Permits Program is removed by the submission. This statement applied Missouri's ''Operating Permits'' rule to all incinerators within the State. Any permittees with incinerators already required to have either Intermediate State Operating Permits or part 70 Operating Permits will still have the same permitting requirements. This revision does not exempt any incinerators from appropriate permitting. Likewise, any future permittees with incinerators under the former version of the SIP and Operating Permits Program would have required either an Intermediate State Operating Permits or a part 70 Operating Permits will still have the same permitting requirement under the revised SIP and Operating Permits Program. Finally the submission from Missouri makes non-substantive style changes.

DATES: Written comments must be received by November 10, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2016–0571, to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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: Jed D. Wolkins, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7588, or by email at *wolkins.jed@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on the SIP and Operating Permit Program revisions submitted by the state of Missouri for 10 CSR 10–6.060, ''Construction Permits Required'', and 10 CSR–6.065, ''Operating Permits''. We have published a direct final rule approving the State's SIP and Operating Permit Program revisions in the ''Rules and Regulations'' section of this **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 70

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: September 27, 2016.

Mike Brincks,

Acting Regional Administrator, Region 7.

[FR Doc. 2016–24379 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 202, 212, 215, 234, 239, and 252

[Docket DARS–2016–0028]

RIN 0750–AJ01

Defense Federal Acquisition Regulation Supplement: Procurement of Commercial Items (DFARS Case 2016–D006); Extension of Comment Period

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule; extension of comment period.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the National Defense Authorization Acts for Fiscal Years 2013 and 2016 relating to commercial item acquisitions. The comment period on the proposed rule is extended 30 days.

DATES: The comment period for the proposed rule published on August 11, 2016 (81 FR 53101), is extended. Comments are due by November 10, 2016.

ADDRESSES: Submit comments identified by DFARS Case 2016–D006, using any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DFARS Case 2016–D006.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DFARS Case 2016–D006'' on any attached documents.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2016–D006 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, telephone 571–372–6099.

SUPPLEMENTARY INFORMATION:

I. Background

On August 11, 2016, DoD published a proposed rule in the **Federal Register** at 81 FR 53101 to implement the requirements of sections 851 through 853 and 855 through 857 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016 (Pub. L. 114–92, enacted November 25, 2015), as well as the requirements of section 831 of the NDAA for FY 2013 (Pub. L. 112–239, enacted January 2, 2013), relating to the procurement of commercial items. The proposed rule also provides guidance to contracting officers to promote consistency and uniformity in the acquisition process.

The comment period for the proposed rule is extended 30 days, from October 11, 2016, to November 10, 2016, to provide additional time for interested parties to comment on the proposed DFARS changes.

List of Subjects in 48 CFR Parts 202, 212, 215, 234, 239, and 252

Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2016–24370 Filed 10–7–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 110

[Docket No. PHMSA–2015–0272 (HM–209A)]

RIN 2137–AF19

Hazardous Materials: Revisions to Hazardous Materials Grants Requirements (RRR)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes to revise its regulations pertaining to the Hazardous Materials grants program to incorporate the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to implement new requirements set forth by the Fixing America's Surface Transportation (FAST) Act of 2015. PHMSA invites all interested persons to provide comments regarding these intended revisions.

DATES: Comments must be received by December 12, 2016. To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.

ADDRESSES: You may submit comments by identification of the docket number PHMSA–2015–0272 (HM–209A) using the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you provide. All comments received will also be posted without change to the Federal Docket Management System (FDMS), including any personal information provided.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or contact DOT's Docket Operations Office (see mail and hand delivery addresses above).

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Lisa O'Donnell, Outreach, Training and Grants Division, Office Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey

Avenue SE., Washington, DC 20590 or at (202) 366–1109.

SUPPLEMENTARY INFORMATION:

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I. Background

This proposed rule revises 49 CFR part 110 pertaining to the Hazardous Materials grants program to incorporate the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200), and to implement new requirements set forth by the Fixing America's Surface Transportation (FAST) Act of 2015 (Pub.L. 114–94—December 4, 2015).

PHMSA's Hazardous Materials grants program is comprised of four grants: Hazardous Materials Emergency Preparedness (HMEP) grants; Supplemental Public Sector Training (SPST) grants; Hazardous Materials Instructor Training (HMIT) grants; and the new Hazardous Materials Community Safety (HMCS) grants. Except for the HMCS grants, the HMEP, SPST, and HMIT grants are funded by registration fees collected from hazardous materials (hazmat) shippers and carriers who offer for transportation or transport certain hazmat in intrastate, interstate, or foreign commerce in accordance with 49 CFR part 107, subpart G.

As a result of the implementation of 2 CFR part 200 and the FAST Act, the current regulations for the Hazardous Materials grants are outdated. The following describes each of the hazmat grants, new requirements for Federal awards, and the gaps in current regulations (49 CFR part 110).

A. Hazardous Materials Emergency Preparedness Grant

The HMEP grant was established in 1990 by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA), Public Law 101–615. In 1993, PHMSA's predecessor, the Research and Special Programs Administration, began issuing grants to assist States, Territories, and Indian tribes to carry out emergency preparedness and training activities to ensure communities could effectively respond to transportation incidents involving hazmat. The HMEP grant award amount prior to 2009 was $12.8 million; award amounts thereafter were increased to $21.8 million.

B. Supplemental Public Sector Training Grant

The Hazardous Materials Transportation Act Amendments of 1993, which among other changes, established the SPST grant to increase the number of hazardous materials training instructors available to conduct hazardous materials response training for individuals with a statutory responsibility to respond to hazardous materials accidents and incidents. From 2002 through 2008, the SPST grant authorization amount was $250,000. In fiscal year 2008, the SPST grant authorization amount was increased to $1 million annually.

C. Hazardous Materials Instructor Training Grant

The Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005, which among other changes, established the HMIT grant for training instructors to train hazardous materials employees. Instructors trained under this program are able to offer training to hazardous materials employees at locations in close proximity to the employees' places of employment. Since its inception in 2008, the HMIT grant program has awarded approximately $4 million in grant funds annually to nonprofit organizations.

D. Hazardous Materials Community Safety Grant

On December 4, 2015, President Obama signed into law the FAST Act, which among other changes, established the HMCS grant to nonprofit organizations for: (1) Conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and (2) training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids. Unlike the other three grants, which are funded through a shipper and carrier hazardous materials registration fee program, the HMCS grant funding source is up to $1 million in Congressional appropriations. PHMSA anticipates awarding two HMCS grants for the first time in fiscal year 2017.

E. New Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

On December 19, 2013, the Office of Management and Budget (OMB) published guidance that streamlined the Federal government's guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards. This final guidance, located in 2 CFR part 200, supersedes and simplifies requirements from various OMB circulars and 49 CFR part 18. All Federal grants issued on or after December 26, 2014, were required to comply with these requirements.

F. Gap in Regulations Pertaining to Hazardous Materials Grants

The regulations in 49 CFR part 110 pertaining to Hazardous Materials grants have neither been updated to include reference to the HMIT, SPST, and HMCS grants to nonprofit entities, nor have they been updated to reflect the streamlined guidance for Federal awards found in 2 CFR part 200.

II. Summary Review of Proposed Amendments

PHMSA proposes to revise the regulations pertaining to Hazardous Materials grants in 49 CFR part 110 to bring it into alignment with the currently applicable Federal law and regulation (*e.g.,* FAST Act and 2 CFR part 200). We propose to amend Part 110 to add language pertaining to grants made to nonprofit organizations under the HMIT, SPST, and HMCS grants. These training grants to nonprofit organizations are provided in statute but are not included in 49 CFR. We propose

to remove reference to 49 CFR part 18 and replace it with reference to 2 CFR part 200, as 49 CFR part 18 has been removed and 2 CFR part 200 provides the Uniform Administrative Requirements for Federal grants. Further, PHMSA proposes to add a reference to pre-award expenditures, add a reference to territories, define ''nonprofit organizations,'' and require that applicants and grantees submit documents electronically rather than by mail.

This NPRM affects the following entities, as listed in Table 1:

TABLE 1—AFFECTED ENTITIES

Affected entities	Revisions
• States, Territories, and Indian tribes • National nonprofit fire service organizations. • Nonprofit organizations that demonstrate expertise in (1) conducting a training program for hazardous materials employees; and (2) the ability to reach and involve in a training program a target population of hazardous materials employees. • Nonprofit organizations that demonstrate expertise in conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail. • Nonprofit organizations that demonstrate expertise in training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids.	• Subject to 2 CFR Part 200 and electronic filing requirements.

PHMSA seeks comments from interested stakeholders on this proposed rulemaking. PHMSA proposes the following substantive revisions:

• Revise § 110.1 to comport with 2 CFR part 200 provisions regarding payments to non-Federal entities. 2 CFR 200.305 states that non-Federal entities other than states ''must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this Part'' (*i.e.,* high-risk grantees). Additionally, while 2 CFR part 200 is silent regarding the funding techniques for states, advanced payments (as conditioned therein) to state grantees would likewise more effectively focus Federal resources on improving performance and outcomes while ensuring the financial integrity of taxpayer dollars in partnership with non-Federal stakeholders.

• Allow for grantees to incur pre-award expenditures at their own risk in § 110.50, Disbursement of Federal funds.

PHMSA proposes the following additional revisions:

• Revise § 110.1 to refer to nonprofit organizations. Currently, HMIT, SPST, and HMCS grant programs, where nonprofit organizations are eligible applicants, are not referenced in the regulations.

• Revise § 110.5 to refer to nonprofit organizations and replace reference to 49 CFR with reference to 2 CFR part 200.

• Revise § 110.10 to amend the title to read ''Administering Hazardous Materials Grants'' and to add ''Territories'' and ''nonprofit organizations.''

• Revise § 110.20 to change the preamble language to refer to 2 CFR part 200; revise the definitions for ''Indian tribe'' and ''Associate Administrator''; add definitions for ''Nonprofit organization,'' ''Public sector employee,'' ''Tribal Emergency Planning Committee,'' and ''Tribal Emergency Response Commission''; and delete the definition for ''Indian country.''

• Amend § 110.30 to revise paragraph (a) and remove paragraphs (b) and (c) to update how applicants submit grant applications to PHMSA.

• Amend the heading of § 110.40 by adding the terminology ''Hazardous Materials Emergency Preparedness Grant'' and update the wording in paragraphs (a) and (b).

• Revise the requirements in §§ 110.10, 110.20, 110.30, 110.70, 110.80, 110.90, 110.100, and 110.110 by updating the sections to refer to 2 CFR part 200 and making other editorial changes.

• Revise the requirements in § 110.30 by removing reference to corresponding with PHMSA by mail.

• Revise the requirements in § 110.70 by removing reference to financial management systems and advances.

• Revise the requirements in § 110.90 by removing the examples of project manager requirements, which have a significant impact on the planning and training activities.

• Revise the requirements in § 110.120 to update how to report deviations.

• Revise the requirements in § 110.130 referring to disputes by updating the titles of the PHMSA Hazardous Materials grants staff and changing the dispute resolution officer from the Administrator to the Associate Administrator to expedite dispute resolutions should disputes occur.

III. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This NPRM is published under the authority of the Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.* Section 5103(b) authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. Section 5107, as amended, establishes a competitive program for making grants to nonprofit organizations for conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids. Section 5108 permits the Secretary to collect registration fees from people transporting certain quantities of hazardous materials and deposit those fees into an account used to fund the HMEP grants program. Section 5116, as amended, authorizes the Secretary to make grants to States and Indian tribes, by combining planning and training grants, and to create supplemental training grants to national nonprofit fire service organizations. This NPRM revises the regulations as they pertain to hazardous materials grants.

B. Executive Order 12866, Executive Order 13563, Executive Order 13610, and DOT Regulatory Policies and Procedures

This NPRM is considered a non-significant regulatory action under Executive Order 12866 (''Regulatory Planning and Review'') and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034) as it does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; rather, it revises regulations to comply with current Federal statute and guidance and PHMSA policies and procedures.

Executive Order 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866 of September 30, 1993. Executive Order 13563, issued January 18, 2011, notes that our nation's current regulatory system must protect not only public health, welfare, safety, and our environment but also promote economic growth, innovation, competitiveness, and job creation. Further, this executive order urges government agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. In addition, Federal agencies are asked to periodically review existing significant regulations; retrospectively analyze rules that may be outmoded, ineffective, insufficient, or excessively burdensome; and modify, streamline, expand, or repeal regulatory requirements in accordance with what has been learned.

Executive Order 13610 (''Identifying and Reducing Regulatory Burdens''), issued May 10, 2012, urges agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.

Together, these three Executive Orders require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.''

PHMSA has evaluated the Hazardous Materials Grants regulations and has determined that they are outmoded and, in part, excessively burdensome. The current regulations are out-of-date, as they refer to obsolete regulations, and have been superseded by 2 CFR part 200. We propose updating the 49 CFR part 110 to reflect current Federal statute and guidance and PHMSA policies and procedures. PHMSA welcomes public comments on potential costs and benefits of this regulatory action.

C. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism'') and the President's memorandum on ''Preemption'' published in the **Federal Register** on May 22, 2009 (74 FR 24693). This proposed rule will preempt State, local, and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous materials transportation law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125 (b)) that preempts State, local, and Indian tribe requirements on the following subjects:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This proposed rule pertains to entities responsible for all the covered subject areas above. If adopted as final, this rule will preempt any State, local, or Indian tribe, requirements concerning these subjects unless the non-Federal requirements are ''substantively the same'' as the Federal requirements. Furthermore, this proposed rule is necessary to update, clarify, and provide relief from regulatory requirements.

The Federal hazardous materials transportation law provides at § 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, they must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. PHMSA has determined that the effective date of Federal preemption for these requirements will be one year from the date of publication of a final rule in the **Federal Register**.

D. Executive Order 13175

This NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this NPRM does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. There are no known costs to small entities associated with this rule. The changes proposed herein are to clarify and simplify existing regulations and to comply with the current statute. The grant recipients affected by this rulemaking are States, Territories, Indian Tribes, and nonprofit organizations. Current grantees that meet the definition of 'small entity' are nonprofit organizations. All of these entities currently comply with the statutory requirements that PHMSA is proposing to incorporate in the regulations; therefore, there is no added burden. Consequently, PHMSA certifies that this rulemaking does not have a significant economic impact on a substantial number of small entities.

F. Paperwork Reduction Act

PHMSA currently has an approved information collection under OMB Control Number 2137–0586, entitled ''Hazardous Materials Public Sector Training & Planning Grants,'' with an expiration date of June 29, 2019. This NPRM may result in a minimal increase in the time spent to apply, maintain, and close out a grant application cycle; however, this minimal increase is not sufficient enough to necessitate the

revision of this information collection package, in either the annual burden or cost to OMB Control Number 2137–0586 for proposed changes under Part 110.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests.

PHMSA requests comments on any information collection and recordkeeping burdens associated with the proposed changes under this proposed rule.

Requests for a copy of this information collection should be directed to Steven Andrews or T. Glenn Foster, Office of Hazardous Materials Standards (PHH–12), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone (202) 366–8553.

Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number (202) 395–6974.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $155 million or more, adjusted for inflation, to either State, local, or tribal governments, in the aggregate, or to the private sector in any one year, and is the least burdensome alternative that achieves the objective of the rule. As such, PHMSA has concluded that the NPRM does not require an Unfunded Mandates Act analysis.

I. Environmental Assessment and Finding of No Significant Impact

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), and implementing regulations by the Council on Environmental Quality (40 CFR part 1500) require Federal agencies to consider the consequences of Federal actions and prepare a detailed statement on actions that significantly affect the quality of the human environment.

This NPRM would revise the regulations pertaining to Hazardous Materials Grants to reflect current Federal statute and guidance and PHMSA policies and procedures. PHMSA believes the proposed revisions present little or no environmental impact on the quality of the human environment because rather than involving the transportation of hazardous materials, the changes update processes and procedures related to grants. Therefore, PHMSA has initially determined that the implementation of the proposed rule will not have any significant impact on the quality of the human environment.

In addition, PHMSA sought comment from the following modal partners:

- Federal Aviation Administration
- Federal Motor Carrier Safety Administration
- Federal Railroad Administration
- United States Coast Guard

PHMSA did not receive any adverse comments on the amendments proposed in this NPRM from these Federal Agencies.

PHMSA welcomes any views, data, or information related to environmental impacts that may result if the proposed requirements are adopted, as well as possible alternatives and the environmental impacts.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), which may be viewed at: *https://www.gpo.gov/fdsys/pkg/FR-2000-04-11/pdf/00-8505.pdf,* or you may visit *http://www.dot.gov.*

K. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609 (''Promoting International Regulatory Cooperation''), agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or will be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public. We have assessed the effects of the proposed rule, and find that it will not cause unnecessary obstacles to foreign trade. Accordingly, this NPRM is consistent with Executive Order 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.* specification of materials, test methods, or performance requirements) that are developed or adopted by voluntary consensus standard bodies. This proposed rulemaking is to comply with current Federal statute and guidance and PHMSA policies and procedures; it does not involve technical standards.

M. Executive Order 13211

Executive Order 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'') requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action'' (66 FR 28355, May 22, 2001). Under the Executive Order, a ''significant energy action'' is defined as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule or regulation (including a notice of inquiry, advance NPRM, and NPRM) that (1)(i) is a significant regulatory action under Executive Order 12866 or any successor order and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

PHMSA has evaluated this action in accordance with Executive Order 13211. See the environmental assessment section for a more thorough discussion of environmental impacts and the supply, distribution, or use of energy. PHMSA has determined that this action will not have a significant adverse effect on the supply, distribution, or use of energy. Consequently, PHMSA has determined that this regulatory action is not a ''significant energy action'' within the meaning of Executive Order 13211.

List of Subjects in 49 CFR Part 110

Disaster assistance, Education, Grant programs—environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR chapter I is proposed to be amended as follows:

PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.97.

■ 2. Revise § 110.1 to read as follows:

§ 110.1 Purpose.

This part sets forth procedures for grants to States, Territories, Indian Tribes, and nonprofit organizations to support emergency planning and training to respond to hazardous materials emergencies, particularly those involving transportation. These grants may also be used to enhance the implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001).

■ 3. Revise § 110.5 to read as follows:

§ 110.5 Scope.

(a) This part applies to:

(1) States and Indian tribes and contains the program requirements for public sector grants to support hazardous materials emergency planning and training efforts; and

(2) Nonprofit organizations for grants to support training programs for public sector hazardous materials emergency responders or hazardous materials employees.

(b) The requirements contained in 2 CFR part 200 ''Uniform Administrative Requirements for Grants and Cooperative Agreements,'' apply to grants issued under this Part.

(c) Copies of standard forms and OMB circulars referenced in this Part are available at *https://www.whitehouse.gov/omb/grants_forms* or from the Office of Hazardous Materials Safety, Grants Chief, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue SE., Washington DC 20590–0001.

■ 4. Revise § 110.10 to read as follows:

§ 110.10 Administering hazardous materials grants.

This part applies to States, Territories, Indian tribes and nonprofit organizations.

■ 5. Revise § 110.20 to read as follows:

§ 110.20 Definitions.

Unless defined in this part, all terms defined in 49 U.S.C. 5102 are used in their statutory meaning and all terms defined in 2 CFR part 200 with respect to administrative requirements for grants, are used as defined therein. Other terms used in this part are defined as follows:

Allowable costs means those costs that are: Eligible, reasonable, necessary, and allocable to the project permitted by the appropriate Federal cost principles, and approved in the grant.

Associate Administrator means the Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration or a person designated by the Associate Administrator.

Budget period means the period of time specified in the grant agreement during which the project manager may expend or obligate project funds.

Cost review means the review and evaluation of costs to determine reasonableness, allocability, and allowability.

Indian tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 *et seq.*], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b).

Local Emergency Planning Committee (LEPC) means a committee appointed by the State Emergency Response Commission under section 301(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001(c)) that includes at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, firefighting, civil defense, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the emergency planning requirements.

National curriculum means the curriculum required to be developed under 49 U.S.C. 5115 and necessary to train public sector emergency response and preparedness teams, enabling them to comply with performance standards as stated in 49 U.S.C. 5115(c).

Nonprofit organization means a tax-exempt nonprofit organization in the U.S. as defined in 26 U.S.C. 501(c).

Political subdivision means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937 (42 U.S.C. 1401 *et seq.*), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

Project means the activities and tasks identified in the grant agreement.

Project manager means the nonprofit, State or Indian tribal official designated in a grant as the recipient agency's principal program contact with the Federal Government.

Project officer means the Federal official designated in a grant as the program contact with the project manager. The project officer is responsible for monitoring the project.

Project period means the length of time specified in a grant for completion of all work associated with that project.

Public sector employee means an individual employed by a State,

political subdivision of a State, or Indian tribe and who during the course of employment has responsibilities related to responding to an accident or incident involving the transportation of hazardous material, including an individual employed by a State, political subdivision of a State, or Indian tribe as a firefighter or law enforcement officer and an individual who volunteers to serve as a firefighter for a State, political subdivision of a State, or Indian tribe.

State Emergency Response Commission (SERC) means the State Emergency Response Commission appointed by the Governor of each State and Territory under the Emergency Planning and Community Right-to-Know Act of 1986.

Statement of Work means that portion of a grant that describes the purpose and scope of activities and tasks to be carried out as part of the proposed project.

Tribal Emergency Planning Committee (TEPC) means a committee established by the TERC in each tribal region. TEPCs have the same responsibilities as LEPCs in the tribal region.

Tribal Emergency Response Committee (TERC) means the commission responsible for carrying out the provisions of EPCRA in the same manner as a State Emergency Response Commission (SERC) on federally recognized tribal lands.

■ 6. Revise § 110.30 to read as follows:

§ 110.30 Hazardous materials emergency preparedness grant application.

(a) *General.* Applications must comply with the applicable Notice of Funding Announcements which will include or reference forms approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3502). Applicants are required to electronically submit application packages to *http://www.grants.gov/.* Applications must adhere to the instructions outlined in the funding announcement and grant application kit.

(b) [Reserved]

(c) [Reserved]

■ 7. Revise § 110.40 to read as follows:

§ 110.40 Activities eligible for hazardous materials emergency preparedness grant funding.

Eligible applicants may receive funding for the following activities:

(a) To develop, improve, and implement emergency plans required under the Emergency Planning and Community Right-to-Know Act of 1986, as well as exercises that test the emergency plan. To enhance emergency plans to include hazard analysis, as well as response procedures for emergencies involving transportation of hazardous materials.

(b) To determine flow patterns of hazardous materials within a State, between a State and another State or Tribal lands, and develop and maintain a system to keep such information current.

(c) To determine the need for regional hazardous materials emergency response teams.

(d) To assess local response capabilities.

(e) To conduct emergency response drills and exercises associated with emergency preparedness plans.

(f) To provide for technical staff to support the planning effort.

(g) To train public sector employees to respond to accidents and incidents involving the transportation of hazardous material.

(h) To determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with national consensus standards or the National Curriculum.

(i) To deliver comprehensive preparedness and response training to public sector employees, which may include design and delivery of preparedness and response training to meet specialized needs, and financial assistance for trainees and for the trainers, if appropriate, such as tuition, travel expenses to and from a training facility, and room and board while at the training facility.

(j) To deliver emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans.

(k) To pay expenses associated with training by a person (including a department, agency, or instrumentality of a State or political subdivision thereof, a territory, or an Indian Tribe) and activities necessary to monitor such training including, but not limited to examinations, critiques, and instructor evaluations.

(l) To maintain staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders.

(m) For additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed plan or project and approved in the grant.

■ 8. Revise § 110.50 to read as follows:

§ 110.50 Disbursement of Federal funds.

(a) *Pre-award costs.* (1) Pre-award costs, as defined in 2 CFR 200.458, are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for the efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency. PHMSA expects the grantee to be fully aware that pre-award costs result in borrowing against future support and that such borrowing must not impair the grantee's ability to accomplish the project objectives in the approved time frame or in any way adversely affect the conduct of the project.

(2) A grantee may, at its own risk, incur pre-award costs to cover costs up to 90 days before the beginning date of the initial budget period of a new or renewal award if such costs are necessary to conduct the project, and would be allowable under the grant if awarded.

(3) The incurrence of pre-award costs in anticipation of a competing or non-competing award imposes no obligation on PHMSA for any of the following reasons:

(i) the absence of appropriations;

(ii) if an award is not subsequently made; or

(iii) if an award is made for a lesser amount than the grantee anticipated.

(b) Payment may not be made for a project plan unless approved in the grant award.

(1) Payments to recipients shall follow the Federal guidelines outlined at 2 CFR § 200.305.

(2) If a recipient agency seeks additional funds, the supplemental amendment request will be evaluated on the basis of needs, performance, and availability of funds. An existing grant is not a commitment of future Federal funding.

■ 9. Revise § 110.70 to read as follows:

§ 110.70 Financial administration.

(a) Recipients must expend and account for grant funds in accordance with the standards for financial and program management of Federal grants outlined at 2 CFR 200.302.

(b) To be allowable, costs must be eligible, reasonable, necessary, and allocable to the approved project in accordance with 2 CFR part 200, subpart E, Cost Principles, and included in the grant award. Recipients are responsible for obtaining audits in accordance with

2 CFR part 200, subpart F, Audit Requirements. Audits must be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. The Associate Administrator or a designee of the Associate Administrator may audit a recipient at any time.

■ 10. Revise § 110.80 to read as follows:

§ 110.80 Procurement.

Recipients must use procurement procedures and practices that adhere to applicable State laws and regulations and Federal requirements as specified in the procurement standards of 2 CFR part 200, as well as the Department of Transportation exception outlined at 2 CFR 1201.317, as applicable.

■ 11. Revise § 110.90 to read as follows:

§ 110.90 Grant monitoring, reports, and records retention.

(a) *Grant monitoring.* Project managers are responsible for managing the day-to-day operations of grant, subgrant, and contract-supported activities. Project managers must monitor the performance of supported activities to assure compliance with applicable Federal requirements and achievement of performance goals. Monitoring must cover each program, function, activity, or task covered by the grant.

(b) *Reports.* (1) The recipient must submit financial and performance reports as required in the terms and conditions of the grant award. The final financial and performance reports are due 90 days after the expiration or termination of the grant.

(2) All required performance reports will be listed in the terms and conditions of the Notice of Grant Award.

(3) Financial reporting must be supplied using Standard Form 425 Federal Financial Report and submitted in accordance with the terms and conditions of the grant award.

(c) *Records retention.* In accordance with 2 CFR part 200, all financial and programmatic records, supporting documents, statistical records, training materials, and other documents generated under a grant must be maintained by the project manager for three years from the date the project manager submits the final financial report. The project manager must designate a repository and single-point of contact for these purposes. If any litigation, claim, negotiation, audit or another action involving the records has been started before the expiration of the 3-year period, the records must be retained until the action and resolution of all issues that arise from it are completed, or until the end of the regular 3-year period, whichever is later.

■ 12. Revise § 110.100 to read as follows:

§ 110.100 Enforcement.

If a recipient fails to comply with any term of an award (whether stated in a Federal statute or regulation, an assurance, a State plan or application, a notice of award, or elsewhere) a noncompliance action may be taken as specified in 2 CFR 200.338 through 200.342. The recipient will have the opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with 2 CFR 200.341. Costs incurred by the recipient agency during a suspension or after termination of an award are not allowable unless the Associate Administrator authorizes it in writing. Grant awards may also be terminated in whole or in part with the consent of the recipient at any agreed upon effective date, or by the recipient upon written notification.

■ 13. Revise § 110.110 to read as follows:

§ 110.110 After-grant requirements.

The Associate Administrator will close out the award upon determination that all applicable administrative actions and all required work of the grant are complete in accordance with 2 CFR part 200. The project manager must submit all financial, performance, and other reports required as a condition of the grant, within 90 days after the expiration or termination of the grant. This time frame may be extended by the Associate Administrator for cause.

■ 14. Revise § 110.120 to read as follows:

§ 110.120 Deviation from this part.

Recipient agencies may request a deviation from the non-statutory provisions of this part. The Associate Administrator will respond to such requests in writing. If appropriate, the decision will be included in the grant agreement. Request for deviations from this part 110 must be submitted to: the Grants Chief at *HMEP.Grants@dot.gov.*

■ 15. Revise § 110.130 to read as follows:

§ 110.130 Disputes.

Disputes should be resolved at the lowest level possible, beginning with the Grants Specialist, the Grants Team Lead, and the Grants Chief. If an agreement cannot be reached, the Associate Administrator will serve as the dispute resolution official, whose decision will be final.

Issued in Washington, DC, on October 4, 2016, under authority delegated in 49 CFR 1.97.

William Schoonover,

Acting Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2016–24418 Filed 10–7–16; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 160719634–6838–01]

RIN 0648–XE756

Listing Endangered or Threatened Species; 90-Day Finding on a Petition To List the Pacific Bluefin Tuna as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list the Pacific bluefin tuna (*Thunnus orientalis*) as a threatened or endangered species under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listing. We find that the petition presents substantial scientific information indicating the petitioned action may be warranted. We will conduct a status review of the Pacific bluefin tuna to determine whether the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species.

DATES: Scientific and commercial information pertinent to the petitioned action must be received by December 12, 2016.

ADDRESSES: You may submit comments on this document, identified by ''Pacific Bluefin Tuna Petition (NOAA–NMFS–2016–0100),'' by either of the following methods:

- Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0100,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Protected Resources Division, West Coast Region,

NMFS, 1201 NE Lloyd Blvd., Suite #1100, Portland, OR 97232.

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 *http://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. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Electronic copies of the petition and other materials are available on the NMFS West Coast Region Web site at *www.westcoast.fisheries.noaa.gov.* Please direct other inquiries to Scott Rumsey, NMFS West Coast Region at *scott.rumsey@noaa.gov,* (503) 872–2791; or Marta Nammack, NMFS Office of Protected Resources at *marta.nammack@noaa.gov,* (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On June 20, 2016, we received a petition from the Center for Biological Diversity (CBD), on behalf of 13 other co-petitioners, to list the Pacific bluefin tuna as threatened or endangered under the ESA and to designate critical habitat concurrently with its listing. The petition includes general biological information about Pacific bluefin tuna including its taxonomy, range and distribution, the physical and biological characteristics of its habitat, population status and trends, and factors contributing to the species' decline. CBD contends that ''Pacific bluefin tuna are severely overfished, and overfishing continues, making extinction a very real risk.'' The petitioner presents information in the petition on the abundance of the species relative to unfished levels and the fishing rates from 2011–2013 which ''were up to three times higher than commonly used reference point for overfishing.'' The petitioner also presents information on the level of harvest of juvenile Pacific bluefin tuna and what it characterizes as a species in which ''reproduction is currently supported by just a few adult age classes that will soon disappear due to old age.'' Copies of the petition are available upon request (see **FOR FURTHER INFORMATION CONTACT**).

ESA Statutory, Regulatory, Policy Provisions, and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a positive 90-day finding does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife Service (USFWS) (jointly, ''the Services'') policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five section 4(a)(1) factors: (A) The present or threatened destruction, modification, or curtailment of habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; and (E) any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by the Services (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the 90-day finding stage, we evaluate the petitioners' request based upon the information in the petition including its references and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners' sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioners' assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone necessitates a negative 90-day finding if a reasonable person would conclude

that the unknown information itself suggests the species may be in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.,* population abundance and trends, productivity, population spatial structure and connectivity, age structure, sex ratio, diversity, current and historical range), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion. We then assess the potential significance of that negative response.

Many petitions identify risk classifications made by nongovernmental organizations, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by such organizations or made under other Federal or state statutes may be informative, but such classification alone will not alone provide sufficient basis for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/pdf/NatureServeStatusAssessmentsListing-Dec%202008.pdf*). Additionally, species classifications under IUCN and the ESA are not equivalent; data standards, criteria used to evaluate species, and treatment of uncertainty are not necessarily the same. Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the ESA's standards on extinction risk and threats discussed above.

Distribution and Life History of the Pacific Bluefin Tuna

Pacific bluefin tuna are a pelagic, highly migratory species occupying coastal and open ocean areas up to depths of 200 meters (m). They are primarily found in subtropical and temperate waters of the North Pacific Ocean, ranging from East Asia to the west coast of North America. In the western Pacific they are most abundant between Sakhalin Island and the Philippines, but have been reported as far south as Australia and New Zealand. In the central part of the Pacific Ocean, Pacific bluefin tuna have been caught in fisheries both north and south of the equator (Bayliff 1994). In the eastern Pacific, they have been documented from Alaska to South America, but they typically range from the southern tip of Baja California, Mexico, and Point Conception, California (Bayliff 1994).

Of the bony fishes, tuna are unique for their high metabolic rate and in their ability to maintain body temperatures several degrees higher than the surrounding water (Collette & Nauen 1983). The Atlantic and Pacific bluefin tuna were once considered to be subspecies of the Northern bluefin tuna, but are now considered separate species on the basis of genetic and morphological differences (Collette 1999). Pacific bluefin tuna are one of the cold-water group of tunas which have been able to extend their feeding ranges into the colder ocean waters of the temperate zone (Collette 1999).

Pacific bluefin tuna spawning occurs in two areas of the western Pacific. They spawn between the Philippines and the Ryukyu Islands in April, May, and June, and in Japanese coastal waters of the Sea of Japan in July and August (Schaefer 2001; Tanaka *et al.,* 2007). Pacific bluefin tuna are iteroparous spawners, meaning they may spawn more than once in their lifetime. They reach sexual maturity between the ages of 3 and 5, and can live to be at least 20 years old. Research indicates that fish spawning between Japan and the Philippines are primarily 5 year olds, while fish spawning in the Sea of Japan are mostly 3 year olds (ISC 2014).

Pacific bluefin tuna tend to migrate north along the Japanese and Korean coasts in the summer, and south in the winter (Inagake *et al.,* 2001; Itoh *et al.,* 2003; Yoon *et al.,* 2012). A variable but small portion of the age 1–3 Pacific bluefin tuna migrate eastward across the North Pacific Ocean each year, spending up to several years as juveniles off the coast of North America before returning to the western Pacific Ocean to spawn (Inagake *et al.,* 2001). The trans-Pacific migration is believed to take 1.5–2.0 months (Baumann *et al.,* 2015) and their migration route tends to be within the subtropical zone (Whitlock *et al.,* 2012). In the eastern Pacific they are found primarily off the coast of Mexico, California, and Oregon (Domeier *et al.,* 2005). While in the Eastern Pacific Ocean, Pacific bluefin tuna exhibit a seasonal pattern of northerly migrations in the summer and fall, returning to Baja California in the winter months (Kitagawa *et al.,* 2007).

Pacific bluefin tuna fisheries in the eastern Pacific are managed by the Inter-American Tropical Tuna Commission (IATTC), and fisheries in the western and central Pacific are managed by the Western and Central Pacific Fisheries Commission (WCPFC). Five countries harvest these fish but Japan catches the majority of Pacific bluefin tuna, followed by Mexico, the United States, Korea and Chinese Taipei (ISC 2014). Based on genetic information and spawning distribution, the Pacific bluefin tuna is managed as a single stock. Research surveys have caught larval, postlarval, and early juvenile Pacific bluefin tuna in the western Pacific Ocean, but not in the eastern Pacific Ocean, leading to the conclusion that there is a single stock of Pacific bluefin tuna in the North Pacific Ocean (IATTC 2014).

Analysis of Petition and Information Readily Available in NMFS Files

The petition contains information on the species, including the taxonomy,

species description, geographic distribution, habitat, population status and trends, and factors contributing to the species' decline. According to the petition, four of the five causal factors in section 4(a)(1) of the ESA are adversely affecting the continued existence of the Pacific bluefin tuna: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (D) inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence.

In the following sections, we evaluate the information provided in the petition, as well as other pertinent information readily available in our files, to determine if the petition presents substantial scientific or commercial information indicating that an endangered or threatened listing may be warranted as a result of any of the ESA section 4(a)(1) factors. If it does, then we will make a positive finding on the petition and conduct a review of the species range-wide. Below, we summarize the information presented in the petition and in our files on the status of the species and the ESA section 4(a)(1) factors that may be affecting the species' risk of extinction, and determine whether a reasonable person would conclude that an endangered or threatened listing may be warranted as a result of any of these factors.

Pacific Bluefin Tuna Status and Trends

The International Scientific Committee (ISC), the scientific body that informs the Northern Committee to the WCPFC, uses fishery-specific catch-and-effort data from Japanese and Taiwanese fisheries to derive estimates of abundance for Pacific bluefin tuna. The ISC models generate annual estimates of total biomass, spawning stock biomass, and recruitment for each year beginning with 1952. Although there have been fisheries for Pacific bluefin tuna since at least the beginning of the 20th century in the eastern Pacific Ocean, and for several centuries in the western Pacific Ocean, the data prior to 1952, especially from the western Pacific Ocean, are of relatively poor quality (ISC 2016). For this reason, abundance estimates for Pacific bluefin tuna begin with the 1952 fishing season.

The ISC uses an age-structured model, based on catch, size-composition, and catch-per-unit of effort data, to derive estimates of biomass. Catch of Pacific bluefin tuna is recorded as metric tons of fish and biomass is likewise expressed in metric tons. The ISC model indicates that although the total biomass fluctuated throughout the assessment period (1952 through 2014), it began to steadily decline in 1996, leveling off in 2010 (ISC 2016). During the stock assessment period, the total biomass reached a peak of 209,075 metric tons in 1960 and a low of 29,347 in 1983. The estimated total biomass of Pacific bluefin tuna for 2014 is 35,817 metric tons.

The petition and the information in our files indicate that the abundance of Pacific bluefin tuna which are old enough to spawn (spawning stock biomass) has diminished to just 2.6 percent of its unfished biomass and less than one-third of what it was 20 years ago (ISC 2016). The unfished spawning stock biomass can roughly be defined as the theoretical spawning stock biomass without fishing and assuming no environmental or density-dependent effects. The ISC estimated the spawning stock biomass for the year 2014 was 16,557 metric tons and the unfished biomass to be approximately 636,807.

The ISC also estimates the productivity to be relatively stable throughout the modeling period. Recruitment estimates for the most recent years can be highly uncertain due to limited information on the cohorts. However, the ISC (2016) estimated that recruitment in 2014 was relatively low and the average for the last 5 years appears to be below the long-term average. The petitioners assert that 97.6 percent of all Pacific bluefin tuna caught are between 0 and 2 years of age and that the population is supported by just a few adult age classes. The petitioners further assert that along with the dwindling number of adults, in 2014, the Pacific bluefin tuna population produced the second lowest number of juvenile fish since 1952.

Analysis of ESA Section 4(a)(1) Factors

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The petitioners contend that Pacific bluefin tuna are at risk of extinction throughout their range due to water pollution, marine debris, oil and gas development, wind energy development, and prey depletion. The petitioners assert that Pacific bluefin tuna habitat is threatened by pollution in the form of mercury, persistent organic pollutants, plastics, radiation nuclides from Fukushima, oil spills, oil and gas development related waste products, and waste from aquaculture projects. The petitioners note that a recent study by Lowenstein *et al.,* (2010) found mercury levels of bluefin tuna samples collected from restaurants and supermarkets exceed those permitted by the U.S. Food and Drug Administration (2000), Health Canada (2007) and the European Commission (2008). Bluefin tuna samples in the cited study were from Atlantic, Pacific, and Southern bluefin tuna, with over half of the samples from Atlantic bluefin tuna. The petition concludes that because of the relatively high mercury content compared to other fish species, Pacific bluefin tuna are likely susceptible to physiological impacts.

Petitioners also raised concerns about persistent organic pollutants. Persistent organic pollutants are absorbed by organisms at the base of the food chain and accumulated in the fatty tissues of consumers, becoming more concentrated as they work their way up the food chain. This process is known as biomagnification and can pose risks to predators, like bluefin tuna, which are at the top of the food chain. The petitioners cite various examples of studies that have documented biomagnification in similar species and the risks to the health of the organism. As an example, studies of Atlantic bluefin tuna in the Mediterranean found unusually high levels of female proteins in males of the species (Storelli *et al.,* 2008). Researchers believe polychlorinated biphenyls and organochlorine pesticides can mimic endogenous hormones, disrupt reproductive functions and cause developmental abnormalities (such as intersexes) in fish (De Metrio *et al.,* 2003).

The petitioners also raise concerns about pollution from aquaculture projects, calling attention to a proposed project off the coast of San Diego, California. Waste from aquaculture operations can include excess fish feed, dead fish, fish feces, and chemicals used to control disease and parasites (*e.g.* antibiotics and pesticides). Excessive fish feed, dead fish, and fish feces can lead to elevated levels of nitrogen and phosphorous which in turn can cause oxygen depletion and harmful algal blooms in nearby waters. The petitioners do not provide details about how the chemicals used in aquaculture may affect the health of Pacific bluefin tuna in the wild.

The petitioners assert that Pacific bluefin tuna may be susceptible to entanglement by marine debris and ingestion of plastic particles. Most of the reports of fish entangled in marine debris are from lost fishing gear (NOAA 2014). The petitioners note that because of the properties of plastic, small plastic pellets tend to accumulate persistent organic pollutants and contribute to the

biomagnification of these pollutants in the pelagic food web.

Oil and gas development can affect water quality through acute and chronic spills and discharge of produced water and drilling muds. The petitioners assert that the direct impacts of oil spills include behavioral alteration, suppressed growth, induced or inhibited enzyme systems and other molecular effects, physiological responses, reduced immunity to disease and parasites, histopathological lesions and other cellular effects, tainted flesh, and mortality (Holdway 2002). The petitioners further assert that oil spills can exert indirect effects on wildlife through reduction of key prey species, impacting wildlife species and ecosystems for decades (Peterson *et al.,* 2003). The petitioners assert that produced water and drilling muds contain toxic pollutants such as mercury, lead, chromium, barium, arsenic, cadmium, and polycyclic aromatic hydrocarbons (MMS 2007). Furthermore, the petitioners note that some of the chemicals added to fracking fluids can have adverse effects on aquatic species and other wildlife (Colborn *et al.,* 2011). In addition to water quality concerns, the petitioner asserts that oil and gas exploration and development activities produce underwater noise which degrades Pacific bluefin tuna habitat. These activities include seismic surveying, drilling, offshore structure emplacement, offshore structure removal, and production related activities, including ship and helicopter activity for providing supplies to the drilling rigs and platforms.

The petitioners briefly describe the potential harm from wind-energy development, citing interference with migration, feeding, and collisions or entanglements during construction and operation as the primary issues.

The final issue raised by the petitioners related to Pacific bluefin tuna habitat is prey depletion. The petitioners assert that commercial fisheries for forage fish and squid have diminished the quality of Pacific bluefin tuna habitat in the California Current Large Marine Ecosystem. The petitioners further note that the fishery for market squid has increased five-fold in the last three decades (Vojkovich 1998; CDFW 2014) and the fishery for sardines was recently closed because of a 91 percent decline in abundance since 2007 (Hill *et al.,* 2015). Research results on Pacific bluefin tuna foraging ecology demonstrate that their diet varies across years (PFMC 2016).

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petitioners assert that the primary threat to the Pacific bluefin tuna is from overutilization by commercial and recreational fisheries. A common practice in fisheries management is to define biological reference points for abundance of adult fish and limit harvest levels to maintain the stock at or above the biological reference points. The fisheries commissions have not established biological reference points for Pacific bluefin tuna. However, the ISC compared the 2011–2013 estimated fisheries mortalities to standard reference points (targets for fishing effort and abundance of the population) and found that if those points were used to manage Pacific bluefin tuna, overfishing would be occurring or just at the threshold and the stock would be considered overfished (ISC 2016). The management implications of the most recent stock assessment are that the stock is at very low levels and the fishing mortality is higher than any reasonable reference point (Maunder 2016).

The petitioners assert that the vast majority of the Pacific bluefin tuna catch are juvenile fish and the population is supported by a dwindling number of adult tuna. According to the petitioners, nearly 98 percent of all Pacific bluefin tuna caught are between 0 and 2 years of age and the population is supported by just a few adult age classes. Furthermore, the majority of Pacific bluefin tuna landed in the Western Pacific are juveniles caught in or around their nursery grounds. In the Eastern Pacific, 90 percent of the catch is estimated to be 1 to 3 years of age (IATTC 2014).

The petitioners also assert that industrial fishing fleets are targeting adult Pacific bluefin on their spawning grounds, and that this is widely recognized as an unsustainable practice. In support of this assertion, the petitioners provide information about fisheries management for Atlantic bluefin tuna. The International Commission for the Conservation of Atlantic Tunas established regulations in 1982 which prohibit directed fishing on bluefin tuna in their Gulf of Mexico spawning grounds.

The petitioners assert that along with the dwindling number of adults, in 2014, the Pacific bluefin tuna population produced the second lowest number of juvenile fish since 1952. The ISC (2016) estimated that recruitment in 2014 was relatively low and the average for the last 5 years appears to be below the long-term average. Two out of the last three recruitments are the lowest levels observed since 1980 (Maunder 2016).

Inadequacy of Existing Regulatory Mechanisms

The petitioners assert that the existing international, regional, and national regulations do not adequately protect the Pacific bluefin tuna. The regional fisheries management organizations, the IATTC and the WCPFC have adopted management measures for Pacific bluefin tuna, but these measures may not be adequate to end overfishing. The petitioner's primary concern with the existing regulatory mechanisms is the absence of science-based biological reference points and a mandatory limit on the aggregate international catch of Pacific bluefin tuna. As noted above, the petitioners contend that Pacific bluefin tuna are at or below what should be considered a threshold for overfished.

The IATTC staff recommended that commercial catches in 2014 be limited to an amount below 3,154 metric tons, which was the estimated commercial catch in the Eastern Pacific in 2013, and that the noncommercial catches in 2014 be limited below 221 metric tons, which is based on the same method that was applied to commercial catch to determine that recommended limit (IATTC 2014a). The petitioners note that instead of using common scientific reference points, the IATTC staff recommended catch limits based on the previous year's total catch. The petitioners also note that despite recommendations from staff, the IATTC decided to set total commercial catches for 2015 and 2016 at 6,600 metric tons, for an effective annual catch of 3,300 metric tons in each year.

In 2014, WCPFC adopted a rebuilding plan designed to rebuild the stock to the historical median of 42,592 metric tons within 10 years (WCPFC 2014a). Estimated catches of Pacific bluefin tuna were high from 1929 to 1940 with a peak catch of approximately 47,635 metric tons in 1935 (ISC 2014). However, the WCPFC uses the year 1952 as the first year in its calculations for the historical median. The petitioners argue that the chosen historical median equates to just 6.4 percent of the historical unfished level, well below the commonly recommended rebuilding target of 20–40 percent of unfished levels for species such as bluefin tuna (Restrepo *et al.,* 1998).

The petitioners assert that U.S. regulations for domestic Pacific bluefin tuna fisheries are not adequate to prevent extinction. They argue that the United States has not taken adequate

steps to prevent overfishing and to rebuild Pacific bluefin tuna. The petitioners note that for the 2012 and 2013 fishing seasons, NMFS implemented IATTC recommendations for commercial fisheries capping Pacific bluefin tuna annual catch at 500 metric tons—an amount above any U.S. catches since 2000. The petitioners also note that the annual catch limit for 2015 and 2016, a combined limit of 600 metric tons for both years, is more than the U.S. commercial fleet has caught in any 2-year period since 2002.

Since 2010, U.S. recreational catch has been significantly higher than U.S. commercial catch in all but one year, and accounts for the majority of the U.S. landings. In recent years, NMFS reduced the bag limit for recreational fisheries from 10 to 2 fish per day. The petitioners argue that the bag limit does not provide an absolute limit on recreational catch because (1) the fishery is open access, meaning there is no limit on the number of fishermen who can participate in the fishery, and (2) there is no limit on the number of trips each fisherman can take. Therefore, they feel the bag limits do not provide a reliable mechanism for limiting recreational catch and preventing overfishing.

Other Natural or Manmade Factors Affecting Its Continued Existence

The petition contends that climate change and its associated ocean impacts threaten the continued existence of Pacific bluefin tuna. Climate change is increasing ocean temperatures and surface ocean acidity, and decreasing dissolved oxygen levels. Water temperature is believed to be one of the factors which influence spawning success of Pacific bluefin tuna. The petitioners assert that climate change and its associated influence on the distribution of ocean temperatures may disrupt both migration and spawning success for Pacific bluefin tuna. The success of Pacific bluefin tuna spawning and hatching, as well as larval survival, are believed to be closely linked to water temperature. The petitioners note that Kimura *et al.* (2010) found the optimal temperature range for Pacific bluefin tuna larval survival to be 24 to 28 degrees Celsius, and an increase of just 3 degrees above this range to result in an immediate rise in mortality rate. The petitioners also assert that climate change may also reduce prey availability for Pacific bluefin tuna, noting that climate-associated ecosystem changes have reduced productivity in the last half-century in the California Current Large Marine Ecosystem (Black *et al.,* 2014).

The petitioners assert that although research on ocean acidification's direct effects on tuna is in its infancy, preliminary experiments hatching yellowfin tuna eggs in ocean water of varying pH, including current and predicted near future ocean pH (6.9, 7.3, 7.7, and 8.1), showed that decreasing pH (*i.e.,* acidification) significantly increased hours until complete hatching (Bromhead *et al.,* 2013; Frommel *et al.,* 2016). The petitioners also cite research on other species which indicate that decreasing pH can lead to loss of the senses of sight, smell, and touch in fishes.

The petitioners assert that climate change will decrease dissolved oxygen levels in the ocean and influence the range of suitable habitat for Pacific bluefin tuna. The petitioners also assert that scientists have already documented reduced oxygen levels in Pacific bluefin tuna habitat—in waters off Japan, and the California Current (Bograd *et al.,* 2008; Emerson *et al.,* 2004; McClatchie *et al.,* 2010).

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, and based on the above analysis, we conclude the petition presents substantial scientific information indicating the petitioned action of listing the Pacific bluefin tuna as threatened or endangered may be warranted. Therefore, in accordance with section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(2)), we will commence a status review of the species. During our status review, we will first determine whether the species is in danger of extinction (endangered) or likely to become so (threatened) throughout all or a significant portion of its range. Within 12 months of the receipt of the petition (June 20, 2017), we will make a finding as to whether listing the species as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA.

Information Solicited

As a result of this 90-day finding, we commence a status review of the Pacific bluefin tuna to determine whether listing the species is warranted. To ensure that our review of Pacific bluefin tuna is informed by the best available scientific and commercial information, we are opening a 60-day public comment period to solicit information to support our status review and 12-month finding.

Specifically, we request information regarding: (1) Species abundance; (2) species productivity; (3) species distribution or population spatial structure; (4) patterns of phenotypic, genotypic, and life history diversity; (5) habitat conditions and associated limiting factors and threats; (6) ongoing or planned efforts to protect and restore the species and their habitats; (7) information on the adequacy of existing regulatory mechanisms, whether protections are being implemented and whether they are proving effective in conserving the species; (8) data concerning the status and trends of identified limiting factors or threats; (9) information on targeted harvest (commercial and recreational) and bycatch of the species; (10) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk; and (11) information concerning the impacts of environmental variability and climate change on survival, recruitment, distribution, and/or extinction risk.

In addition to the above requested information, we are interested in any information concerning protective efforts that have not yet been fully implemented or demonstrated effectiveness. Our consideration of conservation measures, regulatory mechanisms, and other protective efforts will be guided by the Services ''Policy for Evaluation of Conservation Efforts When Making Listing Decisions'' (PECE Policy; 68 FR 15100; March 28, 2003). The PECE Policy establishes criteria to ensure the consistent and adequate evaluation of formalized conservation efforts when making listing decisions under the ESA. This policy may also guide the development of conservation efforts that sufficiently improve a species' status so as to make listing the species as threatened or endangered unnecessary. Under the PECE Policy the adequacy of conservation efforts is evaluated in terms of the certainty of their implementation, and the certainty of their effectiveness. Criteria for evaluating the certainty of implementation include whether: The necessary resources available; the necessary authority is in place; an agreement formalized (*i.e.,* are regulatory and procedural mechanisms in place); there is a schedule for completion and evaluation; for voluntary measures, incentives to ensure necessary participation are in place; and there is agreement of all necessary parties to the measure or plan. Criteria for evaluating the certainty of effectiveness include whether the

measure or plan: includes a clear description of the factors for decline to be addressed and how they will be reduced; establishes specific conservation objectives; identifies necessary steps to reduce threats; includes quantifiable performance measures for monitoring compliance and effectiveness; employs principles of adaptive management; and is certain to improve the species' status at the time of listing determination. We request that any information submitted with respect to conservation measures, regulatory mechanisms, or other protective efforts, that have yet to be implemented or show effectiveness, explicitly address the criteria in the PECE policy.

We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **FOR FURTHER INFORMATION CONTACT**) or on our Web page at: *www.westcoast.fisheries.noaa.gov.*

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16. U.S.C. 1531 *et seq.*).

Dated: September 29, 2016.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2016–24477 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 160801681–6857–01]

RIN 0648–BG22

International Fisheries; Tuna and Tuna-Like Species in the Eastern Pacific Ocean; Silky Shark Fishing Restrictions and Fish Aggregating Device Data Collection and Identification

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations under the Tuna Conventions Act to implement provisions of two Resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC) in 2016: Resolution C–16–01 (*Collection and Analyses of Data On Fish-Aggregating Devices*) and Resolution C–16–06 (*Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark (Carcharhinus Falciformis) for the Years 2017, 2018, and 2019*). Per Resolution C–16–01, these regulations would require the owner or operator of a U.S. purse seine vessel to ensure characters of a unique code be marked indelibly on each fish aggregating device (FAD) deployed or modified on or after January 1, 2017, in the IATTC Convention Area. The vessel owner or operator would also be required to record and submit information about the FAD, as described in Annex I of the Resolution C–16–01. Per Resolution C–16–06, these regulations would prohibit the owner or operator of a U.S. purse seine vessel from retaining on board, transshipping, landing, or storing, in part or whole, carcasses of silky sharks caught by purse-seine vessels in the IATTC Convention Area. These regulations would also provide limits on the retained catch of silky sharks caught in the IATTC Convention Area. This proposed rule is necessary for the United States to satisfy its obligations as a member of the IATTC.

DATES: Comments on the proposed rule and supporting documents must be submitted in writing by November 10, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0106, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0106,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Rachael Wadsworth, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2016–0106'' in the comments.

Instructions: Comments must be submitted by one of the above methods to ensure they are received, documented, and considered by NMFS. 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. 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.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Regulatory Impact Review and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* docket NOAA–NMFS–2016–0106 or by contacting the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Region, 7600 Sand Point Way, NE., Bldg 1, Seattle, WA 98115–0070, or *RegionalAdministrator.WCRHMS@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Rachael Wadsworth, NMFS, West Coast Region, 562–980–4036.

SUPPLEMENTARY INFORMATION:

Background on the IATTC

The United States is a member of the IATTC, which was established under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission. In 2003, the IATTC adopted the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). The Antigua Convention entered into force in 2010. The United States acceded to the Antigua Convention on February 24, 2016. The full text of the Antigua Convention is available at: *https://www.iattc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf.*

The IATTC consists of 21 member nations and four cooperating non-member nations and facilitates scientific research into, as well as the conservation and management of, tuna and tuna-like species in the IATTC Convention Area. The IATTC Convention Area is defined as waters of the eastern Pacific Ocean (EPO) within the area bounded by the west coast of the Americas and by 50° N. latitude, 150° W. longitude, and 50° S. latitude. The IATTC maintains a scientific research and fishery monitoring program and regularly assesses the status of tuna, sharks, and billfish stocks in the EPO to determine appropriate

catch limits and other measures deemed necessary to promote sustainable fisheries and prevent the overexploitation of these stocks.

International Obligations of the United States Under the Antigua Convention

As a Party to the Antigua Convention and a member of the IATTC, the United States is legally bound to implement decisions of the IATTC. The Tuna Conventions Act (16 U.S.C. 951 *et seq.*) directs the Secretary of Commerce, in consultation with the Secretary of State and, with respect to enforcement measures, the U.S. Coast Guard, to promulgate such regulations as may be necessary to carry out the United States' obligations under the Antigua Convention, including recommendations and decisions adopted by the IATTC. The authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS.

IATTC Resolution on FADs

In 2013, the IATTC adopted Resolution C–13–04 (*Collection and Analyses of Data on Fish-Aggregating Devices*) in response to concerns that incomplete data was being collected on FADs and that the IATTC was unable to track the activities on a FAD through time in the Convention Area. The Commission recognized that additional information needed to be collected before Commission-wide FAD management measures could be developed. In order to fully implement Resolution C–13–04, the Commission also needed to adopt a FAD identification scheme. In 2014 and 2015, the IATTC scientific staff provided options and recommendations for a FAD identification scheme. In 2015, the Commission agreed on a method to identify FADs and adopted Resolution C–15–03, which amended Resolution C–13–04, and included this information. In 2016, the Commission further agreed on modifications to clarify the data collection requirements and revisions to some of the dates for implementing specific provisions in the Resolution. The IATTC adopted Resolution C–16–01 by consensus in July 2016. The main objective of Resolution C–16–01 is to collect data on FADs in the EPO and to identify FADs through a marking system.

IATTC Resolution on Silky Sharks

In 2016, the IATTC adopted Resolution C–16–06 in response to concerns for the stock status of the silky shark in the EPO. The IATTC scientific staff has provided conservation recommendations for the silky shark since 2012, and Resolution C–16–06 is consistent with the advice that the IATTC scientific staff provided in 2016. The main objective of Resolution C–16–06 is to restrict retention of silky sharks on purse seine vessels and to restrict incidental catch of silky sharks on longline vessels in the IATTC Convention Area. U.S. commercial fishing vessels in the EPO do not target silky shark; they are caught incidentally and primarily discarded.

Proposed Regulations

This proposed rule would implement provisions of Resolutions C–16–01 and C–16–06, described above, for U.S. commercial fishing vessels that fish for tuna or tuna-like species in the IATTC Convention Area. This proposed rule includes four elements: Two elements regarding FADs and two elements regarding silky shark.

The first element would require the owner or operator of a U.S. purse seine vessel to ensure characters of a unique code be marked indelibly on each fish aggregating device (FAD) deployed or modified on or after January 1, 2017. The vessel owner or operator would be required to select one of the following two options for the unique code for each FAD: (1) Obtain a unique code from NMFS West Coast Region that NMFS has obtained from the IATTC Secretariat, as specified in Annex I of Resolution C–16–01 or (2) use an existing unique identifier associated with the FAD (*e.g.,* the manufacturer identification code for the attached buoy).

The vessel owner or operator would be required to ensure the characters for the unique code be at least 5 centimeters in height on the upper portion of the attached radio or satellite buoy in a location that does not cover the solar cells used to power the equipment. For FADs without attached radio or satellite buoys, the characters would be required to be marked indelibly on the uppermost or emergent top portion of the FAD. In other words, the vessel owner or operator would be required to ensure the marking is durable and will not fade or be erased (*e.g.,* marked using an epoxy-based paint or an equivalent in terms of lasting ability) and visible at all times during daylight. In circumstances where the observer is unable to view the unique code, the captain or crew would be required to assist the observer (*e.g.,* by providing the unique code of the FAD to the observer).

The second element would require the vessel owner or operator of a FAD that is deployed on or after January 1, 2017, to record and submit information about the FAD to the address specified by the Highly Migratory Species (HMS) Branch. The HMS Branch is defined as NMFS West Coast Region, Suite 4200, 501 W. Ocean Blvd., Long Beach, CA 90802. In accordance with Annex I of Resolution C–16–01, nine data fields would be required to be recorded and submitted: (1) Position; (2) date; (3) hour; (4) FAD unique identifier; (5) FAD type (*e.g.,* drifting natural FAD, drifting artificial FAD); (6) FAD design characteristics (dimension and material of the floating part and of the underwater hanging structure); (7) the type of activity (set, deployment, hauling, retrieving, loss, intervention on electronic equipment, other (if so, specify)); (8) if the activity is a set, the results of the set in terms of catch and bycatch; and (9) characteristics of any attached buoy or positioning equipment (positioning system, whether equipped with sonar, *etc.*). The IATTC Secretariat is currently working on further describing and defining each of these data fields through the development of a standard form. Owners and operators of a FAD would be required to record this information on the standard form developed by the Secretariat and provided to the owners and operators by the HMS Branch.

The third element would prohibit the crew, operator, and owner of a commercial purse seine fishing vessel of the United States used to fish for tuna or tuna-like species from retaining on board, transshipping, storing, or landing any part or whole carcass of a silky shark that is caught in the Convention Area. U.S. purse seiners do not target silky sharks; they are caught incidentally and are primarily discarded. The impacts of these proposed regulations to purse seine vessels are described in the Classification section below.

The fourth element would require the crew, operator, and owner of a commercial longline fishing vessel of the United States to limit the retention of silky sharks caught in the IATTC Convention Area to a maximum of 20% by weight of the total catch of fish during any fishing trip that occurred in whole or in part in the IATTC Convention Area. Although Resolution C–16–06 provides that the ''bycatch'' of silky shark be restricted, NMFS proposes to use the term ''retained catch'' in these proposed regulations.

U.S. longline vessels fishing in the IATTC Convention Area do not target, and infrequently catch, silky shark. Data from 2008 to 2015 show that any incidentally caught silky shark are released, and almost all are released alive. Silky shark are commonly

released by cutting the line or dehooking the shark before it is brought onboard the vessel. Weights for silky shark are not recorded and weight estimates for sharks released while still in the water would likely not be reliable. An evaluation of total catch per longline trip where silky shark have been caught and released shows that, if the average weights of silky sharks are approximated, the amount of silky shark caught by U.S. longline vessels fishing in the EPO would not come close to 20% by weight of the total catch of fish during a fishing trip. NMFS is proposing to use the term ''retained catch'' in the proposed regulations to assist in enforcement of these regulations. The impacts of these proposed regulations to longline vessels are described in the Classification section below.

Classification

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Tuna Conventions Act and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS is amending the supporting statement for the Pacific Tuna Fisheries Logbook Office of Management and Business (OMB) Paperwork Reduction Act (PRA) requirements (OMB Control No. 0648–0148) to include the data collection requirements for FADs as described in the preamble. NMFS estimates the public reporting burden for this collection of information to average 10 minutes per form, time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. NMFS requests any comments on the addition of the FAD data collection form to the PRA package, including whether the paperwork would unnecessarily burden any vessel owners and operators. 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 the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

Regarding the elements of the proposed rule pertaining to silky shark; there are no new collection-of-information requirements associated with this action that are subject to the PRA, and existing collection-of-information requirements still apply under the following Control Numbers: 0648–0593 and 0648–0214. 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 Office of Management and Budget control number.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared as required by section 603 of the Regulatory Flexibility Act to analyze whether the proposed rule to implement provisions of Resolutions C–16–01 and C–16–06 adopted by the IATTC in 2016 would have a significant economic impact on a substantial number of small entities. The IRFA is being published to aid the public in commenting upon NMFS conclusion that the proposed actions will not have a significant economic impact on a substantial number of small entities.

As described previously in the **SUPPLEMENTARY INFORMATION** section, the proposed regulations would require FAD identification and data reporting as well as fishing restrictions on silky sharks. Alternatively, the failure to promulgate the proposed action would result in the provisions of these Resolutions not being implemented and would not allow the United States to satisfy its obligations as a member of the IATTC.

On December 29, 2015, NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts for all businesses primarily engaged in the commercial fishing industry (NAICS 11411) for Regulatory Flexibility Act (RFA) compliance purposes only (80 FR 81194, December 29, 2015). The $11 million standard became effective on July 1, 2016, and is to be used in place of the U.S. Small Business Administration's (SBA) current standards of $20.5 million, $5.5 million, and $7.5 million for the finfish (NAICS 114111), shellfish (NAICS 114112), and other marine fishing (NAICS 114119) sectors of the U.S. commercial fishing industry for all NMFS rules, subject to the RFA, published after July 1, 2016. *Id.* at 81194.

NMFS has reviewed the analyses prepared for this regulatory action in light of the new size standard. All of the entities directly regulated by this regulatory action are commercial finfish fishing businesses. The new standard results in fewer commercial finfish businesses being considered small.

The entities that would be affected by the proposed action are (1) U.S. purse seine vessels that use FADs to fish for tuna or tuna-like species in the IATTC Convention Area, and (2) U.S. purse seine and longline vessels that catch silky shark.

As of July 2016, there are 15 large purse seine vessels (with at least 363 metric tons of fish hold volume) listed on the IATTC Regional Vessel Register. The number of U.S. large purse seine vessels on the IATTC Regional Vessel Register has increased substantially in the past two years due to negotiations regarding the South Pacific Tuna Treaty (SPTT) and the interest expressed by vessel owners that typically fish in the WCPO in relocating to the EPO. However, parties reached agreement in principle on changes to the SPTT in June 2016. U.S. large purse seine vessels fishing in the EPO primarily land yellowfin, skipjack, and bigeye tuna. Estimates of ex-vessel revenues for large U.S. purse seine vessels fishing in the IATTC Convention Area from 2005 to 2014 have been confidential and may not be publicly disclosed because of the small number of vessels in the fishery. However, in 2015, thirteen large purse seine vessels fished either exclusively in the EPO or fished in both the EPO and WCPO, and so information for 2015 is not confidential.

For large purse seine vessels that fished exclusively in the EPO in 2015, ex-vessel price information specific to the individual vessels are not available to NMFS because these vessels did not land on the U.S. West Coast and the cannery receipts are not available through the IATTC. However, estimates for large purse seine vessels based in the WCPO that fish in both the EPO and WCPO may be used as a proxy for U.S. large purse seine vessels. The number of these U.S. purse seine vessels is approximated by the number with WCPFC Area Endorsements, which are

the NMFS-issued authorizations required to use a vessel to fish commercially for HMS on the high seas in the Convention Area. As of August 2016 the number of purse seine vessels with WCPFC Area Endorsements was 42. Neither gross receipts nor ex-vessel price information specific to individual fishing vessels are available to NMFS, so NMFS applied indicative regional cannery prices—as approximations of ex-vessel prices—to annual catches of individual vessels to estimate their annual receipts. Indicative regional cannery prices are available through 2014 (developed by the Pacific Islands Forum Fisheries Agency; available at *https://www.ffa.int/node/425*), so NMFS estimated vessels' annual receipts during 2012–2014. Using this approach, NMFS estimates that among the affected vessels, the range in annual average receipts in 2012–2014 was $3 million to $20 million and the median was about $13 million. Thus, NMFS estimates that slightly more than half of the affected large purse seine vessels are small entities. Purse seine vessels that use FADs to fish for tuna or tuna-like species and that catch silky shark in the IATTC Convention Area are all large vessels and are both large and small entities.

There are two components to the U.S. tuna purse seine fishery in the EPO: (1) Large purse seine vessels with at least 363 metric tons of fish hold volume (size class 6 vessels) that typically have been based in the western and central Pacific Ocean (WCPO), and (2) coastal purse seine vessels with smaller fish hold volume that are based on the U.S. West Coast. Because only the large purse seine vessels fish with FADs and incidentally catch silky shark in the EPO, the proposed action is not expected to impact the coastal purse seine vessels. U.S. purse seiners do not target silky sharks in the EPO. Since 2005, the best available data from observers show that the incidental catches of silky shark are primarily discarded; however, a small percentage has been landed in the past ten years. For example, in 2015, a year in which more than three large purse seine vessels fished in the EPO, about 3% of the total catches of silky shark were landed and the rest were discarded either dead or alive. Since at least 2005, the observer coverage rate on class size 6 vessels in the EPO has been 100 percent.

As of August 2016, the IATTC Regional Vessel Register lists 158 U.S. longline vessels that have the option to fish in the IATTC Convention Area. The majority of these longline vessels possess Hawaii Longline Limited Access Permits (issued under 50 CFR 665.13). Under the Hawaii longline limited access program, no more than 164 permits may be issued. In addition, there are U.S. longline vessels based on the U.S. West Coast, some of which operate solely under the Pacific HMS permit. U.S. West Coast-based longline vessels operating under the Pacific HMS permit fish primarily in the EPO and are currently restricted to fishing with deep-set longline gear outside of the U.S. West Coast EEZ. These vessels primarily target tuna species with a small percentage of swordfish and other highly migratory species taken incidentally.

There have been less than three West Coast-based vessels operating under the HMS permit since 2005; therefore, landings and ex-vessel revenue are confidential. However, the number of Hawaii-permitted longline vessels that have landed in West Coast ports has increased from one vessel in 2006 to 14 vessels in 2014. In 2014, 621 mt of highly migratory species were landed by Hawaii permitted longline vessels with an average ex-vessel revenue of approximately $247,857 per vessel. For the longline fishery, the ex-vessel value of catches by the Hawaii longline fleet in 2012 was about $87 million. With 129 active vessels in that year, per-vessel average revenues were about $0.7 million, well below the $11 million threshold for finfish harvesting businesses. NMFS considers all longline vessels, for which data is non-confidential, that catch silky sharks in the IATTC Convention Area to be small entities for the purposes of the RFA.

U.S. longline vessels fishing in the IATTC Convention Area, whether under the Hawaii Longline Limited Access Permit or the Pacific HMS permit, do not target silky shark and all those caught incidentally are released. From 2008 to 2015, logbook records recorded by vessel owners and operators of U.S. longline vessels fishing in the IATTC Convention Area showed a total of four silky sharks caught and released on four separate trips. During this same time period, observers did not record any catch of silky shark on longline vessels using shallow-set gear. The observer data for the Hawaii deep-set longline fishery showed a *de minimis* amount was occasionally caught and nearly all were released alive. Since at least 2008, the observer coverage rates on shallow-set and deep-set longline vessels in the EPO have been a minimum of 100 and 20 percent, respectfully. An evaluation of total catch per longline trip where silky shark have been caught and released shows that, if the average weights of silky sharks are approximated, the amount of silky shark caught by U.S. longline vessels fishing in the EPO do not come close to 20% by weight of the total catch of fish during a fishing trip.

NMFS considered a ''No Action'' alternative to the proposed action. Under the ''No Action'' alternative, the vessel owners and operators of large purse seine vessels would not mark FADs or collect data on FAD activities. In addition, large purse seine vessels would not need to release silky sharks caught in the EPO and there would be no restrictions on catch on longline vessels. Under this alternative, the United States would not implement Resolutions C–16–01 and C–16–06 and would not satisfy international obligations as a Party to the Antigua Convention.

Because the proposed action implements Resolutions C–16–01 and C–16–06 as agreed to by the United States, there are also not any possible additional alternatives that would be consistent with U.S obligations as a party to the Antigua Convention.

This IRFA was developed for this action using NMFS' small business size standard of $11 million in annual gross receipts for all businesses primarily engaged in the commercial fishing industry (NAICS 11411) for Regulatory Flexibility Act (RFA) compliance purposes (80 FR 81194, December 29, 2015). The $11 million standard is used in place of the U.S. SBA current standards of $20.5 million, $5.5 million, and $7.5 million for the finfish (NAICS 114111), shellfish (NAICS 114112), and other marine fishing (NAICS 114119) sectors of the U.S. commercial fishing industry. NMFS has reviewed the analyses prepared for this action in light of the $11 million standard. Under this size standard, the entities for which the proposed action on FADs applies are considered large and small business. However, disproportional economic effect between small and large businesses is not expected; there will be only minimal additional time burden for owners and operators of large purse seine vessels to ensure characters of a unique code be marked indelibly on their FADs and to record data for FAD activities. And while the large purse seine vessels impacted by the proposed actions with respect to treatment of silky sharks would be required to release all silky sharks, U.S. purse seine vessels do not target silky sharks, and primarily release those caught incidentally. However, there may be some modifications to the fishing practices of these large and small entities to release all catch of silky sharks.

NMFS considers the longline vessels for which the proposed action on silky shark applies to be small entities and the large purse seine vessels to also be large and small entities. U.S. longline vessels fishing in the EPO do not target silky shark and release all those incidentally caught. U.S. longline vessels only occasionally catch a small amount of silky sharks on fishing trips in the EPO; therefore, this proposed action is not expected to impact the fishing practices of these longline vessels.

Thus, these proposed actions are not expected to substantially change the typical fishing practices of affected vessels. In addition, any impact to the income of U.S. vessels would be minor. Therefore, NMFS has determined that the proposed action is not expected to have a significant economic impact on a substantial number of small entities.

Management of commercial fisheries must comply with a number of international agreements, domestic laws, and Fisheries Management Plans. These include, but are not limited to, the Magnuson-Stevens Fishery Conservation and Management Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. NMFS strives to ensure consistency among the regulations with relevant agencies. The proposed rule would not conflict with any other statutes or regulations, Federal or otherwise.

List of Subjects in 50 CFR Part 300

Fish, Fisheries, Fishing, Fishing vessels, International organizations, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: September 27, 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 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 1. The authority citation for part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 2. In § 300.21, add the definition for ''Highly Migratory Species (HMS) Branch'' in alphabetical order to read as follows:

§ 300.21 Definitions.

* * * * *

Highly Migratory Species (HMS) Branch means: National Marine Fisheries Service West Coast Region, Suite 4200, 501 W. Ocean Blvd., Long Beach CA 90802.

* * * * *

■ 3. In § 300.24, add paragraphs (ee) through (hh) to read as follows:

§ 300.24 Prohibitions.

* * * * *

(ee) Fail to ensure characters of a unique code are marked indelibly on a FAD deployed or modified on or after January 1, 2017 in accordance with § 300.25 (h).

(ff) Fail to record and report data on interactions or activities on FADs as required in § 300.25 (i).

(gg) Use a commercial purse seine fishing vessel of the United States to retain on board, transship, store, or land any part or whole carcass of a silky shark (*Carcharhinus falciformis*) in contravention of § 300.27 (e).

(hh) Use a U.S. longline vessel to catch silky shark in contravention of § 300.27 (f).

■ 4. In § 300.25, add paragraphs (h) and (i) to read as follows:

§ 300.25 Eastern Pacific fisheries management.

* * * * *

(h) *FAD identification requirements for purse seine vessels.*

(1) For each FAD deployed or modified on or after January 1, 2017, in the IATTC Convention Area, the vessel owner or operator must either: obtain a unique code from HMS Branch; or use an existing unique identifier associated with the FAD (*e.g.,* the manufacturer identification code for the attached buoy).

(2) U.S. purse seine vessel owners and operators shall ensure the characters of the unique code or unique identifier be marked indelibly at least 5 centimeters in height on the upper portion of the attached radio or satellite buoy in a location that does not cover the solar cells used to power the equipment. For FADs without attached radio or satellite buoys, the characters shall be on the uppermost or emergent top portion of the FAD. The vessel owner or operator shall ensure the marking is visible at all times during daylight. In circumstances where the on-board observer is unable to view the code, the captain or crew shall assist the observer (*e.g.* by providing the FAD identification code to the observer).

(i) *FAD data reporting for purse seine vessels.* U.S. vessel owners and operators must ensure that any interaction or activity with a FAD is reported using a standard format provided by the HMS Branch. The owner and operator shall ensure that the form is submitted to the address specified by the HMS Branch.

■ 5. In § 300.27 paragraphs (e) through (h) are redesignated as paragraph (g) through (j) and new paragraphs (e) and (f) are added to read as follows:

§ 300.27 Incidental catch and tuna retention requirements.

* * * * *

(e) *Silky shark restrictions for purse seine vessels.* The crew, operator, and owner of a commercial purse seine fishing vessel of the United States used to fish for tuna or tuna-like species is prohibited from retaining on board, transshipping, storing, or landing any part or whole carcass of a silky shark (*Carcharhinus falciformis*) that is caught in the Convention Area.

(f) *Silky shark restrictions for longline vessels.* The crew, operator, and owner of a longline vessel of the United States used to fish for tuna or tuna-like species must limit the retained catch of silky sharks caught in the IATTC Convention Area to a maximum of 20 percent in weight of the total catch during each fishing trip that occurs in whole or in part in the IATTC Convention Area.

* * * * *

[FR Doc. 2016–24444 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 81, No. 196

Tuesday, October 11, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of October 19, 2016 Advisory Committee on Voluntary Foreign Aid Meeting

AGENCY: United States Agency for International Development.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: Wednesday, October 19, 2016.
Time: 2:00–4:00 p.m.
Location: Pavilion Room, The Ronald Reagan Building, 1300 Pennsylvania Ave. NW., Washington, DC 20004.

Purpose

The Advisory Committee on Voluntary Foreign Aid (ACVFA) brings together USAID and private voluntary organization officials, representatives from universities, international nongovernment organizations, U.S. businesses, and government, multilateral, and private organizations to foster understanding, communication, and cooperation in the area of foreign aid.

Agenda

USAID Administrator Gayle Smith will make opening remarks, followed by panel discussions among ACVFA members and USAID leadership on global development trends. The full meeting agenda will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee.*

Stakeholders

The meeting is free and open to the public. Registration information will be forthcoming on the ACVFA Web site at *http://www.usaid.gov/who-we-are/organization/advisory-committee.*

FOR FURTHER INFORMATION CONTACT: Jayne Thomisee, *acvfa@usaid.gov.*

Dated: October 3, 2016.

Jayne Thomisee,

Executive Director & Policy Advisor, U.S. Agency for International Development.

[FR Doc. 2016–24525 Filed 10–7–16; 8:45 am]

BILLING CODE P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974; System of Records

AGENCY: United States Agency for International Development

ACTION: New system of records notice.

SUMMARY: Pursuant to the Privacy Act, 5 U.S.C. 552a, the United States Agency for International Development (USAID) is issuing new public notice for a system of records entitled ''USAID–32 Reasonable Accommodation Records''. This action is necessary to meet the requirements of the Privacy Act, 5 U.S.C. 522a(e)(4), to publish in the **Federal Register** notice of the existence and character of record systems maintained by the agency.

DATES: In accordance with 5 U.S.C. 522a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, any comments must be received on or before November 10, 2016. Unless comments are received that would require a revision, this altered system of records will become effective on November 10, 2016.

ADDRESSES: You may submit comments:

Electronic

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the Web site for submitting comments.
- *Email: privacy@usaid.gov.*

Paper

- *Fax:* (703) 666–5670.

Mail: Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: The USAID Privacy Office at United States Agency for International Development, Bureau for Management, Office of the Chief Information Officer, Information Assurance Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523; or via email at *privacy@usaid.gov.*

SUPPLEMENTARY INFORMATION: The Reasonable Accommodation Records system covers USAID reasonable accommodation activities related to current and former USAID employees and applicants. The Rehabilitation Act requires USAID to provide reasonable accommodation to qualified applicants and employees with disabilities if known or requested, unless the accommodation would impose undue hardship on USAID. Reasonable accommodations provide modifications or adjustments to: (1) The job application process that enables a qualified applicant with a disability to enjoy equal employment opportunities available to persons without disabilities; (2) the work environment; and/or (3) the manner in which a position is customarily performed. The Reasonable Accommodation Records system allows USAID to collect, use, maintain, and disseminate the records needed to process, manage, and resolve reasonable accommodation requests. Records include the requests, documentation related to the request, disposition of the requests, and reasonable accommodations provided by USAID.

Dated: July 28, 2016.

Jon Brause,

Chief Privacy Officer, United States Agency for International Development.

USAID–32

SYSTEM NAME:

Reasonable Accommodation Records.

SYSTEM LOCATION:

Office of Civil Rights and Diversity, United States Agency for International Development (USAID), 1300 Pennsylvania Avenue NW., Washington, DC 20523–2120.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Individuals who are current or former USAID employees and applicants, and who have requested reasonable accommodation under the Rehabilitation Act of 1973, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents compiled during the reasonable accommodation request process. These records may contain names, employment status, addresses, email addresses, telephone

numbers, occupational series, grade level, Agency office; the details of the reasonable accommodation request or emergency assistance request, type of accommodation requested, information concerning the nature of the disability and the need for accommodation, medical documentation, sources of technical assistance consulted to identify and procure reasonable accommodations, the details of the Agency determination; and any other information related to the request.

AUTHORITY FOR MAINTENANCE OF SYSTEM OF RECORDS:

This system is established and is maintained pursuant to 5 U.S.C. 301, Departmental Regulations; the Rehabilitation Act of 1973, 29 U.S.C. 791; E.O. 13164—Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation; and E.O. 13548, Increasing Federal Employment of Individuals with Disabilities

PURPOSE(S):

The purpose of this system is to allow USAID to collect and maintain records on applicants and employees with disabilities who requested or received reasonable accommodation by the Agency as required by the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This system is maintained for the purpose of processing, deciding, and implementing requests for reasonable accommodation made by USAID employees and applicants. The purpose of this system is also to track and report the processing of requests for reasonable accommodation Agency-wide to comply with applicable law and regulations and to preserve and maintain the confidentiality of medical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records contained in this system of records may be disclosed outside USAID as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the Department of Justice, (including United States Attorney Offices), or other appropriate Federal Government agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation (1) USAID or any component thereof; (2) any employee of USAID in his/her official capacity; (3) any employee of USAID in his/her individual capacity where DOJ or USAID has agreed to represent the employee; or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and USAID determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which USAID collected the records.

(2) To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

(3) To the National Archives and Records Administration (NARA) or other federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(4) To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

(5) To appropriate agencies, entities, and persons when (1) USAID suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency 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 USAID or another agency or entity) or harm to the individual that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USAID's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(6) To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for USAID, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use is subject to the same Privacy Act requirements and limitations on disclosure as are applicable to USAID officers and employees.

(7) To an appropriate federal, state, or local law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

(8) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena from a court of competent jurisdiction.

(9) To another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation issues, when that agency or commission has jurisdiction over reasonable accommodation.

(10) To appropriate third parties contracted by USAID to facilitate mediation or other dispute resolution procedures or programs.

(11) To a Federal agency or entity that requires information relevant or related to a reasonable accommodation decision and/or its implementation.

(12) To medical personnel and first responders, to meet a bona fide emergency, including medical emergencies.

(13) To attorneys, union representatives, or other persons designated by USAID employees in writing to represent them in a grievance, complaint, appeal, or litigation case.

(14) To an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

(15) To labor organization officials when such information is relevant to personnel policies affecting employment conditions and necessary for exclusive representation by the labor organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records in this system are stored on paper and/or electronic form; and are maintained in locked cabinets and/or user-authenticated, password-protected systems.

RETRIEVABILITY:

Records are retrieved by the names of the individuals about whom they are maintained and/or the number assigned to the accommodation request. In the case of electronic databases, information may be retrieved by other identifying search terms.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules and policies, including the Agency's automated directive system (ADS). In general, records are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Access to records is restricted to those authorized USAID personnel and authorized contractors who have an official need in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.003, October 20, 2000; and in accordance with the National Archives and Records Administration (NARA) General Records Schedule 1, Civilian Personnel Records, Item 24, Reasonable Accommodation Request Records.

SYSTEM MANAGER(S) AND ADDRESS:

Reasonable Accommodation Program Manager, Office of Civil Rights and Diversity, United States Agency for International Development, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2120.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORDS ACCESS PROCEDURES:

Under the Privacy Act, individuals may request access to records about themselves. If an agency or a person, who is not the individual who is the subject of the records, requests access to records about an individual, the written consent of the individual who is the subject of the records is required.

Requesters may submit requests for records under the Privacy Act: (1) By mail to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701; (2) via Facsimile to 202–216–3070; (3) via email to *foia@usaid.gov;* (4) on the USAID Web site at *www.usaid.gov/foia-requests;* or (5) in person during regular business hours at USAID, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2701, or at USAID overseas missions.

Requesters using 1 through 4 may provide a written statement or may complete and submit USAID Form 507–1, Freedom of Information/Privacy Act Record Request Form, which can be obtained: (a) On the USAID Web site at *www.usaid.gov/foia-requests;* (b) by email request to *foia@usaid.gov;* or (c) by writing to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701, and provide information that is necessary to identify the records, including the following: Requester's full name; present mailing address; home telephone; work telephone; name of subject, if other than requester; requester relationship to subject; description of type of information or specific records; and purpose of requesting information. Requesters should provide the system of record identification name and number, if known; and, to facilitate the retrieval of records contained in those systems of records which are retrieved by Social Security Numbers, the Social Security Number of the individual to whom the record pertains.

In addition, requesters using 1 through 4 must include proof of identity information by providing copies of two (2) source documents that must be notarized by a valid (un-expired) notary public. Acceptable proof-of-identity source documents include: An unexpired United States passport; Social Security Card (both sides); unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

Requesters using 1 through 4 must also provide a signed and notarized statement that they are the person named in the request; that they understand that any falsification of their statement is punishable under the provision of 18 U.S.C. 1001 by a fine, or by imprisonment of not more than five years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisonment of not more than eight years, or both; and that requesting or obtaining records under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) as a misdemeanor and by a fine of not more than $5,000.

Requesters using 5 must provide such personal identification as is reasonable under the circumstances to verify the requester's identity, including the following: An unexpired United States passport; Social Security Card; unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

CONTESTING RECORDS PROCEDURES:

Individuals seeking to contest or amend records maintained on himself or herself must clearly and concisely state that information is being contested, and the proposed amendment to the information sought. Requests to amend a record must follow the Record Access Procedures above.

RECORDS SOURCE CATEGORIES:

Sources of records include individuals who have requested reasonable accommodation and supporting documentation from USAID officials, employees, and agents, and/or healthcare professionals involved in the reasonable accommodation request, response, and implementation process.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2016–24509 Filed 10–7–16; 8:45 am]

BILLING CODE 6116–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Submission for OMB Review; Comment Request

October 5, 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 November 10, 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.

Agricultural Research Service

Title: Evaluation of User Satisfaction with NAL Internet Sites.

OMB Control Number: 0518–0040.

Summary of Collection: There is a need to measure user satisfaction with the National Agricultural Library (NAL) Internet sites in order for NAL to comply with Executive Order 12862, which directs federal agencies that provide significant services directly to the public to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. NAL Internet sites are a vast collection of Web pages created and maintained by component organizations of NAL, and are visited by 8.6 million people per month on average. The information generated from this research will enable NAL to evaluate the success of this new modality in response to fulfilling its legislative mandate to disseminate vital agricultural information and truly become the national digital library of agriculture.

Need and Use of the Information: The purpose of the research is to ensure that intended audiences find the information provided on the Internet sites easy to access, clear, informative, and useful. The research will provide a means by which to classify visitors to the NAL Internet sites, to better understand how to serve them. If the information is not collected, NAL will be limited in its ability to provide accurate, timely information to its user community.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 12,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 720.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–24440 Filed 10–7–16; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comments Request—Assessment of the Barriers That Constrain the Adequacy of Supplemental Nutrition Assistance Program (SNAP) Allotments

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the public and other public agencies to comment on this proposed information collection. This is a new collection for the purpose of assessing the individual, household, and the environmental factors that limit the adequacy of the SNAP allotment.

DATES: Written comments must be received on or before December 12, 2016.

ADDRESSES: Comments may be sent to: Rosemarie Downer, Food and Nutrition Service/U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of (703) 305–2576 at (703) 305–2129 or via email to *rosemarie.downer@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the Office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collected should be directed to Rosemarie Downer at (703) 305–2129.

SUPPLEMENTARY INFORMATION: 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 on the proposed collection of information, including the validity of the methodology and assumptions that were used; (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 those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Assessment of the Barriers that Constrain the Adequacy of Supplemental Nutrition Assistance Program (SNAP) Allotments.

OMB Number: 0584—NEW.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: The Supplemental Nutrition Assistance Program (SNAP) is intended to alleviate food insecurity among low-income households. Towards this end, it provides eligible low-income households with a monthly benefit amount (SNAP allotment) based on household size and net income to purchase foods from authorized retailers that can be prepared and eaten at home. SNAP benefits are based on the Thrifty Food Plan, which is intended to be a minimal-cost nutritionally adequate diet, but has been the subject of significant criticism for being inadequate. In 2015, about 53 percent of SNAP households experienced food

insecurity, with about 23 percent of SNAP households experiencing very low food security (or severe food insecurity). While participation in SNAP for about 6 months is associated with decreased food insecurity, it does not guarantee food security or a healthy diet.

The Institute of Medicine (IOM) has examined the current SNAP benefit and has raised several concerns about its adequacy. The IOM committee recommended that FNS assess the individual, household, and the environmental factors that limit the adequacy of the current SNAP allotment. To this end, FNS is conducting a survey followed by in-depth interviews with SNAP participants. The data collection activities to be undertaken subject to this notice include:

• *Food and Your Household Survey:* SNAP participants selected for the study will be asked questions about their food budgets, shopping patterns, knowledge and attitudes about healthy diets, barriers to purchasing foods to ensure they eat a healthy diet, coping strategies when resources are limited, participation in nutrition assistance programs, and household characteristics. First, a hard-copy survey will be mailed to SNAP participants, and they will be asked to return it in a postage-paid envelope. Those with bad addresses and those who do not respond to the mailing will be given an option to complete a telephone interview.

• *In-depth interviews.* To supplement the survey data, in-person in-depth interviews will be conducted with 120 SNAP participants. Interviewees will be asked open-ended questions about their food budgets, choices, options, preferences, their perceptions of a healthy diet, the extent to which they provide and receive food assistance from others in their social networks, and why they shop for food in specific locations. They will also be asked to narrate a ''tour'' of their kitchen and eating spaces. In-depth interview respondents will be chosen from among survey respondents based on their representation of the following analytic categories of interest: Food security, rural-urban location, geographical region, and phase of the benefit month.

Affected Public: Respondent groups identified include individuals/households (SNAP participants).

Estimated Number of Respondents: The total sample size for this collection is 6,983 individuals/households who will be contacted. Out of those, the total number of respondents who will move on to participate in part or whole is 4,800. This includes 4,800 SNAP participants for the Food and Your Household survey (with an 80 percent response rate for eligible respondents) and 120 SNAP participants who will complete the in-depth interviews (with an 80 percent response rate for eligible respondents) in addition to the SNAP survey.

Estimated Number of Responses per Respondent: Participants in the survey-only group will respond one time and those in the in-depth interview group will respond two times: once to the survey and once to the in-depth interview.

Estimated Total Annual Responses: 4,920.

Estimated Time per Response: The surveys will take an average of 30 minutes (.5 hours). In-depth interviews will take an average of 75 minutes (1.25 hours).

Estimated Total Annual Burden on Respondents: 2,691.34 hours.

See the table below for estimated total annual burden for each type of respondent.

Respondent	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total burden (in hours)
SNAP Client Survey					
Completed	4,800	1	4,800	0.500	2,400.00
Attempted	1,793	1	1,793	0.067	120.13
Survey Total	6,593		6,593		2,520.13
In-depth Interview with SNAP Clients					
Recruitment Screener:					
Completed	216	1	216	0.083	17.93
Attempted	24	1	24	0.033	0.79
In-depth Interview:					
Completed	120	1	120	1.250	150.00
Attempted	30	1	30	0.083	2.49
In-depth Interviews Total	390		390		171.21
Total	6,983		6,983		2.691.34

Dated: October 3, 2016.

Telora T. Dean,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2016–24478 Filed 10–7–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Submission for OMB Review; Comment Request

October 4, 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 and other forms of information technology.

Comments regarding this information collection received by November 10, 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. Commentors 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.

Forest Service

Title: Cooperative Wildland Fire Management and Stafford Act Response Agreements.

OMB Control Number: 0596—NEW.

Summary of Collection: The primary authorities allowing for the agreements are the reciprocal Fire Protection Act, 42 U.S.C. 1856, and the Stafford Act, 42 U.S.C. 5121. The Forest Service (FS) is charged with the duty of providing fire protection for any property of the United States and is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for other property for which such organization normally provides fire protection.

Need and Use of the Information: To negotiate, develop, and administer Cooperative Wildland Fire Management and Stafford Act Response Agreements, the USDA FS, Department of Interior (DOI) Bureau of Land Management; Fish and Wildlife Service; National Park Service; and Bureau of Indian Affairs DOI must collect information from willing State, local, and Tribal governments from the pre-agreement to the closeout stage via telephone calls, emails, postal mail, and person-to-person meetings. The scope of information collected includes the project type, project scope, financial plan, statement of work, and cooperator's business information. Without the ability to collect the information from cooperator's FS and DOI would not be able to conduct any of the activities authorized. Agencies to this request would not be able to develop projects, make payment, monitor projects, identify financial and accounting errors, agree to roles and responsibilities, etc.

Description of Respondents: State, local and Tribal Governments.

Number of Respondents: 320.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 47,040.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2016–24402 Filed 10–7–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Description and Final Map for Skagit Wild and Scenic River, Mt. Baker-Snoqualmie National Forest, Washington

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, transmitted the final map and perimeter boundary description of the Skagit Wild and Scenic River to Congress.

DATES: The boundaries and classification of the Skagit Wild and Scenic River shall not become effective until ninety (90) days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives. In accordance with Section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), the detailed perimeter boundary description and final map were forwarded on July 21, 2016.

ADDRESSES: Documents may be viewed at USDA Forest Service, Yates Federal Building, 201 14th Street SW., Washington, DC 20250; at the Supervisors Office of the Mt. Baker-Snoqualmie National Forest, 2930 Wetmore Ave., Suite 3A, Everett, WA 98201; and at the USDA Forest Service Region 6 Regional Office at 1220 SW. 3rd Ave., Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting the following office: Mt. Baker-Snoqualmie National Forest, 2930 Wetmore Ave., Suite 3A, Everett, WA 98201, 425–783–6000, *stellaitorres@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Skagit Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Wilderness and Wild and Scenic Rivers, 1601 N. Kent Street, Plaza C, Suite 4110B, Rosslyn, VA 22209; USDA Forest Service Pacific Northwest Region, 1220 SW. Third Avenue, Portland, OR 97204.

The Skagit Wild and Scenic River was added to the National Wild and Scenic Rivers System (Pub. L. 95–625) on November 10, 1978. As specified by law, the boundary will not be effective until ninety (90) days after Congress receives the transmittal.

Dated: September 28, 2016.

Dianne C. Guidry,

Deputy Regional Forester.

[FR Doc. 2016–24464 Filed 10–7–16; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–977]

High Pressure Steel Cylinders From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2015–2016

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

ACTION: Notice.

SUMMARY: The Department of Commerce (Department) is rescinding the administrative review of the antidumping duty order on high pressure steel cylinders (steel cylinders) from the People's Republic of China (PRC) for the period of review June 1, 2015, through May 31, 2016.

DATES: Effective October 11, 2016.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, 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) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 2016, Norris Cylinder Company (Petitioner) submitted a request for administrative review of the antidumping duty order on steel cylinders from the PRC for a single company, Beijing Tianhai Industry Co., Ltd. (BTIC).[1] On June 28, 2016, BTIC also submitted a request for administrative review of the order.[2] On August 11, 2016, the Department published the notice of initiation of an administrative review of the order for the period of review June 1, 2015, through May 31, 2016.[3] On September 14, 2016, Petitioner and BTIC both withdrew their requests for review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraw(s) the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, all parties withdrew their requests for administrative reviews within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of steel cylinders from the PRC. 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 to CBP 15 days after the date of publication of this notice of rescission of administrative review.

Notifications

This notice also serves as a final reminder to importers 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 presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 29, 2016.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2016–24366 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* Letter to the Secretary from Petitioner, ''High Pressure Steel Cylinders from the People's Republic of China Request for Administrative Review and Entry of Appearance,'' June 15, 2016.

[2] *See* Letter to the Secretary from BTIC, ''Request for the Fourth Administrative Review of the Antidumping Duty Order on High Pressure Steel Cylinders from the People's Republic of China, A–570–977 (POR: 06/01/15–05/31/16),'' June 28, 2016.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 53121 (August 11, 2016).

[4] *See* Letter to the Secretary from Petitioner, ''Withdrawal of Request for an Administrative Review of the Antidumping Duty Order on High Pressure Steel Cylinders from the People's Republic of China,'' (September 14, 2016); Letter to the Secretary from BTIC, ''Withdrawal of Review Request in the Fourth Administrative Review of Antidumping Duty Order on High Pressure Steel Cylinders from the People's Republic of China,'' (September 14, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–844]

Certain Lined Paper Products From India: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2014

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on certain lined paper products from India. The period of review (POR) is January 1, 2014, through December 31, 2014, and the review covers one producer/exporter of the subject merchandise, Goldenpalm Manufacturers PVT Ltd. (Goldenpalm). We preliminarily determine that Goldenpalm received countervailable subsidies during the POR.

DATES: Effective October 11, 2016.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by this administrative review is certain lined paper products from India. For a full description of the scope of this order see the Preliminary Decision Memorandum.[1]

Methodology

The Department is conducting this CVD administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy (*i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient) and that the subsidy is specific.[2] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the

[1] *See* Decision Memorandum for Preliminary Results for the Countervailing Duty Administrative Review of Certain Lined Paper Products from India, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Preliminary Results of Review

The Department preliminarily determines that the following net subsidy rate exists for the period January 1, 2014, through December 31, 2014:

Manufacturer/exporter	Net subsidy rate
Goldenpalm Manufacturers PVT Ltd.	0.92 percent *ad valorem.*

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[3] Pursuant to 19 CFR 351.309(c)(1)(ii), the Department will notify interested parties of the due date to submit case briefs.[4] Rebuttal briefs may be filed no later than five days after the deadline for filing case briefs, and must be limited to issues raised in the case briefs.[5] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Case and rebuttal briefs should be filed electronically using ACCESS.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, within 120 days after the date of publication of these preliminary results.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Cash Deposit Instructions

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amount shown above, for the company shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: October 4, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics in the Preliminary Decision Memorandum

Summary
Background
Scope of the Order
Subsidies Valuation
  Allocation Period
  Cross-Ownership
  Denominator
  Benchmark Interest Rates
Analysis of Programs
  Program Preliminarily Determined To Be Countervailable
    Export Promotion Capital Goods Scheme (EPCGS)
  Programs Requiring Additional Information
    Duty Drawback and Annex 45
  Program Preliminarily Determined To Be Not Countervailable
    Central Value Added Tax (CENVAT) Reimbursements
  Programs Preliminarily Determined To Be Not Used During the POR
Recommendation

[FR Doc. 2016–24486 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* 19 CFR 351.224(b).

[4] Because the Department requires additional time to examine Goldenpalm's use of duty drawback programs during the POR, which will require post-preliminary results analysis, we will announce to parties at a later date the case brief deadlines. *See* the Preliminary Decision Memorandum at 9 for a discussion of the programs that require further analysis.

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.303.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments in Part; 2015

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

SUMMARY: In response to requests from interested parties, the Department of Commerce (''the Department'') is conducting the eleventh administrative review (''AR'') of the antidumping duty order on wooden bedroom furniture (''WBF'') from the People's Republic of China (''PRC''). The period of review (''POR'') is January 1, 2015, through December 31, 2015. This AR covers 18 companies. The Department has preliminarily determined that seven of the 18 companies, including the sole mandatory respondent, have not established their entitlement to a separate rate and are part of the PRC-wide entity. The Department has also preliminarily determined that the remaining 11 companies had no reviewable transactions during the POR. We invite interested parties to comment on these preliminary results.

DATES: Effective October 11, 2016.

FOR FURTHER INFORMATION CONTACT: Patrick O'Connor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0989.

SUPPLEMENTARY INFORMATION:

Background

After initiating this review with respect to 141 companies or company groupings,[1] interested parties withdrew

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and*

all review requests for 123 of the 141 companies.[2] On June 8, 2016, the Department issued an antidumping duty questionnaire to the sole mandatory respondent in this review, Nantong Wangzhuang Furniture Co., Ltd. (''Nantong Wangzhuang''). Nantong Wangzhuang did not respond to the questionnaire. For a complete description of the events that followed the initiation of this administrative review, see the Preliminary Decision Memorandum which is hereby adopted by this notice.[3]

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The product covered by the order is wooden bedroom furniture, subject to certain exceptions.[4] Imports of subject merchandise are classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042, 9403.50.9045, 9403.50.9041, 9403.60.8081, 9403.20.0018, 9403.90.8041, 7009.92.1000 or 7009.92.5000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description in the *Order* remains dispositive.[5]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.213. For a full description of the methodology underlying our preliminary results of review, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is provided in Appendix I to this notice.

Preliminary Determination of No Shipments

Because U.S. Customs and Border Protection (''CBP'') did not provide any information contradicting the claims of the 11 companies under review which claimed to have made no shipments, the Department preliminarily determines that these 11 companies did not have any reviewable transactions during the POR.[6] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.[7] Consistent with the Department's practice in non-market economy (''NME'') cases, the Department is not rescinding this AR, in part, with respect to these 11 companies, but intends to complete the review with respect to the companies for which it has preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.[8]

Preliminary Results of Review

As noted above, Nantong Wangzhuang did not respond to the Department's antidumping duty questionnaire. Therefore, the Department preliminarily determines that Nantong Wangzhuang did not establish its eligibility for separate rate status. In addition, six other companies for which a review was requested failed to provide separate rate applications or certifications.[9] Therefore, the Department preliminarily determines that these seven companies are part of the PRC-wide entity. The PRC-wide entity rate is 216.01 percent. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Public Comment

Interested parties are invited to comment on the preliminary results and may submit case briefs and/or written comments, filed electronically using ACCESS, within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs, pursuant to 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this review are requested to submit with each argument a statement of the issue, a summary of the argument not to exceed five pages, and a table of statutes, regulations, and cases cited, in accordance with 19 CFR 351.309(c)(2).

Any interested party may request a hearing within 30 days of publication of this notice.[10] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the case briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[11]

Unless extended, the Department intends to issue the final results of this AR, which will include the results of its analysis of issues raised in any briefs received, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuing the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. We intend to instruct CBP to liquidate

Request for Revocation in Part, 81 FR 11179 (March 3, 2016) (''*Initiation Notice*'').

[2] *See Wooden Bedroom Furniture, From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review,* 81 FR 62083 (September 8, 2016).

[3] *See* ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Wooden Bedroom Furniture from the People's Republic of China,'' from Edward Yang, Senior Director, Office VII, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance (''Preliminary Decision Memorandum''), dated concurrently with this notice.

[4] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[5] For a complete description of the scope of the *Order,* please *see* the Preliminary Decision Memorandum.

[6] The 11 companies/company groupings are: (1) Dongguan Sunrise Furniture Co., Ltd., Taicang Sunrise Wood Industry Co., Ltd., Taicang Fairmount Designs Furniture Co., Ltd., Meizhou Sunrise Furniture Co., Ltd.; (2) Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (Pte) Ltd.; (3) Golden Well International (HK) Ltd.; (4) Jiangsu Tairui Structure Engineering Co., Ltd.; (5) Nanhai Jiantai Woodwork Co., Ltd., Fortune Glory Industrial Ltd. (H.K. Ltd.); (6) Rizhao Sanmu Woodworking Co., Ltd.; (7) Shenyang Shining Dongxing Furniture Co., Ltd.; (8) Wanvog Furniture (Kunshan) Co., Ltd.; (9) Woodworth Wooden Industries (Dong Guan) Co., Ltd.; (10) Yeh Brothers World Trade Inc.; and (11) Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.

[7] *See* Preliminary Decision Memorandum.

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[9] The six companies are: (1) Dongguan Singways Furniture Co., Ltd.; (2) Clearwise Co., Ltd.; (3) Pleasant Wave Ltd., Passwell Corp.; (4) Shanghai JianPu Export & Import Co., Ltd.; (5) Decca Furniture Ltd.; and (6) Hangzhou Cadman Trading Co., Ltd. (Exporter), Haining Changbei Furniture Co., Ltd. (Producer).

[10] *See* 19 CFR 351.310(c).

[11] *See* 19 CFR 351.310(d).

[12] *See* 19 CFR 351.212(b).

entries of subject merchandise exported by the PRC-wide entity, including Nantong Wangzhuang and the other six companies noted above which did not qualify for separate rate status, at the PRC-wide rate. Additionally, pursuant to the Department's practice in NME cases, if we continue to determine that the 11 companies noted above had no shipments of subject merchandise, any suspended entries of subject merchandise during the POR under their case numbers will be liquidated at the PRC-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, which is 216.01 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties. We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Dated: October 3, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

(1) Summary
(2) Background
(3) Scope of the Order
(4) Respondent Selection
(5) Discussion of the Methodology
  a. Preliminary Determination of No Shipments
  b. Duty Absorption
  c. NME Country Status
  d. Separate Rates
(6) Conclusion

[FR Doc. 2016–24488 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Executive-Led Power Technologies Trade Mission to the United Arab Emirates and Saudi Arabia, March 12–16, 2017

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce (DOC), International Trade Administration (ITA), is organizing an executive-led Power Technologies Trade Mission to the United Arab Emirates (UAE) and Saudi Arabia (KSA) on March 12–16, 2017. The purpose of the trade mission is to introduce U.S. firms to KSA and UAE's expanding power technology sector, which seeks to procure power equipment, distribution, power grid, as well as spare parts, and equipment with a focus on the renewable sector, and also to assist those U.S. firms in pursuing export opportunities in this sector, by helping new-to-market companies learn about the KSA and UAE energy markets and make initial contacts, and by supporting U.S. companies already doing business in the KSA and UAE to widen and deepen their business interests.

UAE Commercial Setting

The UAE is a federation of the seven emirates of Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al-Khaimah, Sharjah and Umm Al-Quwain. The generation, transmission and distribution of electricity in the UAE is dominated by three water and power authorities owned by each of the individual emirates: Abu Dhabi Water and Electricity Authority (ADWEA), Dubai Electricity and Water Authority (DEWA) and Sharjah Electricity and Water Authority, and by a federal authority that operates in the smaller northern emirates (FEWA).

In Abu Dhabi, ADWEA has established a long-term program for the privatization of the electricity sector and a number of independent water and power producers have been established as joint-venture arrangements between ADWEA and various international power companies as Build—Operate—Own projects. The Dubai government is also promoting private investment in its electricity generation sector, and recently passed legislation allowing the private sector to participate in electricity generation by establishing project companies and by collaborating with third parties.

Per the UAE Ministry of Energy, the total generated electricity in 2014 was 116, 528 GWH and consumption was about 111.685 GWH. Rapid economic and demographic growth over the past decade is pushing the UAE's electricity grid close to its limits. The UAE currently relies primarily on natural gas, but it is also adding nuclear, renewable, and coal-fired electricity generating capacity. To support its economic diversification and sustainable development, the UAE plans to meet a significant portion of its energy needs using renewable sources. According to statements made by Energy Minister Suhail Al Mazrouei in January 2016, the UAE plans to increase its target for power generation from clean energy to 30 percent by 2030, with at least 25 percent of the country's electricity generated from both nuclear and solar.

Below is information on various sub-sectors of the power sector in the UAE.

- *Solar:* In 2013, DEWA launched the Mohammed bin Rashid Al Maktoum Solar Park in Dubai, which was originally slated to generate 1,000MW of solar energy; however, in January 2016, DEWA announced that it would triple the project's size to 3,000MW, and then in February, the Dubai directives expanded the plant to 5,000MW by 2030 (the expected completion date). Also in 2013, Abu Dhabi's Masdar Clean Energy commissioned the 100-megawatt, grid connected concentrated solar power plant Shams One, a joint venture with Abengoa Solar and Total. Masdar also developed the 10MW solar PV plant at Masdar City and is developing a 30MW wind farm and a PV array on Sir BaniYas Island.
- *Smart Grid and Smart Metering:* In 2014, ADWEA achieved a milestone when it successfully deployed a Battery Energy Storage System which is connected to the Abu Dhabi electricity

grid. That was one of many Smart Grid initiatives being implemented in the sector that will contribute to accomplishing the 2030 vision of having a fully integrated ''Smart Utility.'' Late last year, DEWA signed a contract to build a smart grid station at the Dubai Electricity and Water Authority's Green Garage in Ruwayyah.

▪ *Selected Projects:* In January 2016, DEWA announced it would tender renewable energy projects worth more than Dh27 billion (U.S. $7.3 Billion) based on an independent power producer model to leverage public-private partnerships. The DEWA 2016 budget includes a number of key projects including U.S. $.6 bn in generation, U.S. $.9 bn in power transmission, U.S. $.32 bn in power distribution and U.S. $.28 bn in water and civil works in addition to other amounts totaling U.S. $25.9 million. In addition, DEWA has released the standards for installing solar photovoltaic (PV) panels on buildings in Dubai and has invited manufacturers to submit their eligibility applications.

KSA Commercial Setting

The Saudi Electricity Company (SEC) is the largest producer of electricity in the KSA with current available generation capacity of around 58 GW. Other producers include the Saline Water Conversion Corporation (SWCC), SABIC, MARAFIQ and Saudi Aramco. For the medium term, the Saudi Arabia Electricity and Cogeneration Regulatory Authority (ECRA) allow Saudi Aramco to sell excess electricity it produces back to the SEC. ECRA also projected that the Kingdom would need to invest approximately USD 140 billion through 2020 to increase SEC generation capacity to 71 GW, in which it is projected that the country will have sufficient generating capacity to meet demand. SEC plans to increase electricity generating capacity to 120 GW by 2032.

The KSA continues to experience population growth, greater industrial diversification led by the development of petrochemical and financial cities, high demand for air conditioning, and subsidized electricity rates. As a result, the KSA requires additional production capacity of 4 GW generation capacity to come on line *each year* to meet growing electricity demand. Saudi Arabia generated 292.2 billion kilowatt hours (kWh) of electricity in 2013, which represents a 7 percent increase and more than double the electricity generated in 2000. The 7 percent increase in electricity generation still does not meet the 9 percent annual growth rate in the demand for electricity. For this reason, the KSA has embarked on the largest infrastructure expansion plan in the Middle East to address electricity generation, efficient distribution, the diversification of fuels, and electricity/energy conservation issues. Below is information on various sub-sectors of the power sector in the KSA.

▪ *Solar:* The KSA plans to install a staggering 54 GW of new renewable power by 2032. Solar photovoltaic (PV) and concentrated solar power (CSP) boast great long term potential in isolated areas of the Kingdom. The SEC is developing non-fossil-fuel-fired power plants as is evidenced by the integrated solar combined-cycle scheme at Dubai 1, under which two main contracts have been awarded in 2015. The project marks Saudi Arabia's first integration of CSP in a combined cycle plant. Saudi Aramco is working with relevant corporate and national stakeholders to form joint ventures to develop, build and operate a portfolio of 300MW of solar and wind projects to displace high value hydrocarbons.

▪ *Wind:* Wind has considerable potential to be a short term solution and the KSA enjoys good wind speeds particularly in the southeast offering potential development in this sector.

▪ *Smart Grid and Smart Metering:* The SEC has taken an important step into the deployment of smart grids by defining a new functionality and a new data model for the performance of smart meters. The SEC plans to install smart meters across the country first in the industrial, construction, commercial and government sectors, and then the residential sector by 2021.

▪ *Engineering Projects:* With the SEC planning to increase electricity generating capacity to 120 GW by 2032 with approximately $140 billion of investment through 2020, the awarding and execution of a string of new power plants presents exciting opportunities to U.S. engineering companies.

The following equipment enjoys strong export sales from the U.S. to the KSA: Gas turbines; power transformers; industrial generators; valves; compressors; pumps; spare parts; turbine filters; gas turbine inlet systems; fuel oil system skid packages (unloading, transfer, forwarding and heating skids); fuel gas system skid packages for natural gas cleaning and conditioning.

Mission Goals

The mission will help participating firms and associations or organizations gain market insights, make industry contacts, implement business strategies, and advance specific projects, with the goal of increasing U.S. exports of products and services to KSA and UAE. New opportunities exist as a result of demand approaching capacity and recent legislation that will allow private sector participation in the electricity sector. The focus of this mission is on renewable energy and not nuclear energy.

Specifically, the mission will provide U.S. participants with first-hand market information, site visits, one-on-one meetings with potential business partners, and meetings with relevant government entities in the UAE and KSA. The mission will include participants from leading U.S. companies that provide state-of-the-art generation, transmission and distribution equipment. Participants will meet key power sector contacts in the UAE and KSA, and gain insights on relevant export opportunities. Participants will have the opportunity to explore contacts with local firms and distributors active in the UAE and KSA who are seeking to procure power equipment, distribution, power grid, as well as spare parts, equipment. Target sub-sectors of the power sector holding high potential for U.S. exporters include: Solar, Wind, Smart Electrical Engineering, Grid and Smart Metering.

Mission Scenario

Trade mission delegates will participate in a five-day program, including roundtables and policy meetings with officials in UAE and KSA. The delegates will also have networking opportunities to meet face-to-face with decision maker officials, potential strategic partners, local firms, industry experts and distributor systems integrators.

Abu Dhabi, United Arab Emirates (UAE)

Sunday, March 12, 2017

- Delegates arrive in Abu Dhabi
- Briefing with Embassy and industry experts
- Networking reception

(All day group bus transportation included.)

Abu Dhabi, Dubai, United Arab Emirates (UAE)

Monday, March 13, 2017

- Business matchmaking sessions
- Government meetings
- Evening travel to Dubai

(All day group bus transportation included.)

Dubai, United Arab Emirates (UAE)
Riyadh, Saudi Arabia (KSA)

Tuesday, March 14, 2017

- Business matchmaking sessions
- Government meetings
- Delegates depart for Riyadh
- Briefing with Embassy and industry experts

(All day group bus transportation included.)

Riyadh, Saudi Arabia (KSA)

Wednesday, March 15, 2017

- Business matchmaking sessions
- Government meetings
- Evening travel to Dhahran

(All day group bus transportation included.)

Dhahran, Saudi Arabia (KSA)

Thursday, March 16, 2017

- Briefing with U.S. Consulate in Dhahran
- Business matchmaking sessions
- Visit to Aramco
- Networking reception

(Group bus transportation to official events only, included.)

Traded Mission concludes.

Web site: Please visit our official mission Web site for more information: *http://export.gov/trademissions/eg_main_023185.asp*.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the Department of Commerce (DOC). All applicants will be evaluated, staggered comparative, on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 12 and a maximum of 15 companies will be selected to participate from the applicant pool.

Fees and Expenses

After a firm or trade association/organization has been selected to participate in the event, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee for the trade mission will be *$5,000* for a small or medium-sized enterprise (SME) [1] and *$6,700* for large firms and trade associations/organizations. The fee for each additional representative (SME or large firm or/trade associations/organizations) is *$750* and is subject to availability. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each event delegate. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

Application

All interested firms and associations may register via the following link: *http://2016.export.gov/trademissions/powertechsaudiuae/*.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation (except for transportation to and from meetings, and airport transfers during the mission), and air transportation. Participants will, however, be able to take advantage of U.S. Government rates for hotel rooms. Electronic visas are required to participate on the mission, which are easily obtainable online. Applying for and obtaining such visas will be the responsibility of the mission participant. Government fees and processing expenses to obtain such visas are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas. Further, U.S. Trade Mission members participate in the trade mission and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The U.S. Government does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues U.S. Government international travel alerts and warnings for U.S. citizens available at *https://travel.state.gov/content/passports/en/alertswarnings.html.* Any question regarding insurance coverage must be resolved by the participant and its insurer of choice.

Timeline for Recruitment and Applications

Trade mission recruitment will be conducted in an open and public manner, including, posting on the Commerce Department trade mission calendar and other Internet Web sites, email, press releases to general and trade media, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the trade mission will begin immediately and conclude no later than December 31, 2016. The Department of Commerce will review applications and inform applicants of selection decisions periodically during the recruitment period. All applications received subsequent to an evaluation date will be considered at the next evaluation. However, applications received after December 31, 2016, will be considered only if space and scheduling constraints permit.

Conditions for Participation

An applicant must sign and submit a completed application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If an incomplete application form is submitted or the information and material submitted does not demonstrate how the applicant satisfies the participation criteria, the Department of Commerce may reject the application, request additional information, or take the lack of information into account when evaluating the application. Each applicant must also:

- Identify whether the products and services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least 51% U.S. content. In cases where the U.S. content does not exceed 50%, especially where the applicant intends to pursue investment in major project opportunities, the following factors, may be considered in determining whether the applicant's participation in the Trade Mission is in the U.S. national interest:
  - U.S. materials and equipment content;
  - U.S. labor content;
  - Contribution to the U.S. technology base, including conduct of research and development in the United States;
  - Repatriation of profits to the U.S. economy;
  - Potential for follow-on business that would benefit the U.S. economy;

A trade association/organization applicant must certify to the above for all of the companies it seeks to represent on the mission.

An applicant must also certify that:

- The export of its goods, software, technology, and services would be in

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective November 24, 2015 (see *http://itacentral/myorg/gm/odg/osp/User%20Fees%20Resource%20Document%20Library/Marketing%20Flyer%20for%20Communicating%20with%20Clients%20(FY2016).pdf.*

compliance with U.S. export control laws and regulations, including those administered by the Department of Commerce's Bureau of Industry and Security;

• It has identified any matter pending before any bureau or office of the Department of Commerce;

• It has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce;

• It and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with its involvement in this Mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

Selection Criteria for Participation

• Suitability of the company's products or services to the market. Please note: this mission will not include nuclear power technologies given the imbalance of this sub-sector in UAE and Saudi Arabia.

• Applicant's potential for business in the target countries, including likelihood of exports resulting from the mission.

• Consistency of the applicant's goals and objectives with the stated scope of the mission. Balance of company size, sector or subsector, and location may also be considered during the review process. Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

FOR FURTHER INFORMATION CONTACT:

International Trade Administration, Melissa Blackledge, Trade Promotion Programs, Washington, DC, Tel: (202) 482–1765, Email: *melissa.blackledge@trade.gov.*

U.S. Commercial Service Saudi Arabia, Douglas Wallace, U.S. Commercial Service, Riyadh, Saudi Arabia, Tel: + 966 +11– 488–3800, Email: *douglas.wallace@trade.gov.*

U.S. Commercial Service United Arab Emirates, Dao M. Le, U.S. Commercial Service, Abu Dhabi, UAE, Tel: + 971 +2– 414–2665, Email: *dao.le@trade.gov.*

Frank Spector,

Trade Missions Program.

[FR Doc. 2016–24479 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE783

Draft 2016 Marine Mammal Stock Assessment Reports

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

ACTION: Notice; request for comments.

SUMMARY: NMFS reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act. SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on the draft 2016 SARs.

DATES: Comments must be received by January 9, 2017.

ADDRESSES: The 2016 draft SARs are available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/sars/draft.htm.*

Copies of the Alaska Regional SARs may be requested from Marcia Muto, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115–0070.

Copies of the Atlantic, Gulf of Mexico, and Caribbean Regional SARs may be requested from Elizabeth Josephson, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543.

Copies of the Pacific Regional SARs may be requested from Jim Carretta, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037–1508.

You may submit comments, identified by NOAA–NMFS–2016–0101, by any of the following methods:

Federal e-Rulemaking Portal: Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0101,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Mail: Send comments or requests for copies of reports to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Stock Assessments.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the comment period. 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).

FOR FURTHER INFORMATION CONTACT: Shannon Bettridge, Office of Protected Resources, 301–427–8402, *Shannon.Bettridge@noaa.gov;* Marcia Muto 206–526–4026, *Marcia.Muto@noaa.gov,* regarding Alaska regional stock assessments; Elizabeth Josephson, 508–495–2362, *Elizabeth.Josephson@noaa.gov,* regarding Atlantic, Gulf of Mexico, and Caribbean regional stock assessments; or Jim Carretta, 858–546–7171, *Jim.Carretta@noaa.gov,* regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States, including the Exclusive Economic Zone. These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury (M/SI) from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available, and at least once every three years for non-strategic stocks. The term ''strategic stock'' means a marine mammal stock: (A) For which the level of direct human-caused mortality exceeds the potential biological removal level; (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act (ESA) within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the ESA. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined. NMFS, in conjunction with the Alaska, Atlantic, and Pacific independent Scientific Review Groups

(SRGs), reviewed the status of marine mammal stocks as required and revised reports in the Alaska, Atlantic, and Pacific regions to incorporate new information.

NMFS solicits public comments on the draft 2016 SARs.

Humpback Whales

On September 8, 2016, NMFS published a final rule revising the listing status of humpback whales under the ESA (81 FR 62259). We divided the globally listed endangered species into 14 distinct population segments (DPSs), removed the species-level listing, and in its place, listed four DPSs as endangered and one DPS as threatened. Based on their current statuses, the remaining nine DPSs did not warrant listing.

With regard to depleted determinations for species removed from the ESA, the ESA listing rule states, ''The language and structure of the MMPA's definition of depleted lead NMFS to the conclusion that a species or stock that is designated as depleted solely on the basis of its ESA listing status would cease to qualify as depleted under the terms of that definition if it is no longer listed. Therefore, a species or stock that is removed from the list of threatened and endangered species loses its depleted status when removed from the list . . . Humpback whales were considered to be depleted species-wide under the MMPA solely on the basis of the species' ESA listing. Therefore, upon the effective date of the rule, humpback whales that are listed as threatened or endangered will retain depleted status under the MMPA and humpback whales that are not listed as threatened or endangered will lose depleted status under the MMPA. However, we note that the DPSs established in this final rule that occur in waters under the jurisdiction of the United States do not necessarily equate to the existing MMPA stocks for which Stock Assessment Reports (SARs) have been published in accordance with section 117 of the MMPA (16 U.S.C. 1386). Following publication of this rule, we will conduct a review of humpback whale stock delineations in waters under the jurisdiction of the United States to determine whether any stocks should be realigned in light of the ESA DPSs established herein. Until such time as the MMPA stock delineations are reviewed, because we cannot manage one portion of a stock as depleted and another portion as not depleted under the MMPA, we will treat existing MMPA stocks that fully or partially coincide with a listed DPS as depleted and stocks that do not fully or partially coincide with a listed DPS as not depleted for management purposes. Therefore, in the interim, we will treat the Western North Pacific, Central North Pacific, and California/Oregon/Washington stocks as depleted because they partially or fully coincide with ESA-listed DPSs, and we will treat the Gulf of Maine and American Samoa stocks as no longer depleted because they do not coincide with any ESA-listed DPS. Any changes in stock delineation or MMPA section 117 elements (such as Potential Biological Removal (PBR) or strategic status) will be reflected in future stock assessment reports, and the Scientific Review Groups and the public will be provided opportunity to review and comment.''

In response to this revision to the humpback whale listing status, NMFS is currently evaluating the humpback whale stock delineations and whether we can align the stocks with the DPSs. This does not affect the stock delination for the current SARs, but will be reflected in future reports once the evaluation is complete.

Alaska Reports

In the Alaska region, SARs for 19 Alaska stocks (13 ''strategic,'' 6 ''non-strategic'') were updated. All stocks were reviewed and the following stocks were revised for 2016: Steller sea lion, western U.S.; Steller sea lion, eastern U.S.; northern fur seal, eastern Pacific; bearded seal, Alaska; ringed seal, Alaska; beluga whale, Cook Inlet; killer whale, AT1 Transient; killer whale, eastern North Pacific Alaska resident; killer whale, eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient; harbor porpoise, Southeast Alaska; harbor porpoise, Gulf of Alaska; harbor porpoise, Bering Sea; sperm whale, North Pacific; humpback whale, Western North Pacific; humpback whale, Central North Pacific; fin whale, Northeast Pacific; right whale, Eastern North Pacific; bowhead whale, Western Arctic; narwhal, unidentified stock. Information on the remaining Alaska region stocks can be found in the final 2015 reports (Muto *et al.,* 2016).

Most revisions to the Alaska SARs included updates of abundance and/or M/SI estimates, including revised abundance estimates for both the western and eastern U.S. Steller sea lion stocks; northern fur seal, eastern Pacific; beluga whale, Cook Inlet; bearded seal, Alaska; ringed seal, Alaska; and fin whale, Northeast Pacific stocks. The following SARs include the abundance estimates from partial surveys as the N_{min}, along with statements that the underestimated N_{mins} are not reliable; thus they should not be used in certain management actions: Bearded seal, Alaska; ringed seal, Alaska; harbor porpoise, Southeast Alaska; and fin whale, Northeast Pacific. Additionally, N_{mins} determined under these circumstances will not be included in the summary tables, but will instead include a caveat placeholder which defers to the SAR text. Additionally, mortalities from permitted research activities were updated for western and eastern U.S. Steller sea lion stocks and the Alaska stock of ringed seals. Also reflected is a shift in genera classification for the ringed seal, from *Phoca* to *Pusa.*

The eastern U.S. stock of Steller sea lion changed in status from ''strategic'' to ''non-strategic.'' This status change is consistent with the recent humpback whale ESA listing final rule (81 FR 62259; September 8, 2016), which states that in the case of a species or stock that achieved its depleted status solely on the basis of its ESA status, the species or stock would cease to qualify as depleted under the terms of the definition set forth in MMPA section 3(1), if the species or stock is no longer listed as threatened or endangered. NMFS took the opportunity during the public comment period related to that rule to clarify our interpretation that loss of depleted status is automatic at the time of a delisting if the sole basis for the species or stocks' depleted status was an ESA listing. As a result, the eastern Steller sea lion is now considered to be not depleted and no longer qualifies as a strategic stock (as human-caused mortality or serious injury does not exceed PBR). The draft 2016 SAR reflects these changes and, accordingly, the PBR has been recalculated (using a recovery factor appropriate for a non-strategic stock) and increased from 1,645 to 2,498.

Atlantic Reports

In the Atlantic region (including the Atlantic Ocean, Gulf of Mexico, and U.S. territories in the Caribbean), 18 reports for 44 stocks were updated. Of the updated stocks, 32 stocks are ''strategic,'' and 12 are ''non-strategic.''

All stocks were reviewed and reports for the following strategic stocks were revised for 2016: North Atlantic right whale, Western Atlantic; humpback whale, Gulf of Maine; fin whale, Western North Atlantic (WNA); sei whale, Nova Scotia; short-finned pilot whale, WNA; and 27 Gulf of Mexico bay, sound, and estuary common bottlenose dolphin stocks. Two stocks, the WNA stocks of short-finned and long-finned pilot whales, changed from ''non-strategic'' to ''strategic'' this year

because the mean annual human-caused mortality and serious injury exceeds PBR; the Gulf of Maine humpback whale stock has changed from ''strategic'' to ''non-strategic.''

Reports for the following non-strategic stocks were revised for 2016: Minke whale, Canadian east coast; Risso's dolphin, WNA; Atlantic white-sided dolphin, WNA; short-beaked common dolphin, WNA; harbor porpoise, Gulf of Maine/Bay of Fundy; harbor seal, WNA; gray seal, WNA; rough-toothed dolphin, Northern Gulf of Mexico; pygmy sperm whale, WNA; dwarf sperm whale, WNA; and common bottlenose dolphin, WNA offshore. Information on the remaining Atlantic region stocks can be found in the final 2015 reports (Waring *et al.,* 2016).

Most revisions to the Atlantic SARs included updates of abundance and/or M/SI estimates. New abundance estimates are available for the North Atlantic right whale, Western Atlantic; minke whale, Canadian east stock; short-beaked common dolphin, WNA stock; and common bottlenose dolphin, Sarasota Bay, Little Sarasota Bay. The following common bottlenose dolphin, Gulf of Mexico bay, sound, and estuary stocks no longer have usable abundance and/or PBR estimates because the survey data on which they are based are more than eight years old and no longer considered unreliable (per NMFS Guidelines for Assessing Marine Mammal Stocks): Choctawhatchee Bay; St. Joseph Bay; St. Vincent Sound, Apalachicola Bay, St. George Sound; Waccasassa Bay, Withalacoochee Bay, Crystal Bay; St. Joseph Sound, Clearwater Harbor; Tampa Bay; Estero Bay; Chokoloskee Bay, Ten Thousand Islands, Gullivan Bay; Whitewater Bay; and Florida Keys (Bahia Honda to Key West).

As a result of the humpback whale ESA listing rule (81 FR 62259; September 8, 2016), the Gulf of Maine stock of humpback whales is no longer considered ESA listed or depleted. In the previous SAR, the recovery factor was 0.1 because this stock was listed as an endangered species under the ESA. In the draft 2016 SAR, the recovery factor was revised to 0.5, the default value for stocks of unknown status relative to OSP. Values other than the defaults for any stock should usually not be used without the approval of the regional Scientific Review Group, and scientific justification for the change should be provided in the SAR. As the listing change occurred after the February 2016 SRG Meeting, NMFS has applied the default recovery factor of 0.5 to the draft 2016 SAR. As a result, the PBR increased from 2.7 to 13. Human-caused mortality and serious injury is now below PBR, and the stock has changed from ''strategic'' to ''non-strategic.'' The Atlantic SRG will discuss the recovery factor for this stock at its February 2017 meeting.

Abundance estimates for the minke whale Canadian east stock and short-beaked common dolphin WNA stock are substantially lower than what was reported in the 2015 SARs. This is because the new estimates exclude data from the 2007 Canadian Trans-North Atlantic Sighting Survey, as they were more than eight years old. Thus, the revised estimates for these stocks should not be interpreted as a decline in abundance of these stocks, as previous estimates are not directly comparable to the new estimates.

Pacific Reports

In the Pacific region (waters along the west coast of the United States, within waters surrounding the main and Northwestern Hawaiian Islands (NWHI), and within waters surrounding U.S. territories in the Western Pacific), SARs were revised for 23 stocks under NMFS jurisdiction (8 ''strategic'' and 15 ''non-strategic'' stocks). All stocks were reviewed and reports for the following ''strategic'' stocks were revised for 2016: Hawaiian monk seal; killer whale, Eastern North Pacific Southern Resident; false killer whale, Main Hawaiian Islands (MHI) Insular; false killer whale, Hawaii Pelagic; humpback whale, California/Oregon/Washington (CA/OR/WA); fin whale, CA/OR/WA; sei whale, Eastern North Pacific; and Guadalupe fur seal, Mexico to California. Reports for the following ''non-strategic'' stocks were revised for 2016: False killer whale, NWHI; harbor porpoise, Washington inland waters; Dall's porpoise, CA/OR/WA; Pacific white-sided dolphin, CA/OR/WA; Risso's dolphin, CA/OR/WA; common bottlenose dolphin, California Coastal; common bottlenose dolphin, CA/OR/WA Offshore; striped dolphin, CA/OR/WA; short-beaked common dolphin, CA/OR/WA; long-beaked common dolphin, California; Northern right whale dolphin, CA/OR/WA; short-finned pilot whale, CA/OR/WA; pygmy sperm whale, CA/OR/WA; dwarf sperm whale, CA/OR/WA; and minke whale, CA/OR/WA. Information on the remaining Pacific region stocks can be found in the final 2015 reports (Carretta *et al.,* 2016a).

Several abundance estimates for Pacific stocks were changed in the draft 2016 reports following the application of a new approach for estimating the *g*(0) parameter, the probability of detecting an animal that is directly on the transect line, in different survey conditions (Beaufort sea state) (Barlow 2016). An analysis found that *g*(0) decreases as Beaufort sea state increases, even for visually conspicuous species. The following stocks reflect these abundance (and PBR) changes: *Kogia* spp.; Dall's porpoise, CA/OR/WA; Northern right whale dolphin, CA/OR/WA; Pacific white-sided dolphin, CA/OR/WA; Risso's dolphin, CA/OR/WA; striped dolphin, CA/OR/WA; short-beaked common dolphin, CA/OR/WA; long-beaked common dolphin, CA/OR/WA; short-finned pilot whale, CA/OR/WA; fin whale, CA/OR/WA; and minke whale, CA/OR/WA.

A new methodology was applied to bycatch estimated for some coastal Pacific stocks. Recent work shows that estimates of carcass recovery (0.25, 95 percent confidence interval = 0.20 − 0.33) for an extremely-coastal dolphin population suggests that observed anthropogenic mortality values of dolphins in this region derived from strandings should be corrected to account for unobserved mortality (Carretta *et al.,* 2016b). Therefore, within the draft SARs involving dolphins along the U.S. West Coast, human-related deaths and injuries counted from beach strandings are multiplied by a factor of four to account for the non-detection of most carcasses. This correction factor affected the M/SI for the following stocks: harbor porpoise, Washington inland waters; Risso's dolphin, CA/OR/WA; striped dolphin, CA/OR/WA; short-beaked common dolphin, CA/OR/WA; long-beaked common dolphin, CA/OR/WA; bottlenose dolphin, California coastal; and bottlenose dolphin, CA/OR/WA offshore.

Additional stocks with updated abundance and/or M/SI estimates include: Harbor porpoise, Washington inland waters; Guadalupe fur seal, Mexico to California; Hawaiian monk seal; killer whale, Eastern North Pacific Southern Resident; humpback whale, CA/OR/WA; sei whale, Eastern North Pacific; false killer whale, Hawaii pelagic; false killer whale, MHI Insular; and false killer whale, NWHI.

Dated: October 4, 2016.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–24404 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE944

South Atlantic Fishery Management Council; Public Hearing

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

ACTION: Notice of a public hearing.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a public hearing via webinar pertaining to Amendment 30 to the Coastal Migratory Fishery Management Plan (FMP) for the Gulf of Mexico and Atlantic Region. The amendment addresses alternatives for changing the recreational fishing year for Atlantic cobia (Georgia through New York).

DATES: The public hearing will be held via webinar on Tuesday, October 25, 2016.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The public hearing will be conducted via webinar accessible via the internet from the Council's Web site at *www.safmc.net*. The hearing will begin at 6 p.m. Registration for the webinar is required. Registration information will be posted on the Council's Web site at *www.safmc.net* as it becomes available. Any graphics, including maps, drawings or images to be shown during public comment should be emailed to Mike Collins at *mike.collins@safmc.net* prior to the public hearing.

Amendment 30 to the Coastal Migratory Pelagic FMP

This amendment includes one action to modify the recreational fishing year for Atlantic cobia. In combination with the proposed changes to slow the rate of recreational harvest in Framework Amendment 4, the action in Amendment 30 is expected to reduce the likelihood of exceeding the annual catch limit and triggering accountability measures before the most popular time to recreationally fish for Atlantic cobia (May through September), and also to provide fair access to the Atlantic cobia resource for all participants.

During the webinar, Council staff will present an overview of the amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will have an opportunity to go on record to record their comments for consideration by the Council.

Special Accommodations

The hearing is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the hearing.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 5, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–24453 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE948

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Recreational Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, October 26, 2016 at 10 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, Four Home Depot Drive, Plymouth, MA 02360; phone: (508) 830–0200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Recreational Advisory Panel will discuss Framework Adjustment 56—Specifications and Management Measures. They will also discuss recreational measures and draft impact analysis and make recommendations to the Groundfish Committee. They will discuss preliminary FY2016 data, if available. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: October 4, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–24455 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE766

Marine Mammals; File No. 19669

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 Chicago Zoological Society [Michael J. Adkesson, D.V.M., Responsible Party], 3300 South Golf Rd., Brookfield, Illinois 60513 to receive, import, and export specimens from South American fur seal (*Arctocephalus australis*) and South American sea lion (*Otaria flavescens*) 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: Shasta McClenahan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On August 29, 2016, notice was published in the **Federal Register** (81 FR 59190) that a request for a permit to receive, import, and export specimens for scientific research 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.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant will receive, import, and export biological samples taken for scientific research that continues the long term evaluation and monitoring of pinniped population health at the Punta San Juan reserve and marine protected area in Peru. The permit is valid through October 1, 2021.

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: October 4, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–24400 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE915

Marine Mammals; File No. 20658

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Joseph Wilson, 1st Augustine's Yard, Gaunts Lane, Bristol, BS1 5DE, United Kingdom, has applied in due form for a permit to conduct commercial or educational photography of killer (*Orcinus orca*) and minke (*Balaenoptera bonaerensis*) whales.

DATES: Written, telefaxed, or email comments must be received on or before November 10, 2016.

ADDRESSES: These documents are 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: Amy Hapeman or Shasta McClenahan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film killer and minke whales in McMurdo Sound and the Ross Sea for the production of a documentary film for Disneynature studio. Up to 60 killer and minke whales per year could be targeted and disturbed during aerial filming. The permit is requested for two years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 4, 2016.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2016–24401 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE945

Pacific Fishery Management Council; Public Workshop

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

ACTION: Notice of a public workshop.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) is sponsoring a workshop to review methods used to reconstruct historical groundfish catches off Washington, Oregon, and California. The workshop is open to the public.

DATES: The Historical Catch Reconstruction Workshop will commence at 1 p.m. PST, Tuesday, November 1, 2016 and continue until 5:30 p.m. or as necessary to complete business for the day. The workshop will reconvene on Wednesday, November 2 and Thursday, November 3, starting at 8:30 a.m. PST each day and continuing as necessary to complete business for the day.

ADDRESSES: The Historical Catch Reconstruction Workshop will be held at the Sheraton Portland Airport Hotel, Garden A–B Room, 8235 NE Airport Way, Portland, OR 97220; telephone: (503) 281–2500.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Pacific Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the Historical Catch Reconstruction Workshop is to review proposed methods for reconstructing the historical catches of groundfish off Washington, Oregon, and California. Data stewards and others who are familiar with catch accounting systems will participate in the workshop. Recommended methods for reconstructing historical groundfish catches will be made available for use in groundfish stock assessments in 2017 and beyond. Public comments during the workshop will be received from attendees at the discretion of the chair.

Although non-emergency issues not identified in the workshop agenda may come before the workshop participants for discussion, those issues may not be the subject of formal action during this

workshop. Formal action at the workshop will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the workshop participants' intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 10 days prior to the workshop date.

Dated: October 5, 2016.

Tracey L. Thompson,

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

[FR Doc. 2016–24454 Filed 10–7–16; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled September 11th Day of Service and Remembrance (September 11) and Martin Luther King Jr Day of Service (MLK) Application Instructions for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Patti Stengel, at 202–606–6745 or email to *pstengel@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

DATES: Comments may be submitted, identified by the title of the information collection activity, within November 10, 2016.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on July 12, 2016 at Vol. 81 No. 133 FR 45135. This comment period ended September 12, 2016. No public comments were received from this Notice.

Description: Applicants for MLK Day and September 11 will submit an application following the application instructions. Applicants may apply for MLK Day, September 11, or both. The application is required to be considered for grant funding support from MLK Day or September 11. CNCS will use the information collection to select grantee organizations through a competitive process.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Day of Service Application Instructions.

OMB Number: TBD.

Agency Number: None.

Affected Public: The public affected are applicant organizations for September 11 and MLK Day of Service.

Total Respondents: 70.

Frequency: At most, the frequency is annual. The Day of Service competition will result in three year grants. Awarded applicants will also use these instructions to apply annually for continuation funding.

Average Time per Response: 20 hours.

Estimated Total Burden Hours: 1,400 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: October 4, 2016.

Kim Mansaray,

Chief of Program Operations.

[FR Doc. 2016–24403 Filed 10–7–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board (DHB) will take place.

DATES:

Tuesday, November 1, 2016

9:00 a.m.–11:30 a.m. (Open Session)
11:30 a.m.–12:30 p.m. (Administrative Session)
12:30 p.m.–5:00 p.m. (Open Session)

ADDRESSES: Defense Health Headquarters (DHHQ), Pavilion Salons B–C, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting'').

FOR FURTHER INFORMATION CONTACT: The Acting Executive Director of the Defense Health Board is CAPT Juliann Althoff, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, (703) 681–6653, Fax: (703) 681–9539, *juliann.m.althoff.mil@mail.mil.* For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *kendal.l.brown2.ctr@mail.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Additional information, including the agenda and electronic registration, is

available at the DHB Web site, *http://www.health.mil/About-MHS/Other-MHS-Organizations/Defense-Health-Board/Meetings.*

Purpose of the Meeting

The purpose of the meeting is to provide progress updates on specific taskings before the DHB. In addition, the DHB will receive information briefings on current issues or lessons learned related to military medicine, health policy, health research, disease/injury prevention, health promotion, and health care delivery.

Agenda

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Defense Health Board meeting is open to the public from 9:00 a.m. to 11:30 a.m. and 12:30 p.m. to 5:00 p.m. on November 1, 2016. The DHB anticipates receiving progress updates from the Health Care Delivery Subcommittee on the pediatric health care services tasking, Public Health Subcommittee on its review of improving Defense Health Program medical research processes, and a subset of the Board on the Deployment Health Centers review. In addition, the DHB anticipates receiving information briefings on Pediatric Care in the Military Health System; the DHB history and the vision for the DHB; a Defense Suicide Prevention Office update; and a DHB Scholars Presentation to honor the innovative research being conducted in the Military Health System and to celebrate the efforts of early career investigators. Any changes to the agenda can be found at the link provided in this **SUPPLEMENTARY INFORMATION** section.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Tuesday, October 25, 2016 to register. Additional details will be provided to all registrants.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the DHB may do so in accordance with section 10(a)(3) of the Federal Advisory Committee Act, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice.

Individuals desiring to provide comments to the DHB may do so by submitting a written statement to the DHB Designated Federal Officer (DFO) (see **FOR FURTHER INFORMATION CONTACT**). Written statements should not be longer than two type-written pages and address the following details: The issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting.

The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The DFO, in consultation with the DHB President, may allot time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: October 5, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–24451 Filed 10–7–16; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Announcement of an Open Meeting

AGENCY: U.S. Department of Education, President's Advisory Commission on Educational Excellence for African Americans.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Advisory Commission on Educational Excellence for African Americans (PACEEAA). The notice also describes the functions of the PACEEAA. Notice of the meeting is required by § 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend. Due to challenges associated with assembling the quorum required to carry out necessary functions prior to the end of the administration, and to ensure the availability and attendance of the chair to lead the meeting, this meeting notice is submitted late.

DATES: The PACEEAA meeting will be held October 10, 2016 from 9:00 a.m.–4:00 p.m. EST at Mason & Rook Hotel, 1430 Rhode Island Ave NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Monique Toussaint. *Monique.Toussaint@ed.gov* (202) 260–0964.

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The PACEEAA is established under Executive Order 13621, dated July 26, 2012 and extended by Executive Order 13708 dated September 30, 2015. The PACEEAA is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463, as amended; 5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees. The purpose of the PACEEAA is to advise the President and the Secretary of Education on matters pertaining to the educational attainment of the African American community, including: (1) The development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for African Americans of all ages; (2) efforts to increase the participation of the African American community and institutions that serve the African American community in the Department's programs and in education programs at other agencies; (3) efforts to engage the philanthropic, business, nonprofit, and education communities in a national dialogue on the mission and objectives of this order; and (4) the establishment of partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of its Executive Order.

Meeting Agenda

October 10, 2016

9:00 a.m.–11:00 a.m. EST PACEEAA Updates and Initiative Resources

11:00 a.m.–12:30 p.m. EST Policy, Program, and Transition Updates

12:30 p.m.–1:30 p.m. EST PACEEAA Member Deliberation & Discussion

1:00 p.m.–3:30 p.m. EST PACEEAA Led Engagements

3:30 p.m. EST Remarks from Secretary John King

4:00 p.m. EST Adjournment

Submission of written public comments: The Committee invites written comments, which will be taken into consideration by the Committee. Include in the subject line ''Written Public Comments''. Send an email to *AfAmEvents@ed.gov.* The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number, of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Please do not send material directly to PACEEAA members.

Access to Records of the Meeting: The Department will post the official report of the meeting on the PACEEAA's Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 400 Maryland Avenue SW., Washington, DC, by emailing *AfAmEvents@ed.gov* or by calling (202) 260–0964 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify Monique Toussaint.

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 the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: PACEEEAA—Executive Order 13621, dated July 26, 2012 and extended by Executive Order 13708 dated September 30, 2015.

Ted Mitchell,

Under Secretary, U.S. Department of Education.

[FR Doc. 2016–24487 Filed 10–7–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2016–ICCD–0035]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Accrediting Agencies Reporting Activities for Institutions and Programs

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before November 10, 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–0035. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–347, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Herman Bounds, 202–453–6128.

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: Accrediting Agencies Reporting Activities for Institutions and Programs.

OMB Control Number: 1840–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 8,050.

Total Estimated Number of Annual Burden Hours: 2,689.

Abstract: Sections 496(a)(7), (a)(8), (c)(7), and (c)(8) of the Higher Education Act (HEA), and federal regulations at 34 CFR 602.26 and 602.27(a)(6) and (a)(7) contain certain requirements for reporting by recognized accrediting agencies to the Department on the institutions and programs the agencies accredit. The proposed information collection outlines categories of terminology used by accrediting agencies to describe actions and statuses, and provides guidance to federally recognized accrediting agencies on the information to be reported to the Department under 34 CFR 602.26 and 602.27(a)(6) and (a)(7). Some of the reporting discussed is required; some is requested. This collection specifies which is which. It also discusses the channel for reporting this information, whether requested or required, and for reporting information the accrediting agency may wish to submit voluntarily to ensure that the Department's Database of Accredited Postsecondary Institutions and Programs is accurate and comprehensive.

Dated: October 5, 2016.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2016–24448 Filed 10–7–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9088–050]

Lower Village Hydroelectric Associates, L.P., Sugar River Power LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On September 15, 2016, Lower Village Hydroelectric Associates, L.P. (transferor) and Sugar River Power LLC (transferee) filed an application for the transfer of license of the Lower Village Project No. 9088. The project is located on the Sugar River in Sullivan County, New Hampshire.

The applicants seek Commission approval to transfer the license for the Lower Village Project from Lower Village Hydroelectric Associates, L.P. to Sugar River Power LLC.

Applicants Contact: For transferor: Mr. John Webster, General Partner, Lower Village Hydroelectric Associates, L.P., P.O. Box 178, South Berwick, ME 03908, Email: *hydromagnt@gwi.net.* For transferee: Mr. Robert King, Manager, Sugar River Power LLC, 42 Hurricane Road, Keene, NH 03431, Phone: 603–352–3444, Email: *bking31415@gmail.com* and Ms. Elizabeth W. Whittle, Nixon Peabody, LLP, 799 Ninth Street NW., Suite 500, Washington, DC 20004, Phone: 202–585–8338, Email: *ewhittle@nixonpeabody.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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–9088–050.

Dated: October 4, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24470 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14796–000

GreenGenStorage LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 19, 2016, GreenGenStorage LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Mokelumne Pumped Storage Project, to be located on the North Fork Mokelumne River, Bear River, and Cole Creek, in Amador and Calaveras County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The project concept envisions the construction of a pumped storage generating facility consisting of: (1) The existing Salt Springs Reservoir (part of PG&E's currently licensed Mokelumne River Project No. 137) as the lower pool; (2) an upper reservoir using either the existing Upper Bear or Lower Bear River reservoirs (also part of PG&E's Mokelumne River Project); (3) a 16,000-foot to 20,000-foot power tunnel connecting the upper reservoir, pump turbines, and the lower reservoir; (4) an underground powerhouse containing the pump-turbines and motor-generators; (5) an approximately 3,000-foot-long transmission line; and (6) appurtenant facilities. GreenGenStorage states that based on preliminary analyses, the project would have from one to three 380-megawatt generating units and an average annual electricity production of between 523 and 742 gigawatt-hours. GreenGenStorage plans to conduct studies to help further refine the range of suitable generation capabilities and other project characteristics.

Applicant Contact: Mr. Edward Cooper, Managing Director and Project Manager, GreenGenStorage LLC, P.O. Box 537, Summerland, CA 93067, (805) 450–2867 or *edward@greengenstorage.com.*

FERC Contact: John M. Mudre; phone: (202) 502–8902 or *john.mudre@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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–14796–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14796) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 4, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24474 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD16–23–000]

California American Water, Southern Division; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On September 28, 2016, the California American Water, Southern Division filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Highland Tank Pressure Reducing Valve Modernization Project would have an installed capacity of 177 kilowatts (kW) and would be located in the Highland Tank Pressure Reducing Station on an existing 24-inch-diameter water supply pipe. The project would be located near the City of San Diego in San Diego County, California.

Applicant Contact: Mark Reifer, California American Water, Southern Division, 8657 Grand Avenue, Rosemead, CA 91770, Phone No. (626) 614–2517.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A proposed 10-foot long, 14-inch-diameter intake pipe off the 24-inch main pipeline, (2) a proposed powerhouse bypassing the existing pressure reducing valve station, containing two generating units with a total installed capacity of 177-kW, (3) a proposed 350-foot-long 14-inch diameter outlet pipe returning to the 24-inch main pipeline, and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 916.650 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA	The conduit is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff has preliminarily determined that the proposal satisfies the requirements for a qualifying conduit hydropower facility under 16 U.S.C. 823a, and is exempted from the licensing requirements of the FPA.

Comments and Motions To Intervene: The deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

The deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD16–23–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: October 4, 2016.

Kimberly Bose,

Secretary.

[FR Doc. 2016–24472 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2015).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: P–12635–002]

Moriah Hydro Corporation; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* P–12635–002.

c. *Date filed:* February 13, 2015.

d. *Applicant:* Moriah Hydro Corporation.

e. *Name of Project:* Mineville Energy Storage Project.

f. *Location:* The project would be located in an abandoned subterranean mine complex [1] in the town of Moriah, Essex County, New York. 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:* James A. Besha, President, Moriah Hydro Corporation, c/o Albany Engineering Corporation, 5 Washington Square, Albany, New York 12205, (518) 456–7712.

i. *FERC Contact:* Chris Millard (202) 502–8256 or *christopher.millard@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests 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–12635–002.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The proposed project consists of: (1) An upper reservoir located within the upper portion of the mine between elevations 495 and 1,095 feet above mean seal level (msl), with a surface area of 4 acres and a storage capacity of 2,448 acre-feet; (2) a lower reservoir in the lower portion of the mine between elevations −1,075 and −1,555 feet msl, with a surface area of 5.1 acres and a storage capacity of 2,448 acre-feet; (3) a 14-foot-diameter and 2,955-foot-long upper reservoir shaft connecting the upper reservoir to the high-pressure penstock located below the powerhouse chamber floor; (4) a 14-foot-diameter and 2,955-foot-long lower reservoir shaft connecting the lower reservoir and the lower reservoir ventilation tunnel; (5) two 6-foot-diameter emergency evacuation shafts located between the powerhouse chamber and the electrical equipment chamber; (6) a 25-foot-diameter main shaft extending 2,955 feet from the surface down to the powerhouse chamber; (7) 15-foot-diameter high- and low-pressure steel penstocks embedded beneath the powerhouse chamber floor; (8) a 320-foot-long by 80-foot-wide powerhouse chamber, containing 100 reversible pump-turbine units, each with a nameplate generating capacity of 2.4 megawatts; (9) a 274-foot-long by 36-foot-wide underground electrical equipment chamber adjacent to the powerhouse chamber; (10) an inclined electrical tunnel connecting the electrical equipment chamber to a new 115-kilovolt (kV) substation constructed adjacent to an existing single circuit 115-kV transmission line located about one horizontal mile from the underground powerhouse chamber; and (11) appurtenant facilities. The project would operate as a closed-loop system to meet energy demands and grid control requirements. The project would have an average annual generation of 421 gigawatt-hours (GWh). The average pumping power used by the project would be 554 GWh.

m. 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.

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.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of

[1] The existing mine complex is composed of the interconnected Old Bed, Bonanza open pit, and Harmony mines.

the applicant specified in the particular application.

Dated: October 4, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24471 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14585–001]

Dynegy Estero Bay Wave Park, LLC; Notice of Surrender of Preliminary Permit

Take notice that Dynegy Estero Bay Wave Park, LLC, permittee for the proposed Estero Bay Wave Park Project, has requested that its preliminary permit be terminated. The permit was issued on October 28, 2014, and would have expired on November 1, 2017.[1] The project would have been located in coastal waters between 2.5 and 3.0 miles off the coast of San Luis Obispo County, California, and on land near the town of Morro Bay.

The preliminary permit for Project No. 14585 will remain in effect until the close of business, November 3, 2016. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: October 4, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24475 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14584–001]

Dynegy Point Estero Wave Park, LLC; Notice of Surrender of Preliminary Permit

Take notice that Dynegy Point Estero Wave Park, LLC, permittee for the proposed Point Estero Wave Park Project, has requested that its preliminary permit be terminated. The permit was issued on October 28, 2014, and would have expired on November 1, 2017.[1] The project would have been located in the Pacific Ocean between 2.5 and 3.0 miles off the coast of San Luis Obispo County, California, and on land near the town of Morro Bay.

The preliminary permit for Project No. 14584 will remain in effect until the close of business, November 3, 2016. But, if the Commission is closed on this day, then the permit remains in effect until the close of business on the next day in which the Commission is open.[2] New applications for this site may not be submitted until after the permit surrender is effective.

Dated: October 4, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24473 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14680–002]

Water Street Land, LLC; Notice of Application Accepted for Filing With the Commission, Intent To Waive Scoping, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, and Recommendations, and Establishing an Expedited Schedule for Processing

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Application: Exemption from Licensing

b. Project No.: 14680–002

c. Date filed: July 13, 2016

d. Applicant: Water Street Land, LLC

e. Name of Project: Natick Pond Dam Hydroelectric Project

f. Location: On the Pawtuxet River, in the Towns of Warwick and West Warwick, Kent County, Rhode Island. No federal lands would be occupied by project works or located within the project boundary.

g. Filed Pursuant to: Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708 (2012), *amended by* the Hydropower Regulatory Efficiency Act of 2013, Public Law 113–23, 127 Stat. 493 (2013).

h. Applicant Contact: Mr. Rob Cioe, Water Street Land, LLC, P.O. Box 358, North Kingstown, RI 02852; (480) 797–3077.

i. FERC Contact: John Ramer, (202) 502–8969, or email at *john.ramer@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, terms and conditions, and recommendations: Due to the small size and location of this project and the close coordination with state and federal agencies during preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) is shortened. Instead, motions to intervene and protests, comments, terms and conditions, and recommendations are due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. 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–14680–002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The proposed Natick Pond Dam Hydroelectric Project would consist of: (1) An existing 265-foot-long granite block dam with a 19.3-foot-high, 166-foot-long spillway; (2) an existing 58-foot to 125.3-foot-wide, 1-foot- to 28-foot-deep earth embankment; (3) an existing 44-foot-long, 4-foot- to 20-foot-high south granite block training wall; (4) an existing 1,244-foot-long, 18-foot- to 41.25-foot-high granite block and cobble stone north training wall; (5) an existing 4-foot-wide, 6-foot-high granite

[1] 149 FERC ¶ 62,059.

[2] 18 CFR 385.2007(a)(2) (2016).

[1] 149 FERC ¶ 62,058.

[2] 18 CFR 385.2007(a)(2) (2016).

block low level outlet; (6) an existing 46.0-acre impoundment (Natick Pond) with a normal surface elevation of about 48.5 feet North American Vertical Datum of 1988; (7) a new 97-foot-long, 32.2-foot-wide, 6.6-foot-deep concrete intake channel; (8) four new 7.6-foot-high, 11.1-foot-wide steel sluice gates each with new 8.3-foot-high, 32.2-foot-wide steel trashracks with 6-inch clear bar spacing; (9) a new 20.8-foot-high, 23.7-foot-long, 27.7-foot-wide concrete powerhouse; (10) two new 12-foot-high, 92-foot-long, 28-foot-wide concrete turbine bays containing two 42.7-foot-long, 9.2-foot-diameter Archimedes screw turbine-generator units each rated at 180 kilowatts (kW) for a total installed capacity of 360 kW; (11) a new 43-foot long, 29-foot-wide, 5-foot-deep tailrace; (12) a new 54-foot-long, 4.5-foot-wide aluminum eel passage facility; (13) a new water-level sensor and automatic sluice gate controller; (14) a new 40-foot-long, 480-volt below-ground transmission line connecting the powerhouse electrical panel to a new 15-kilovolt-amp (kVA) step-up transformer connecting a new 220-foot-long, 12.47-kilovolt above-ground transmission line to National Grid's distribution system; and (15) appurtenant facilities. The estimated annual generation of the proposed Natick Pond Dam Project would be about 1,800 megawatt-hours. The applicant proposes to operate the project in a run-of-river mode. There are no federal or state lands associated with the project.

m. Due to the applicant's close coordination with federal and state agencies during the preparation of the application, completed studies during pre-filing consultation, and agency recommended preliminary terms and conditions, we intend to waive scoping and expedite the exemption process. Based on a review of the application, resource agency consultation letters including the preliminary 30(c) terms and conditions, and comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period, which included a public scoping meeting and site visit, and no new issues are likely to be identified through additional scoping. The EA will consider assessing the potential effects of project construction and operation on geology and soils, aquatic, terrestrial, threatened and endangered species, recreation and land use, aesthetic, and cultural and historic resources.

n. 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. 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.

o. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' or ''TERMS AND CONDITIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. Procedural Schedule: The application will be processed according to the following procedural schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of the availability of the EA.	February 2017.

Dated: October 5, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–24604 Filed 10–7–16; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9954–01–OA]

Farm, Ranch, and Rural Communities Committee Teleconference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Advisory Committee Teleconference.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92–463, EPA gives notice of a teleconference meeting of the Farm, Ranch, and Rural Communities Committee (FRRCC). The FRRCC is a policy-oriented committee that provides policy advice, information, and recommendations to the EPA Administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities.

Purpose of Meeting: The purpose of this teleconference is to discuss specific recommendations that were drafted by

the Committee at the May 2016 meeting and finalize any outstanding comments. Recommendations regarding soil health and outreach, when finalized, will be transmitted to the Agency and made available to the public.

DATES: The Farm, Ranch, and Rural Communities Committee will hold a public teleconference on October 27th, 2016 from 2:00 p.m. until 4:00 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held at the U.S. EPA North Building, 1200 Constitution Avenue NW., Room 2317, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Lena Ferris, Acting Designated Federal Officer, *ferris.lena@epa.gov,* 202–564–8831, US EPA, Office of the Administrator (1101A), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Members of the public wishing to gain access to the teleconference, make brief oral comments, or provide a written statement to the FRRCC must contact Lena Ferris, Acting Designated Federal Officer, at *ferris.lena@epa.gov,* or 202–564–8831 by October 25th, 2016.

General Information: The agenda and meeting materials will be available at *www.epa.gov/faca/frrcc.* General information about the FRRCC can be found on the same Web site.

Meeting Access: For information on access or services for individuals with disabilities or to request accommodations please contact Lena Ferris, Acting Designated Federal Officer, at *ferris.lena@epa.gov,* or 202–564–8831 as soon as possible to allow EPA as much time as possible to process your request.

Dated: October 5, 2016.

Lena Ferris,

Acting Designated Federal Officer.

[FR Doc. 2016–24490 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0785; FRL–9953–39]

2017 Safer Choice Partner of the Year Awards Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is seeking applications for the 2017 Safer Choice Partner of the Year Awards. In 2015, EPA developed the Partner of the Year Awards to recognize Safer Choice stakeholders who have advanced the goals of the Pollution Prevention Act and the Safer Choice program by reducing pollution at its source through safer chemistry. At the 2017 Partner of the Year Awards, as at the two prior awards, Safer Choice will recognize stakeholder organizations from five broad categories: Formulators/Product Manufacturers of both Consumer and Institutional/Industrial (I/I) products, Purchasers and Distributors, Retailers, Supporters (*e.g.,* non-governmental organizations), and Innovators (*e.g.,* chemical manufacturers). All applications and accompanying materials must be received by Friday, December 16, 2016. Award winners will be recognized at a ceremony in late spring 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Chen Wen, Chemistry, Economics and Sustainable Strategies Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8849; email address: *wen.chen@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are a Safer Choice program partner or stakeholder. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

NAICS Code	Affected industry
325510	Paint and Coating Manufacturing.
325611	Soap and Other Detergent Manufacturing.
325612	Polish and Other Sanitation Good Manufacturing.
325910	Printing Ink Manufacturing.
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing.
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing.
561210	Facilities Support Services.
561720	Janitorial Services.
561740	Carpet and Upholstery Cleaning Services.
611310	Colleges, Universities, and Professional Schools.
8123	Dry Cleaning and Laundry Services.
921190	Other General Government Support.

B. How can I get related information?

The full Safer Choice Partner of the Year Awards announcement and award application materials can be found at: *https://www.epa.gov/saferchoice/safer-choice-partner-year-awards.*

C. 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–OPPT–2015–0785, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

EPA is seeking applications for the 2017 Safer Choice Partner of the Year Awards. In 2015, EPA developed the Partner of the Year Awards to recognize Safer Choice stakeholders who have advanced the goals of the Pollution

Prevention Act and the Safer Choice program by reducing pollution at its source through safer chemistry. The Safer Choice Partner of the Year Awards recognize program participants for advancing the goal of chemical safety through exemplary participation in or promotion of the Safer Choice Program. Safer Choice Program participants are continually driving innovation to make chemical products safer. Our program currently labels more than 2,000 products, used by consumers, institutions and industry that meet our Safer Choice Standard. The 2017 Partner of the Year Awards will be the third annual event, with recognition for Safer Choice stakeholder organizations from five broad categories: (1) Formulators/Product Manufacturers of both Consumer and Institutional/Industrial (I/I) products, (2) Purchasers and Distributors, (3) Retailers, (4) Supporters (*e.g.,* non-governmental organizations, including environmental and health advocates, trade associations, academia, sports teams, and others), and (5) Innovators (*e.g.,* chemical manufacturers, technology developers, and others).

The award application and instructions are available at *https://www.epa.gov/saferchoice/safer-choice-partner-year-awards.* Interested applicants may also register for webinars on the award application process by visiting the Web site. All applications and accompanying materials must be received by Friday, December 16, 2016. Award winners will be recognized at a ceremony in late spring 2017.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 3, 2016.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2016–24494 Filed 10–7–16; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Notice

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Thursday, October 13, 2016, 1:00 p.m. Eastern Time.

PLACE: Jacqueline A. Berrien Training Center on the First Floor of the EEOC Office Building, 131 M Street NE., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Big Data and Employment Discrimination

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. Seating is limited and it is suggested that visitors arrive 30 minutes before the meeting in order to be processed through security and escorted to the meeting room. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its Web site, *www.eeoc.gov.*, and provides a recorded announcement a week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation and Communication Access Realtime Translation (CART) services at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Bernadette B. Wilson, Acting Executive Officer on (202) 663–4077.

Dated: October 6, 2016.

This Notice Issued October 6, 2016.

Bernadette B. Wilson,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 2016–24661 Filed 10–6–16; 4:15 pm]

BILLING CODE P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10498 AztecAmerica Bank; Berwyn, Illinois

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10498 AztecAmerica Bank, Berwyn, Illinois (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of AztecAmerica Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective October 1, 2016, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–24437 Filed 10–7–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10281 Independent National Bank, Ocala, Florida

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10281 Independent National Bank, Ocala, Florida (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Independent National Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective October 1, 2016, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–24434 Filed 10–7–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10159 Valley Capital Bank, N.A., Mesa, Arizona

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10159 Valley Capital Bank, N.A., Mesa, Arizona (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Valley Capital Bank, N.A. (Receivership Estate); the

Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective October 1, 2016, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–24433 Filed 10–7–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10492 DuPage National Bank; West Chicago, Illinois

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10492 DuPage National Bank, West Chicago, Illinois (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of DuPage National Bank (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective October 01, 2016, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–24436 Filed 10–7–16; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination; 10490 Bank of Jackson County; Graceville, Florida

The Federal Deposit Insurance Corporation (FDIC), as Receiver for 10490 Bank of Jackson County, Graceville, Florida (Receiver) has been authorized to take all actions necessary to terminate the receivership estate of Bank of Jackson County (Receivership Estate); the Receiver has made all dividend distributions required by law.

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments and deeds.

Effective October 1, 2016, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2016–24435 Filed 10–7–16; 8:45 am]

BILLING CODE 6714–01–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 November 1, 2016.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Farmers and Merchants Bancorp, Inc.,* Hannibal, Missouri, to become a bank holding company by acquiring F&M Bank and Trust Company, Hannibal, Missouri.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Sunflower Reincorporation Sub, Inc.,* Salina, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Sunflower Financial, Inc., and thereby acquire Sunflower Bank, NA, both in Salina, Kansas.

Board of Governors of the Federal Reserve System, October 4, 2016.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2016–24376 Filed 10–7–16; 8:45 am]

BILLING CODE 6210–01–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for a Modified OGE Form 201 Ethics in Government Act Access Form

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After this first round notice and public comment period, the U.S. Office of Government Ethics (OGE) plans to submit a proposed modified OGE Form 201 Ethics in Government Act access form to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995. The OGE Form 201 is used by persons requesting access to executive branch public financial disclosure reports and other covered records.

DATES: Written comments by the public and agencies on this proposed extension are invited and must be received by December 12, 2016.

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

Email: usoge@oge.gov. (Include reference to ''OGE Form 201 Paperwork Comment'' in the subject line of the message.)

FAX: 202–482–9237, Attn: Brandon Steele.

Mail, Hand Delivery/Courier: Office of Government Ethics, 1201 New York Avenue NW., Suite 500, Attention: Brandon Steele, Assistant Counsel, Washington, DC 20005–3917.

Instructions: Comments may be posted on OGE's Web site, *www.oge.gov.* Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Brandon Steele at the U.S. Office of Government Ethics; telephone: 202–482–9209; TTY: 800–877–8339; FAX: 202–482–9237; Email: *basteele@oge.gov.* An electronic copy of the OGE Form 201 version used to manually submit access requests to OGE or other executive branch agencies by mail or FAX is available in the Forms Library section of OGE's Web site at *http://www.oge.gov.* A paper copy may also be obtained, without charge, by contacting Mr. Steele. An automated version of the OGE Form 201, also available on OGE's Web site, enables the requester to electronically fill out, submit and receive access to financial reports and certain related records for individuals who have been nominated by the President to executive branch positions requiring Senate confirmation, and individuals who have declared their candidacy for the Office of the President of the United States.

SUPPLEMENTARY INFORMATION:

Title: Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.

Agency Form Number: OGE Form 201.

OMB Control Number: 3209–0002.

Type of Information Collection: Extension with modifications of a currently approved collection.

Type of Review Request: Regular.

Respondents: Individuals requesting access to executive branch public financial disclosure reports and other covered records.

Estimated Annual Number of Respondents: 1003.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden: 170 hours.

Abstract: The OGE Form 201 collects information from, and provides certain information to, persons who seek access to OGE Form 278 Public Financial Disclosure Reports, including OGE Form 278–T Periodic Transaction Reports, and other covered records. The form reflects the requirements of the Ethics in Government Act, subsequent amendments pursuant to the STOCK Act, and OGE's implementing regulations that must be met by a person before access can be granted. These requirements include the address of the requester, as well as any other person on whose behalf a record is sought, and acknowledgement that the requester is aware of the prohibited uses of executive branch public disclosure financial reports. See 5 U.S.C. appendix 105(b) and (c) and 402 (b)(1) and 5 CFR 2634.603(c) and (f). Executive branch departments and agencies are encouraged to utilize the OGE Form 201 for individuals seeking access to public financial disclosure reports and other covered documents. OGE permits departments and agencies to use or develop their own forms as long as the forms collect and provide all of the required information.

OGE is proposing modifications to the automated version of the OGE Form 201, available only through the OGE Web site at *www.oge.gov.* Initially launched in March 2012, the automated version of the access form originally enabled a requestor to obtain immediately upon Web site submission of the completed form, those financial disclosure reports of individuals who have been nominated by the President to executive branch positions requiring Senate confirmation. OGE recently modified the technological process used to provide the information and no longer allows requesters to immediately download reports upon submission of the automated OGE Form 201. Instead, the forms are first reviewed by an OGE employee for completeness before the information is sent to the requester either by email or mail, according to the requester's preference. Adding this step helps ensure that the requirements of section 105(b) of the Ethics in Government Act are met before public financial disclosure reports are released. Because of this change in procedure, a requester using the automated OGE Form 201 now has the option of either providing a mailing address including street, city, state, and country information (as was previously required) or providing an email address plus city, state, and country information. Depending on which information the requester chooses to provide, the requested public financial disclosure reports will be either emailed or mailed to the requester. This change will not affect the estimated time of response to complete the form.

OGE also intends to update the maximum civil monetary penalty for improperly obtaining or using a public financial disclosure report on both the automated and nonautomated versions of the form, in accordance with 5 CFR 2634.703.

Request for Comments: OGE is publishing this first round notice of its intent to request paperwork clearance for a proposed modified OGE Form 201 Ethics Act Access Form. Agency and public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: September 30, 2016.

Walter M. Shaub, Jr.,

Director, U.S. Office of Government Ethics.

[FR Doc. 2016–24501 Filed 10–7–16; 8:45 am]

BILLING CODE 6345–03–P

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Proposed Collection; Comment Request for a Modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After this first round notice and public comment period, the Office of Government Ethics (OGE) plans to submit a modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995.

DATES: Written comments by the public and agencies on this proposed extension are invited and must be received by December 12, 2016.

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

Email: usoge@oge.gov. (Include reference to ''OGE Form 450 paperwork comment'' in the subject line of the message.)

FAX: 202–482–9237, Attn: Brandon Steele.

Mail, Hand Delivery/Courier: Office of Government Ethics, 1201 New York Avenue NW., Suite 500, Attention: Brandon Steele, Assistant Counsel, Washington, DC 20005–3917.

Instructions: Comments may be posted on OGE's Web site, *www.oge.gov*. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Brandon Steele at the U.S. Office of Government Ethics; telephone: 202–482–9209; TTY: 800–877–8339; FAX: 202–482–9237; Email: *basteele@oge.gov*. An electronic copy of the OGE Form 450 is available in the Forms Library section of OGE's Web site at *http://www.oge.gov*. A paper copy may also be obtained, without charge, by contacting Mr. Steele.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Confidential Financial Disclosure Report.

Agency Form Number: OGE Form 450.

OMB Control Number: 3209–0006.

Type of Information Collection: Extension with modifications of a currently approved collection.

Type of Review Request: Regular.

Respondents: Private citizens who are potential (incoming) regular Federal employees whose positions are designated for confidential disclosure filing, and special Government employees whose agencies require that they file new entrant disclosure reports prior to assuming Government responsibilities.

Estimated Annual Number of Respondents: 24,640.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 24,640 hours.

Abstract: The OGE Form 450 collects information from covered department and agency employees as required under OGE's executive branchwide regulatory provisions in subpart I of 5 CFR part 2634. The basis for the OGE reporting regulation is section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990, 3 CFR, 1990 Comp., pp. 306–311, at p. 308) and section 107(a) of the Ethics in Government Act, 5 U.S.C. app., sec. 107(a). OGE proposes several modifications to the form. OGE proposes to clarify the instructions in two places to assist filers in completing the form. OGE also proposes to revise the Privacy Act Statement in accordance with the OGE/GOVT–2 Executive Branch Confidential Financial Disclosure Reports Privacy Act system of records.

Request for Comments: OGE is publishing this first round notice of its intent to request paperwork clearance for a proposed modified OGE Form 450. Public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: September 30, 2016.

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

[FR Doc. 2016–24502 Filed 10–7–16; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of five AHRQ subcommittee meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6).

DATES: See below for dates of meetings:

1. Healthcare Safety and Quality Improvement Research (HSQR)

Date: October 12–13, 2016 (Open from 8:00 a.m. to 8:30 a.m. on October 12th and closed for remainder of the meeting)

2. Health Care Research and Training (HCRT)

Date: October 13–14, 2016 (Open from 8:00 a.m. to 8:30 a.m. on October 13th and closed for remainder of the meeting)

3. Health System and Value Research (HSVR)

Date: October 19–20, 2016 (Open from 8:30 a.m. to 9:00 a.m. on October 19th and closed for remainder of the meeting)

4. Healthcare Effectiveness and Outcomes Research (HEOR)

Date: October 26–27, 2016 (Open from 8:30 a.m. to 9:00 a.m. on October 26th and closed for remainder of the meeting)

5. Healthcare Information Technology Research (HITR)

Date: October 27–28, 2016 (Open from 8:30 a.m. to 9:00 a.m. on October 27th and closed for remainder of the meeting)

ADDRESSES: (Below specifics where each meeting will be held)

HSQR, HCRT, HEOR and HITR

Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

HSVR

The Even Hotel, 1775 Rockville Pike, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: (To obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.)

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, Agency for Healthcare Research and Quality (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 427–1554.

SUPPLEMENTARY INFORMATION:

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the scientific peer review groups listed above, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committees. Each subcommittee meeting will commence in open session before closing to the public for the duration of the meeting. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6) 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.

Agenda items for these meetings are subject to change as priorities dictate.

Sharon B. Arnold,

Deputy Director.

[FR Doc. 2016–24386 Filed 10–7–16; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS Computer Match No. 2016–15; HHS Computer Match No. 1609]

Privacy Act of 1974

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of Computer Matching Program.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the establishment of a Computer Matching Program that CMS plans to conduct with the Peace Corps (PC).

DATES: *Effective Dates:* Comments are invited on all portions of this notice. Public comments are due within 30 days after publication. The matching program will become effective no sooner than 40 days after the report of the matching program is sent to the Office of Management and Budget (OMB) and Congress, or 30 days after publication in the **Federal Register**, whichever is later.

ADDRESSES: The public should send comments to: CMS Privacy Act Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Enterprise Information, CMS, Room N l–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Lindsey Murtagh, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, Phone: (301) 492–4106, E-Mail: *lindsey.murtagh@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in a CMP to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Walter Stone,

CMS Privacy Act Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–15

HHS Computer Match No.1609

NAME

Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services and the Peace Corps for the ''Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act Through a Peace Corps Health Benefits Plan.''

SECURITY CLASSIFICATION

Unclassified.

PARTICIPATING AGENCIES

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the Peace Corps (PC).

AUTHORITY FOR CONDUCTING MATCHING PROGRAM

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Public Law 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for applying for and determining eligibility for advance payments of the premium tax credit and cost-sharing reductions and authorize use of secure, electronic interfaces and an on-line system for the verification of eligibility.

The Computer Matching and Privacy Protection Act of 1988 (CMPPA) (Public Law 100–503), amended the Privacy Act (5 U.S.C. 552a) and requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching will be conducted. CMS has determined that status verification checks to be conducted through the CMS Data Services Hub (Hub) by agencies administering insurance affordability programs using data provided in bulk by PC through a security transfer data protocol to CMS constitute a ''computer matching program'' as defined in the CMPPA.

PURPOSE(S) OF THE MATCHING PROGRAM

The purpose of the Computer Matching Agreement is to establish the terms, conditions, safeguards, and procedures under which the Peace Corps will provide records, information, or data to CMS for verifying eligibility for Minimum Essential Coverage through a Peace Corps Health Benefits Plan. The data will be used by CMS in its capacity as a Federally-facilitated Exchange, and agencies administering insurance affordability programs that will receive the results of verifications using PC data obtained through the CMS Data Services Hub.

Data will be matched for the purpose of verifying an Applicant or Enrollee's eligibility for PC Health Benefit Plans that constitute minimum essential coverage as defined in § 5000A(f) of the Internal Revenue Code of 1986, 26 U.S.C. 5000A, as amended by § 1501 of the ACA.

DESCRIPTION OF RECORDS TO BE USED IN THE MATCHING PROGRAM

The Peace Corps maintains the following SORN to support this data matching program: ''Peace Corps Manual Section 897, Attachment B, PC–17 Volunteer Applicant and Service Records System.'' Routine Use (i) is used ''to verify active or former Volunteer service''—supports disclosure to CMS.

CMS maintains the following SORN to support this data to support this data matching program: ''Health Insurance Exchanges Program (HIX)'', CMS System No. 09–70–0560, originally published at 78 FR 8538 (Feb. 6, 2013), and last amended at 78 Federal Register, 63211 (October 23, 2013).

INCLUSIVE DATES OF THE MATCH

The CMP will become effective no sooner than 40 days after the report of the matching program is sent to OMB, 30 days after a copy of the matching agreement is transmitted to Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–24388 Filed 10–7–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974, CMS Computer Match No. 2016–14, HHS Computer Match No. 1608

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of Computer Matching Program (CMP).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the establishment of a CMP that CMS plans to conduct with the Office of Personnel Management (OPM).

DATES: *Effective Dates:* Comments are invited on all portions of this notice. Public comments are due within 30 days after publication. The matching program will become effective no sooner than 40 days after the report of the matching program is sent to the Office of Management and Budget (OMB), 30 days after a copy of the matching agreement is transmitted to Congress, or 30 days after the report of the matching program is published in the **Federal Register**, whichever is later.

For Information Contact: The public should send comments to: CMS Privacy Act Officer, Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Enterprise Information, CMS, Room Nl–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Lindsey Murtagh, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, Phone: (301) 492–4106, E-Mail: *lindsey.murtagh@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. It requires Federal agencies involved in computer matching programs (CMP) to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

This matching program meets the requirements of the Privacy Act of 1974, as amended.

Walter Stone,

CMS Privacy Act Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2016–14

HHS Computer Match No.1608

Name

''Computer Matching Agreement between the Department of Health and Human Services, Centers for Medicare & Medicaid Services and the Office of Personnel Management For The Verification of Eligibility For Minimum Essential Coverage Under the Patient Protection and Affordable Care Act Through an Office of Personnel Management Health Benefits Plan.''

Security Classification

Unclassified.

Participating Agencies

Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the Office of Personnel Management (OPM).

Authority for Conducting Matching Program

Sections 1411 and 1413 of the Patient Protection and Affordable Care Act of 2010 (Public Law 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) (collectively, the ACA) require the Secretary of HHS to establish a program for applying for and determining eligibility for advance payments of the premium tax credit and cost-sharing reductions and authorize use of secure, electronic interfaces and an on-line system for the verification of eligibility.

The Computer Matching and Privacy Protection Act of 1988 (CMPPA) (Public Lawl00–503), amended the Privacy Act (5 U.S.C. 552a) and requires the parties participating in a matching program to execute a written agreement specifying the terms and conditions under which the matching will be conducted. CMS has determined that status verification checks to be conducted through the CMS Data Services Hub (Hub) by agencies administering applicable State health subsidy programs using the Enterprise Human Resources Integration Data Warehouse (EHRIDW) Status File provided to CMS by OPM constitute a ''computer matching program'' as defined in the CMPPA.

Purpose(s) of the Matching Program

The purpose of the Computer Matching Agreement is to establish the terms, conditions, safeguards, and procedures under which OPM will provide records, information, or data to CMS for verifying eligibility for Minimum Essential Coverage through an OPM Federal Employees Health Benefits Plan. The data will be used by CMS in its capacity as a Federally-facilitated Exchange, and agencies administering applicable State health subsidy programs that will receive the results of verifications using OPM data obtained through the CMS Data Services Hub.

Data will be matched for the purpose of verifying an Applicant or Enrollee's eligibility for OPM Federal Employees Health Benefit Plans that constitute minimum essential coverage as defined in 5000A(f) of the Internal Revenue Code of 1986, 26 U.S.C. 5000A, as amended by 1501 of the ACA.

Description of Records To Be Used in the Matching Program

The CMP will be conducted with data maintained by CMS in the Health Insurance Exchanges (HIX) Program, CMS System No. 09–70–0560, as amended. The system is described in

System of Records Notice (SORN) published at 78 **Federal Register** (FR) 63211 (Oct. 23, 2013).

The OPM System of Records for this matching program is titled ''General Personnel Records'' (OPM/GOVT–1), published at 77 **Federal Register**, 73694 (December 11, 2012). OPM will submit to CMS a monthly Status File that is a full refresh of all Federal employee health care insurance information. OPM also will submit to CMS, on an annual basis, a Premium Spread Index File that provides information identifying the lowest self-only premium for an OPM FEHB plan available to a Federal employee in each State as well as national OPM FEHB plans.

Inclusive Dates of the Match

The CMP will become effective no sooner than 40 days after the report of the matching program is sent to 0MB, 30 days after a copy of the matching agreement is transmitted to Congress, or 30 days after publication in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2016–24387 Filed 10–7–16; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–138 and 10088]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

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 (the 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 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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 must be received by December 12, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–138 Medicare Geographic Classification Review Board Procedures and Criteria

CMS–10088 Notification of FIs and CMS of co-located Medicare providers

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-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.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Geographic Classification Review Board Procedures and Criteria; *Use:* During the first few years of IPPS, hospitals were paid strictly based on their physical geographic location concerning the wage index (Metropolitan Statistical Areas (MSAs)) and the standardized amount (rural, other urban, or large urban). However, a growing number of hospitals became concerned that their payment rates were not providing accurate compensation. The hospitals argued that they were not competing with the hospitals in their own geographic area, but instead that they were competing with hospitals in neighboring geographic areas. At that point, Congress enacted Section 1886(d)(10) of the Act which enabled hospitals to apply to be considered part of neighboring geographic areas for payment purposes based on certain criteria. The application and decision process is administered by the MGCRB which is not a part of CMS so that CMS could not be accused of any untoward action. However, CMS needs to remain apprised of any potential payment changes. Hospitals are required to provide CMS with copy of any applications that they made to the MGCRB. CMS also developed the guidelines for the MGCRB that were the interim final issue of the **Federal Register**, and must ensure that the MGCRB properly applied the guidelines. This check and balance process also contributes to limiting the

number of hospitals that ultimately need to appeal their MGCRB decisions to the CMS Administrator. *Form Number:* CMS–R–138 (OMB control number: 0938–0573); *Frequency:* Occasionally; *Affected Public:* Businesses or other for-profits and Not-for-profit institutions; *Number of Respondents:* 300; *Total Annual Responses:* 300; *Total Annual Hours:* 300. (For policy questions regarding this collection contact Noel Manlove at 410–786–5161.)

2. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Notification of FIs and CMS of co-located Medicare providers; *Use:* Many long-term care hospitals (LTCHs) are co-located with other Medicare providers (acute care hospitals, IRFs, SNFs, psychiatric facilities), which leads to potential gaming of the Medicare system based on patient shifting. In regulations at 42 CFR 412.22(e)(3) and (h)(6) and 412.532(i), CMS is requiring LTCHs to notify Medicare Administrative Contractors (MACs) and CMS of co-located providers in order to establish policies to limit payment abuse that will be based on FIs tracking patient movement among these co-located providers. *Form Number:* CMS–10088 (OMB control number: 0938–0897); *Frequency:* Annually; *Affected Public:* Businesses or other for-profits and Not-for-profit institutions; *Number of Respondents:* 25; *Total Annual Responses:* 25; *Total Annual Hours:* 6. (For policy questions regarding this collection contact Emily Lipkin at 410–786–3633.)

Dated: October 4, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–24415 Filed 10–7–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–3990]

Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process.'' This guidance explains the process by which FDA intends to carry out the section of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Sunscreen Innovation Act (SIA), which governs the convening of advisory committees to provide recommendations on requests submitted under the SIA regarding nonprescription sunscreen active ingredients and the number of requests to be considered per meeting. The recommendations in this guidance apply to 586A requests submitted under the FD&C Act and to pending requests as defined by the SIA that seek a determination from FDA on whether a nonprescription sunscreen active ingredient, or a combination of nonprescription sunscreen active ingredients, is generally recognized as safe and effective (GRASE) for use under specified conditions and should be included in the over-the-counter (OTC) sunscreen drug monograph. The SIA describes specific circumstances under which FDA is not required to convene or submit requests to the Nonprescription Drugs Advisory Committee (NDAC). We are issuing this guidance pursuant to the SIA, which directs FDA to issue guidance on four topics, including the topic discussed in this guidance. This guidance finalizes the draft guidance on the same topic issued on November 23, 2015.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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–D–3990 for ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process.'' 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 this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Sunscreen Innovation Act: Section 586C(c) Advisory Committee Process.'' This guidance provides background information on the sunscreen OTC monograph process, as well as on the Agency's intended process for convening the NDAC. It also recommends procedures for sponsors of 586A requests (submitted under section 586A of the FD&C Act (21 U.S.C. 360fff–1)) and for sponsors of pending requests (as defined by section 586(6) of the FD&C Act (21 U.S.C. 360fff (6))) to follow in requesting an NDAC meeting. This guidance also explains how FDA intends to process these requests and describes the factors the Agency may consider in determining whether and when to refer such requests to the NDAC.

This guidance finalizes the draft guidance that was issued under the same title on November 23, 2015 (see 80 FR 72972), and reflects FDA's consideration of public comments on the draft guidance. The draft guidance and related public comments are publicly available in Docket No. FDA–2015–D–3990. In addition to minor editorial changes, we have clarified the information in section III of the guidance on when to submit a request for an NDAC meeting.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the process by which the Agency will carry out section 586C(c) of the SIA (21 U.S.C. 360fff–3). 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.

II. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

III. Paperwork Reduction Act of 1995

This guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA). Section 586D(a)(1)(C) of the FD&C Act (21 U.S.C 360fff–4(a)(1)(C)) states that the PRA shall not apply to collections of information made for purposes of guidance under section 586D(a).

Dated: October 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–24460 Filed 10–7–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–4012]

Sunscreen Innovation Act: Withdrawal of a 586A Request or Pending Request; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Sunscreen Innovation Act: Withdrawal of a 586A Request or Pending Request.'' This guidance provides recommendations for the process for withdrawing a 586A request submitted under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Sunscreen Innovation Act (SIA), and withdrawing a pending request, as defined by the SIA. The recommendations in this guidance apply to 586A requests and pending requests that seek a determination from FDA of whether a nonprescription sunscreen active ingredient, or a combination of nonprescription sunscreen active ingredients, is generally recognized as safe and effective (GRASE) for use under specified conditions and should be included in the over-the-counter (OTC) sunscreen drug monograph. We are issuing this guidance under the SIA, which directs FDA to issue guidance on various topics, including guidance on the process by which a request under section 586A or a pending request is withdrawn. This guidance finalizes the draft guidance issued on November 23, 2015.

DATES: Submit either electronic or written comments on Agency guidances at any time.

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–D–4012 for ''Sunscreen Innovation Act; Withdrawal of a 586A Request or Pending Request.'' 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 this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Kristen Hardin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5443, Silver Spring, MD 20993, 240–402–4246.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Sunscreen Innovation Act; Withdrawal of a 586A Request or Pending Request.'' This guidance provides background information on the sunscreen OTC monograph process and the new procedures under the SIA (21 U.S.C. 360fff), for reviewing 586A requests (requests made under section 586A of the FD&C Act (21 U.S.C. 360fff–1)) and pending requests for nonprescription sunscreen active ingredients (the SIA process). This guidance provides recommendations for the general withdrawal process for 586A requests and pending requests. At certain stages of the SIA process, a sponsor who submitted the 586A request or pending request might seek to have it withdrawn, or a request may be withdrawn due to the sponsor's failure to act on the request and failure to respond to communications from FDA. This guidance addresses the expected effect of a withdrawal on key phases of the SIA process, including withdrawals made prior to or after the initial eligibility determination, the submission of safety and efficacy data, the filing determination, or the GRASE determination. This guidance also discusses the submission of a new 586A request for the same sunscreen ingredient for which a 586A or pending request had been previously submitted and withdrawn.

This guidance finalizes the draft guidance that was issued under the same title on November 23, 2015 (see 80 FR 72970), and reflects FDA's consideration of public comments on the draft guidance. The draft guidance and related public comments are publicly available in Docket No. FDA–2015–D–4012. In addition to minor editorial changes, we have clarified the use of publicly available data and information submitted to the docket as it pertains to the withdrawal process.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the withdrawal of 586A requests and pending requests under the SIA. 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.

II. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

III. Paperwork Reduction Act of 1995

This guidance contains collections of information that are exempt from the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA). Section 586D(a)(1)(C) of the FD&C Act (21 U.S.C 360fff–4(a)(1)(C)) states that the PRA shall not apply to collections of information made for purposes of guidance under section 586D(a).

Dated: October 5, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–24459 Filed 10–7–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1446]

Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the guidance entitled ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use.'' This document describes studies and criteria that FDA recommends be used when submitting premarket notifications (510(k)s) for self-monitoring blood glucose test systems (SMBGs) intended for over-the-counter (OTC) home use by lay-users.

FDA intends for this document to serve as a guide for manufacturers in conducting appropriate performance studies and preparing 510(k)s for these device types.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

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–2013–D–1446 for ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use; Guidance for Industry and Food and Drug Administration Staff; Availability.'' 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.

An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for single copies of the guidance to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Leslie Landree, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4623, Silver Spring, MD 20993–0002, 301–796–6147.

SUPPLEMENTARY INFORMATION:

I. Background

This document describes studies and criteria that FDA recommends be used when submitting 510(k)s for SMBGs which are for OTC home use by lay users. FDA intends for this document to serve as a guide for manufacturers in conducting appropriate performance studies and preparing 510(k)s for these device types. This document is not meant to address blood glucose monitoring test systems (BGMSs) which are intended for prescription point-of-care use in professional healthcare settings (*e.g.*, hospitals, physician offices, long term care facilities, etc.). Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of the guidance ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use'' to address those device types.

Historically, FDA has not recommended different types of information in 510(k)s for BGMSs used by healthcare professionals as compared to SMBGs intended for home use by lay users. However, it has become increasingly clear that these different use settings have distinct intended use populations with unique characteristics that can impact device design specifications, and that manufacturers should take these unique characteristics into account when designing their devices. In order to distinguish between FDA recommendations for prescription-use BGMSs, which are intended for use in point-of-care professional healthcare settings, and SMBGs intended for use for self-monitoring by lay users, the Agency is issuing two separate guidances for: (1) Prescription use blood glucose meters, for use in point-of-care professional healthcare settings and (2) OTC SMBG devices intended for home use for self-monitoring by lay persons. FDA believes that in making this distinction, SMBGs can be better designed to meet the needs of their intended use populations, thereby providing greater safety and efficacy. While FDA recommends that the information described in this guidance be included in premarket submissions for SMBGs, submissions containing alternative information may be sufficient if able to demonstrate

substantial equivalence to a legally marketed predicate device.

In the **Federal Register** of January 7, 2014 (79 FR 829), the Agency issued the draft guidance entitled ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use.'' In the **Federal Register** of April 9, 2014 (79 FR 19622), the Agency announced that the deadline for the comment period would be extended until May 7, 2014, to allow for more public comments on this draft guidance document. FDA considered the comments received on this draft guidance and FDA revised the guidance as appropriate in response to the comments.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use.'' 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. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1756 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations and guidance. 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 807 subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in the guidance document ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff'' have been approved under OMB control number 0910–0756.

Dated: October 4, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–24431 Filed 10–7–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1445]

Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the guidance entitled ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use.'' This document describes studies and criteria that FDA recommends be used when submitting premarket notifications (510(k)s) for blood glucose monitoring systems (BGMSs) which are for prescription point-of-care use in professional healthcare settings. FDA intends for this document to serve as a guide for manufacturers in conducting appropriate performance studies and preparing 510(k)s for these device types.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

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–2013–D–1445 for ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use; Guidance for Industry and Food and Drug Administration Staff; Availability.'' 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.

An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single copy of the guidance document to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Leslie Landree, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 4623, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6147.

SUPPLEMENTARY INFORMATION:

I. Background

This document describes studies and criteria that FDA recommends be used when submitting 510(k)s for BGMSs which are for prescription point-of-care use in professional settings. FDA intends for this document to serve as a guide for manufacturers in conducting appropriate performance studies and preparing 510(k)s for these device types. This document is not meant to address self-monitoring blood glucose test systems (SMBGs) for over-the-counter (OTC) home use by lay-users. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of the guidance ''Self-Monitoring Blood Glucose Test Systems for Over-the-Counter Use'' to address those device types.

Historically, FDA has not recommended different types of information in 510(k)s for BGMSs used by healthcare professionals as compared to SMBGs intended for home use by lay-users. However, it has become increasingly clear that these different use settings have distinct intended use populations with unique characteristics that can impact device design specifications, and that manufacturers should take these unique characteristics into account when designing their devices. In order to distinguish between FDA recommendations for prescription-use blood glucose meters, which are intended for use in point-of-care professional healthcare settings, and SMBG devices intended for home use for self-monitoring by lay-persons, the Agency is issuing two separate guidances for (i) BGMSs intended for use in point-of-care professional healthcare settings, and (ii) SMBGs intended for home use for self-monitoring by lay-users. FDA believes that in making this distinction, BGMSs can be better designed to meet the needs of their intended use populations, thereby providing greater safety and efficacy.

Because BGMSs are used in professional healthcare settings, they are more likely to be used on multiple patients. The Centers for Medicare and Medicaid Services and Centers for Disease Control and Prevention have expressed concern over the possibility that blood glucose meters can transmit bloodborne pathogens if these devices are contaminated with blood specimens and shared between users without effective cleaning, disinfecting, and appropriate infection control measures. This document describes certain design features and capacity for cleaning and disinfection to prevent the spread of bloodborne pathogens.

In addition, concerns have been raised citing the inability of currently cleared BGMSs to perform effectively in professional healthcare settings because these devices have not been adequately evaluated in some of the populations in which they are being used. Patients in professional healthcare settings are often fundamentally different than lay-users using these devices at home. Patients in professional healthcare settings can be acutely ill and medically fragile and are more likely to present physiological and pathological factors that could interfere with glucose measurements relative to lay-users. Errors in BGMSs accuracy can lead to incorrect insulin dosing, which, when combined with other factors, can lead to increased episodes of hypoglycemia. For hospitalized patients who may be seriously ill, glucose meter inaccuracies could further increase risk to health. This document describes studies that can be conducted to demonstrate BGMS performance for devices intended to be used in diverse professional healthcare settings on subjects in various states of health. While FDA recommends that the information described in this guidance be included in premarket submissions for BGMSs, submissions containing alternative information may be sufficient if able to demonstrate substantial equivalence to a legally marketed predicate device.

In the **Federal Register** of January 7, 2014 (79 FR 830), the Agency issued the draft guidance entitled ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use''. In the **Federal Register** of April 9, 2014 (79 FR 19622), the Agency announced that the deadline for the comment period would be extended until May 7, 2014, to allow for more public comments on this draft guidance document. FDA considered the comments received on this draft guidance and FDA revised the guidance as appropriate in response to the comments.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care Use.'' 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. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Blood Glucose Monitoring Test Systems for Prescription Point-of-Care

Use'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1755 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations and guidance. 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 807 subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; the collections of information in the guidance document ''Recommendations: Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices'' have been approved under OMB control number 0910–0598; and the collections of information in the guidance document ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff'' have been approved under OMB control number 0910–0756.

Dated: October 4, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–24430 Filed 10–7–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health (NIMH); Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Autism Coordinating Committee (IACC or Committee) meeting.

The purpose of the IACC meeting is to discuss business, agency updates, and issues related to autism spectrum disorder (ASD) research and services activities. The Committee will discuss the 2016–2017 update of the IACC Strategic Plan. The meeting will be open to the public and will be accessible by webcast and conference call.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Type of meeting: Open Meeting.

Date: October 26, 2016.

Time: 9:00 a.m. to 5:00 p.m.* Eastern Time
* Approximate end time.

Agenda: To discuss business, updates, and issues related to ASD research and services activities. The Committee will discuss updates of the IACC Strategic Plan.

Place: National Institutes of Health , 31 Center Drive, Building 31, C Wing, 6th Floor, Conference Room 6, Bethesda, MD 20892.

Webcast Live: https://videocast.nih.gov.

Conference Call Access: Dial: 888–469–2037, Access code: 3353029.

Cost: The meeting is free and open to the public.

Registration: A registration web link will be posted on the IACC Web site (*www.iacc.hhs.gov*) prior to the meeting. Pre-registration is recommended to expedite check-in. Seating in the meeting room is limited to room capacity and on a first come, first served basis. Onsite registration will also be available.

Deadlines: Notification of intent to present oral comments: Wednesday, October 12, 2016 by 5:00 p.m. ET.

Submission of written/electronic statement for oral comments: Tuesday, October 18, 2016 by 5:00 p.m. ET.

Submission of written comments: Tuesday, October 18, 2016 by 5:00 p.m. ET.

For IACC Public Comment guidelines please see: *https://iacc.hhs.gov/meetings/public-comments/guidelines/.*

Access: Medical Center Metro Station (Red Line).

Contact Person: Ms. Angelice Mitrakas, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6182A, Bethesda, MD 20892–9669, Phone: 301–435–9269, Email: *IACCPublicInquiries@mail.nih.gov.*

Public Comments: Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Wednesday, October 12, 2016, with their request to present oral comments at the meeting, and a written/electronic copy of the oral presentation/statement must be submitted by 5:00 p.m. ET on Tuesday, October 18,

A limited number of slots for oral comment are available, and in order to ensure that as many different individuals are able to present throughout the year as possible, any given individual only will be permitted to present oral comments once per calendar year (2016). Only one representative of an organization will be allowed to present oral comments in any given meeting; other representatives of the same group may provide written comments. If the oral comment session is full, individuals who could not be accommodated are welcome to provide written comments instead. Comments to be read or presented in the meeting must not exceed 250 words or 3 minutes, but a longer version may be submitted in writing for the record. Commenters going beyond the 250 word or 3 minute time limit in the meeting may be asked to conclude immediately in order to allow other comments and presentations to proceed on schedule.

Any interested person may submit written public comments to the IACC prior to the meeting by emailing the comments to *IACCPublicInquiries@mail.nih.gov* or by submitting comments at the web link: *https://iacc.hhs.gov/meetings/public-comments/submit/index.jsp* by 5:00 p.m. ET on Tuesday, October 18, 2016. The comments should include the name, address, telephone number, and when applicable, the business or professional affiliation of the interested person. NIMH anticipates written public comments received by 5:00 p.m. ET on Tuesday, October 18, 2016 will be presented to the Committee prior to the meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. ET, October 18, 2016 deadline through October 25, 2016 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies. All written public comments and oral public comment statements received by the deadlines for both oral and written public comments will be provided to the IACC for their consideration and will become part of the public record. Attachments of copyrighted publications are not permitted, but web links or citations for any copyrighted works cited may be provided.

In the 2009 IACC Strategic Plan, the IACC listed the ''Spirit of Collaboration'' as one of its core values, stating that, ''We will treat others with respect, listen to diverse views with open minds, discuss submitted public comments, and foster discussions where participants can comfortably offer opposing opinions.'' In keeping with this core value, the IACC and the NIMH Office of Autism Research Coordination (OARC) ask that members of the public who provide public comments or participate in meetings of the IACC also seek to treat others with respect and consideration in their communications and actions, even when discussing issues of genuine concern or disagreement.

Remote Access: The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the webcast or conference call, please send an email to *IACCPublicInquiries@mail.nih.gov*.

Individuals wishing to participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least five days prior to the meeting.

Security: In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs and hotel and airport shuttles, will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Also as a part of security procedures, attendees should be prepared to present a photo ID at the meeting registration desk during the check-in process. Pre-registration is recommended. Seating will be limited to the room capacity and seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov.*

Dated: October 4, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24409 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, Office of Science Policy, Office of Biotechnology Activities; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the meeting of the National Science Advisory Board for Biosecurity (NSABB).

Name of Committee: National Science Advisory Board for Biosecurity.

Date: November 4, 2016.

Time: 12:00 p.m.–3:00 p.m. Eastern.

Agenda: Presentations and discussions regarding: (1) Stakeholder engagement on implementation of the U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC); (2) status of the Blue Ribbon Panel review of the 2014 variola virus incident on the NIH Bethesda campus; and (3) other business of the Board.

Place: National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892 (Telephone Conference call only; No in-person meeting).

Call-in Information: U.S. Toll-Free Dial-In: 1 (888) 939–3921. Confirmation Number: 43519965.

Contact Person: Christopher Viggiani, Ph.D., Executive Director, NSABB, NIH Office of Science Policy, 6705 Rockledge Drive, Suite 750, Bethesda, Maryland 20892, (301) 496–9838, *viggianic@od.nih.gov.*

Under authority 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established the National Science Advisory Board for Biosecurity (NSABB) to provide advice regarding federal oversight of dual use research—defined as legitimate biological research that generates information and technologies that could be misused to pose a biological threat to public health and/or national security.

The toll-free teleconference line will be open to the public at 11:30 a.m. to allow time for operator-assisted check-in. Persons planning to participate in the teleconference may also pre-register online via the link provided below or by calling Palladian Partners, Inc. (Contact: Ida Donner at 301–273–2838). Pre-registration will close at 12:00 p.m. Eastern on November 1, 2016. After that time, attendees may register their information with the teleconference operator upon dialing into the meeting. Individuals who plan to participate and need special assistance should submit a request to the contact person listed on this notice by October 28.

Meeting materials: The meeting agenda and links to the online pre-registration will be available at: *http://osp.od.nih.gov/office-biotechnology-activities/biosecurity/nsabb/nsabb-meetings-and-conferences.* Please check this Web site for updates.

Public Comments: Time will be allotted on the agenda for the delivery of oral public comments. Members of the public interested in delivering prepared comments relevant to the mission of the NSABB should indicate so upon registration. Sign-up for delivering prepared oral comments will be limited to one per person or organization representative per open comment period. Individual comments will be time-limited to facilitate broad participation from multiple speakers.

In addition, interested persons may file written comments at any time with the Board via an email sent to *nsabb@od.nih.gov* or by regular mail sent to the Contact Person listed on this notice. Written statements should include the name, contact information, and when applicable, the professional affiliation of the interested person. Written comments received by 12:00 p.m. Eastern on November 1, 2016 will be relayed to the NSABB prior to the teleconference meeting. Any written comments received after this deadline will be provided to the Board either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable federal policies.

Dated: October 4, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24412 Filed 10–7–16; 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 Board of Scientific Counselors, NIEHS.

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 as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: November 13–15, 2016.

Closed: November 13, 2016, 7:00 p.m. to 10:00 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Open: November 14, 2016, 8:30 a.m. to 11:50 a.m.

Agenda: Scientific Presentations.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium,

111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: November 14, 2016, 11:50 a.m. to 1:30 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: November 14, 2016, 1:30 p.m. to 3:00 p.m.

Agenda: Poster Session.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: November 14, 2016, 3:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: November 14, 2016, 3:45 p.m. to 5:25 p.m.

Agenda: Scientific Presentations.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: November 14, 2016, 5:25 p.m. to 6:35 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: November 14, 2016, 7:30 p.m. to 10:00 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Closed: November 15, 2016, 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Darryl C. Zeldin, Scientific Director & Principal Investigator, Division of Intramural Research, National Institute of Environmental Health Sciences, NIH, 111 TW Alexander Drive, Mail drop A2–09, Research Triangle Park, NC 27709, 919–541–1169, *zeldin@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.

(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: October 4, 2016.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24410 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; Cancer Therapeutics.

Date: October 20, 2016.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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: October 4, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24406 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Initial Review Group Biobehavioral and Behavioral Sciences Subcommittee B&BS.

Date: December 2, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Administrator Division of Scientific Review National Institute of Child Health and Human Development, NIH, 6710B Rockledge Dr., Rockville, Maryland 20892 (301) 435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 3, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24413 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; NST Member Conflict Review.

Date: October 10–11, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 4, 2016

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24408 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Psychosocial Risks and Disease Prevention.

Date: November 2, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: 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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA applications in Infectious Diseases and Microbiology.

Date: November 7, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club and Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pilot Clinical Studies in Kidney Diseases.

Date: November 7–8, 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: Ganesan Ramesh, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 2182 MSC 7818, Bethesda, md 20892, *ganesan.ramesh@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.

Date: November 7, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Martha Garcia, Ph.D., Scientific Reviewer Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2186, MSC 7818, Bethesda, MD 20892, 301–435–1243, *garciamc@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; SBIR/STTR Applications in Drug Discovery and Development.

Date: November 7, 2016.

Time: 8:30 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Lung Injury, Repair, and Regeneration.

Date: November 7, 2016.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Abdelouahab Aitouche, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4222, MSC 7814, Bethesda, MD 20892, 301–435–2365, *aitouchea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Addictions, Depression, Bipolar Disorder, Schizophrenia.

Date: November 7, 2016.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Stress and Psychopathology.

Date: November 7–8, 2016.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: KNOD and SSPS Applications.

Date: November 7, 2016.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ellen K Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, 301–828–6146, *schwarel@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Developmental Risk Prevention, Aging and Social Behavior.

Date: November 7, 2016.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: 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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Resource for Biocomputing, Visualization, and Informatics.

Date: November 7–9, 2016.

Time: 4:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Nuria E Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Meeting Conflict: Child Psychopathology and Developmental Disorders.

Date: November 7–8, 2016.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Unja Lucille Hayes, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1037, *unja.hayes@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Toxicology and Digestive, Kidney and Urological Systems AREA Review.

Date: November 8, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jonathan K Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892, (301) 594–1245, *ivinsj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular and Molecular Immunology.

Date: November 8, 2016.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–495–1506, *jakesse@mail.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: October 4, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24407 Filed 10–7–16; 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 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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Acquired Immunodeficiency Syndrome Research Review Committee.

Date: November 21–22, 2016.

Time: 10:00 a.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: Brenda L. Fredericksen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G22A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5052, *brenda.fredericksen@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: October 4, 2016.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24411 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Hypertension and Microcirculation.

Date: November 3–4, 2016.

Time: 8:00 a.m. to 10:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–15–004—Tobacco Regulatory Science Small Grant Program for New Investigators (R03).

Date: November 4, 2016.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Discovery and Development of Therapeutics Study Section.

Date: November 4, 2016.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–24: Accelerating the Pace of Drug Abuse Research Using Existing Data.

Date: November 4, 2016.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3142, Bethesda, MD 20892, 301–435–2309, *fothergillke@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Reproductive Health and Pregnancy.

Date: November 4, 2016.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *gary.hunnicutt@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular and Surgical Devices.

Date: November 7, 2016.

Time: 7:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.435.1049, *jan.li@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Hepatobiliary Pathobiology and Toxicology.

Date: November 7, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation Miscellaneous.

Date: November 9–10, 2016.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046B, MSC 7892, Bethesda, MD 20892, 301–408–9655, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Bioanalytical Chemistry, Biophysics and Assay Development.

Date: November 9–10, 2016.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

Contact Person: Vonda K. Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7892, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Infectious Diseases and Microbiology.

Date: November 9–10, 2016.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immune system plasticity in dental, oral, and craniofacial diseases.

Date: November 9, 2016.

Time: 9:00 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: Yi-Hsin Liu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–435–1781, *liuyh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; OBT Area Review.

Date: November 9, 2016.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition, and Reproductive Science.

Date: November 9, 2016.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182, MSC 7892, Bethesda, MD 20892, 301–435–2514, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Developmental Cell Physiology.

Date: November 9, 2016.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Raya Mandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217, MSC 7840, Bethesda, MD 20892, 301–402–8228, *rayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; National Resource for Cell Analysis and Modeling.

Date: November 9–11, 2016.

Time: 4:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Farmington Inn, 827 Farmington Avenue, Farmington, CT 06032.

Contact Person: C–L Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vocal Cords and Larynx.

Date: November 9, 2016.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@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: October 5, 2016.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–24513 Filed 10–7–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0043]

Agency Information Collection Activities: Application for Temporary Protected Status, Form I–821; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on May 23, 2016, at 81 FR 32341, allowing for a 60-day public comment period. USCIS did receive 5 comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 10, 2016. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0043.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0013 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Temporary Protected Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–821; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–821 is necessary for USCIS to gather the information necessary to adjudicate TPS applications and determine if an applicant is eligible for TPS.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–821 is 73,807 respondents at an estimated 1 hour and 55 minutes (1.92 hours) per response. 73,069 respondents for biometrics processing at an estimated 1 hour and 10 minutes (1.17 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 227,200 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $9,318,256.

Dated: October 3, 2016.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–24496 Filed 10–7–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2016–N159; FF09E15000–FXHC112509CBRA1–167]

John H. Chafee Coastal Barrier Resources System; Availability of Draft Maps for Louisiana, Puerto Rico, and the U.S. Virgin Islands; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: The Coastal Barrier Resources Act (CBRA) requires the Secretary of the Interior (Secretary) to review the maps of the John H. Chafee Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS as are necessary to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces. The U.S. Fish and Wildlife Service (Service) has conducted this review and has prepared draft revised maps for 14 CBRS units in Louisiana, all units in Puerto Rico, and all units in the U.S. Virgin Islands. The

draft maps were produced by the Service as part of a CBRS ''digital conversion'' project that is done in partnership with the Federal Emergency Management Agency (FEMA). This notice announces the findings of the Service's review and request for comments on the draft revised maps from Federal, State, and local officials.

DATES: To ensure consideration, the Service must receive written comments by November 10, 2016.

ADDRESSES: Mail comments to Katie Niemi, Coastal Barriers Coordinator, U.S. Fish and Wildlife Service, Ecological Services Program, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041, or send comments by electronic mail (email) to *CBRAcomments@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Katie Niemi, Coastal Barriers Coordinator; (703) 358–2071 (telephone); or *CBRA@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

Background information on the CBRA (16 U.S.C. 3501 *et seq.*) and the CBRS, as well as information on the digital conversion effort and the methodology used to produce the revised maps, can be found in a notice the Service published in the **Federal Register** on August 29, 2013 (78 FR 53467). However, there is one deviation from the methodology described in the 2013 notice. The Service was unable to obtain aerial imagery to serve as the CBRS base map for several areas in Puerto Rico that both meets the standards described in the 2013 notice (*i.e.,* generally less than 5 years old, 1 meter per pixel resolution or better, orthorectified, and available free of charge) and is also free from cloud cover. In these cases (affecting eight CBRS maps in Puerto Rico), the Service substituted 2013 U.S. Geological Survey 7.5-minute topographic quadrangles for aerial imagery.

For information on how to access the draft revised maps, see Availability of Draft Maps and Related Information.

Proposed Modifications to the CBRS Boundaries

This notice fulfills a requirement under the CBRA (16 U.S.C. 3503(f)(3)) that the Secretary publish a notice in the **Federal Register** of any proposed revisions to the CBRS to reflect: (1) Changes that have occurred to the CBRS as a result of natural forces (*e.g.,* erosion and accretion); (2) voluntary additions to the CBRS requested by property owners; or (3) additions of excess Federal property to the CBRS (as authorized under 16 U.S.C. 3503(c)–(e)).

The Service's review of 14 CBRS units in Louisiana, all units in Puerto Rico, and all units in the U.S. Virgin Islands resulted in a set of 65 draft revised maps, dated July 8, 2016, depicting a total of 121 CBRS units. The set of maps includes 31 maps for 14 CBRS units located in Louisiana; 28 maps for 70 CBRS units located in Puerto Rico; and 6 maps for 37 CBRS units located in the U.S. Virgin Islands. The Service's review of these areas found a total of 41 CBRS units that require modifications due to natural changes in the size or location of the units since they were last mapped.

Following the close of the comment period on the date listed in the **DATES** section of this document, the Service will review all comments received from Federal, State, and local officials on the draft maps; make adjustments to the draft maps, as appropriate; and publish a notice in the **Federal Register** to announce the availability of the final revised maps.

Below is a summary of the changes depicted on the draft revised maps.

Louisiana

The Service's review found 6 of the 14 CBRS units in Louisiana that are included in this review (Units LA–03P, LA–04P, LA–05P, LA–07, LA–08P, LA–09, LA–10, S01, S01A, S02, S08, S09, S10, and S11) to have changed due to natural forces.

The remaining seven Louisiana CBRS units not included in this review (Units LA–01, LA–02, S03, S04, S05, S06, and S07) were remapped and referenced in notices the Service published in the **Federal Register** on November 17, 2015 (80 FR 71826) and March 14, 2016 (81 FR 13407).

LA–03P: CHANDELEUR ISLANDS UNIT. A portion of the western boundary of the unit has been moved westward to account for the migration of the Chandeleur Islands and to include associated shoals within the unit. In some places, the boundary has been generalized due to a lack of remaining features in the area.

LA–05P: MARSH ISLAND/RAINEY UNIT. The northern boundary of the unit has been modified to account for wetland erosion along Vermilion Bay and West Cote Blanche Bay. The eastern boundary of the unit has been modified to account for wetland erosion along East Cote Blanche Bay. Due to the significant rate of erosion in this area, some of the boundaries have been generalized.

LA–10: CALCASIEU PASS UNIT. A portion of the northern boundary of the unit has been modified to account for wetland erosion along West Cove. Due to the significant rate of erosion in this area, some of the boundaries have been generalized.

S01: BASTIAN BAY COMPLEX. Portions of the eastern and northern boundaries of the unit have been modified and generalized due to wetland loss along Bay Jacques, Fleur Pond, Pipeline Canal, Scofield Bay, and Shell Island Bay. The western boundary coincident with Unit S01A has been moved eastward to account for accretion at the eastern end of an unnamed island between Bay Joe Wise and the Gulf of Mexico.

S01A: BAY JOE WISE COMPLEX. The eastern boundary coincident with Unit S01 has been moved eastward to account for accretion at the eastern end of an unnamed island between Bay Joe Wise and the Gulf of Mexico. The western boundary of the unit has been modified to account for the northward migration of an unnamed island between Bay Cheniere Ronquille and the Gulf of Mexico.

S10: MERMENTAU RIVER UNIT. A portion of the eastern boundary of the unit has been modified to account for shoreline erosion along the Gulf of Mexico near Beach Prong. The southern boundary of the excluded area at the western end of the unit has been modified to account for shoreline erosion along the Gulf of Mexico.

Puerto Rico

The Service's review found 22 of the 70 CBRS units in Puerto Rico to have changed due to natural forces. Maps for the following CBRS units in Puerto Rico are depicted on U.S. Geological Survey topographic quadrangles instead of aerial imagery: PR–07 PR–09P, PR–10, PR–45P, PR–49P, PR–61, PR–63P, PR–64P, and PR–65P.

PR–07: LAGUNA AGUAS PRIETAS UNIT. A portion of the excluded area boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline along Laguna Aguas Prietas and the Atlantic Ocean.

PR–09P: RIO FAJARDO UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–10: PUNTA BARRANCAS UNIT. The northern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–16P: PUERTO DEL MANGLAR UNIT. A portion of the eastern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the wetland/fastland interface.

PR–17P: ENSENADA SOMBE UNIT. A portion of the western boundary of the unit has been modified to account for natural changes that have occurred along the shoreline of Ensenada Sombe. Portions of the northeastern boundary were modified to account for natural changes that have occurred in the configuration of the shoreline of an unnamed ponding area.

PR–18P: CAYO ALGODONES UNIT. A portion of the northern boundary of the unit has been modified to account for natural changes that have occurred along an unnamed channel. A portion of the northeastern boundary has been modified to account for natural changes that have

occurred in the configuration of the mangroves of Bosque Estatal De Ceiba.

PR–40: PUNTA TUNA UNIT. A portion of the northwestern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–41: RIO MAUNABO UNIT. The western lateral boundary of the unit has been extended to clarify the extent of the unit. No modifications were made to the boundaries of this unit as a result of changes due to natural forces.

PR–45P: BAHIA DE JOBOS UNIT. A portion of the northwestern landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves of Mar Negro.

PR–49P: PUNTA AGUILA UNIT. A portion of the northwestern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline along an unnamed bay.

PR–55: ISLA DEL FRIO UNIT. A portion of the landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline along the Caribbean Sea.

PR–56: PUNTA CABULLONES UNIT. A portion of the landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–61: ENSENADA LAS PARDAS UNIT. The landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–63P: CAYO DON LUIS UNIT. The northeastern portion of the landward boundary of the unit has been modified to account for natural changes that have occurred along the shoreline of an unnamed ponding area.

PR–64P: BAHIA MONTALVA UNIT. A portion of the northeastern landward boundary of the unit has been modified to account for natural changes that have occurred along the shoreline of Bahia Montalva. Portions of the northwest and northeast landward boundary have been modified to account for natural changes that have occurred in the configuration of the mangroves. Portions of the excluded area boundary have been modified to account for natural changes that have occurred in the configuration of the wetland/fastland interface along Isla Matei.

PR–65P: ISLA CUEVA/GUAYACAN UNIT. Portions of the northeastern and northwestern landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–66: CABO ROJO UNIT. A portion of the northeastern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline of an unnamed lake.

PR–67P: BAHIA DE BOQUERON UNIT. A portion of the northwestern landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline along Laguna Guaniquilla. A portion of the southeastern boundary has been modified to account for natural changes that have occurred along the shoreline of an island located in the channel of Caño Boquerón.

PR–69: PUNTA CARENERO UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the wetland/fastland interface.

PR–83: TORTUGUERO UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the wetland/fastland interface. Portions of the boundary have been modified to account for natural changes that have occurred along the shoreline of Laguna Tortuguero.

PR–84: PUNTA GARZA UNIT. A portion of the western boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the mangroves.

PR–86P: PUNTA SALINAS UNIT. A portion of the northern boundary of the unit has been modified to account for natural changes that have occurred in the shoreline along Bahía Toa.

PR–87: PUNTA VACIA TALEGA UNIT. A portion of the southwestern boundary of the unit has been modified to account for natural changes that have occurred in the configuration of Canal Blasina. A portion of the southern boundary has been modified to account for natural changes that have occurred in the configuration of the wetland/fastland interface.

U.S. Virgin Islands

The Service's review found 13 of the 37 CBRS units in the U.S. Virgin Islands to have changed due to natural forces.

VI–01: RUST UP TWIST UNIT. Portions of the landward boundary of the unit have been modified to reflect natural changes that have occurred in the configuration of the wetland/fastland interface. The western lateral boundary has been extended offshore to clarify the extent of the unit.

VI–02: SALT RIVER BAY UNIT. Portions of the landward boundary of the unit have been modified to reflect natural changes that have occurred in the wetland/fastland interface.

VI–03: ALTONA LAGOON UNIT. Portions of the landward boundary of the unit have been modified to reflect natural changes that have occurred in the wetland/fastland interface.

VI–06: ROBIN BAY UNIT. A portion of the landward boundary of the unit has been modified to account for natural changes that have occurred in the configuration of the shoreline along an unnamed salt pond.

VI–09: KRAUSE LAGOON UNIT. A portion of the landward boundary of the unit has been modified to reflect natural changes that have occurred in the wetland/fastland interface. The eastern boundary of the unit has been modified to account for natural changes that have occurred along Krause Lagoon Channel.

VI–10: LONG POINT UNIT. A portion of the landward boundary of the unit has been modified to account for shoreline erosion along Long Point Bay.

VI–11: WESTEND SALTPOND UNIT. A portion of the northeastern boundary of the unit has been modified to account for shoreline erosion along Westend Saltpond.

VI–11P: WESTEND SALTPOND UNIT. Offshore boundaries have been added at the western end of the unit to clarify the extent of the unit. The eastern lateral boundary has been extended offshore to clarify the extent of the unit. No modifications were made to the boundaries of this unit as a result of changes due to natural forces.

VI–12P: CINNAMON BAY UNIT. A portion of the landward boundary of the unit has been modified to account for shoreline erosion along Cinnamon Bay.

VI–13P: MAHO BAY UNIT. A portion of the landward boundary of the unit has been modified to reflect natural changes that have occurred in the configuration of the wetland/fastland interface.

VI–15P: LEINSTER BAY UNIT. Portions of the landward boundary of the unit have been modified to account for shoreline erosion along Leinster Bay and natural changes that have occurred in the wetland/fastland interface.

VI–19P: RAM HEAD UNIT. Lateral offshore boundaries have been added to the eastern and western ends of the unit to clarify the extent of the unit. No modifications were made to the boundaries of this unit as a result of changes due to natural forces.

VI–27: LIMESTONE BAY UNIT. Portions of the landward boundary of the unit were modified to reflect natural changes that have occurred in the configuration of the marsh adjacent to Limestone Bay.

VI–29: MAGENS BAY UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the shoreline along Magens Bay.

VI–32: VESSUP BAY UNIT. An offshore boundary has been added to the unit in Vessup Bay to clarify the extent of the unit. No modifications were made to the boundaries of this unit as a result of changes due to natural forces.

VI–34: JERSEY BAY UNIT. Portions of the landward boundary of the unit have been modified to account for natural changes that have occurred in the configuration of the shoreline and wetland/fastland interface. The eastern lateral boundary has been extended offshore to clarify the extent of the unit.

Request for Comments

The CBRA requires consultation with the appropriate Federal, State, and local officials on the proposed CBRS boundary modifications to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces (16 U.S.C. 3503(c)). We invite interested Federal, State, and local officials to review and comment on the draft maps for 14 CBRS units in Louisiana, all units in Puerto Rico, and all units in the U.S. Virgin Islands. The Service is specifically notifying the following stakeholders concerning the availability of the draft maps and opportunity to provide comments on the

proposed boundary modifications: The Chair and Ranking Member of the House of Representatives Committee on Natural Resources; the Chair and Ranking Member of the Senate Committee on Environment and Public Works; the members of the Senate and House of Representatives for the affected areas; the Governors of the affected areas; the local elected officials of the affected areas; and the appropriate Federal, State, and local agency officials.

Federal, State, and local officials may submit written comments and accompanying data to the individual and location identified in the **ADDRESSES** section above. We will also accept digital Geographic Information System (GIS) data files that are accompanied by written comments. Comments regarding specific units should reference the appropriate CBRS unit number and unit name. Please note that boundary modifications through this process can only be made to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces, voluntary additions to the CBRS, or additions of excess Federal property to the CBRS (as authorized under 16 U.S.C. 3503(c)–(e)); other requests for changes to the CBRS will not be considered at this time. We must receive comments on or before the date listed in **DATES**.

Availability of Draft Maps and Related Information

The draft maps and digital boundary data can be accessed and downloaded from the Service's Web site: *http://www.fws.gov/ecological-services/habitat-conservation/Coastal.html.* The digital boundary data are available for reference purposes only. The digital boundaries are best viewed using the base imagery to which the boundaries were drawn; this information is printed in the title block of the draft maps. The Service is not responsible for any misuse or misinterpretation of the digital boundary data.

Interested parties may also contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section of this notice to make arrangements to view the draft maps at the Service's Headquarters office. Interested parties who are unable to access the draft maps via the Service's Web site or at the Service's Headquarters office may contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section above, and reasonable accommodations will be made to ensure the individual's ability to view the draft maps.

Public Availability of Comments

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.

Gary Frazer,

Assistant Director for Ecological Services.

[FR Doc. 2016–24461 Filed 10–7–16; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–21877]; [PPWOCRADN0–PCU00RP14.R50000]

Native American Graves Protection and Repatriation Review Committee Findings and Recommendations Regarding Human Remains and Associated Funerary Objects for the Pueblo of Santa Ana, New Mexico

AGENCY: National Park Service, Interior.

ACTION: Findings and recommendations.

SUMMARY: The National Park Service is publishing this notice as part of its administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA or the Act). The recommendations, findings, and actions in this notice are advisory only and are not binding on any person and may be admissible in any action brought under section 15 of the Act. The Native American Graves Protection and Repatriation Review Committee (Review Committee) finds there is a relationship of shared group identity that can be reasonably traced between certain Native American human remains and associated funerary objects and the Kewa Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico. The Review Committee recommends that the Pueblo of Santa Ana, New Mexico, take the lead in repatriation and reburial of the human remains.

ADDRESSES: The Review Committee meeting transcript containing the proceedings and Review Committee deliberation and findings is available online at *http://www.nps.gov/nagpra/Review* or from the National NAGPRA Program upon request (*Nagpra_info@nps.gov*).

SUPPLEMENTARY INFORMATION: The recommendations, findings, and actions of the Review Committee are advisory only and not binding on any person. These advisory findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

The Review Committee was established by Section 8 of the Act, and is an advisory body governed by the Federal Advisory Committee Act, as amended, 5 U.S.C., App. Pursuant to 25 U.S.C. 3006(d), any records and findings made by the Review Committee relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of the Act (25 U.S.C. 3013).

At its July 13, 2016, public meeting in Missoula, MT, the Review Committee heard a request from the Pueblo of Santa Ana, New Mexico, as an affected party. The Pueblo of Santa Ana requested a finding of fact and the facilitation of a resolution of a dispute before the Review Committee and asked that the Review Committee consider the cultural affiliation and most appropriate claimant for human remains and associated funerary objects under the control of the American Museum of Natural History (AMNH).

In 1914, human remains representing, at minimum, 37 individuals and 3 associated funerary objects were removed from Pueblo San Pedro Viejo, in Bernalillo County, NM, during excavations sponsored by the AMNH. AMNH has determined that there is a relationship of shared group identity (cultural affiliation) that can be reasonably traced between these Native American human remains and associated funerary objects and Kewa Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico.

The AMNH published its determination of cultural affiliation in a Notice of Inventory Completion in the **Federal Register** (80 FR 76304–76305, December 8, 2015). Subsequently, the Pueblo of San Felipe and the Pueblo of Santa Ana made separate requests for the repatriation of the human remains and associated funerary objects. Based on the information in AMNH's possession, AMNH could not determine the most appropriate of the two claimants pursuant to the NAGPRA regulations (43 CFR 10.10(c)(2)).

The Pueblo of Santa Ana disputes AMNH's determination that the Kewa Pueblo, New Mexico, and the Pueblo of

San Felipe, New Mexico, are culturally affiliated with Pueblo San Pedro Viejo and the individuals whose human remains were removed from the site. The Pueblo of Santa Ana disputes AMNH's decision that it could not determine the Pueblo of Santa Ana to be the most appropriate claimant. The Pueblo of Santa Ana requested that the Review Committee review the record, first make a finding of fact on cultural affiliation, and then, if necessary, make a recommendation to the parties on resolving the dispute concerning the most appropriate claimant.

Such finding of fact and facilitation of the resolution of this dispute between the Pueblo of Santa Ana and AMNH are the express responsibilities of the Review Committee under the provisions of Act at 25 U.S.C. 3006(c)(3) and (4). The Designated Federal Officer and the Review Committee Chair agreed that the Review Committee would consider the request at a public meeting held on July 13, 2016, in Missoula, MT.

Finding of Fact and Recommendation to the Parties: All seven Review Committee members currently appointed by the Secretary of the Interior participated. By a vote of five (5) to one (1) (the Chair did not vote), the Review Committee:

(a) Agreed with AMNH's determination that there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects removed from Pueblo San Pedro Viejo and the Kewa Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico; and

(b) recommended that ''the Pueblo of Santa Ana take the lead in repatriation and reburial.''

Dated: September 6, 2016.

Armand Minthorn,

Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 2016–24467 Filed 10–7–16; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–21878; PPWOCRADN0–PCU00RP14.R50000]

Native American Graves Protection and Repatriation Review Committee Findings and Recommendations Regarding Cultural Items for the Wiyot Tribe, California

AGENCY: National Park Service, Interior.

ACTION: Findings and recommendations.

SUMMARY: The National Park Service is publishing this notice as part of its administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA or the Act). The recommendations, findings, and actions in this notice are advisory only and are not binding on any person and may be admissible in any action brought under section 15 of the Act. The Native American Graves Protection and Repatriation Review Committee (Review Committee) finds that certain items meet the definition of ''sacred objects'' but do not meet the definition of ''objects of cultural patrimony'' under the Act and its implementing regulations.

ADDRESSES: The Review Committee meeting transcript containing the proceedings and Review Committee deliberation and findings is available online at *http://www.nps.gov/nagpra/Review* or from the National NAGPRA Program upon request (*Nagpra_info@nps.gov*).

SUPPLEMENTARY INFORMATION: The recommendations, findings, and actions of the Review Committee are advisory only and not binding on any person. These advisory findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

The Review Committee was established by Section 8 of the Act, and is an advisory body governed by the Federal Advisory Committee Act, as amended, 5 U.S.C., App. Pursuant to 25 U.S.C. 3006(d), any records and findings made by the Review Committee relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of the Act (25 U.S.C. 3013).

At its July 14, 2016, public meeting in Missoula, MT, the Review Committee heard a request from the Wiyot Tribe, California, as an affected party. The Wiyot Tribe requested a finding of fact and the facilitation of a resolution of a dispute before the Review Committee and asked that the Review Committee consider the identity of cultural items under the control of the Phoebe A. Hearst Museum of Anthropology, University of California Berkeley (PHMA).

In April 2014, the Wiyot Tribe submitted a written request for the repatriation of two sets of shamanic regalia, claimed as both sacred objects and objects of cultural patrimony and culturally affiliated with the Wiyot Tribe. On February 25, 2015, PHMA denied the Wiyot Tribe's claim to the items as objects of cultural patrimony and/or sacred objects under NAGPRA. On December 9, 2015, after the Wiyot Tribe provided additional documentation to support its claim, PHMA upheld its determination that the items were not eligible for repatriation under NAGPRA. On February 23, 2016, the Wiyot Tribe appealed PHMA's determination through the University of California Office of the President (UCOP) and on June 7, 2016, UCOP upheld PHMA's determination that the items do not meet the NAGPRA definition of sacred objects or objects of cultural patrimony.

The Wiyot Tribe disputes PHMA's determination that the items do not meet the definition of objects of cultural patrimony and/or sacred objects. The Wiyot Tribe requested that the Review Committee review the record, first make a finding of fact on the identity of the items, and then, if necessary, make a recommendation to the parties on resolving the dispute.

Such finding of fact and facilitation of the resolution of this dispute between the Wiyot Tribe and PHMA are the express responsibilities of the Review Committee under the provisions of the Act at 25 U.S.C. 3006(c)(3) and (4). The Designated Federal Officer and the Review Committee Chair agreed that the Review Committee would consider the request at a public meeting held on July 14, 2016, in Missoula, MT.

Finding Of Fact: Six of the seven Review Committee members currently appointed by the Secretary of the Interior participated. By a vote of four (4) to one (1) (the Chair did not vote), the Review Committee found that the items are sacred objects under NAGPRA. By a vote of three (3) to two (2) (the Chair did not vote), the Review Committee found that the items are not objects of cultural patrimony under NAGPRA.

Dated: September 6, 2016.

Armand Minthorn,

Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 2016–24468 Filed 10–7–16; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), DOJ.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

DATES: The APB will meet in open session from 8:30 a.m. until 5 p.m., on December 7–8, 2016.

ADDRESSES: The meeting will take place at the Phoenix Convention Center, 100 North Third Street, Phoenix, AZ 85004, telephone (602) 262–6225.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Jillana L. Plybon; Management Program Assistant; CJIS Training and Advisory Process Unit, Resources Management Section; FBI CJIS Division, Module C2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149; telephone (304) 625–5424, facsimile (304) 625–5090.

SUPPLEMENTARY INFORMATION: The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Next Generation Identification, Interstate Identification Index, Law Enforcement Enterprise Portal, National Crime Information Center, National Instant Criminal Background Check System, National Incident-Based Reporting System, National Data Exchange, and Uniform Crime Reporting.

This meeting is open to the public. All attendees will be required to check-in at the meeting registration desk. Registrations will be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO). Any member of the public may file a written statement with the Board. Written comments shall be focused on the APB's current issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. R. Scott Trent, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to the APB for their consideration prior to the meeting.

Anyone requiring special accommodations should notify Mr. Trent at least seven (7) days in advance of the meeting.

Dated: September 30, 2016.

R. Scott Trent,

CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2016–24462 Filed 10–7–16; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Idlewild Acres, LLC, et al.*, Case No. 1:16–cv–11967, was lodged with the United States District Court for the District of Massachusetts on September 30, 2016.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Idlewild Acres, LLC and Peter M. Wild, pursuant to 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Phillip R. Dupré, Trial Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States* v. *Idlewild Acres, LLC, et al.*, DJ # 90–5–1–1–19681.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, 1 Courthouse Way, Suite 2300, Boston, MA 02210. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2016–24432 Filed 10–7–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Toxic Substances Control Act

On September 28, 2016, a proposed consent decree was lodged with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States* v. *Sears Home Improvement Products, Inc.,* Civil Action No. 1:16–cv–09302.

The United States filed this lawsuit against Sears Home Improvement Products, Inc., (''SHIP'') alleging violations of Sections 402(c) and 406(b) of Title IV of the Toxic Substances Control Act (''TSCA''), 15 U.S.C. 2682(c) and 2686(b), and the regulations promulgated thereunder. The complaint alleged that home renovations undertaken by SHIP's contractors did not comply with requirements to document activities related to lead based paint at various locations throughout the country. The proposed consent decree requires SHIP to implement procedures that will help ensure compliance with TSCA's requirements and pay a civil penalty of $400,000.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Sears Home Improvement Products, Inc.,* D.J. Ref. No. 90–5–1–1–11241/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail in the following manner:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611

During the public comment period, the consent decree may be examined and downloaded at this Justice

Department Web site: *https://www.justice.gov/enrd/Consent_Decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Karen Dworkin,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2016–24441 Filed 10–7–16; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 4, 2016, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Iowa in the lawsuit entitled *United States* v. *NGL Crude Logistics, LLC and Western Dubuque Biodiesel, LLC,* Civil Action No. 2:16–cv–01038–LRR.

The United States filed this lawsuit under the Clean Air Act. The United States' Complaint names NGL Crude Logistics, LLC (f/k/a Gavilon, LLC) and Western Dubuque Biodiesel, LLC as defendants. The United States' Complaint seeks retirement of approximately 36 million Renewable Identification Numbers (RINs) and civil penalties.

The proposed Consent Decree requires Western Dubuque Biodiesel, LLC to pay a $6 million civil penalty to resolve the civil claims alleged in the Complaint against Western Dubuque Biodiesel, LLC through the date of lodging. The proposed Consent Decree does not resolve the United States' claims against NGL Crude Logistics, LLC.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *NGL Crude Logistics, LLC and Western Dubuque Biodiesel, LLC,* D.J. Ref. No. 90–5–2–1–11163. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $8.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2016–24458 Filed 10–7–16; 8:45 am]

BILLING CODE P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

DATE AND TIME: The Legal Services Corporation's Board of Directors and its six committees will meet October 16–18, 2016. On Sunday, October 16, the first meeting will commence at 12:30 p.m., Mountain Standard Time (MST), with the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Monday, October 17, the first meeting will commence at 8:15 a.m., MST, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, October 18, the first meeting will commence at 9:00 a.m., MST, it will be followed by the closed session meeting of the Board of Directors which will commence promptly upon adjournment of the prior meeting.

LOCATION: The Hotel Andaluz, 125 2nd Street NW., Albuquerque, New Mexico 87102.

PUBLIC OBSERVATION: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL–IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- Once connected to the call, your telephone line will be *automatically* ''MUTED''.
- To participate in the meeting during public comment press #6 to ''UNMUTE'' your telephone line, once you have concluded your comments please press *6 to ''MUTE'' your line.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

Meeting Schedule

Sunday, October 16, 2016—Time *

1. Operations and Regulations Committee—12:30 p.m.
2. Finance Committee
3. Institutional Advancement Committee
4. Communications Subcommittee of the Institutional Advancement Committee
5. Audit Committee

Monday, October 17, 2016

1. Governance & Performance Review Committee—8:15 a.m.
2. Delivery of Legal Services Committee

Tuesday, October 18, 2016

1. Board of Directors—9:00 a.m.

STATUS OF MEETING: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC's Inspector General, and to consider and act on the General Counsel's report on potential and pending litigation involving LSC, development activities, and on a list of prospective Leaders Council members.**

Institutional Advancement Committee—Open, except that the meeting may be closed to the public to

* Please note that all times in this notice are in *Eastern Standard Time.*

** Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b (a) (2) and (b). *See also* 45 CFR 1622.2 & 1622.3.

receive a briefing on the development activities, and donor report. **

Audit Committee—Open, except that the meeting may be closed to the public to hear a briefing on the Office of Compliance and Enforcement's active enforcement matters. **

A verbatim written transcript will be made of the closed session of the Board, Institutional Advancement Committee, and Audit Committee. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

October 16, 2016

Operations & Regulations Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of July 18, 2016
3. Review of Operations and Regulations Committee Charter
4. Consider and act on Final Rule of Proposed Rulemaking for 45CFR part 1627—Subgrants with consolidation of transfer provisions from 45 CFR part 1610.7
   - Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
   - Stefanie Davis, Assistant General Counsel
   - Mark Freedman, Senior Associate General Counsel
5. Consider and act on Proposed Rule for 45 CFR part 1630—Cost Standards and the Property Acquisition and Management Manual
   - Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
   - Stefanie Davis, Assistant General Counsel
6. Consider and act on Justification Memo for 45 CFR part 1629—Bonding on Recipients
   - Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
   - Stefanie Davis, Assistant General Counsel
7. Consider and act on Technical Amendments for 45 CFR part 1602—Procedures for disclosure of information under FOIA
   - Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
   - Stefanie Davis, Assistant General Counsel
   - Helen Guyton, Assistant General Counsel
8. Public comment
9. Consider and act on other business
10. Consider and act on motion to adjourn meeting_____

October 16, 2016

FINANCE COMMITTEE

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session telephonic meeting of June 28, 2016
3. Approval of minutes of the Committee's Open Session telephonic meeting of July 14, 2016
4. Approval of minutes of the Committee's Open Session meeting of July 17, 2016
5. Review of Finance Committee Charter
6. Presentation of LSC's Financial Report for the eleven-month period ending July 31, 2016
   - David Richardson, Treasurer/Comptroller
7. Report on status of FY 2017 appropriations process
   - Carol Bergman, Vice President for Government Relations & Public Affairs
8. Consider and act on *Resolution #2016–XXX,* Temporary Operating Budget for FY 2017
   - David Richardson, Treasurer/Comptroller
9. Report on status of FY 2018 appropriations process
   - Carol Bergman, Vice President for Government Relations & Public Affairs
10. Public comment
11. Consider and act on other business
12. Consider and act on adjournment of meeting_____

Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of April 17, 2016
3. Approval of minutes of the Committee's Open Session meeting of July 17, 2016
4. Update on Leaders Council
   - John G. Levi, chairman
5. Development Report
   - Wendy Rhein, Chief Development Officer
6. Review of Institutional Advancement Committee Charter
7. Public Comment
8. Consider and act on other business
9. Consider and act on motion to adjourn open session meeting and proceed to a closed session

Closed Session

1. Approval of the minutes of the Committee's Closed Session meeting of July 17, 2016
2. Development activities report
3. Consider and act on motion to approve Leaders Council invitees
4. Consider and act on other business
5. Consider and act on motion to adjourn the meeting_____

Communications Subcommittee of the Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Subcommittee's Open Session meeting of July 17, 2016
3. Communications analytics update
   - Carl Rauscher, Director of Communications and Media Relations
4. Approval of proposed Communications Subcommittee Charter
5. Board visits to LSC programs
   - John G. Levi, Chairman of the Board
   - Julie Reiskin, Subcommittee Chair
6. Public comment
7. Consider and act on other business
8. Consider and act on motion to adjourn the meeting_____

October 16, 2016

Audit Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of July 17, 2016
3. Consider and act on *Resolution #2016–XXX,* Audit Committee Charter
4. Briefing by Office of Inspector General
   - Jeffrey Schanz, Inspector General
5. Discussions with the Office of Inspector General (OIG) pursuant to Section VIII(A)(3) and Section VIII(A)(4) of the Audit Committee Charter
   - John Seeba, Assistant Inspector General for Audits
6. Discussions with OIG, Management, and WithumSmith+Brown on the contemplated scope and plan for LSC's required annual audit, pursuant to Section VIII(A)(1) of the Committee Charter
   - David Richardson, Treasurer and Comptroller
   - John Seeba, Assistant Inspector General for Audits
7. Pursuant to Section VIII(C)(6) of the Committee Charter, review LSC's efforts, including training and education, to help ensure that LSC

employees and grantees act ethically and safeguard LSC funds
- Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
- Lynn Jennings, Vice President for Grants Management
- David Richardson, Treasurer/Comptroller
- Jeffrey Schanz, Inspector General

8. Management update regarding risk management
   - Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
9. Briefing about follow-up by the Office of Compliance and Enforcement on referrals by the Office of Inspector General regarding audit reports and annual Independent Public audits of grantees
   - Lora Rath, Director, Office of Compliance and Enforcement
   - John Seeba, Assistant Inspector General for Audits
10. Public comment
11. Consider and act on other business

Closed Session

1. Approval of minutes of the Committee's Closed Session meeting of July 17, 2016
2. Briefing by the Office of Compliance and Enforcement on active enforcement matter(s) and follow-up to open investigation referrals from the Office of Inspector
   - Lora Rath, Director, Office of Compliance and Enforcement
3. Consider and act on motion to adjourn the meeting_____

October 17, 2016

Governance and Performance Review Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of July 18, 2016
3. Approval of minutes of the Committee's Closed Session meeting of July 18, 2016
4. Review of Governance and Performance Review Committee Charter
5. Report on 2016 Board and Committee evaluations
   - Carol Bergman, Vice President for Government Relations & Public Affairs
6. Report on foundation grants and LSC's research agenda
   - Jim Sandman, President
7. Report on transition planning
   - Report on White House transition Carol Bergman, Vice President for Government Relations & Public Affairs
   - Report on Board transition Ron Flagg, General Counsel, Corporate Secretary and Vice President for Legal Affairs
8. Public comment
9. Consider and act on other business
10. Consider and act on motion to adjourn meeting_____

October 17, 2016

Delivery of Legal Services Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on July 18, 2016
3. Review of Delivery of Legal Services Committee Charter
4. Review and discussion of future topics for Committee meetings
   - Jim Sandman, President
   - Lynn Jennings, Vice President for Grants Management
   - Janet LaBella, Director, Office of Program Performance
5. Review of schedule of Program Quality Visits conducted by the Office of Program Performance
   - Janet LaBella, Director, Office of Program Performance
6. Panel presentation and Committee discussion of development and implementation of grantee priorities and case acceptance guidelines: Performance Area 1, Criteria 2
   - Ed Marks, Executive Director, New Mexico legal Aid
   - Lee Richardson, Executive Director, Legal Aid of Arkansas
   - Rhodia Thomas, Executive Director, MidPenn Legal Services
   - Janet LaBella, Director, Office of Program Performance (Moderator)
7. Public comment
8. Consider and act on other business
9. Consider and act on motion to adjourn the meeting_____

October 18, 2016

Board of Directors

Open Session

1. Pledge of Allegiance
2. Approval of agenda
3. Chairman's Report
4. Members' Report
5. President's Report
6. Inspector General's Report
7. Consider and act on the report of the Finance Committee
8. Consider and act on the report of the Audit Committee
9. Consider and act on the report of the Operations and Regulations Committee
10. Consider and act on the report of the Governance and Performance Review Committee
11. Consider and act on the report of the Institutional Advancement Committee
12. Consider and act on the report of the Delivery of Legal Services Committee
13. Consider and act on Resolution in Memoriam Vernon J. Roanhorse
14. Public comment
15. Consider and act on other business
16. Consider and act on whether to authorize a closed session of the Board to address items listed below

Closed Session

1. Approval of minutes of the Board's Closed Session meeting of July 17, 2016
2. Briefing by Management
3. Briefing by Inspector General
4. Consider and act on General Counsel's report on potential and pending litigation involving LSC
5. Consider and act on list of prospective funders
6. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

NON–CONFIDENTIAL MEETING MATERIALS: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC Web site, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

ACCESSIBILITY: LSC complies with the American's with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: October 6, 2016.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 2016–24638 Filed 10–6–16; 4:15 pm]

BILLING CODE 7050–01–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 16–07]

Notice of Quarterly Report (October 1, 2013—December 31, 2014)

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: The Millennium Challenge Corporation (MCC) is reporting for the fiscal year (FY) quarters October 1, 2013 to December 31, 2014, on assistance provided under section 605 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 *et seq.*), as amended (the Act), and on transfers or allocations of funds to other federal agencies under section 619(b) of the Act. The following report will be made available to the public by publication in the **Federal Register** and on the Internet Web site of the MCC (*www.mcc.gov*) in accordance with section 612(b) of the Act.

Dated: October 5, 2016.

Sarah E. Fandell,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

As used in MCC's disclosures under section 605 of the Act:

- ''Total Obligation'' for listed Compacts includes both ''Compact Implementation Funding'' under section 609(g) of the Act as well as funding under section 605 of the Act.
- ''Disbursements'' are cash outlays rather than expenditures.
- ''Measures'' are the same Key Performance Indicators that MCC reports each quarter. The Key Performance Indicators may change over time to more accurately reflect compact implementation progress. The unit for these measures is ''a number of'' unless otherwise indicated.
- ''Program Administration and Control'' funds are used to pay items such as salaries, rent, and the cost of office equipment, as well as audit and oversight agent fees.
- ''Pending Subsequent Reports'' amounts represent disbursements made to the Compact permitted account that will be allocated to individual projects in subsequent quarters and reported as such in subsequent quarterly reports. The ''Cumulative Disbursements'' amount for ''Pending Subsequent Reports'' represents the balance of such outlays remaining at the end of the reporting period.
- Closed Compacts do not have any quarterly disbursements; however, they are included in the report if deobligations took place during the reporting period. Closed Compacts include: Armenia, Benin I, Burkina Faso, Cabo Verde I, El Salvador I, Georgia I, Ghana I, Honduras, Lesotho I, Madagascar, Mali, Mongolia I, Morocco I, Mozambique, Namibia, Nicaragua, Tanzania and Vanuatu.
- Unless otherwise indicated, all programs and projects were solicited.

605 ASSISTANCE—DISBURSEMENTS

[In United States dollars]

Entity provided assistance	Program/project name	Total obligation	FY 2014 Quarter 1	FY 2014 Quarter 2	FY 2014 Quarter 3	FY 2014 Quarter 4	FY 2015 Quarter 1	Cumulative disbursements
Burkina Faso	Agriculture Project	141,510,059	11,393,735	9,790,338	15,405,386	8,402,118	3,324,525	140,420,941
	Bright 2 School Project	26,840,570	0	0	0	0	0	26,840,570
	Land Tenure Project	58,434,615	3,975,944	5,654,577	7,801,917	9,865,824	3,447,221	58,244,614
	Monitoring and Evaluation	7,880,000	424,223	242,078	67,134	437,447	191,644	4,669,395
	Pending Subsequent Report	0	−507,539	484,451	453,947	−754,421	−180,104	363,539
	Program Administration and Control	49,758,545	2,404,048	1,718,737	2,052,781	2,175,099	2,480,361	48,345,809
	Roads Project	194,530,681	13,041,011	24,609,125	31,397,256	29,573,406	17,544,857	193,891,857
	Total Burkina Faso	478,954,470	30,731,422	42,499,307	57,178,420	49,699,473	26,808,504	472,776,725
Cabo Verde II	Land Management For Investment Projects.	17,260,000	615,975	559,468	333,731	490,929	259,147	3,268,991
	Monitoring and Evaluation	1,390,000	566	−1,481	10,220	11,150	10,735	36,765
	Pending Subsequent Report	0	69,969	−62,154	22,752	−11,104	6,032	25,495
	Program Administration and Control	7,850,000	258,835	349,255	320,156	343,206	270,631	2,841,607
	Water, Sanitation and Hygiene Project.	39,730,000	501,339	200,358	678,551	898,674	1,267,782	4,050,504
	Total Cabo Verde II	66,230,000	1,446,684	1,045,446	1,365,409	1,732,856	1,814,326	10,223,361
El Salvador II	Business Development Services	3,300,000	0	0	0	0	0	0
	Human Capital Project	900,000	0	0	0	0	0	0
	Infrastructure Project	1,500,000	0	0	0	0	0	0
	Monitoring and Evaluation	400,000	0	0	0	0	0	0
	Pending Subsequent Report	0	0	0	0	0	0	0
	Program Administration and Control	3,900,000	0	0	0	0	0	0
	Total El Salvador II	10,000,000	0	0	0	0	0	0
Georgia II	Education Project	76,500,000	44,290	159,933	140,131	1,294	331,945	677,594
	Monitoring and Evaluation	3,500,000	0	0	0	0	0	0
	Pending Subsequent Report	0	209,055	−77,780	177,616	51,163	−320,798	39,256
	Program Administration and Control	14,000,000	505,624	407,151	334,171	391,417	736,270	2,374,633
	Tertiary Education Project	30,000,000	431,731	388,954	199,789	1,463,627	1,532,985	4,017,085
	Vocational Education Project	16,000,000	0	0	0	0	69,300	69,300
	Total Georgia II	140,000,000	1,190,700	878,258	851,707	1,907,501	2,349,702	7,177,868
Ghana	Administrative	0	0	0	0	0	0	0
	Agriculture Project	188,731,530	−407,393	0	407,393	−180,293	0	188,731,530
	Infrastructure Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	6,941,811	0	0	0	0	0	6,941,811
	Pending Subsequent Report	0	3,700,000	0	−3,700,000	0	0	0
	Program Administration and Control	36,874,551	0	0	0	1	0	36,874,550
	Rural Development Project	76,030,565	0	0	0	127,291	0	76,030,565

605 ASSISTANCE—DISBURSEMENTS—Continued

[In United States dollars]

Entity provided assistance	Program/project name	Total obligation	FY 2014 Quarter 1	FY 2014 Quarter 2	FY 2014 Quarter 3	FY 2014 Quarter 4	FY 2015 Quarter 1	Cumulative disbursements
	Transportation Project	227,710,512	−3,292,608	0	3,292,608	53,000	0	227,710,512
	Total Ghana	536,288,969	0	0	0	0	0	536,288,968
Ghana II	Access to Electricity Project	700,000	0	0	0	0	0	0
	Energy Efficiency and Demand Side Management Project.	0	0	0	0	0	0	0
	Financial and Operational Turnaround (Electricity Company of Ghana 1).	7,600,800	0	0	0	0	0	0
	Financial and Operational Turnaround (Northern Electricity Distribution Company).	3,529,000	0	0	0	0	0	0
	Financial and Operational Turnaround (Electricity Company of Ghana 2).	0	0	0	0	0	0	0
	Monitoring and Evaluation	1,510,000	0	0	0	0	0	0
	Pending Subsequent Report	0	0	0	0	0	0	0
	Power Generation Sector Improvement Project.	4,854,800	0	0	0	0	0	0
	Program Administration and Control	7,455,400	0	0	0	0	0	0
	Regulatory Strengthening and Capacity Building Project.	3,250,000	0	0	0	0	0	0
	Total Ghana II	28,900,000	0	0	0	0	0	0
Indonesia	Community Nutrition Project	129,500,000	5,335	36,978	181,792	253,944	11,822,595	34,759,317
	Green Prosperity Project	332,500,000	34,962	62,580	66,609	141,356	777,506	1,182,494
	Monitoring and Evaluation	12,200,000	0	0	0	0	720,664	720,664
	Pending Subsequent Report	0	317,285	−120,503	377,840	−174,359	256,222	729,754
	Procurement Modernization Project	50,000,000	351,912	341,260	471,128	816,074	1,925,931	4,009,914
	Program Administration and Control	75,800,000	1,402,143	1,512,095	1,954,049	2,499,064	2,322,534	13,595,118
	Total Indonesia	600,000,000	2,111,637	1,832,410	3,051,419	3,536,080	17,825,452	54,997,260
Jordan	Expansion of Wastewater Treatment Capacity.	97,120,950	15,128,511	11,768,335	940,143	9,282,359	1,248,335	76,116,031
	Monitoring and Evaluation	2,809,894	21,610	28,847	219,805	21,662	21,675	375,783
	Pending Subsequent Report	0	−35,119	4,053	−5,097	23,043	3,021	34,447
	Program Administration and Control	19,650,805	386,135	467,561	429,410	490,247	575,135	4,326,590
	Wastewater Collection	66,989,225	3,532,261	2,768,093	3,419,241	5,502,460	4,992,258	32,752,377
	Water Network Restructuring and Rehabilitation.	88,529,127	3,669,481	4,160,537	2,180,324	3,954,905	6,103,494	24,484,800
	Total Jordan	275,100,000	22,702,880	19,197,425	7,183,826	19,274,676	12,943,918	138,090,029
Lesotho	Capacity Building	0	0	0	0	0	0	0
	Civil/Legal Sector Support	0	0	0	0	0	0	0
	Health Sector Project	143,650,195	15,919,722	−753,987	23,881	0	0	143,650,195
	Land Tenure Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	5,500,728	256,974	181,013	0	0	0	5,500,728
	Pending Subsequent Report	0	−199,501	1	−12,942	0	0	0
	Private Sector Development Project	24,162,433	1,986,028	0	0	0	0	24,162,433
	Procurement and Administration	0	0	0	0	0	0	0
	Program Administration and Control	34,918,925	2,188,853	101,302	−10,939	0	0	34,918,925
	Water Sector Project	149,813,612	14,004,878	−1	0	0	0	149,813,612
	Total Lesotho	358,045,892	34,156,953	−471,671	0	0	0	358,045,892
Malawi	Gender Integration Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	6,960,100	35,880	143,520	0	0	1,131	186,464
	Natural Resource Management Project.	28,026,000	213,866	91,018	379,585	300,685	10,819	995,972
	Pending Subsequent Report	0	248,392	−180,088	−11,041	45,236	−6,728	250,859
	Power Project	255,648,800	572,012	134,447	1,035,243	2,253,940	1,735,978	5,731,621
	Power Sector Reform Project	25,553,400	221,705	249,385	724,681	718,116	1,335,602	3,472,531
	Program Administration and Control	34,511,700	1,027,028	1,383,181	2,356,867	1,627,106	1,629,994	9,346,909
	Total Malawi	350,700,000	2,318,884	1,821,463	4,485,335	4,945,082	4,706,796	19,984,357
Mali	Alatona Irrigation Project	252,895,691	0	0	0	0	0	252,895,69
	Bamako-Senou Airport Improvement Project.	143,371,915	0	0	0	−31,476	0	143,371,915
	Industrial Park Project	2,637,472	0	0	0	0	0	2,637,472
	Monitoring and Evaluation	1,688,026	0	0	0	0	0	1,688,027
	Pending Subsequent Report	0	0	0	0	0	0	0
	Program Administration and Control	35,003,642	0	0	0	0	0	35,003,642
	Total Mali	435,596,747	0	0	0	−31,476	0	435,596,747
Moldova	Monitoring and Evaluation	3,538,930	213,834	63,212	382,519	220,343	14,623	1,634,272

605 ASSISTANCE—DISBURSEMENTS—Continued

[In United States dollars]

Entity provided assistance	Program/project name	Total obligation	FY 2014 Quarter 1	FY 2014 Quarter 2	FY 2014 Quarter 3	FY 2014 Quarter 4	FY 2015 Quarter 1	Cumulative disbursements
	Pending Subsequent Report	0	−118,059	199,517	810,446	−293,684	−594,765	134,081
	Program Administration and Control	23,247,668	1,223,387	813,895	832,821	836,381	905,775	13,680,202
	Road Rehabilitation Project	112,390,000	20,756,036	2,755,131	11,349,069	14,836,137	21,216,346	101,421,448
	Transition To High Value Agriculture Project.	122,823,402	9,798,457	4,753,661	15,362,042	10,226,080	12,254,189	72,924,459
	Total Moldova	262,000,000	31,873,654	8,585,415	28,736,897	25,825,256	33,796,167	189,794,463
Mongolia	Energy and Environmental Project	40,420,819	275,302	14,282	17,246	0	0	40,420,819
	Health Project	41,873,775	3,261,083	18,608	0	0	0	41,873,776
	Monitoring and Evaluation	5,085,246	392,984	0	0	0	0	5,085,246
	Pending Subsequent Report	0	−615,790	−57,984	0	0	0	0
	Program Administration and Control	28,610,318	1,328,261	662,064	149,507	−74,754	0	28,610,318
	Property Rights Project	28,543,830	318,125	20,212	0	0	0	28,543,830
	Rail Project	369,560	0	0	0	0	0	369,560
	Roads Project	74,775,867	6,147,460	4,236	0	0	0	74,775,867
	Vocational Education Project	49,322,727	111,456	17,530	0	0	0	49,322,727
	Total Mongolia	269,002,143	11,218,881	678,948	166,754	−74,754	0	269,002,143
Morocco	Artisan and Fez Medina Project	84,019,666	15,726,838	−323,055	329,816	0	0	84,019,666
	Enterprise Support Project	15,126,518	3,211	49	0	0	0	15,126,518
	Financial Accountability	0	0	0	0	0	0	0
	Financial Services Project	42,817,020	1,928,094	0	0	0	0	42,817,020
	Fruit Tree Productivity Project	324,163,440	30,388,407	1	0	0	0	323,369,991
	Monitoring and Evaluation	16,255,526	2,789,915	0	0	0	0	16,255,526
	Pending Subsequent Report	0	−1,053,506	−136,770	−46,373	0	0	0
	Program Administration and Control	56,500,517	3,891,292	−18	26,022	0	0	56,500,517
	Rural Development Project	0	0	0	0	0	0	0
	Small-Scale Fisheries Project	111,281,204	18,507,220	310,950	−309,465	0	0	111,281,204
	Transportation Project	0	0	0	0	0	0	0
	Total Morocco	650,163,890	72,181,470	−148,843	0	0	0	649,370,442
Mozambique	Farmer Income Support Project	18,857,349	1,855,435	19,893	0	0	0	18,857,349
	Land Tenure Project	39,466,421	3,668,233	−31,999	0	0	0	39,466,421
	Monitoring and Evaluation	4,073,077	851,699	21,760	0	0	0	4,073,077
	Pending Subsequent Report	0	−2,837,741	−3,115,537	−46,329	0	0	0
	Program Administration and Control	48,483,703	6,187,513	1,870,307	46,329	706,997	0	48,483,703
	Rehabilitation/Construction Of Roads Project.	136,802,301	17,844,298	95,729	0	0	0	136,802,301
	Water Supply and Sanitation Project	200,221,661	23,300,256	2,150,510	0	0	0	200,221,661
	Total Mozambique	447,904,512	50,869,694	1,010,662	0	706,997	0	447,904,512
Namibia	Agriculture Project	51,439,139	3,092,659	4,301,409	3,858,573	2,064,357	2,237,463	50,029,275
	Education Project	141,886,916	12,286,634	8,956,394	9,803,025	13,032,538	4,370,143	137,237,213
	Monitoring and Evaluation	6,886,182	84,364	290,198	632,806	672,659	773,743	6,415,390
	Pending Subsequent Report	0	1,676,086	−516,092	−7,268,389	310,960	646,860	3,716,700
	Program Administration and Control	35,789,383	1,665,196	1,235,533	1,423,372	1,598,913	3,994,297	33,365,598
	Rural Development Project	0	0	0	0	0	0	0
	Tourism Project	68,475,842	4,619,357	5,669,962	11,283,451	10,496,386	6,288,359	65,464,315
	Total Namibia	304,477,463	23,424,296	19,937,405	19,732,839	28,175,814	18,310,864	296,228,491
Philippines	Community Development Grants Project.	120,000,000	4,129,561	7,696,771	7,155,121	7,748,991	7,125,483	75,901,515
	KALAHI–CIDSS Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	8,207,000	173,308	135,260	99,022	139,294	168,264	2,027,532
	Pending Subsequent Report	0	2,111,447	21,877	−1,617,650	911,404	−1,092,558	5,058,482
	Program Administration and Control	36,910,000	1,060,649	1,075,900	1,114,616	1,113,703	1,468,306	14,398,261
	Revenue Administration Reform Project.	54,300,000	55,909	1,125,801	2,645,058	875,506	1,116,814	11,666,358
	Roads Project	214,493,000	7,517,140	3,797,637	8,678,866	16,632,689	10,530,412	95,566,371
	Total Philippines	433,910,000	15,048,013	13,853,246	18,075,033	27,421,587	19,316,721	204,618,519
Senegal	Demand Assessment	0	0	0	0	0	0	0
	Irrigation	170,341,171	8,082,655	16,444,544	19,022,475	12,166,091	15,456,116	100,655,919
	Land Tenure Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	3,757,500	16,716	28,420	24,849	41,683	128,216	774,411
	Pending Subsequent Report	0	−719,147	166,031	−535,530	249,080	22,606	568,061
	Pre-Feasibility and Feasibility Analysis.	0	0	0	0	0	0	0
	Program Administration and Control	41,188,830	1,212,154	1,243,739	1,768,298	1,290,872	1,433,630	20,493,819
	Roads Project	324,712,499	10,925,884	16,542,582	25,570,082	17,326,600	24,658,251	135,713,053
	Total Senegal	540,000,000	19,518,262	34,425,315	45,850,174	31,074,326	41,698,818	258,205,264

605 Assistance—Disbursements—Continued

[In United States dollars]

Entity provided assistance	Program/project name	Total obligation	FY 2014 Quarter 1	FY 2014 Quarter 2	FY 2014 Quarter 3	FY 2014 Quarter 4	FY 2015 Quarter 1	Cumulative disbursements
Tanzania	Energy Sector Project	199,461,627	22,613,285	0	0	0	0	199,461,627
	Monitoring and Evaluation	4,632,363	387,554	0	0	0	0	4,632,363
	Pending Subsequent Report	0	0	0	0	0	0	0
	Program Administration and Control	30,480,760	1,631,748	10,372	0	0	0	30,480,760
	Transport Sector Project	405,402,512	44,755,778	0	0	0	0	405,402,512
	Water Sector Project	54,568,652	5,093,064	0	0	0	0	54,568,652
	Total Tanzania	694,545,914	74,481,428	10,372	0	0	0	694,545,914
Zambia	Infrastructure Project	0	0	0	0	0	0	0
	Monitoring and Evaluation	5,841,000	0	6,843	1,268	0	0	25,999
	Pending Subsequent Report	0	−17,617	18,233	58,777	6,634	7,788	110,436
	Program Administration and Control	38,823,951	1,716,377	1,050,630	1,612,473	1,673,344	1,928,332	10,096,838
	Water Supply and Sanitation Project	8,137,125	0	0	−1,324,821	0	1,205,107	8,017,411
	Water Supply, Sanitation and Drainage Project.	301,955,564	62,473	80,042	173,719	529,434	322,397	1,456,503
	Total Zambia	354,757,640	1,761,233	1,155,748	521,417	2,209,413	3,463,624	19,707,186

605 Assistance—Measures

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
Burkina Faso	Agriculture Development Project Objectives: Expanded productive use of land in order to increase the volume and value of agricultural production in Project Zones.	Hectares of new perimeter development in Di. Responsible members of Water User Associations trained in the Sourou. Farmers trained ... Farmers who have applied improved practices as a result of training. Local water committees established and operational in the Comoé and Mouhoun. Basin Water Resources Development and Management Master Plan developed and validated. Hectares under improved practices as a result of training.	Hectares of new perimeter development in Di. Responsible members of Water User Associations trained in the Sourou. Farmers trained ... Farmers who have applied improved practices as a result of training. Local water committees established and operational in the Comoé and Mouhoun. Basin Water Resources Development and Management Master Plan developed and validated. Hectares under improved practices as a result of training.	Hectares of new perimeter development in Di. Responsible members of Water User Associations trained in the Sourou. Farmers trained ... Farmers who have applied improved practices as a result of training. Local water committees established and operational in the Comoé and Mouhoun. Basin Water Resources Development and Management Master Plan developed and validated. Hectares under improved practices as a result of training.	Hectares of new perimeter development in Di. Responsible members of Water User Associations trained in the Sourou. Farmers trained Farmers who have applied improved practices as a result of training. Local water committees established and operational in the Comoé and Mouhoun. Basin Water Resources Development and Management Master Plan developed and validated. Hectares under improved practices as a result of training.	
	BRIGHT II School Project Objectives: Increased primary school completion rates for girls.	Percent of girls regularly attending (90 percent attendance) BRIGHT II schools. Girls promotion rates to next grade in BRIGHT II schools. Percent of girls dropping out of school.	Percent of girls regularly attending (90 percent attendance) BRIGHT II schools. Girls promotion rates to next grade in BRIGHT II schools. Percent of girls dropping out of school.	Percent of girls regularly attending (90 percent attendance) BRIGHT II schools. Girls promotion rates to next grade in BRIGHT II schools. Percent of girls dropping out of school.	Percent of girls regularly attending (90 percent attendance) BRIGHT II schools. Girls promotion rates to next grade in BRIGHT II schools. Percent of girls dropping out of school.	

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Land Tenure Project Objectives: Increased investment in land and rural productivity through improved land tenure security and land management.	Percent of girls passing the annual Primary Certificate exam in BRIGHT II schools. Students enrolled in BRIGHT II schools (both girls and boys). Stakeholders trained. Rural hectares formalized in the new zone of Di, targeted under the Agriculture Development project. Land administration offices established or upgraded. Municipal buildings constructed. Rural land possession certificates approved by the local government. Land conflicts recorded in the 17 communes of phase I of the Rural Land Governance project. Land resolved in the 17 communes of Phase I of the Rural Land Governance project.	Percent of girls passing the annual Primary Certificate exam in BRIGHT II schools. Students enrolled in BRIGHT II schools (both girls and boys). Stakeholders trained. Rural hectares formalized in the new zone of Di, targeted under the Agriculture Development project. Land administration offices established or upgraded. Municipal buildings constructed. Rural and possession certificates approved by the local government. Land conflicts recorded in the 17 communes of phase I of the Rural Land Governance project. Land resolved in the 17 communes of Phase I of the Rural Land Governance project.	Percent of girls passing the annual Primary Certificate exam in BRIGHT II schools. Students enrolled in BRIGHT II schools (both girls and boys). Stakeholders trained. Rural hectares formalized in the new zone of Di, targeted under the Agriculture Development project. Land administration offices established or upgraded. Municipal buildings constructed. Rural land possession certificates approved by the local government. Land conflicts recorded in the 17 communes of phase I of the Rural Land Governance project. Land resolved in the 17 communes of Phase I of the Rural Land Governance project.	Percent of girls passing the annual Primary Certificate exam in BRIGHT II schools. Students enrolled in BRIGHT II schools (both girls and boys). Stakeholders trained. Rural hectares formalized in the new zone of Di, targeted under the Agriculture Development project. Land administration offices established or upgraded. Municipal buildings constructed. Rural land possession certificates approved by the local government. Land conflicts recorded in the 17 communes of phase I of the Rural Land Governance project. Land resolved in the 17 communes of Phase I of the Rural Land Governance project.	
	Roads Project Objectives: Enhanced access to markets through investments in the road network.	Periodic road maintenance coverage rate (for all funds) (percent). Kilometers of primary roads completed. Percent disbursed of road construction contracts (primary roads). Kilometers of rural roads completed. Percent disbursed of road construction contracts (rural roads).	Periodic road maintenance coverage rate (for all funds) (percent). Kilometers of primary roads completed. Percent disbursed of road construction contracts (primary roads). Kilometers of rural roads completed. Percent disbursed of road construction contracts (rural roads).	Periodic road maintenance coverage rate (for all funds) (percent). Kilometers of primary roads completed. Percent disbursed of road construction contracts (primary roads). Kilometers of rural roads completed. Percent disbursed of road construction contracts (rural roads).	Periodic road maintenance coverage rate (for all funds) (percent). Kilometers of primary roads completed. Percent disbursed of road construction contracts (primary roads). Kilometers of rural roads completed. Percent disbursed of road construction contracts (rural roads).	

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
Cabo Verde II	Land Management for Investment Projects Objectives: Increased investments in and value of property; improved ease of doing business; increased investments and value added in tourism; increased employment.	Legal and regulatory reforms adopted. Field test of ''Fieldwork Operations Manual'' and methodology completed on Sal. Stakeholders receiving formal on-the-job training or technical assistance regarding roles, responsibilities or new technologies.	Legal and regulatory reforms adopted. Field test of ''Fieldwork Operations Manual'' and methodology completed on Sal. Stakeholders receiving formal on-the-job training or technical assistance regarding roles, responsibilities or new technologies.	Legal and regulatory reforms adopted. Field test of ''Fieldwork Operations Manual'' and methodology completed on Sal. Stakeholders receiving formal on-the-job training or technical assistance regarding roles, responsibilities or new technologies.	Legal and regulatory reforms adopted. Field test of ''Fieldwork Operations Manual'' and methodology completed on Sal. Stakeholders receiving formal on-the-job training or technical assistance regarding roles, responsibilities or new technologies.	Legal and regulatory reforms adopted. Field test of ''Fieldwork Operations Manual'' and methodology completed on Sal. Percent of targeted surface area on target island (Sal) incorporated into the Land Management Information and Transaction System (LMITS). Households in intervention island(s) of high tourism investment potential with land rights formalized through project. Parcels corrected or incorporated in land system. Land administration offices established or upgraded. Adoption of ''Operations Manual'' for the Rights and Boundaries Activity fieldwork in full force and effect.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Water, Sanitation, and Hygiene Project Objectives: Increased access to improved water and sanitation; reduced household costs for water; reduced incidence of waterborne disease; improved capital accumulation; increase productive government spending.	Value of implicit subsidy reduction (U.S. dollars). Operating cost coverage (percent). Service coverage by corporatized utilities (percent). Continuity of service (hours/day). Objective measure of water quality (percent. Non-revenue water for Multiple Municipal Utility/utilities (percent). Value of signed water and sanitation construction contracts. Percent disbursed of water and sanitation construction contracts. Strategic National Master Plan and Strategic Environmental and Social Assessment approved by appropriate authorities. Value of signed water and sanitation feasibility and design contracts. Percent disbursed of water and sanitation feasibility and design contracts. Percent disbursed of technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project. Value disbursed of Infrastructure Grant Facility Social Funds for disadvantaged groups and/or poor households.	Value of implicit subsidy reduction (U.S. dollars). Operating cost coverage (percent). Service coverage by corporatized utilities (percent). Continuity of service (hours/day). Objective measure of water quality (percent. Non-revenue water for Multiple Municipal Utility/utilities (percent). Value of signed water and sanitation construction contracts. Percent disbursed of water and sanitation construction contracts. Strategic National Master Plan and Strategic Environmental and Social Assessment approved by appropriate authorities. Value of signed water and sanitation feasibility and design contracts. Percent disbursed of water and sanitation feasibility and design contracts. Percent disbursed of technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project. Value disbursed of Infrastructure Grant Facility Social Funds for disadvantaged groups and/or poor households.	Value of implicit subsidy reduction (U.S. dollars). Operating cost coverage (percent). Service coverage by corporatized utilities (percent). Continuity of service (hours/day). Objective measure of water quality (percent. Non-revenue water for Multiple Municipal Utility/utilities (percent). Value of signed water and sanitation construction contracts. Percent disbursed of water and sanitation construction contracts. Strategic National Master Plan and Strategic Environmental and Social Assessment approved by appropriate authorities. Value of signed water and sanitation feasibility and design contracts. Percent disbursed of water and sanitation feasibility and design contracts. Percent disbursed of technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project. Value disbursed of Infrastructure Grant Facility Social Funds for disadvantaged groups and/or poor households.	Value of implicit subsidy reduction (U.S. dollars). Operating cost coverage (percent). Service coverage by corporatized utilities (percent). Continuity of service (hours/day). Objective measure of water quality (percent. Non-revenue water for Multiple Municipal Utility/utilities (percent). Value of signed water and sanitation construction contracts. Percent disbursed of water and sanitation construction contracts. Strategic National Master Plan and Strategic Environmental and Social Assessment approved by appropriate authorities. Value of signed water and sanitation feasibility and design contracts. Percent disbursed of water and sanitation feasibility and design contracts. Percent disbursed of technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project. Value disbursed of Infrastructure Grant Facility Social Funds for disadvantaged groups and/or poor households.	Value of implicit subsidy reduction (U.S. dollars). Operating cost coverage (percent). Service coverage by corporatized utilities (percent). Continuity of service (hours/day). Objective measure of water quality (percent). Non-revenue water for Multiple Municipal Utility/utilities (percent). Value of signed water and sanitation construction works contracts. Percent disbursed of water and sanitation construction works contracts. Strategic National Master Plan and Strategic Environmental and Social Assessment approved by appropriate authorities. Value of signed water and sanitation feasibility and design contracts. Percent disbursed of water and sanitation feasibility and design contracts. Percent disbursed of technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project. Value disbursed of Infrastructure Grant Facility Social Funds for disadvantaged groups and/or poor households.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Value of all signed technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project.	Value of all signed technical advisory services and training contracts in support of the Water, Sanitation and Hygiene Project.			Collection Ratio. Multiple municipal utilities staff per 1,000 potable water connections.
El Salvador II	Business Development Services. Human Capital Project. Infrastructure Project.	Measures pending	Measures pending	Measures pending	Measures pending	Measures pending.
Georgia II	Education Project	Measures pending	Measures pending	Measures pending	Measures pending	Schools fully rehabilitated. Science labs installed and equipped. Percent disbursed of educational facility construction, rehabilitation, and equipping contracts. School-based professional development facilitators trained. School principals trained. Science, math, English, and information and communication technology teachers trained. Completion of teacher training design framework. International assessments completed Completion of pilot testing of national assessment instruments.
	Vocational Education Project.	Measures pending	Measures pending	Measures pending	Measures pending	Students participating in MCC-supported Technical Vocational Education and Training (TVET) programs. Industry co-investment in TVET provision.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
						Date first grant agreement is signed. Total grant outlays.
	Tertiary Education Project.	Measures pending	Measures pending	Measures pending	Measures pending	Students enrolled in MCC-supported U.S. bachelor's programs. First cohort of students enter MCC-funded science, technology, engineering and math bachelor's program. Signing of partnership agreement between the Government of Georgia and university partner. Georgian partner university faculty members receiving training from U.S. partner institution.
Ghana II	Access to Electricity Project. Energy Efficiency and Demand Side Management Project. Power Generation Sector Improvement Project. Regulatory Strengthening and Capacity Building Project.	Measures pending	Measures pending	Measures pending	Measures pending	Measures pending.
Indonesia	Community Nutrition Project Objectives: Reduce and prevent low birth weight and childhood stunting and malnourishment of children in project areas, and to increase household income through cost savings, productivity growth and higher lifetime earnings.	Value of Generasi block grants funded.	Value of Generasi block grants funded.	Value of Generasi block grants funded.	Value of Generasi block grants funded.	Value of Generasi block grants funded.
	Service providers trained on infant and young child feeding.	Service providers trained on infant and young child feeding.	Service providers trained on infant and young child feeding.	Service providers trained on infant and young child feeding.	Service providers trained on infant and young child feeding.	Service providers trained on mother, infant and young child feeding.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Communications Campaign design complete.	Communications Campaign design complete.	Communications Campaign design complete.	Communications Campaign design complete.	Communications Campaign design complete.	Date Communications Campaign design complete.
	Micro-nutrient packages delivered (Iron Folic) (millions).	Micro-nutrient packages delivered (Iron Folic) (millions). Micro-nutrient packages delivered (Taburia) (millions). Generasi proposals. Generasi facilitators trained on stunting and gender.	Micro-nutrient packages delivered (Iron Folic) (millions). Micro-nutrient packages delivered (Taburia) (millions). Generasi proposals. Generasi facilitators trained on stunting and gender.	Micro-nutrient packages delivered (Iron Folic) (millions). Micro-nutrient packages delivered (Taburia) (millions). Generasi proposals. Generasi facilitators trained on stunting and gender.	Micro-nutrient packages delivered (Iron Folic) (millions). Micro-nutrient packages delivered (Taburia) (millions). Generasi proposals. Generasi facilitators trained on stunting and gender.	Micro-nutrient packages delivered (Iron Folic). Micro-nutrient packages delivered (Taburia). Sanitation triggering events. Service providers trained on growth monitoring.
	Green Prosperity Project Objectives: Increase productivity and reduce reliance on fossil fuels by expanding renewable energy; and Increase productivity and reduce land-based greenhouse gas emissions by improving land use practices and management of natural resources.	Signed memoranda of understanding between the Indonesia accountable entity and districts. Green Knowledge work plan completed. Financial service provider partnerships established (loan agreement). Financial service provider partnerships established (grant partnerships). Financial service provider partnerships established (grant managers). Project financing approved by the Green Prosperity Finance Facility. Formal district adoption of guidelines for participatory village boundary setting. Financial service provider partnerships established (implementing entity agreements).	Signed memoranda of understanding between the Indonesia accountable entity and districts. Green Knowledge work plan completed. Financial service provider partnerships established (loan agreement). Financial service provider partnerships established (grant partnerships). Financial service provider partnerships established (grant managers). Project financing approved by the Green Prosperity Finance Facility. Formal district adoption of guidelines for participatory village boundary setting. Financial service provider partnerships established (implementing entity agreements).	Signed memoranda of understanding between the Indonesia accountable entity and districts. Green Knowledge work plan completed. Financial service provider partnerships established (loan agreement). Financial service provider partnerships established (grant partnerships). Financial service provider partnerships established (grant managers). Project financing approved by the Green Prosperity Finance Facility. Formal district adoption of guidelines for participatory village boundary setting. Financial service provider partnerships established (implementing entity agreements).	Signed memoranda of understanding between the Indonesia accountable entity and districts. Green Knowledge work plan completed. Financial service provider partnerships established (loan agreement). Financial service provider partnerships established (grant partnerships). Financial service provider partnerships established (grant managers). Project financing approved by the Green Prosperity Finance Facility. Formal district adoption of guidelines for participatory village boundary setting. Financial service provider partnerships established (implementing entity agreements).	Signed memoranda of understanding between the Indonesia accountable entity and districts. Green Knowledge work plan completed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Project funds disbursed by the Technical Assistance and Oversight Activity (percent).	Project funds disbursed by the Technical Assistance and Oversight Activity (percent).	Project funds disbursed by the Technical Assistance and Oversight Activity (percent).	Project funds disbursed by the Technical Assistance and Oversight Activity (percent).	Hectares targeted for improved practices for sustainable agriculture (including agro-forestry) as a result of Green Prosperity-funded projects and/or partnerships. Hectares targeted for protection through Green Prosperity-funded projects and/or partnerships. Additional capacity of renewable energy planned. Grant agreements approved by Green Prosperity Finance Facility. Villages assisted in participatory boundary setting. District land use, land cover, and permits and licenses inventories created. Proposals that receive project preparation support.
	Procurement Modernization Project Objectives: Achieve significant government expenditure savings on procured goods and services, while assuring their quality satisfies the public need, and to achieve the delivery of public services as planned.	Procurement management information system adopted. Creation of sustainable procurement policy National Action Plan. Framework agreements signed and catalogued. Procurement Service Unit staff trained. Creation of public private partnership standard bidding documents.	Procurement management information system adopted. Creation of sustainable procurement policy National Action Plan. Framework agreements signed and catalogued. Procurement Service Unit staff trained. Creation of public private partnership standard bidding documents.	Procurement management information system adopted. Creation of sustainable procurement policy National Action Plan. Framework agreements signed and catalogued. Procurement Service Unit staff trained. Creation of public private partnership standard bidding documents.	Procurement management information system adopted. Creation of sustainable procurement policy National Action Plan. Framework agreements signed and catalogued. Procurement Service Unit staff trained. Creation of public private partnership standard bidding documents.	Procurement management information system adopted (Phase I). Date the sustainable procurement policy National Action Plan endorsed. Date e-catalogue system established. Mentor visits conducted.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
						Hours of training conducted.
Jordan	Expansion Of Wastewater Treatment Capacity Objectives: Increase the volume of treated wastewater available as a substitute for freshwater in agricultural use.	Treated wastewater used in agriculture (as a percent of all water used for irrigation in Northern and Middle Jordan Valley).	Treated wastewater used in agriculture (as a percent of all water used for irrigation in Northern and Middle Jordan Valley).	Treated wastewater used in agriculture (as a percent of all water used for irrigation in Northern and Middle Jordan Valley).	Treated wastewater used in agriculture (as a percent of all water used for irrigation in Northern and Middle Jordan Valley).	Treated wastewater used in agriculture (as a percent of all water used for irrigation in Northern and Middle Jordan Valley).
		Value disbursed of construction contracts; MCC contribution.	Value disbursed of construction contracts; MCC contribution.	Value disbursed of construction contracts; MCC contribution.	Value disbursed of construction contracts; MCC contribution.	Value disbursed of construction contracts; MCC contribution.
		Total engineering, procurement, and construction costs of As-Samra Expansion.	Total engineering, procurement, and construction costs of As-Samra Expansion.	Total engineering, procurement, and construction costs of As-Samra Expansion.	Total engineering, procurement, and construction costs of As-Samra Expansion.	Total engineering, procurement, and construction costs of As-Samra Expansion.
	Wastewater Collection Objectives: Increase access to the wastewater network, increase the volume of wastewater collected and reduce the incidents of sewage overflow.	Sewer blockage events; annual.	Sewer blockage events; annual.	Sewer blockage events; annual.	Sewer blockage events; annual.	Sewer blockage events; annual.
		Volume of wastewater collected; (millions of cubic meters per year).	Volume of wastewater collected; (millions of cubic meters per year).	Volume of wastewater collected; (millions of cubic meters per year).	Volume of wastewater collected; (millions of cubic meters per year).	Volume of wastewater collected; (millions of cubic meters per year).
		Residential population connected to the sewer system (percent).	Residential population connected to the sewer system (percent).	Residential population connected to the sewer system (percent).	Residential population connected to the sewer system (percent).	Residential population connected to the sewer system (percent).
		Expand network (kilometers).	Expand network (kilometers).	Expand network (kilometers).	Expand network (kilometers).	Expand network (kilometers).
		Value disbursed of sanitation construction contracts.	Value disbursed of sanitation construction contracts.	Value disbursed of sanitation construction contracts.	Value disbursed of sanitation construction contracts.	Value disbursed of sanitation construction contracts.
	Water Network Restructuring and Rehabilitation Objectives: Reduce water losses, improve continuity of water service and improve overall efficiency and use of network water delivery leading to households substituting network water for costly alternatives.	Network water consumption per capita (residential and non-residential); liters/capita/day.	Network water consumption per capita (residential and non-residential); liters/capita/day.	Network water consumption per capita (residential and non-residential); liters/capita/day.	Network water consumption per capita (residential and non-residential); liters/capita/day.	Network water consumption per capita (residential and non-residential); liters/capita/day.
		Operating cost coverage—Water Authority Jordan Zarqa.	Operating cost coverage—Water Authority Jordan Zarqa.	Operating cost coverage—Water Authority Jordan Zarqa.	Operating cost coverage—Water Authority Jordan Zarqa.	Operating cost coverage—Water Authority Jordan Zarqa.
		Non-Revenue Water (percent).	Non-Revenue Water (percent).	Non-Revenue Water (percent).	Non-Revenue Water (percent).	Non-Revenue Water (percent).
		Continuity of Supply time; hours per week.	Continuity of Supply time; hours per week.	Continuity of Supply time; hours per week.	Continuity of Supply time; hours per week.	Continuity of Supply time; hours per week.
		Restructured and rehabilitated primary and secondary pipelines (kilometers).	Restructured and rehabilitated primary and secondary pipelines (kilometers).	Restructured and rehabilitated primary and secondary pipelines (kilometers).	Restructured and rehabilitated primary and secondary pipelines (kilometers).	Restructured and rehabilitated primary and secondary pipelines (kilometers).
		Restructured and rehabilitated tertiary pipelines (kilometers).	Restructured and rehabilitated tertiary pipelines (kilometers).	Restructured and rehabilitated tertiary pipelines (kilometers).	Restructured and rehabilitated tertiary pipelines (kilometers).	Restructured and rehabilitated tertiary pipelines (kilometers).

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Value disbursed of water construction contracts—Infrastructure Activity and Water Smart Homes Activity.	Value disbursed of water construction contracts—Infrastructure Activity and Water Smart Homes Activity.	Value disbursed of water construction contracts—Infrastructure Activity and Water Smart Homes Activity.	Value disbursed of water construction contracts—Infrastructure Activity and Water Smart Homes Activity.	Value disbursed of water construction contracts—Water Network Project.
		National Aid Fund households with improved water and wastewater network.	National Aid Fund households with improved water and wastewater network.	National Aid Fund households with improved water and wastewater network.	National Aid Fund households with improved water and wastewater network.	National Aid Fund households with improved water and wastewater network.
		National Aid Fund households connected to the wastewater network as a result of the Water Smart Homes Activity.	National Aid Fund households connected to the wastewater network as a result of the Water Smart Homes Activity.	National Aid Fund households connected to the wastewater network as a result of the Water Smart Homes Activity.	National Aid Fund households connected to the wastewater network as a result of the Water Smart Homes Activity.	National Aid Fund households connected to the wastewater network as a result of the Water Smart Homes Activity.
Lesotho	Health Sector Project Objectives: Increase access to life-extending anti-retroviral treatment and essential health services by providing a sustainable delivery platform.	Deliveries conducted in health centers (percent). People with HIV still alive 12 months after initiation of treatment (percent). Tuberculosis notifications (per 100,000 population). Health centers equipped (percent). Physical completion of health center facilities (percent). Physical completion of Outpatient Departments (percent). Physical completion of the Botsabelo facilities (percent).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Private Sector Development Project Objectives: Stimulate investment by improving access to credit, reducing transaction costs and increasing the participation of women in the economy.	Debit/smart cards issued. Bonds registered Change in time for property transactions (percent). Urban land parcels regularized and registered. Stakeholders trained. Time required to resolve commercial disputes (days). Cases filed at the commercial court.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Water Sector Project Objectives: Improve the water supply for industrial and domestic needs, and enhance rural livelihoods through improved watershed management.	Women holding titles to land. People trained. Physical completion of Metolong water treatment works contract (percent). Households with provisions to connect to water networks. Non-revenue water (percent). Physical completion of Urban Water supply works contracts (percent). Ventilated improved pit latrines built. Water points constructed.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
Malawi	Natural Resource Management Project Objectives: Increase efficiency of hydropower generation.	Value of signed weed and sediment management activity contracts. Distribution of invasive aquatic species (cubic kilometers). Amount of weed harvested at Liwonde barrage (metric tons).	Value of signed weed and sediment management activity contracts. Distribution of invasive aquatic species (cubic kilometers). Amount of weed harvested at Liwonde barrage (metric tons).	Value of signed weed and sediment management activity contracts. Distribution of invasive aquatic species (cubic kilometers). Amount of weed harvested at Liwonde barrage (metric tons).	Value of signed weed and sediment management activity contracts. Distribution of invasive aquatic species (cubic kilometers). Amount of weed harvested at Liwonde barrage (metric tons).	Value of signed weed and sediment management activity contracts. Grant agreements in place with civil society and private sector service providers. Value of signed Environmental and Natural Resource Management & Social and Gender Assessment project contracts.
	Power Project Objectives: Improve the availability, reliability and quality of the power supply by increasing the throughput capacity and stability of the national electricity grid.	Percent disbursed of feasibility and design contracts. Average duration of outages/interruptions (hours). Average frequency of forced outages/Interruptions (ratio).	Percent disbursed of feasibility and design contracts. Average duration of outages/interruptions (hours). Average frequency of forced outages/Interruptions (ratio).	Percent disbursed of feasibility and design contracts. Average duration of outages/interruptions (hours). Average frequency of forced outages/Interruptions (ratio).	Percent disbursed of feasibility and design contracts. Average duration of outages/interruptions (hours). Average frequency of forced outages/Interruptions (ratio).	Percent disbursed of feasibility and design contracts.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Average frequency of forced outages/ Interruptions (ratio).	Average frequency of forced outages/ Interruptions (ratio).	Average frequency of forced outages/ Interruptions (ratio).		Value of signed power infrastructure construction contracts.
	Power Sector Reform Project Objectives: Create an enabling environment for future expansion by strengthening sector institutions and enhancing regulation and governance of the sector.	Cost recovery ratio—operating expenses (percent). Debt- equity ratio Average creditor days.	Cost recovery ratio—operating expenses (percent). Debt- equity ratio Average collections period (days).	Cost recovery ratio—operating expenses (percent). Debt- equity ratio Average collections period (days).	Cost recovery ratio—operating expenses (percent). Debt- equity ratio Average collections period (days).	Electricity Supply Corporation of Malawi Maintenance Expenditures ratio to planned maintenance budget. Bad Debt. Approved tariff levels and schedules (actual) (U.S. cents/kilowatt hour).
		Tariff levels and schedules (U.S. cents/kilowatt hour).	Tariff levels and schedules (U.S. cents/kilowatt hour).	Tariff levels and schedules (U.S. cents/kilowatt hour).	Tariff levels and schedules (U.S. cents/kilowatt hour).	
Moldova	Road Rehabilitation Project Objectives: Enhance transportation conditions.	Reduced cost for road users. Average annual daily traffic. Road maintenance expenditure. Kilometers of roads completed. Percent of contracted roads works disbursed. Road safety training for children (number of children). Date Resettlement Action Plan completed. Trafficking in persons training participants.	Reduced cost for road users. Average annual daily traffic. Road maintenance expenditure. Kilometers of roads completed. Percent of contracted roads works disbursed. Road safety training for children (number of children). Date Resettlement Action Plan completed. Trafficking in persons training participants.	Reduced cost for road users. Average annual daily traffic. Road maintenance expenditure. Kilometers of roads completed. Percent of contracted roads works disbursed. Road safety training for children (number of children). Date Resettlement Action Plan completed. Trafficking in persons training participants.	Reduced cost for road users. Average annual daily traffic. Road maintenance expenditure. Kilometers of roads completed. Percent of contracted roads works disbursed. Road safety training for children (number of children). Date Resettlement Action Plan completed. Trafficking in persons training participants.	Reduced cost for road users. Average annual daily traffic. Road maintenance expenditure. Kilometers of roads completed. Percent of contracted roads works disbursed. Road safety training for children (number of children). Date Resettlement Action Plan completed. Trafficking in persons training participants. Roughness (meters per kilometer).

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
						Temporary employment generated in road construction (number employed).
		Hectares under improved or new irrigation.	Hectares under improved or new irrigation.	Hectares under improved or new irrigation.	Hectares under improved or new irrigation.	Hectares under improved or new irrigation.
		Centralized irrigation systems rehabilitated.	Centralized irrigation systems rehabilitated.	Centralized irrigation systems rehabilitated.	Centralized irrigation systems rehabilitated.	Centralized irrigation systems rehabilitated.
		Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.
		Management transfer agreements signed.	Management transfer agreements signed.	Management transfer agreements signed.	Management transfer agreements signed.	Management transfer agreements signed.
		New high value agriculture infrastructure in place (metric tons).	New high value agriculture infrastructure in place (metric tons).	New high value agriculture infrastructure in place (metric tons).	New high value agriculture infrastructure in place (metric tons).	New high value agriculture infrastructure in place (metric tons).
		Loans past due ...	Loans past due ...	Loans past due ...	Loans past due ...	Loans past due.
		Value of agricultural and rural loans.	Value of agricultural and rural loans.	Value of agricultural and rural loans.	Value of agricultural and rural loans.	Value of agricultural and rural loans.
		Loan borrowers ...	Loan borrowers ...	Loan borrowers ...	Loan borrowers ...	Loan borrowers.
		Loan borrowers (female).	Loan borrowers (female).	Loan borrowers (female).	Loan borrowers (female).	Loan borrowers (female).
		Value of sales facilitated.	Value of sales facilitated.	Value of sales facilitated.	Value of sales facilitated.	Value of sales facilitated.
		Farmers who have applied improved practices as a result of training.	Farmers who have applied improved practices as a result of training.	Farmers who have applied improved practices as a result of training.	Farmers who have applied improved practices as a result of training.	Farmers who have applied improved practices as a result of training.
		Farmers trained ...	Farmers trained ...	Farmers trained ...	Farmers trained ...	Farmers trained.
		Farmers trained (female).	Farmers trained (female).	Farmers trained (female).	Farmers trained (female).	Farmers trained (female).
		Enterprises assisted.	Enterprises assisted.	Enterprises assisted.	Enterprises assisted.	Enterprises assisted.
		Enterprises assisted (female).	Enterprises assisted (female).	Enterprises assisted (female).	Enterprises assisted (female).	Enterprises assisted (female).
		Water user associations achieving financial sustainability.	Water user associations achieving financial sustainability.	Water user associations achieving financial sustainability.	Water user associations achieving financial sustainability.	
	Transition To High Value Agriculture Project Objectives: Increase incomes in the agricultural sector; Create models for transition to high value agriculture (HVA) in CIS areas and an enabling environment (legal, financial and market) for replication.	Value of signed irrigation construction contracts.	Value of signed irrigation construction contracts.	Value of signed irrigation construction contracts.	Value of signed irrigation construction contracts.	Value of signed irrigation construction contracts.
		Date Revised Legal Water Management Framework passed.	Date Revised Legal Water Management Framework passed.	Date Revised Legal Water Management Framework passed.	Date Revised Legal Water Management Framework passed.	Date Revised Legal Water Management Framework passed.
		Water user associations with active and representative governance.	Water user associations with active and representative governance.	Water user associations with active and representative governance.	Water user associations with active and representative governance.	Water user associations with active and representative governance.
		Water user associations with gender-balanced management and governance.	Water user associations with gender-balanced management and governance.	Water user associations with gender-balanced management and governance.	Water user associations with gender-balanced management and governance.	Water user associations with gender-balanced management and governance.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Enterprises that have applied improved techniques. Percent disbursed of irrigation feasibility and design contracts. Value of signed irrigation feasibility and design contracts.	Enterprises that have applied improved techniques. Percent disbursed of irrigation feasibility and design contracts. Value of signed irrigation feasibility and design contracts.	Enterprises that have applied improved techniques. Percent disbursed of irrigation feasibility and design contracts. Value of signed irrigation feasibility and design contracts.	Enterprises that have applied improved techniques. Percent disbursed of irrigation feasibility and design contracts. Value of signed irrigation feasibility and design contracts.	Enterprises that have applied improved techniques. Percent disbursed of irrigation feasibility and design contracts. Value of signed irrigation feasibility and design contracts. Temporary employment generated in irrigation. The Central Phytosanitary Lab is certified.
Mongolia	Energy and Environmental Project Objectives: Increased wealth and productivity through greater fuel use efficiency and decreasing health costs from air pollution in Ulaanbaatar.	Heat-only boilers sites upgraded. Subsidized stoves sold. Power dispatched from substation (millions of kilowatt hours).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Health Project Objectives: Reduce the risk of premature death and disability from NCDs and traffic injuries.	Amount of civil society grants (U.S. dollars). Cervical cancer cases detected early (percent). Screening for hypertension (percent). School teachers trained. Health staff trained. Primary healthcare facilities with noncommunicable disease services (percent).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Property Rights Project Objectives: Increase the security and capitalization of land assets held by lower-income Mongolians, and increase peri-urban herder productivity and incomes.	Wells completed.				

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Stakeholders trained. Leases awarded .. Project herder groups limiting their livestock population to the carrying capacity of their leases on farms in 3 central aimags (Ulaanbaatar, Darkhan and Erdenet) (percent). Official cost prescribed for property transactions (first-time) (U.S. dollars). Household with land rights formalized. Legal and regulatory reforms adopted. Stakeholders trained.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Roads Project Objectives: More efficient transport for trade and access to services.	Kilometers of roads completed. Kilometers of roads under design. Percent disbursed of road construction contracts.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Technical Vocational Education Project Objectives: Increase employment and income among unemployed and underemployed Mongolians.	Students participating in MCC-supported education activities. Public-private partnership funding contributed to Technical Vocational Education and Training (TVET) schools (percent). Educational facilities constructed or rehabilitated. Instructors trained.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
Morocco	Artisan and Fez Medina Project Objectives: Increase revenue from cultural and artisan activities, and improve educational and professional qualifications of compact beneficiaries.	Total receiving literacy training. Graduates of MCC-supported functional literacy program (female). Graduates of MCC-supported functional literacy program (male). Total receiving professional training. Females receiving professional training. Graduates of vocational training program (residential, apprenticeship and continuing education). Drop-out rates of participants of residential and apprenticeship programs (percent). Potters trained. MCC-subsidized gas kilns bought by artisans. Adoption rate of improved production practices promoted by the project (percent). Tourist circuits improved or created. Small and medium enterprises (SMEs) that append the label on their products. SMEs participating in promotion events. Sites constructed or rehabilitated (4 foundouks, Place Lalla Ydouna, Ain Nokbi). Beneficiaries of Ain Nokbi construction and artisan resettlement program.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Enterprise Support Project Objectives: Improve the outcomes of the Moukawalati and National Initiative for Human Development programs by increasing the viability of young enterprises created through these programs.	Reduction in SME mortality (treatment firms with respect to control firms) one year after support completion (percent). Days of individual coaching. Beneficiaries trained.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Financial Services Project Objectives: Improve micro-enterprise services and remove most severe constraints to the development of the microfinance sector based on market principals.	Value of loan agreements between microcredit associations and Jaida (millions of Moroccan dirhams). Microfinance institutions' portfolio at risk at 30 days (percent). Value of loans granted through mobile branches (U.S. dollars). Clients reached through mobile branches. Value of loan disbursements to Jaida (U.S. dollars).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Fruit Tree Productivity Project Objectives: Stimulate growth in the agricultural sector and reduce the volatility of agricultural production by restructuring farming from grains towards fruit tree cultivation.	Area planted and delivered to farmers (hectares). Area in expansion perimeters for which water and soil conservation measures have been implemented (hectares). Cumulative area of irrigated perimeters rehabilitated (hectares). Yield of rehabilitated olive trees in irrigated areas (metric tons per hectare). Average agricultural revenue per farm in oasis areas (U.S. dollars).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Hectares under improved irrigation. Yield of rehabilitated date palms in oasis areas (metric tons per hectare). In vitro seedlings successfully planted. Farmers trained (in all areas targeted by the project). Catalyst Fund proposals approved. Disbursements under the catalyst fund (U.S. dollars).				
	Small-Scale Fisheries Project Objectives: Supported by modern landing-site infrastructure, equipment and storage facilities, develop value-chain activities related to the fishing industry encouraging greater access to national and international markets, while improving the fish quality and preserving resources.	Boats benefitting from landing sites and ports. Artisan fishers who received a training certificate. Average price of fish at auction markets (Moroccan dirhams per kilogram). Work days created for construction jobs in landing sites, ports, and wholesale market sites. Active mobile fish vendors trained and equipped by the project. Net annual income of mobile fish vendors (U.S. dollars).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
Mozambique	Farmer Income Support Project Objectives: To protect and restore income from coconuts and their derivatives and expand farmers' productive capacity through income diversification..	Survival rate of coconut seedlings (percent). Coconut seedlings planted. Farmers trained in surveillance and pest and disease control for coconuts. Farmers trained in planting and post planting management of coconuts. Hectares of alternative crops under production.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Farmers trained in alternative crop production and productivity enhancing strategies. Farmers using alternative crop production and productivity enhancing strategies (percent). Businesses receiving Business Development Fund grants.				
	Land Tenure Project Objectives: Establish efficient and secure land access for households, communities, and investors.	People trained (paralegal courses at Legal and Judicial Training Centre, general training at National Directorate for Land and Forestry, *etc.*). Land administration offices established or upgraded. Land tenure regularization (LTR) urban parcels mapped. LTR land use property rights certificates (DUATs) delivered to the urban beneficiaries. LTR rural hectares mapped. LTR DUATs delivered to the rural beneficiaries. Community Land Fund rural hectares formalized. Community Land Fund communities land areas mapped.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Rehabilitation/ Construction of Roads Project Objectives: To increase access to productive resources and markets while reducing associated transport costs.	Percent of roads works contracts disbursed. Kilometers of roads issued take-over certificates.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Water Supply and Sanitation Project Objectives: To increase access to reliable sources of potable water supply in urban and rural areas and improved sanitation in urban and peri-urban areas.	Value of municipal sanitation and drainage systems construction contracts signed. Amount disbursed for municipal sanitation and drainage construction contracts. Value of contracts signed for construction of water systems. Percent of revised construction contract disbursed for water systems. Rural water points constructed. Percent of rural population of the six intervention districts with access to improved water sources. Amount disbursed for rural water points construction contracts (U.S. dollars). Persons trained in hygiene and sanitary best practices.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
Namibia	Agriculture Project Objectives: Enhance the health and marketing efficiency of livestock in the Northern Communal Areas of Namibia and to increase income from indigenous natural products accruing to the poor nationwide.	Participating households registered in the Community-Based Rangeland and Livestock Management sub-activity. Grazing areas with documented combined management plans. Parcels corrected or incorporated in land system. Stakeholders trained. Cattle tagged with RFID tags. Value of grant agreements signed under the Livestock Efficiency Fund. Farmers trained ...	Participating households registered in the Community-Based Rangeland and Livestock Management sub-activity. Grazing areas with documented combined management plans. Parcels corrected or incorporated in land system. Stakeholders trained. Cattle tagged with RFID tags. Value of grant agreements signed under the Livestock Efficiency Fund. Farmers trained ...	Participating households registered in the Community-Based Rangeland and Livestock Management sub-activity. Grazing areas with documented combined management plans. Parcels corrected or incorporated in land system. Stakeholders trained. Cattle tagged with RFID tags. Value of grant agreements signed under the Livestock Efficiency Fund. Farmers trained ...	Participating households registered in the Community-Based Rangeland and Livestock Management sub-activity. Grazing areas with documented combined management plans. Parcels corrected or incorporated in land system. Stakeholders trained. Cattle tagged with RFID tags. Value of grant agreements signed under the Livestock Efficiency Fund. Farmers trained ...	Participating households registered in the Community-Based Rangeland and Livestock Management sub-activity. Grazing areas with documented combined management plans. Parcels corrected or incorporated in land system. Stakeholders trained. Cattle tagged with RFID tags. Value of grant agreements signed under the Livestock Efficiency Fund. Farmers trained.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Education Project Objectives: Improve the quality of the workforce in Namibia by enhancing the equity and effectiveness of basic vocational, and tertiary education and of technical skills.	Payment to producers from Indigenous Natural Products sales. Grazing areas doing combined herding. Legal and regulatory reforms adopted. New state veterinary offices operational. Learners (any level) participating in the 47 schools sub-activity. Educational facilities constructed, rehabilitated, equipped in the 47 schools sub-activity. Textbooks delivered. Educators trained to be textbook management trainers. Educators trained to be textbook utilization trainers. Visits to Namibia accountable entity assisted regional study and resource centers. Compliance rate for National Training Fund levy. Graduates from MCC-supported education activities. Percent of schools with positions filled to teach information, communication and technology literacy. Regional study and resource centers opened to visitors. Percent of positions at regional study and resource centers staffed.	Payment to producers from Indigenous Natural Products sales. Grazing areas doing combined herding. Legal and regulatory reforms adopted. New state veterinary offices operational. Learners (any level) participating in the 47 schools sub-activity. Educational facilities constructed, rehabilitated, equipped in the 47 schools sub-activity. Textbooks delivered. Educators trained to be textbook management trainers. Educators trained to be textbook utilization trainers. Visits to Namibia accountable entity assisted regional study and resource centers. Compliance rate for National Training Fund levy. Graduates from MCC-supported education activities. Percent of schools with positions filled to teach information, communication and technology literacy. Regional study and resource centers opened to visitors. Percent of positions at regional study and resource centers staffed.	Payment to producers from Indigenous Natural Products sales. Grazing areas doing combined herding. Legal and regulatory reforms adopted. New state veterinary offices operational. Learners (any level) participating in the 47 schools sub-activity. Educational facilities constructed, rehabilitated, equipped in the 47 schools sub-activity. Textbooks delivered. Educators trained to be textbook management trainers. Educators trained to be textbook utilization trainers. Visits to Namibia accountable entity assisted regional study and resource centers. Compliance rate for National Training Fund levy. Graduates from MCC-supported education activities. Percent of schools with positions filled to teach information, communication and technology literacy. Regional study and resource centers opened to visitors. Percent of positions at regional study and resource centers staffed.	Payment to producers from Indigenous Natural Products sales. Grazing areas doing combined herding. Legal and regulatory reforms adopted. New state veterinary offices operational. Learners (any level) participating in the 47 schools sub-activity. Educational facilities constructed, rehabilitated, equipped in the 47 schools sub-activity. Textbooks delivered. Educators trained to be textbook management trainers. Educators trained to be textbook utilization trainers. Visits to Namibia accountable entity assisted regional study and resource centers. Compliance rate for National Training Fund levy. Graduates from MCC-supported education activities. Percent of schools with positions filled to teach information, communication and technology literacy. Regional study and resource centers opened to visitors. Percent of positions at regional study and resource centers staffed.	Payment to producers from Indigenous Natural Products sales. Grazing areas doing combined herding. Legal and regulatory reforms adopted. New state veterinary offices operational. Learners (any level) participating in the 47 schools sub-activity. Educational facilities constructed, rehabilitated, equipped in the 47 schools sub-activity. Textbooks delivered. Educators trained to be textbook management trainers. Educators trained to be textbook utilization trainers. Visits to Namibia accountable entity assisted regional study and resource centers. Compliance rate for National Training Fund levy. Graduates from MCC-supported education activities. Percent of schools with positions filled to teach information, communication and technology literacy. Regional study and resource centers opened to visitors. Percent of positions at regional study and resource centers staffed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Tourism Project Objectives: Grow the Namibian tourism industry with a focus on increasing income to households in communal conservancies.	Community skills development centers and arts and crafts centers completed. Modified National Student Financial Assistance Fund management information system completed. Tourists to Etosha National Park. Galton Gate Plan implemented. Unique visits on Namibia Tourism Board website. Leisure tourist arrivals. North American tourism businesses (travel agencies and tour operators) that offer Namibian tours or tour packages. Annual gross revenue to conservancies receiving assistance from Namibia accountable entity (Namibian dollars). Amount of new private sector investment secured by conservancies assisted by Namibia accountable entity (Namibian dollars). Value of grants issued by the Conservancy Development Support Grant Fund (Namibian dollars). Galton Gate construction: schedule performance index. Ombika Gate construction: schedule performance index.	Community skills development centers and arts and crafts centers completed. Modified National Student Financial Assistance Fund management information system completed. Tourists to Etosha National Park. Galton Gate Plan implemented. Unique visits on Namibia Tourism Board website. Leisure tourist arrivals. North American tourism businesses (travel agencies and tour operators) that offer Namibian tours or tour packages. Annual gross revenue to conservancies receiving assistance from Namibia accountable entity (Namibian dollars). Amount of new private sector investment secured by conservancies assisted by Namibia accountable entity (Namibian dollars). Value of grants issued by the Conservancy Development Support Grant Fund (Namibian dollars). Galton Gate construction: schedule performance index. Ombika Gate construction: schedule performance index.	Community skills development centers and arts and crafts centers completed. Modified National Student Financial Assistance Fund management information system completed. Tourists to Etosha National Park. Galton Gate Plan implemented. Unique visits on Namibia Tourism Board website. Leisure tourist arrivals. North American tourism businesses (travel agencies and tour operators) that offer Namibian tours or tour packages. Annual gross revenue to conservancies receiving assistance from Namibia accountable entity (Namibian dollars). Amount of new private sector investment secured by conservancies assisted by Namibia accountable entity (Namibian dollars). Value of grants issued by the Conservancy Development Support Grant Fund (Namibian dollars). Galton Gate construction: schedule performance index. Ombika Gate construction: schedule performance index.	Community skills development centers and arts and crafts centers completed. Modified National Student Financial Assistance Fund management information system completed. Tourists to Etosha National Park. Galton Gate Plan implemented. Unique visits on Namibia Tourism Board website. Leisure tourist arrivals. North American tourism businesses (travel agencies and tour operators) that offer Namibian tours or tour packages. Annual gross revenue to conservancies receiving assistance from Namibia accountable entity (Namibian dollars). Amount of new private sector investment secured by conservancies assisted by Namibia accountable entity (Namibian dollars). Value of grants issued by the Conservancy Development Support Grant Fund (Namibian dollars). Galton Gate construction: schedule performance index. Ombika Gate construction: schedule performance index.	Community skills development centers and arts and crafts centers completed. Modified National Student Financial Assistance Fund management information system completed. Tourists to Etosha National Park Galton Gate Plan implemented. Unique visits on Namibia Tourism Board website. Leisure tourist arrivals. North American tourism businesses (travel agencies and tour operators) that offer Namibian tours or tour packages. Annual gross revenue to conservancies receiving assistance from Namibia accountable entity (Namibian dollars). Amount of new private sector investment secured by conservancies assisted by Namibia accountable entity (Namibian dollars). Value of grants issued by the Conservancy Development Support Grant Fund (Namibian dollars). Galton Gate construction: schedule performance index. Ombika Gate construction: schedule performance index.
Philippines	Community Development Grants Project.	New jobs in tourism created in conservancies.	New jobs in tourism created in conservancies.	New jobs in tourism created in conservancies.	New jobs in tourism created in conservancies.	New jobs in tourism created in conservancies.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	KALAHI–CIDSS Project Objectives: The KALAHI–CIDSS (KC) Project expects to improve the responsiveness of local governments to community needs, encourage communities to engage in development activities, and deliver benefits to barangay residents through the individual sub-projects.	Completed KALAHI–CIDSS (KC) sub-projects implemented in compliance with technical plans and within schedule and budget. Communities and/or barangays with KC sub-projects that have a sustainability evaluation rating of satisfactory or better (percent). Municipalities that provide their KC local counterpart contributions (LCC) based on their LCC delivery plan (percent).	Completed KALAHI–CIDSS (KC) sub-projects implemented in compliance with technical plans and within schedule and budget. Communities and/or barangays with KC sub-projects that have a sustainability evaluation rating of satisfactory or better (percent). Municipalities that provide their KC local counterpart contributions(LCC) based on their LCC delivery plan (percent).	Completed KALAHI–CIDSS (KC) sub-projects implemented in compliance with technical plans and within schedule and budget. Communities and/or barangays with KC sub-projects that have a sustainability evaluation rating of satisfactory or better (percent). Municipalities that provide their KC local counterpart contributions (LCC) based on their LCC delivery plan (percent).	Communities and/or barangays with KC sub-projects that have a sustainability evaluation rating of satisfactory or better (percent). Percentage of municipalities that provide their KC local counterpart contributions (LCC) based on their LCC delivery plan. Sub-projects completed with 100 percent physical accomplishment.	Percentage of municipalities that provide their KC local counterpart contributions (LCC) based on their LCC delivery plan. Sub-projects completed with 100 percent physical accomplishment. Barangays that have completed all the trainings during the social preparation stage. Barangays that have completed Thematic Environment Management System TEMS Training. Barangays that have completed gender-related training.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Roads Project Objectives: The Secondary National Roads Development Project expects to lower vehicle operating costs and save the time of those Filipinos living near the roads.	Kilometers of road sections completed. Value of road construction contracts signed. Value of road construction contracts signed.	Kilometers of road sections completed. Value of road construction contracts signed. Value of road construction contracts signed.	Kilometers of road sections completed. Value of road construction contracts signed. Value of road construction contracts signed.	Kilometers of road sections completed. Value of road construction contracts signed. Value of road construction contracts signed.	Value of road construction contracts disbursed.
		Project-affected parties resettled.	Project-affected parties resettled.	Project-affected parties resettled.	Project-affected parties resettled.	Project-affected parties resettled. Kilometers of roads with vehicle-passable (lanes). Project-affected entities compensated (female).
	Revenue Administration Reform Project Objectives: The Revenue Administration Reform Project expects to increase tax revenues over time and support the Department of Finance's initiatives to detect and deter corruption within its revenue agencies.	Successful case resolutions.	Successful case resolutions.	Successful case resolutions.	Successful case resolutions.	Successful case resolutions.
		Personnel charged with graft, corruption, lifestyle and/or criminal cases. Revenue District Offices using electronic tax information system (percent). Audit cases performed using automated audit tools (percent). Average time taken to complete investigation (days). Audits	Personnel charged with graft, corruption, lifestyle and/or criminal cases. Revenue District Offices using electronic tax information system (percent). Audit cases performed using automated audit tools (percent). Average time taken to complete investigation (days). Audits	Personnel charged with graft, corruption, lifestyle and/or criminal cases. Revenue District Offices using electronic tax information system (percent). Audit cases performed using automated audit tools (percent). Average time taken to complete investigation (days). Audits	Personnel charged with graft, corruption, lifestyle and/or criminal cases. Revenue District Offices using electronic tax information system (percent). Percentage of audit cases performed using automated audit tools. Average time taken to complete investigation (days). Percentage of automatically-generated audits.	Personnel charged with graft, corruption, lifestyle and/or criminal cases. Revenue District Offices using electronic tax information system (percent). Percentage of audit cases performed using automated audit tools.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Audits completed in compliance with prescribed period of 120 days (percent).	Audits completed in compliance with prescribed period of 120 days (percent).	Audits completed in compliance with prescribed period of 120 days (percent).	Percentage of audits completed in compliance with prescribed period of 180 days.	Revenue collection per audit (millions of Philippine pesos). Revenue from new and existing business registrants.
Senegal	Irrigation Objectives: Improve productivity of the agricultural sector.	Tons of irrigated rice production. Hectares under production.	Tons of irrigated rice production. Hectares under production.	Rice paddy production (tons). Hectares under production.	Rice paddy production (tons). Hectares under production across cropping seasons.	Rice paddy production (tons). Hectares under production across cropping season.
		Percent of disbursement on the construction contracts signed for the irrigation infrastructures in the Delta and the Ngallenka.	Percent of disbursement on the construction contracts signed for the irrigation infrastructures in the Delta and the Ngallenka.	Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.	Percent disbursed of irrigation construction contracts.
		New conflicts resolved (percent).	New conflicts resolved (percent).	Conflicts successfully mediated.	Conflicts successfully mediated.	Conflicts successfully mediated.
		People trained on land security tools.	People trained on land security tools.	Participants in the training modules on land tenure security tools.	Participants in the training modules on land tenure security tools.	Participants in the training modules on land tenure security tools.
		Women trained on land security tools.	Women trained on land security tools.	Participants in the training modules on land tenure security tools (female).	Participants in the training modules on land tenure security tools (female).	Participants in the training modules on land tenure security tools (female).
		Cropping intensity (hectares under production per year/cultivable hectares) (Delta Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Delta Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Delta Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Delta Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Delta Activity).
		Cropping intensity (hectares under production per year/cultivable hectares) (Podor Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Podor Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Podor Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Podor Activity).	Cropping intensity (hectares under production per year/cultivable hectares) (Podor Activity).
		Value of the construction contracts signed for the irrigation infrastructure in the Delta.	Value of the construction contracts signed for the irrigation infrastructure in the Delta.	Value of the construction contracts signed for the irrigation infrastructure in the Delta.	Value of the construction contracts signed for the irrigation infrastructure in the Delta.	Value of the construction contracts signed for the irrigation infrastructure in the Delta.
		Value of the construction contracts signed for the irrigation infrastructure in Ngallenka.	Value of the construction contracts signed for the irrigation infrastructure in Ngallenka.	Value of the construction contracts signed for the irrigation infrastructure in Ngallenka.	Value of the construction contracts signed for the irrigation infrastructure in Ngallenka.	Value of the construction contracts signed for the irrigation infrastructure in Ngallenka.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Potentially irrigable lands area (Delta and Ngallenka) (hectares).	Potentially irrigable lands area (Delta and Ngallenka) (hectares).			
				Total area with improved irrigation infrastructure (Delta and Ngallenka) (hectares).	Total area with improved irrigation infrastructure (Delta and Ngallenka) (hectares).	Total area with improved irrigation infrastructure (Delta and Ngallenka) (hectares).
						Temporary employment generated in irrigation (number employed).
						Hectares formalized (having a land allocation title and registered).
	Roads Project Objectives: Expand Access to Markets and Services.	Percent of disbursements for the contract signed for the constructions of the National Road (RN) #2 and National Road (RN) #6.	Percent of disbursements for the contract signed for the constructions of the National Road (RN) #2 and National Road (RN) #6.	Percent disbursed of road construction contracts.	Percent disbursed of road construction contracts.	Percent disbursed of road construction contracts.
		Kilometers of roads rehabilitated on the RN#2.	Kilometers of roads rehabilitated on the RN#2.	Kilometers of roads rehabilitated on the RN#2.	Kilometers of roads rehabilitated on the RN#2.	Kilometers of roads rehabilitated on the RN#2.
		International Roughness Index on the RN#2.	International Roughness Index on the RN#2.	Roughness (RN#2).	Roughness (RN#2).	Roughness (RN#2).
		International Roughness Index on the RN#6.	International Roughness Index on the RN#6.	Roughness (RN#6).	Roughness (RN#6).	Roughness (RN#6).
		Value of contracts signed for the construction of the RN#2 and the RN#6.	Value of contracts signed for the construction of the RN#2 and the RN#6.	Value of signed road construction contracts.	Value of signed road construction contracts.	Value of signed road construction contracts.
		Kilometers of roads rehabilitated on the RN#6.	Kilometers of roads rehabilitated on the RN#6.	Kilometers of rehabilitated roads on RN#6.	Kilometers of rehabilitated roads on RN#6.	Kilometers of rehabilitated roads on RN#6.
		Kilometers of roads covered by the contract for the studies, the supervision and management of the RN#2.	Kilometers of roads covered by the contract for the studies, the supervision and management of the RN#2.	Kilometers of roads under design of the RN#2.	Kilometers of roads under design of the RN#2.	
		Kilometers of roads covered by the contract for the studies, the supervision and management of the RN#6.	Kilometers of roads covered by the contract for the studies, the supervision and management of the RN#6.	Kilometers of roads under design of the RN#6.	Kilometers of roads under design of the RN#6.	

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
						Temporary employment generated in road construction (number employed).
Tanzania	Energy Sector Project Objectives: Increased value added.	Current power customers (Zanzibar Interconnector Activity). Transmission and distribution substations capacity (megawatt peak) (Zanzibar Interconnector Activity). Technical and non-technical losses (Zanzibar) (percent). Kilometers of 132 kilovolt (kv) lines constructed. Percent disbursed on overhead lines contract. Current power customers (Malagarsi Hydropower and Kigoma Distribution Activity). Capacity of photovoltaic (PV) systems installed (kilowatt peak). Current power customers (all six project regions in Mainland). Kilometers of 33/11 kV lines constructed. Transmission and distribution substations capacity (megavolt ampere) (all six project regions in Mainland). Technical and non-technical losses (all six project regions in Mainland and Kigoma) (percent). Cost recovery ratio.	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
	Transport Sector Project Objectives: Increased cash crop revenue; Increased aggregate visitor spending.	Percent disbursed on construction contracts. Surfacing complete: Tunduma-Sumbawanga (percent). Surfacing complete: Tanga-Horohoro (percent). Surfacing complete: Namtumbo-Songea (percent). Surfacing complete: Peramiho-Mbinga (percent). Kilometers of roads completed (taken over) (Mainland Roads Activity). Pemba: Percent disbursed on construction contract. Surfacing complete: Pemba (percent). Kilometers of roads completed (taken over) (Zanzibar Rural Roads Activity). Road maintenance expenditures: Mainland Trunk Roads (percent). Road maintenance expenditures: Zanzibar Rural Roads (percent). Runway surfacing complete (percent).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed.
	Water Sector Project Objectives: Increased investment in human and physical capital; Reduced prevalence of water-related diseases.	Volume of water produced (millions of liters per day) (Lower Ruvu Plant Expansion Activity). Operations and maintenance cost recovery (percent) (Lower Ruvu Plant Expansion Activity).	Compact closed ..	Compact closed ..	Compact closed ..	Compact closed

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
		Volume of water produced (millions of liters per day) (Morogoro Water Supply Activity). Operations and Maintenance Cost Recovery (percent) (Morogoro Water Supply Activity).				
Zambia	Water Supply, Sanitation and Drainage Project Objectives: Increase access to clean water to generate time and cost savings for beneficiaries.	Measures pending	Measures pending	Percent disbursed of water and sanitation construction contracts. Volume of water produced (cubic meters per day). Proposals received. Grantees ..... People trained in social and gender integration and social inclusion. People trained in social and gender integration and social inclusion (female). People trained in social and gender integration and social inclusion (male). Meters installed or replaced. Value of compensation for displaced businesses and households (U.S. dollars). Value of water, sanitation and drainage construction contracts signed (U. S. dollars). Households and businesses displaced.	Percent disbursed of water and sanitation construction contracts. Volume of water produced (cubic meters per day). Proposals received. Grantees ..... People trained in social and gender integration and social inclusion. People trained in social and gender integration and social inclusion (female). People trained in social and gender integration and social inclusion (male). Meters installed or replaced. Value of compensation for displaced businesses and households (U.S. dollars). Value of water, sanitation and drainage construction contracts signed (U. S. dollars). Households and businesses displaced.	Percent disbursed of water and sanitation construction contracts. Volume of water produced (cubic meters per day). Proposals received. Grantees. People trained in social and gender integration and social inclusion. People trained in social and gender integration and social inclusion (female). People trained in social and gender integration and social inclusion (male). Meters installed or replaced. People trained in hygiene and sanitary best practices. People trained in hygiene and sanitary best practices (female).

605 ASSISTANCE—MEASURES—Continued

Country	Objectives	FY 2014				FY 2015
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1
						People trained in hygiene and sanitary best practices (male).

619(b)—TRANSFER OR ALLOCATION OF FUNDS

United States agency to which funds were transferred or allocated	Amount	Description of program or project
None	None	None.

[FR Doc. 2016–24512 Filed 10–7–16; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

NOTICE: (16–074).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 30 calendar days from the date of this publication.

ADDRESSES: Interested persons are invited to submit written comments regarding the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 7th Street NW., Washington, DC 20543. Attention: Desk Officer for NASA.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Frances Teel, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street SW., JF000, Washington, DC 20546, *Frances.C.Teel@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection provides a means by which NASA contractors can voluntarily and confidentially report any safety concerns or hazards pertaining to NASA programs, projects, or operations.

II. Method of Collection

The current, paper-based reporting system ensures the protection of a submitter's anonymity and secure submission of the report by way of the U.S. Postal Service.

III. Data

Title: NASA Safety Reporting System.
OMB Number: 2700–0063.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for-profit.
Number of Respondents: 75.
Responses per Respondent: 1.
Annual Responses: 75.
Hours per Request: 15 min.
Annual Burden Hours: 19.
Frequency of Report: As needed.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Frances Teel,
NASA PRA Clearance Officer.

[FR Doc. 2016–24442 Filed 10–7–16; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Honorary Awards, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: October 13, 2016 from 1:00–2:00 p.m. EDT.

SUBJECT MATTER: (1) Committee Chair's opening remarks; (2) Review and discuss candidates for the 2017 National Science Board Honorary Awards—the Vannevar Bush Award and the NSB Public Service Award.

STATUS: Closed.

This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject or status of meeting) may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp.* Point of contact for this meeting is: Kim Silverman, 4201 Wilson Blvd.,

Arlington, VA 22230. Telephone: (703) 292–7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2016–24675 Filed 10–6–16; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Withdrawal of Notice

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice.

SUMMARY: The NTSB is withdrawing a notice of the SES Performance Review Board to be published in the **Federal Register** on October 11, 2016, (Document 2016–24439) titled: SES Performance Review Board. The notice contained the incorrect document. This document withdraws the previous submission.

FOR FURTHER INFORMATION CONTACT: Emily T. Carroll, Chief, Human Resources Division, Office of Administration, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–0001, (202) 314–6233.

Candi R. Bing,

Federal Register Liaison.

[FR Doc. 2016–24449 Filed 10–7–16; 8:45 am]

BILLING CODE 7533–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Notice of Correction

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice; correction.

SUMMARY: The NTSB published a notice of the SES Performance Review Board in the **Federal Register** on October 4, 2016, titled: SES Performance Review Board. The notice contained an error. This document corrects the error.

FOR FURTHER INFORMATION CONTACT: Emily T. Carroll, Chief, Human Resources Division, Office of Administration, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–0001, (202)314–6233.

Correction

In the **Federal Register** of October 4, 2016, in FR Doc. 2016–23867, on page 68461, in the first column, add the following information before the last individual identified in the document:

David Tochen, General Counsel, National Transportation Safety Board (substitute only for Ms. Bryson's rating review)

Candi R. Bing,

Federal Register Liaison.

[FR Doc. 2016–24450 Filed 10–7–16; 8:45 am]

BILLING CODE 7533–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Notice of Correction

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Notice; correction.

SUMMARY: The NTSB published a notice of the SES Performance Review Board in the **Federal Register** on October 4, 2016, titled: SES Performance Review Board. The notice contained an error. This document corrects the error.

FOR FURTHER INFORMATION CONTACT: Emily T. Carroll, Chief, Human Resources Division, Office of Administration, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–0001, (202) 314–6233.

Correction

In the **Federal Register** of October 4, 2016, in FR Doc. 2016–23867, on page 68461, in the first column, add the following information before the last individual identified in the document:

David Tochen, General Counsel, National Transportation Safety Board (substitute only for Ms. Bryson's rating review)

Candi R. Bing,

Federal Register Liaison.

[FR Doc. 2016–24439 Filed 10–7–16; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–321 and 50–366; EA–16–163; NRC–2016–0209]

In the Matter of Southern Nuclear Operating Co., Inc.; Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order (Order) to revise the Edwin I. Hatch Nuclear Plant Unit Nos. 1 and 2 (Hatch) National Fire Protection Association (NFPA) 805 License Amendment Request submittal date of October 4, 2016 to April 4, 2018. This new submittal date extends enforcement discretion until April 4, 2018, and supports the Southern Nuclear Operating Company, Inc. (the licensee) continued progress in activities related to the transition to NFPA 805.

DATES: The confirmatory order was issued on October 3, 2016.

ADDRESSES: Please refer to Docket ID NRC–2016–0209 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0209. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For questions about this order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 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.

FOR FURTHER INFORMATION CONTACT: Gerald Gulla, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001; telephone: 301–415–2872, email: *Gerald.Gulla@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 3rd day of October 2016.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Office of Enforcement.

United States of America Nuclear Regulatory Commission

In the Matter of Southern Nuclear Operating Co., Inc.; (Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2)

[Docket Nos. 50–321 and 50–366; EA–16–163; License Nos. DPR–57 and NPF–5]

Confirmatory Order Modifying License

I

Southern Nuclear Operating Company, Inc. (SNC, the licensee) is the holder of Facility Operating License Nos. DPR–57 and NPF–5 issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' on August 6, 1974 and June 13, 1978, respectively. The licenses authorize the operation of the Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2 (HNP), in accordance with conditions specified therein. HNP is located in Appling County, Georgia.

II

In a letter dated October 4, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13280A299), SNC notified the U. S. Nuclear Regulatory Commission (NRC) of its intent to adopt National Fire Protection Association (NFPA) Standard 805, ''Performance Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition,'' at HNP in accordance with 10 CFR 50.48(c). In this October letter, SNC committed to commence its transition to the performance-based standard in the last quarter of 2013, and submit its license amendment request (LAR) approximately 36 months after the transition start date, which would be October 4, 2016.

On July 12, 2011, the NRC published in the **Federal Registe**r (76 FR 40777) the latest revision to its Interim Enforcement Policy (Policy) regarding enforcement discretion for certain fire protection issues, allowing licensees to request enforcement discretion for pursuing transition to NFPA 805. The Policy states, in general, that enforcement discretion starts on the date of the letter of intent and ends 3 years after that initial start date. Once an acceptable LAR is submitted and under review, enforcement discretion will continue to be in place until the NRC dispositions the LAR.

In a letter dated December 2, 2013 (ADAMS Accession No. ML13322B259), the NRC staff acknowledged SNC October 4, 2013, letter of intent to adopt NFPA 805 and approved enforcement discretion for 36 months starting on October 4, 2013.

III

On February 24, 2012, NRC staff issued SECY–12–0031, ''Enforcement Alternatives for Sites that Indicate Additional Time Required to Submit Their License Amendment Requests to Transition to 10 CFR 50.48(c) National Fire Protection Association Standard 805.'' In SECY–12–0031, the NRC staff identified enforcement alternatives for licensees that indicate additional time is required to submit their LAR to transition to NFPA 805. SECY–12–0031 describes three possible scenarios if delays occur. In Scenario A.1, licensees may request to change the submittal schedule by substituting one site for another. In Scenario A.2, the NRC staff could issue a confirmatory order that would extend enforcement discretion if the licensee provides adequate justification. In Scenario B, the licensee does not submit an acceptable LAR by its scheduled date and does not meet the alternatives described in Scenario A.1 or A.2.

In a public meeting on June 21, 2016 (ADAMS Accession No. ML16179A186), between the NRC and SNC, the licensee described its progress for transitioning HNP to NFPA 805. SNC also informed the NRC that an extension of the schedule for its LAR submittal is needed to allow appropriate development of its Fire Probabilistic Risk Assessment (FPRA) model. In a letter dated July 6, 2016 (ADAMS Accession No. ML16188A341), SNC requested to extend its LAR submittal date 18 months from October 4, 2016, to April 4, 2018, in accordance with Scenario A.2 of SECY–12–0031.

In the July 6, 2016 letter, SNC provided the justification for revising the LAR submittal date. The extension is necessary to complete development of the FPRA model, to allow appropriate coordination and implementation of design modifications at HNP, and to incorporate those modifications into the fire PRA that support the NFPA 805 transition. The NRC staff reviewed the SNC's letter that discussed its NFPA 805 transition progress, physical modifications, monitoring program, LAR status, and major project milestones supporting submittal of the NFPA 805 LAR in April 2018.

The NRC has determined that, based on the above, the HNP NFPA 805 enforcement discretion along with the LAR submittal date should be extended. This Order is being issued to revise the HNP NFPA 805 LAR submittal date from October 4, 2016, to April 4, 2018. This new submittal date supports SNC's continued progress in activities related to the transition to NFPA 805, as described in their letter dated July 6, 2016.

SNC may, at any time, cease its transition to NFPA 805 and comply with HNP's existing licensing basis and the regulations set forth in 10 CFR 50.48, as applicable. As indicated in the Enforcement Policy, if SNC decides not to complete the transition to 10 CFR 50.48(c), it must submit a letter stating its intent to retain its existing licensing basis and withdraw its letter of intent to comply with 10 CFR 50.48(c). If SNC fails to meet the new LAR submittal date and fails to comply with its existing licensing basis, the NRC will take appropriate enforcement action, consistent with its Enforcement Policy.

On September 22, 2016, SNC consented to issuing this Order, as described in Section V below. SNC further agreed that this Order will be effective upon issuance and that it has waived its rights to a hearing.

IV

Based on the licensee's current status, scheduled key activities, and planned modifications, the NRC has determined that the licensee has provided adequate justification for its commitment given in Section V, and, thus, for the extension of enforcement discretion. Because the licensee will continue to perform modifications to reduce current fire risk in parallel with the development of its NFPA 805 LAR, the NRC staff finds this acceptable to ensure public health and safety. Based on the above and SNC's consent, this Order is effective upon issuance.

V

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR 2.202, ''Orders,'' it is hereby ordered that license nos. DPR–57 and NPF–5 are modified as follows:

A. SNC will submit an acceptable license amendment request for Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, to adopt NFPA Standard 805 by no later than April 4, 2018.

B. SNC will continue to receive enforcement discretion until April 4, 2018. If the NRC finds that the license amendment request is not acceptable, the NRC will take steps consistent with the Enforcement Policy.

The Director of the Office of Enforcement, in consultation with the Director of the Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Order, other than SNC, may request a hearing within 30 days of the issuance date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

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), as amended by 77 FR 46562; August 3, 2012 (codified in pertinent part at 10 CFR part 2, subpart C). 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 ten (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 (1) request 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 NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* System requirements for accessing the E-Submittal server are detailed in 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 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 through the EIE. 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 (ET) 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, any others who wish to participate in the proceeding (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 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 (866) 672–7640. The NRC Meta System Help Desk is available between 8:00 a.m. and 8:00 p.m., ET, 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, participants are requested not to include copyrighted materials in their submission, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue a separate Order designating the time and place of any hearings, as appropriate. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days after issuance of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 3rd day of October 2016.

For the Nuclear Regulatory Commission.
Patricia K. Holahan,
Director, Office of Enforcement

[FR Doc. 2016–24463 Filed 10–7–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0207]

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 September 13, 2016 to September 26, 2016. The last biweekly notice was published on September 27, 2016.

DATES: Comments must be filed by November 10, 2016. A request for a hearing must be filed by December 12, 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–2016–0207. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1506, email: *Kay.Goldstein@nrc.gov.*

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0207, facility name, unit number(s), plant docket number, application date, and subject 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–2016–0207.
- *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 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–2016–0207, 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, or (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 if 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. If the Commission takes 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. If the Commission makes 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 persons (petitioner) whose interest may be affected by this action may file a request for a hearing and a petition to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons 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 petition 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 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 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 petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the 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 petitioner's interest. The petition must also set forth the specific contentions which the 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 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 petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion to support its position on the issue. 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 proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A 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 the NRC's 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) through (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 December 12, 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 set forth in this section, except that under 10 CFR 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. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

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 (hereinafter ''petition''), 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, as amended at 77 FR 46562, August 3, 2012). 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 petition (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 available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.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 Electronic Filing Help Desk will not be able to offer assistance in using unlisted software.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a petition. Submissions should be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.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 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 Electronic Filing 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 Electronic Filing Help Desk is available between 9 a.m. and 7 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 stating why there is good cause for not filing electronically and 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 petition 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.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, New Hill, North Carolina

Date of amendment request: May 26, 2016. A publicly-available version is in ADAMS under Accession No. ML16151A001.

Description of amendment request: The amendment would revise the Shearon Harris Nuclear Power Plant, Unit 1, technical specifications (TSs) to institute a new administrative program TS for the establishment, implementation, and maintenance of a Diesel Fuel Oil Testing Program, the specifics of which will be contained in a licensee-controlled document. It also relocates to this program the current TS surveillance requirements (SRs) for evaluating diesel fuel oil, along with the SRs for the draining, sediment removal, and cleaning of each main fuel oil storage tank at least once every 10 years. In addition, an exception is proposed to Regulatory Guide (RG) 1.137, Revision 1, ''Fuel Oil Systems for Standby Diesel Generators,'' for the allowance of performing sampling of new fuel oil offsite prior to its addition to the fuel oil storage tanks.

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 amendment institutes a new administrative program TS for the establishment, implementation, and maintenance of a Diesel Fuel Oil Testing Program. The specifics of this program will be contained in a licensee-controlled document. The current TS SR for evaluating new and stored diesel fuel oil and the cleaning of the fuel oil storage tanks will be relocated to this program. The American Society for Testing and Materials (ASTM) standard references pertaining to new and stored fuel oil will be relocated to the aforementioned program; however, requirements to perform testing in accordance with applicable ASTM standards are retained in the TS. Requirements to perform surveillances of both new and stored diesel fuel oil are also retained in the TS. Evaluations of future changes to the licensee-controlled document will be conducted pursuant to the requirements of 10 CFR 50.59. A more rigorous testing of water and sediment content is added to the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to its addition to the fuel oil storage tanks. Additionally, an exception to RG 1.137 is proposed to allow for the performance of new fuel oil sampling offsite. These changes will not affect nor degrade the ability of the emergency diesel generators (DGs) to perform their specified safety functions as the diesel fuel oil continues to be properly evaluated.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not alter or prevent the ability of structures, systems or components from performing their intended function to mitigate the consequences on an initiating event with the assumed acceptance limits. The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational or public radiation exposure.

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 amendment institutes a new administrative program TS for the establishment, implementation, and maintenance of a Diesel Fuel Oil Testing Program, of which the current TS SR for evaluating new and stored diesel fuel oil and the cleaning of the fuel oil storage tanks are relocated, including pertinent ASTM standard references. A more rigorous testing of water and sediment content is added to the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to its addition to the fuel oil storage tanks. Additionally, an exception to RG 1.137 is proposed to allow for the performance of new fuel oil sampling offsite. These changes do not alter the way any structure, system, or component functions and does not modify the manner in which the plant is operated. The requirements retained in the TS continue to require testing of the diesel fuel oil to ensure the proper functioning of the DGs.

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 the margin of safety?

Response: No.

The proposed amendment institutes a new administrative program TS for the establishment, implementation, and maintenance of a Diesel Fuel Oil Testing Program, the specifics of which will be contained in a licensee-controlled document. The current TS SR for evaluating new and stored diesel fuel oil and the cleaning of the fuel oil storage tanks will be relocated to this program, along with the pertinent ASTM standard references. Changes to the licensee-controlled document are performed in accordance with the provisions of 10 CFR 50.59, thereby providing an effective level of regulatory control and ensures that diesel fuel oil testing is conducted such that there is no significant reduction in a margin of safety.

A more rigorous testing of water and sediment content is added to the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to its addition to the fuel oil storage tanks. Additionally, an exception to RG 1.137 is proposed to allow for the performance of new fuel oil sampling offsite. The margin of safety provided by the DGs is unaffected by the proposed changes since there continue to be TS requirements to ensure fuel oil is of the appropriate quality and reliability for emergency DG use. The proposed changes provide the flexibility needed to improve fuel oil sampling and analysis methodologies, while maintaining sufficient controls to preserve the current margins of safety.

Based on the above, Duke Energy concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92, and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, Duke Energy Business Services, 550 South Tryon Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Acting Branch Chief: Jeanne A. Dion.

Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: August 29, 2016. A publicly-available version is in ADAMS under Accession No. ML16242A332.

Description of amendment request: The amendment would revise technical specification (TS) 5.5.6, Primary Containment Leak Rate Testing Program. These revisions would extend the Type A Primary Containment Integrated Leak Rate Test interval to 15 years and extend the Type C Local Leak Rate Test testing interval up to 75 months.

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 amendment to the TS involves the extension of the JAF [James A. FitzPatrick Nuclear Power Plant] Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months. The current Type A test interval of 120 months (10 years) would be extended on a permanent basis to no longer than 15 years from the last Type A test. The current Type C test interval of 60 months for selected components would be extended on a performance basis to no longer than 75 months. Extensions of up to nine months (total maximum interval of 84 months for Type C tests) are permissible only for non-routine emergent conditions. The proposed extension does not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment and the testing requirements invoked to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. The change in dose risk for changing the Type A test frequency from three-per-ten years to once-per-fifteen-years, measured as an increase to the total integrated plant risk for those accident sequences influenced by Type A testing, is 0.0087 person rem/year. EPRI [Electric Power Research Institute] Report No. 1009325, Revision 2–A states that a very small population dose is defined as an increase of ≤ 1.0 person-rem per year, or ≤ 1% of the total population dose, whichever is less restrictive for the risk impact assessment of the extended ILRT intervals. The results of the risk assessment for this amendment meet these criteria. Moreover, the risk impact for the ILRT extension when compared to other severe accident risks is negligible. Therefore, this proposed extension does not involve a significant increase in the probability of an accident previously evaluated.

As documented in NUREG–1493, Type B and C tests have identified a very large percentage of containment leakage paths, and the percentage of containment leakage paths that are detected only by Type A testing is very small. The JAF Type A test history supports this conclusion.

The integrity of the containment is subject to two types of failure mechanisms that can be categorized as: (1) Activity based, and; (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment combined with the containment inspections performed in accordance with ASME [American Society of Mechanical Engineers] Section Xl, the Maintenance Rule, and TS requirements serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by a Type A test. Based on the above, the proposed extensions do not significantly increase the consequences of an accident previously evaluated.

The proposed amendment also deletes exceptions previously granted to allow one time extensions of the ILRT test frequency for JAF. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action that has no effect on any component and no impact on how the unit is operated.

Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to the TS involves the extension of the JAF Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

The proposed amendment also deletes exceptions previously granted to allow one time extensions of the ILRT test frequency for JAF. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action that does not result in any change in how the unit is operated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment to TS 5.5.6 involves the extension of the JAF Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months for selected components. This amendment does not alter the manner in which safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the TS Containment Leak Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained.

The proposed change involves only the extension of the interval between Type A containment leak rate tests and Type C tests for JAF. The proposed surveillance interval extension is bounded by the 15-year ILRT Interval and the 75-month Type C test interval currently authorized within NEI 94–01, Revision 3–A. Industry experience supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with ASME Section Xl, TS and the Maintenance Rule serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by Type A testing. The combination of these factors ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by changes to the Type A and Type C test intervals.

The proposed amendment also deletes exceptions previously granted to allow one time extensions of the ILRT test frequency for JAF. These exceptions were for activities that would have already taken place by the time this amendment is approved; therefore, their deletion is solely an administrative action and does not change how the unit is operated and maintained. Thus, there is no reduction in any margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration. Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Travis L. Tate.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station (CPS), Unit No.1, DeWitt County, Illinois

Date of amendment request: July 28, 2016. A publicly-available version is in ADAMS under Accession No. ML16210A300.

Description of amendment request: The proposed changes supports changes to the organization, staffing, and training requirements contained in

Section 5.0 of the technical specifications (TSs) after the license no longer authorizes operation of the reactor or placement or retention of fuel in the reactor pressure vessel.

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 would not take effect until CPS has permanently ceased operation and entered a permanently defueled condition. The proposed changes would revise the CPS TS by deleting or modifying certain portions of the TS administrative controls described in Section 5.0 of the TS that are no longer applicable to a permanently shutdown and defueled facility.

The proposed changes do not involve any physical changes to plant structures, systems, and components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do not involve a change to any safety limits, limiting safety system settings, limiting control settings, limiting conditions for operation, surveillance requirements, or design features.

The deletion and modification of provisions of the facility administrative controls do not affect the design of SSCs necessary for safe storage of spent irradiated fuel or the methods used for handling and storage of such fuel in the Spent Fuel Pool (SFP). The proposed changes are administrative in nature and do not affect any accidents applicable to the safe management of spent irradiated fuel or the permanently shutdown and defueled condition of the reactor.

In a permanently defueled condition, the only credible accidents are the Fuel Handling Accident (FHA), Postulated Radioactive Releases Due to Liquid Radwaste Tank Failures, and Cask Drop Accident. Other accidents such as Loss of Coolant Accident, Loss of Feedwater, and Reactivity and Power Distribution Anomalies will no longer be applicable to a permanently defueled reactor plant.

The probability of occurrence of previously evaluated accidents is not increased, since extended operation in a permanently defueled condition will be the only operation allowed, and therefore, bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation is no longer credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

The proposed changes in the administrative controls do not affect the ability to successfully respond to previously evaluated accidents and do not affect radiological assumptions used in the evaluations. The proposed changes narrow the focus of nuclear safety concerns to those associated with safely maintaining spent nuclear fuel. These changes remove the implication that CPS can return to operation once the final certification required by 10 CFR 50.82(a)(1)(ii) is submitted to the NRC. Any event involving safe storage of spent irradiated fuel or the methods used for handling and storage of such fuel in the SFP would evolve slowly enough that no immediate response would be required to protect the health and safety of the public or station personnel. Adequate communications capability is provided to allow facility personnel to safely manage storage and handling of irradiated fuel. As a result, no changes to radiological release parameters are involved. There is no effect on the type or amount of radiation released, and there is no effect on predicted offsite doses in the event of an accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to delete and/or modify certain TS administrative controls have no impact on facility SSCs affecting the safe storage of spent irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of spent irradiated fuel itself. The proposed changes do not result in different or more adverse failure modes or accidents than previously evaluated because the reactor will be permanently shut down and defueled and CPS will no longer be authorized to operate the reactor.

The proposed changes will continue to require proper control and monitoring of safety significant parameters and activities. The proposed changes do not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers in support of maintaining the plant in a permanently shutdown and defueled condition (*e.g.,* fuel cladding and SFP cooling). Since extended operation in a defueled condition will be the only operation allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

The proposed changes do not alter the protection system design or create new failure modes. The proposed changes do not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes involve deleting and/or modifying certain TS administrative controls once the CPS facility has been permanently shutdown and defueled. As specified in 10 CFR 50.82(a)(2), the 10 CFR 50 license for CPS will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel following submittal of the certifications required by 10 CFR 50.82(a)(1). As a result, the occurrence of certain design basis postulated accidents are no longer considered credible when the reactor is permanently defueled. The only remaining credible accidents are the FHA, the Postulated Radioactive Releases Due to Liquid Radwaste Tank Failures, and the Cask Drop Accident. The FHA is the limiting Chapter 15 dose event for CPS in its decommissioned state.

The proposed changes do not adversely affect the inputs or assumptions of any of the design basis analyses that impact the FHA. The proposed changes are limited to those portions of the TS administrative controls that are not related to the safe storage and maintenance of spent irradiated fuel.

These proposed changes do not directly involve any physical equipment limits or parameters. The requirements that are proposed to be revised and/or deleted from the CPS TS are not credited in the existing accident analysis for the remaining applicable postulated accidents; therefore, they do not contribute to the margin of safety associated with the accident analysis. Certain postulated DBAs [design-basis accidents] involving the reactor are no longer possible because the reactor will be permanently shut down and defueled and CPS will no longer be authorized to operate the reactor.

Therefore, the proposed changes do not involve a significant reduction in the 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: Bradley J. Fewell, Associate General Counsel, Exelon Nuclear,. 4300 Winfield Road, Warrenville, IL 60555.

Acting NRC Branch Chief: G. Edward Miller.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

NextEra Energy Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: July 28, 2016. A publicly-available version is in ADAMS under Accession No. ML16214A276.

Description of amendment request: The amendments would revise the Technical Specifications (TS) consistent with Technical Specifications Task Force Traveler 545, Revision 3, ''TS Inservice Testing [IST] Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing'' (ADAMS Accession No. ML15294A555).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates Technical Specifications (TS) Section 5.5.6 and 5.5.7, ''Inservice Testing Program,'' for Duane Arnold and Point Beach, respectively, and eliminates TS Section 6.8.4.i, ''Inservice Testing Program'' for St. Lucie Units 1 and 2. The proposed change eliminates the requirements regarding [IST] from TS 4.0.5 in the Seabrook and Turkey Point TS. Most requirements in the [IST] Program are removed, as they are duplicative of requirements in the ASME OM [American Society of Mechanical Engineers Operation and Maintenance] Code, as clarified by Code Case OMN–20, ''Inservice Test Frequency.'' The remaining requirements related to the IST Program are eliminated because the NRC has determined their inclusion in the TS is contrary to regulations. A new defined term, ''Inservice Testing Program,'' is added to the TS, which references the requirements of 10 CFR 50.55a(f).

Performance of [IST] is not an initiator to any accident previously evaluated. As a result, the probability of occurrence of an accident is not significantly affected by the proposed change. Inservice test frequencies under Code Case OMN–20 are equivalent to the current testing period allowed by the TS with the exception that testing frequencies greater than 2 years may be extended by up to 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to mitigate any accident previously evaluated as the components are required to be operable during the testing period extension. Performance of inservice tests utilizing the allowances in OMN–20 will not significantly affect the reliability of the tested components. As a result, the availability of the affected components, as well as their ability to mitigate the consequences of accidents previously evaluated, is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not alter the design or configuration of the plant. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. The proposed change does not alter the types of [IST] performed. In most cases, the frequency of [IST] is unchanged. However, the frequency of testing would not result in a new or different kind of accident from any previously evaluated since the testing methods are not altered.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change eliminates some requirements from the TS in lieu of requirements in the ASME Code, as modified by use of Code Case OMN–20. Compliance with the ASME Code is required by 10 CFR 50.55a. The proposed change also allows inservice tests with frequencies greater than 2 years to be extended by 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to respond to an accident as the components are required to be operable during the testing period extension. The proposed change will eliminate the existing TS allowance to defer performance of missed inservice tests up to the duration of the specified testing frequency, and instead will require an assessment of the missed test on equipment operability. This assessment will consider the effect on margin of safety (equipment operability). Should the component be inoperable, the TS provide actions to ensure that the margin of safety is protected. The proposed change also eliminates a statement that nothing in the ASME Code should be construed to supersede the requirements of any TS. The NRC has determined that statement to be incorrect. However, elimination of the statement will have no effect on plant operation or safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

Acting NRC Branch Chief: Jeanne A. Dion.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: July 28, 2016. A publicly-available version is in ADAMS under Accession No. ML16210A030.

Description of amendment request: The proposed amendment would eliminate technical specification (TS), Section 5.5.5, ''Inservice Testing [IST] Program,'' to remove requirements duplicated in American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code), Case OMN–20, ''Inservice Test Frequency.'' A new defined term, ''Inservice Testing Program,'' is added to TS Section 1.1, ''Definitions.'' The proposed change to the TS is consistent with TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [surveillance requirement] Usage Rule Application to Section 5.5 Testing.'' TS SRs that currently refer to the IST Program from Section 5.5.6 would be revised to refer to the new defined term, ''Inservice Testing Program.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises TS Chapter 5, ''Administrative Controls,'' Section 5.5, ''Programs and Manuals,'' by eliminating the ''Inservice Testing Program'' specification. Most requirements in the IST Program are removed as they are duplicative of requirements in the ASME OM Code, as clarified by Code Case OMN–20, ''Inservice Test Frequency.'' The remaining requirements in the Section 5.5 IST Program are eliminated because the NRC has determined their inclusion in the TS is contrary to the regulations. A new defined term, ''Inservice Testing Program,'' is added to the TS, which references the requirements of 10 CFR 50.55a(f).

Performance of inservice testing is not an initiator to any accident previously evaluated. As a result, the probability of occurrence of an accident is not significantly affected by the proposed change. Inservice test frequencies under Code Case OMN–20

are equivalent to the current testing period allowed by the TS with the exception that testing frequencies greater than 2 years may be extended by up to 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to mitigate any accident previously evaluated as the components are required to be operable during the testing period extension. Performance of inservice tests utilizing the allowances in OMN–20 will not significantly affect the reliability of the tested components. As a result, the availability of the affected components, as well as their ability to mitigate the consequences of accidents previously evaluated, is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the design or configuration of the plant. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. The proposed change does not alter the types of inservice testing performed. In most cases, the frequency of inservice testing is unchanged. However, the frequency of testing would not result in a new or different kind of accident from any previously evaluated since the testing methods are not altered.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction a margin of safety?

Response: No.

The proposed change eliminates some requirements from the TS in lieu of requirements in the ASME Code, as modified by use of Code Case OMN–20. Compliance with the ASME Code is required by 10 CFR 50.55a. The proposed change also allows inservice tests with frequencies greater than 2 years to be extended by 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to respond to an accident as the components are required to be operable during the testing period extension. The proposed change will eliminate the existing TS SR 3.0.3 allowance to defer performance of missed inservice tests up to the duration of the specified frequency, and will instead require an assessment of the missed test on equipment operability. This assessment will consider the effect on a margin of safety (equipment operability). Should the component be inoperable, the TS provide actions to ensure that the margin of safety is protected. The proposed change also eliminates a statement that nothing in the ASME Code should be construed to supersede the requirements of any TS. The NRC has determined that statement to be incorrect. However, elimination of the statement will have no effect on plant operation or safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David J. Wrona.

South Carolina Electric & Gas Company and South Carolina Public Service Authority, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: August 12, 2016. A publicly-available version is in ADAMS under Accession No. ML16225A437.

Description of amendment request: The amendment request proposes changes to plant-specific Tier 2 information incorporated into the Updated Final Safety Analysis Report (UFSAR), and involves changes to combined license Appendix C (and corresponding plant-specific Tier 1 information). The proposed changes are to information identifying the frontal face area and screen surface area for the In-Containment Refueling Water Storage Tank (IRWST) screens, the location and dimensions of the protective plate located above the containment recirculation (CR) screens, and increasing the maximum Normal Residual Heat Removal System (RNS) flowrate through the IRWST and CR screens. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule is also requested for the plant-specific Design Control Document Tier 1 material departures.

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 location and dimensions of the protective plate continues to provide sufficient space surrounding the containment recirculation screens for debris to settle before reaching the screens as confirmed by an evaluation demonstrating that the protective plate continues to fulfill its design function of preventing debris from reaching the screens. In addition, the increase to the minimum IRWST screen size reinforces the ability of the screens to perform their design function with the increased RNS maximum flowrate proposed. The proposed changes do not adversely affect any accident initiating component, and thus the probabilities of the accidents previously evaluated are not affected. The affected equipment does not adversely affect the ability of equipment to contain radioactive material. Because the proposed change does not affect a release path or increase the expected dose rates, the potential radiological releases in the UFSAR accident analyses are unaffected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed activity to change the location and dimensions of the protective plate above the containment recirculation screens, to change the minimum IRWST screen size, and to increase the maximum RNS flowrate through the IRWST and CR screens does not alter the method in which safety functions are accomplished. The analyses demonstrate that the screens are able to perform accident, and no new failure modes are introduced by the proposed change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the design does not change any of the codes or standards to which the IRWST screens, containment recirculation screens, and containment recirculation screen protective plate are designed as documented in the UFSAR. The containment recirculation screen protective plate continues to prevent debris from reaching the CR screens, and the IRWST and CR screens maintain their ability to block debris while at the proposed increase in RNS maximum flowrate.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC, 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

South Carolina Electric & Gas Company and South Carolina Public Service Authority, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield, South Carolina

Date of amendment request: September 8, 2016. A publicly-available version is in ADAMS under Accession No. ML16252A200.

Description of amendment request: The amendment request proposes changes to the Fire Pump Head and Diesel Fuel Day Tank. Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 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).

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 increase in head pressure by the proposed change to the fire protection system (FPS) motor-driven and diesel-driven fire pumps maintains compliance with National Fire Protection Association (NFPA) Standard NFPA–14, S*tandard for the Installation of Standpipe, Private Hydrants, and Hose Systems,* 2000 Edition, requirements by providing adequate pressure in the standpipe and automatic sprinkler system to maintain the ability to fight and/or contain a postulated fire. The proposed change to the diesel-driven fire pump fuel day tank volume maintains the availability of the diesel-driven fire pump for service upon failure of the electric motor-driven fire pump or a loss of offsite power by providing a fuel day tank that is reserved exclusively for the diesel-driven pump and meets the minimum capacity requirements of NFPA 20, *Standard for the Installation of Stationary Pumps for Fire Protection,* 1999 Edition. These changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and component's (SSC's) accident initiator or initiating sequence of events.

These changes have no adverse impact on the support, design, or operation of mechanical and fluid systems. The response of systems to postulated accident conditions is not adversely affected by the proposed changes. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. Consequently, the plant response to previously evaluated accidents is not impacted, nor does the proposed change create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed changes to the fire pump performance specifications and fire pump fuel day tank volume do not affect any safety-related equipment, nor do they add any new interface to safety-related SSCs. No system or design function or equipment qualification is affected by this change. The changes do not introduce a new failure mode, malfunction, or sequence of events that could affect safety or safety-related equipment.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain compliance with the applicable Codes and Standards, thereby maintaining the margin of safety associated with these SSCs. The proposed changes do not alter any applicable design codes, code compliance, design function, or safety analysis. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change, thus the margin of safety is not reduced.

Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by these changes, 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: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius, LLC, 1111 Pennsylvania NW., Washington, DC 20004–2514.

NRC Branch Chief: Jennifer Dixon-Herrity.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: August 29, 2016. A publicly-available version is in ADAMS under Accession No. ML16243A463.

Description of amendment request: The amendment would remove the administrative controls associated with the Limiting Condition for Operation (LCO) of Technical Specification (TS) 3.5.4, ''Refueling Water Storage Tank.''

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, with NRC staff edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes an administrative note added by Amendment No. 192. The administrative control applied by Amendment No. 192 was issued to prevent or reduce the risk for drainage of the Reactor Water Storage Tank (RWST) when aligned to the non-safety, non-seismic purification system. The station has implemented a modification that qualifies the interconnection of the RWST to the purification system. The installed design prevents the RWST being drained below the current Technical Specifications minimum volume requirement due to a failure in the non-safety purification system. The RWST will continue to perform its safety function and the overall system performance has not been affected [by] this proposed amendment. Assumptions previously made in evaluating the consequences of the accident are not altered, and the consequences of the accident are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The Purification Loop supports the Spent Fuel System and is not credited for safe shutdown of the plant or accident mitigation. Therefore, the proposed change has insignificant impact on the probability and consequences of an accident previously evaluated. A combination of design and administrative controls ensure that the Purification Loop maintains RWST boron concentration and water volume requirements whenever the contents of the RWST are processed through the system. The RWST is operated under System Operating Procedure for the Spent Fuel Cooling System and is protected by maintaining the isolation valve for the lower return line locked closed in modes 1 through 4.

2. Does the proposed change create the possibility of a new or different kind of

accident from any accident previously evaluated?

Response: No.

The proposed change does not introduce a new or different accident previously evaluated. The station implemented a qualified design that prevents the RWST from being drained below the current TS 3.5.4.a minimum volume requirement. The proposed change does not alter the design requirements of the RWST or any Structure, System or Component or its function during accident conditions. The changes do not alter assumptions made in the safety analysis and the current TS LCO are maintained. The Purification Loop supports the Spent Fuel System and is not credited for safe shutdown of the plant or accident mitigation. The proposed change removes a note added by Amendment No. 192 that applied an administrative control to manage the risk of a postulated RWST drainage scenario by the purification system.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes a note added by Amendment No. 192. The proposed change does not alter the safety limits, limiting safety system settings or limiting conditions for operation of the RWST. The modification preserved the current licensing and design bases of the RWST, therefore the margin of safety for the RWST are not affected. The proposed changes do not adversely affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition. The Purification Loop supports the Spent Fuel System and is not credited for safe shutdown of the plant or accident mitigation.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn M. Sutton, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc. (SNC); Georgia Power Company; Oglethorpe Power Corporation; Municipal Electric Authority of Georgia; City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant (HNP), Unit No. 2, Appling County, Georgia

Date of amendment request: August 29, 2016. A publicly-available version is in ADAMS under Accession No. ML16245A257.

Description of amendment request: The amendment would revise the values for the reactor core Safety Limit 2.1.1.2 for Minimum Critical Power Ratios for both single and dual recirculation loop operation.

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, with NRC staff edits in brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The Safety Limit Minimum Critical Power Ratio (SLMCPR) ensures that 99.9% of the fuel rods in the core will not be susceptible to boiling transition during normal operation or the most limiting postulated design-basis transient event. The new SLMCPR values preserve the existing margin to the onset of transition boiling; therefore, the probability of fuel damage is not increased as a result of this proposed change. The determination of the revised HNP Unit 2 SLMCPRs has been performed using NRC-approved methods of evaluation. These plant-specific calculations are performed each operating cycle and may require changes for future cycles. The revised SLMCPR values do not change the method of operating the plant; therefore, they have no effect on the probability of an accident, initiating event, or transient:

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes result only from a specific analysis for the HNP Unit 2 core reload design. These changes do not involve any new or different methods for operating the facility. No new initiating events or transients result from these changes.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The new SLMCPRs have been calculated using NRC-approved methods of evaluation with plant and cycle-specific input values for the fuel and core design for the upcoming cycle of operation. The SLMCPR values ensure that 99.9% of the fuel rods in the core will not be susceptible to boiling transition during normal operation or the most limiting postulated design-basis transient event. The operating MCPR limit is set appropriately above the safety limit value to ensure adequate margin when the cycle-specific transients are evaluated. Accordingly, the margin of safety is maintained with the revised values.

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: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: July 29, 2016. A publicly-available version is in ADAMS under Accession No. ML16211A436.

Description of amendment request: The amendment request proposes to add to License Condition 2.D.(1) of the VEGP Units 3 and 4 combined licenses an Interim Amendment Request process for changes during construction when emergent conditions are present.

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 with NRC staff's 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 amendment would add an Interim Amendment Request process to Condition 2.0.(1) of the Vogtle 3 and 4 COLs [combined licenses] to allow construction to continue, at SNC's [Southern Nuclear Operating Company] own risk, in emergent conditions, where a non-conforming condition that has little or no safety significance is discovered and the work activity cannot be adjusted. The Interim Amendment Request process would require SNC to submit a Nuclear Construction Safety Assessment which (1) identifies the proposed change; (2) evaluates whether emergent conditions are present; (3) evaluates whether the change would result in any material decrease in safety; and (4) evaluates whether continued construction would make the non-conforming condition irreversible. Only if the continued construction would have no material decrease in safety would the NRC issue a determination that construction could continue pending SNC's initiation of the COL–ISG–025 PAR [preliminary amendment request]/LAR [license amendment request] process. The requirement to include a Nuclear Construction Safety Assessment ensures that the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. If the continued construction would result a material decrease in safety, then continued construction would not be authorized.

The proposed amendment does not modify the design, construction, or operation of any plant structures, systems, or components (SSCs), nor does it change any procedures or method of control for any SSCs. Because the proposed amendment does not change the design, construction, or operation of any SSCs, it does not adversely affect any design function as described in the Updated Final Safety Analysis Report.

The proposed amendment does not affect the probability of an accident previously evaluated. Similarly, because the proposed amendment does not alter the design or operation of the nuclear plant or any plant SSCs, the proposed amendment does not represent a change to the radiological effects of an accident, and therefore, does not involve an increase in the consequences of an accident previously evaluated.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would add an Interim Amendment Request process to Condition 2.0.(1) of the Vogtle 3 and 4 COLs to allow construction to continue, at SNC's own risk, in emergent conditions, where a non-conforming condition that has little or no safety significance is discovered and the work activity cannot be adjusted. The Interim Amendment Request process would require SNC to submit a Nuclear Construction Safety Assessment which (1) identifies the proposed change; (2) evaluates whether emergent conditions are present; (3) evaluates whether the change would result in any material decrease in safety; and (4) evaluates whether continued construction would make the non-conforming condition irreversible. Only if the continued construction would have no material decrease in safety would NRC issue a determination that construction could continue pending SNC's initiation of the COL–ISG–025 PAR/LAR process.

The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The proposed amendment only adds a new screening process and does not change the design, construction, or operation of the nuclear plant or any plant operations.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment would add an Interim Amendment Request process to Condition 2.0.(1) of the Vogtle 3 and 4 COLs to allow construction to continue, at SNC's own risk, in emergent conditions, where a non-conforming condition that has little or no safety significance is discovered and the work activity cannot be adjusted. The Interim Amendment Request process would require SNC to submit a Nuclear Construction Safety Assessment which (1) identifies the proposed change; (2) evaluates whether emergent conditions are present; (3) evaluates whether the change would result in any material decrease in safety; and (4) evaluates whether continued construction would make the non-conforming condition irreversible. Only if the continued construction would have no material decrease in safety would the NRC issue determination that construction could continue pending SNC's initiation of the COL–ISG–025 PAR/LAR process.

The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The proposed amendment does not alter any design function or safety analysis. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed amendment, thus the margin of safety is not reduced. The only impact of this activity is the addition of an Interim Amendment Request process.

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: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant Units 3 and 4, Burke County, Georgia

Date of amendment request: September 9, 2016. A publicly-available version is in ADAMS under Accession No. ML16253A412.

Description of amendment request: The amendment request proposes changes to update the Protection and Safety Monitoring System (PMS) design, specifically the description of the roles of the Qualified Data Processing System (QDPS) and the safety displays. The proposed changes add Main Control Room (MCR) safety-related display divisions A and D to plant-specific Tier 1 (and associated COL Appendix C) and the Updated Final Safety Analysis Report (UFSAR), and correct the name of the QDPS in the UFSAR by referring to the QDPS as a system, rather than a subsystem. Because, this proposed change requires a departure from Tier 1 information in Westinghouse Electric Company's AP1000 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).

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 change to the roles of the qualified data processing system (QDPS) and safety-related displays, as well as the change to add Division A and Division D of the main control room (MCR) safety-related displays to the listing of PMS equipment, as identified in Combined License (COL) Appendix C (and plant-specific Tier 1) Table 2.5.2–1 and Updated Final Safety Analysis Report (UFSAR) Table 3.11–1 and 3l.6–2 do not alter any accident initiating component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected.

The proposed changes do not adversely affect safety-related equipment or a radioactive material barrier, and this activity dos not involve the containment of radioactive material.

The radioactive material source terms and release paths used in the safety analysis are unchanged, thus the radiological releases in the UFSAR accident analysis are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the roles of the QDPS and safety-related displays, as well as the change to add Division A and Division D of the MCR safety-related displays to the listing of PMS equipment, as identified in COL Appendix C (and plant-specific Tier 1) Table 2.5.2–1 and UFSAR Table 3.11–1 and 3l.6–2 does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not alter the design or capability of any sensors which provide input to the QDPS. The functionality of the QDPS to process the input obtained from sensors into data to be sent to the safety displays is not affected by the proposed changes. The proposed changes do not affect any functions performed by the safety displays, nor do the proposed changes affect the capability of the safety displays to display the data received from the QDPS.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There is no safety-related structure, system or component (SSC) or function adversely affected by the proposed change to the roles of the QDPS and safety-related displays, nor by the change to add Division A and Division D of the MCR safety-related displays to the listing of Protection and Safety Monitoring System (PMS) equipment. The proposed changes do not alter the mechanisms by which system components are actuated or controlled. Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, 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: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant Units 3 and 4, Burke County, Georgia

Date of amendment request: September 9, 2016. A publicly-available version is in ADAMS under Accession No. ML16253A204.

Description of amendment request: The amendment request proposes changes to revise plant-specific Tier 1, plant-specific Tier 2, and combined license (COL) Appendix C information concerning the details of the Class 1E direct current and uninterruptible power supply system (IDS), specifically adding seven Class 1E fuse panels to the IDS design. These proposed changes provide electrical isolation between the non-Class 1E IDS battery monitors and their respective Class 1E battery banks. Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Electric Company's AP1000 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).

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 with NRC staff 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 changes to revise plant-specific Tier 1, COL Appendix C, and [Updated Final Safety Analysis Report (UFSAR)] information concerning details of the IDS, specifically the addition of seven Class 1E fuse isolation panels at the interconnection of the non-Class 1E IDS battery monitors and Class 1E IDS circuits, are necessary to conform to Regulatory Guide 1.75 Rev. 2 (consistent with UFSAR Appendix 1A exceptions) and IEEE 384–1981 to prevent a fault on non-Class 1E circuits or equipment from degrading the operation of Class 1E IDS circuits and equipment below an acceptable level. The proposed changes do not adversely affect the design functions of the IDS, including the Class 1E battery banks and the battery monitors.

These proposed changes to revise plant-specific Tier 1, COL Appendix C, and UFSAR information concerning details of the IDS, specifically the addition of seven Class 1E fuse isolation panels at the interconnection of the non-Class 1E IDS battery monitors and Class 1E IDS circuits as described in the current licensing basis do not have an adverse effect on any of the design functions of any plant systems. The proposed changes do not adversely affect any plant electrical system and do not affect the support, design, or operation of mechanical and fluid systems required to mitigate the consequences of an accident. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor do the proposed changes create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to revise plant-specific Tier 1, COL Appendix C, and UFSAR information concerning details of the IDS, specifically the addition of seven Class 1E fuse isolation panels at the interconnection of the non-Class 1E IDS battery monitors and Class 1E IDS circuits, are necessary to conform to Regulatory Guide 1.75 Rev. 2 (consistent with UFSAR Appendix 1A exceptions) and IEEE 384–1981 to prevent a fault on non-Class 1E circuits or equipment from degrading the operation of Class 1E IDS circuits and equipment below an acceptable level. The proposed changes do not adversely affect any plant electrical system and do not adversely affect the design function, support, design, or operation of mechanical and fluid systems. The proposed changes do not result in a new failure mechanism or introduce any new accident precursors. No design function described in the UFSAR is adversely affected by the proposed changes.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There is no safety-related [structure, system, and component (SSC)] or function adversely affected by the proposed change to add IDS fuse isolation panels to non-Class 1E IDS battery monitors and Class 1E IDS circuits. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes and no margin or 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: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Inc., Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: September 13, 2016. A publicly-available version is in ADAMS under Accession No. ML16257A711.

Description of amendment request: The amendment request proposes changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document Tier 2* information. The proposed departure consists of changes to Tier 2* information in the UFSAR to change the provided minimum reinforcement area in the column line 7.3 wall from elevation 82'–6'' to elevation 100'–0''.

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.

As indicated in the UFSAR Subsection 3H.5.1.2, the wall at column line 7.3 is a shear wall that connects the shield building and the nuclear island exterior wall at column line I. Deviations were identified in

the constructed wall from the design requirements. The wall was repaired in accordance with American Concrete Institute (ACI) 349–01. This change impacts UFSAR Table 3H.5–5. For the south face of the Vogtle Unit 3 column line 7.3 wall, the provided minimum steel for wall section 11 for the vertical reinforcement from the wall segment of elevation 82'–6'' to 100'–0'' is decreased from 3.12 in²/ft to 3.08 in²/ft. The change of the provided versus required vertical reinforcing steel does not change the performance of the affected portion of the auxiliary building for postulated loads. The criteria and requirements of ACI 349–01 provide a margin of safety to structural failure. The design of the auxiliary building structure conforms to criteria and requirements in ACI 349–01 and therefore maintains the margin of safety. This change does not involve any accident initiating components or events, thus leaving the probabilities of an accident unaltered. The reduced margin does not adversely affect any safety-related structures or equipment nor does the reduced margin reduce the effectiveness of a radioactive material barrier. Thus, the proposed change would not affect any safety-related accident mitigating function served by the containment internal structures.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The reduction of the provided versus required vertical reinforcing steel does not change the performance of the affected portion of the auxiliary building. As demonstrated by the continued conformance to the applicable codes and standards governing the design of the structures, the wall withstands the same effects as previously evaluated. There is no change to the design function of the wall, and no new failure mechanisms are identified as the same types of accidents are presented to the wall before and after the change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change of the provided versus required vertical reinforcing steel, identified in UFSAR Table 3H.5–5, is not a significant reduction in the margin of safety. For the south face of the Vogtle Unit 3 column line 7.3 wall, the provided minimum steel for wall section 11 for the vertical reinforcement from the wall segment of elevation 82'–6'' to 100'–0'' is decreased from 3.12 in²/ft to 3.08 in²/ft. The change of the provided versus required vertical reinforcing steel does not change the performance of the affected portion of the auxiliary building for postulated loads. The criteria and requirements of ACI 349–01 provide a margin of safety to structural failure. The design of the auxiliary building structure conforms to criteria and requirements in ACI 349–01 and therefore maintains the margin of safety. The reduction in margin does not alter any design function, design analysis, or safety analysis input or result, and sufficient margin exists to justify departure from the Tier 2 * requirements for the wall. As such, because the system continues to respond to design basis accidents in the same manner as before without any changes to the expected response of the structure, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes. Accordingly, no significant safety margin is reduced by the change.

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: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

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: August 12, 2016. A publicly-available version is in ADAMS under Accession No. ML16225A663.

Description of amendment request: The amendments would modify the Technical Specifications (TSs) for Units 1, 2, and 3 by revising TS 4.3.1.2, ''Fuel Storage Criticality,'' to preclude the placement of fuel in the new fuel storage vaults. This TS change would remove the existing TS 4.3.1.2 criticality criteria wording in its entirety, and replaces it with language that specifically restricts the placement of fuel in the new fuel storage vaults.

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 amendment does not change the fuel handling processes, the fuel handling equipment, or require alteration of the plant fuel storage systems. The amendment places a restriction on use of the new fuel storage vaults, requiring that new fuel be placed only in the spent fuel pool racks. Because no changes to fuel handling equipment, fuel storage systems, or fuel handling processes are involved, the proposed amendment does not increase the probability or consequences of a fuel handling accident.

Therefore, the proposed change does not increase the probability or consequences of a previously evaluated accident.

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 modification to the Technical Specifications does not require changes to the plant hardware or alter the operating characteristics of any plant system. As a result, no new failure modes are being introduced. Therefore, the change does not introduce a new or different kind of accident from those previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to TS 4.3.1.2 ensures that the criticality margins of safety for fuel storage are maintained, by excluding the new fuel storage vault as an approved fuel storage location. The change restricts the storage of new fuel to the spent fuel pool racks, which are fully analyzed from a criticality standpoint. The change does not physically alter the fuel storage systems, or modify fuel storage requirements in such a way as to degrade the margins of criticality safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Sherry A. Quirk, General Counsel, Tennessee Valley Authority, 400 West Summit Hill Dr., WT 6A, Knoxville, TN 37902.

NRC Acting Branch Chief: Jeanne A. Dion.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: May 10, 2016. A publicly-available version is in ADAMS under Accession No. ML16134A069.

Description of amendment request: The amendments would extend the Surry Power Station, Unit Nos. 1 and 2, Technical Specification 3.2, ''Chemical and Volume Control System,'' paragraph E requirements for primary grade water

(PG) lockout from being applicable in Refueling Shutdown and Cold Shutdown to being applicable in Refueling Shutdown, Cold Shutdown, Intermediate Shutdown, and Hot Shutdown (except during the approach to critical and within 1 hour following reactor shutdown from reactor critical or power operation).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change conservatively imposes additional operational controls on the highest capacity flow path of PG to the Reactor Coolant System (RCS). These controls are currently credited in the boron dilution analysis in Refueling Shutdown and Cold Shutdown modes. The proposed change extends these controls into Intermediate and Hot Shutdown modes. As such, the change will provide defense against rapid reactivity insertions due to boron dilution events and reduce the probability of boron dilution events. The proposed change will have no impact on normal operating plant releases and will not increase the predicted radiological consequences of accidents postulated in the UFSAR [Updated Final Safety Analysis Report]. The proposed change makes no physical modifications and does not change plant design.

Therefore, neither the probability of occurrence nor the consequences of any accident previously evaluated is significantly increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is an extension of existing operational controls on PG flow to the RCS to include additional operating modes. The change precludes high flow rate boron dilutions in Intermediate and Hot Shutdown modes similar to the current TS requirement in Refueling and Cold Shutdown modes. It does not affect the operation of the emergency boration function of the Chemical and Volume Control System (CVCS).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides defense against rapid reactivity insertions to potential boron dilution events in shutdown operating modes and reduces the probability of boron dilution events. As such, it increases the margin of safety for the boron dilution event.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

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: January 18, 2016, as supplemented by letter dated June 20, 2016.

Brief description of amendments: The amendments revised Technical Specification (TS) 5.5.2, ''Containment Leakage Rate Testing Program,'' to allow (1) an increase in the existing Type A Integrated Leakage Rate Testing Program test interval from 10 years to 15 years, in accordance with Nuclear Energy Institute (NEI) Topical Report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, appendix J,'' and the conditions and limitations specified in NEI 94–01, Revision 2–A; (2) adoption of an extension of the containment isolation valve leakage testing (Type C) frequency from the 60 months currently permitted by 10 CFR part 50, appendix J, Option B, to a 75-month frequency for Type C leakage rate testing of selected components, in accordance with NEI 94–01, Revision 3–A; (3) adoption of the use of American National Standards Institute/American Nuclear Society (ANSI/ANS)-56.8–2002, ''Containment System Leakage Testing Requirements''; and (4) adoption of a more conservative grace interval of 9 months for Type A, Type B, and Type C leakage tests, in accordance with NEI 94–01, Revision 3–A.

The amendments also made the following administrative changes: (1) Deletion of the information regarding the performance of containment visual inspections as required by Regulatory Position C.3, as the containment inspections are addressed in TS Surveillance Requirement 3.6.1.1, and (2) deletion of the information regarding the performance of the next Catawba Nuclear Station, Unit 1, Type A test no later than November 13, 2015, and the next Catawba Nuclear Station, Unit 2, Type A test no later than February 6, 2008, as both Type A tests have already occurred.

Date of issuance: September 12, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 286 (Unit 1) and 282 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML16229A113; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–35 and NPF–52: Amendments

revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* March 15, 2016 (81 FR 13839). The supplemental letter dated June 20, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 12, 2016.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: February 18, 2016, as supplemented by letter dated June 30, 2016.

Brief description of amendment: The amendments modified Technical Specification (TS) 5.5.2, ''Containment Leakage Rate Testing Program,'' for a one-time extension to the 10-year frequency of the integrated leakage rate test (ILRT) or Type A test. This revision extends the period from 10 years to 10.5 years between successive tests, changing the performance of the next ILRT from fall 2017 to spring 2019 for Unit 1 and from spring 2017 to fall 2018 for Unit 2.

Date of issuance: September 26, 2016.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 290 (Unit 1) and 269 (Unit 2). A publicly available version is in ADAMS under Accession No. ML16236A053; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* May 10, 2016 (81 FR 28894). The supplemental letter dated June 30, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 26, 2016.

No significant hazards consideration comments received: No.

Duke Energy Progress, Inc., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2 (BSEP), Brunswick County, North Carolina

Duke Energy Progress, Inc., Docket No. 50–261; H. B. Robinson Steam Electric Plant Unit No. 2 (RNP), Darlington County, South Carolina

Duke Energy Progress, Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, (HNP), Wake and Chatham Counties, North Carolina

Date of amendment request: February 1, 2016.

Description of amendment request: The amendments revised the licensee's name from Duke Energy Progress, Inc. to Duke Energy Progress, LLC.

Date of issuance: September 13, 2016.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 271 and 299 (BSEP); 152 (HNP); 246 (RNP). A publicly-available version is in ADAMS under Accession No. ML16217A118; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–71, DPR–62 (BSEP), NPF–63 (HNP), and NFP–23 (RNP): Amendments revised the Renewed Facility Operating Licenses.

*Date of initial notice in **Federal Register**:* April 12, 2016 (81 FR 21596).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 13, 2016.

No significant hazards consideration comments received: No.

Duke Energy Progress, Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant (HNP), Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: October 29, 2015, as supplemented by letters dated, February 16, 2016, August 8 and 26, 2016, and September 8 and 16, 2016.

Brief description of amendment: The amendment revised Technical Specifications to allow the 'A' Emergency Service Water (ESW) pump to be inoperable for 14 days to allow for the replacement of the 'A' Train ESW pump. The amendment is applicable on a one-time basis.

Date of issuance: September 16, 2016.

Effective date: As of the date of issuance and shall be implemented by October 29, 2016.

Amendment No.: 153. A publicly-available version is in ADAMS under Accession No. ML16253A059; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Renewed Facility Operating License No. NPF–63: Amendment revised the Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* January 5, 2016 (81 FR 260). The supplemental letters dated February 16, 2016, August 8 and 26, 2016, and September 8 and 16, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated September 16, 2016.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Date of application for amendment: March 18, 2016.

Brief description of amendment: The amendments revised the technical specifications (TSs) on a change to the method of calculating core reactivity for the purpose of performing the Reactivity Anomalies surveillance.

Date of issuance: September 15, 2016.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Unit 1–224 and Unit 2–158. A publicly-available version is in ADAMS under Accession No. ML16188A029; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License No. DPR–63 and NPF–69: The amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register**:* May 10, 2016 (81 FR 28897).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 15, 2016.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant (PNPP), Unit No. 1, Lake County, Ohio

Date of amendment request: October 29, 2015, as supplemented by letter dated April 22, 2016.

Brief description of amendment: The amendment revised the PNPP emergency action level (EAL) scheme to one based on the Nuclear Energy Institute (NEI) guidance in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.''

Date of issuance: September 14, 2016.

Effective date: As of the date of issuance and shall be implemented within 180 days of issuance.

Amendment No.: 173. A publicly-available version is in ADAMS under Accession No. ML16158A331; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–58: The amendment revised the Facility Operating License to authorize revision to the PNPP emergency plan.

*Date of initial notice in **Federal Register***: December 22, 2015 (80 FR 79620). The supplemental letter dated April 22, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 14, 2016.

No significant hazards consideration comments received: No.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 19, 2016, as supplemented by a letter dated May 6, 2016.

Brief description of amendments: The amendments revised the Operating Licenses' licensing basis to allow elimination of the end-of-cycle moderator temperature coefficient (MTC) surveillance test as supported by NRC-Approved Topical Report CE NPSD–91 1–A and Amendment 1–A, ''Analysis of Moderator Temperature Coefficients in Support of a Change in the Technical Specification End of Cycle Negative MTC Limit,'' and St. Lucie specific supporting information. The amendments also add NRC-approved Westinghouse PARAGON Topical Report WCAP–16045–P–A, Revision 0, ''Qualification of the Two-Dimensional Transport Code PARAGON,'' to the Technical Specification list of Core Operating Limits Report methodologies.

Date of issuance: September 19, 2016.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 235 and 185. A publicly-available version is in ADAMS under Accession No. ML16183A138; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register***: March 29, 2016 (81 FR 17506). The supplemental letter dated May 6, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in an SE dated September 19, 2016.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 28th day of September 2016.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–24321 Filed 10–7–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–327 and 50–328; NRC–2014–0045]

Tennessee Valley Authority, Sequoyah Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Tennessee Valley Authority (the licensee) to withdraw its application dated July 3, 2013, for a proposed amendment to DPR–77 and DPR–79. The proposed amendment would have revised Units 1 and 2 Technical Specification ¾.6.5, ''Ice Condenser.''

DATES: October 11, 2016.

ADDRESSES: Please refer to Docket ID NRC–2014–0045 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0045. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 that document is available in ADAMS) is provided the first time that a document is referenced.
- *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.

FOR FURTHER INFORMATION CONTACT: Andrew Hon, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–8480, email: *Andrew.Hon@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Tennessee Valley Authority (the licensee) to withdraw its July 3, 2013, application (ADAMS Accession No. ML13199A281) for proposed amendment to Facility Operating License Nos. DPR–77 and DPR–79 issued to the licensee for operation of the Sequoyah Nuclear Plant, Units 1 and 2, located in Hamilton County, Tennessee.

The licensee requested to revise Sequoyah Nuclear Plant, Units 1 and 2 Technical Specification ¾.6.5, ''Ice Condenser,'' to increase the total ice weight from 2,225,880 pounds to 2,540,808 pounds. This proposed amendment request was noticed in the **Federal Register** (79 FR 12246) dated

March 4, 2014, and supplemented by letters dated February 13, 2014 (ML14045A290) and April 10, 2015 (ML15117A566).

Dated at Rockville, Maryland, this 3rd day of October 2016.

For the Nuclear Regulatory Commission.

Jeanne A. Dion,

Acting Chief, Plant Licensing Branch II–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–24456 Filed 10–7–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0001]

Sunshine Act Meeting Notice

DATES: October 10, 17, 24, 31, November 7, 14, 2016.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 10, 2016

There are no meetings scheduled for the week of October 10, 2016.

Week of October 17, 2016—Tentative

Tuesday, October 18, 2016

9:30 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Spent Fuel Storage and Transportation Business Lines (Public Meeting) (Contact: Janelle Jessie: 301–415–6775)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, October 20, 2016

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting) (Contact: Donna Williams: 301–415–1322)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 24, 2016—Tentative

Thursday, October 27, 2016

10:00 a.m. Program Review of Part 37 of Title 10 of the *Code of Federal Regulations* (10 CFR part 37) for the Protection of Risk-Significant Quantities of Radioactive Material (Public Meeting) (Contact: George Smith: 301–415–7201)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 31, 2016—Tentative

Friday, November 4, 2016

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

Week of November 7, 2016—Tentative

There are no meetings scheduled for the week of November 7, 2016.

Week of November 14, 2016—Tentative

There are no meetings scheduled for the week of November 14, 2016.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: October 5, 2016.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2016–24563 Filed 10–6–16; 11:15 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974: Revised System of Records

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice of a revised system of records.

SUMMARY: The Office of Personnel Management (OPM) is revising a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The revisions will be effective without further notice forty (40) calendar days from the date of this publication, unless we receive comments that result in a contrary determination.

ADDRESSES: Send written comments to the Program Manager for the Freedom of Information and Privacy Act office, National Background Investigations Bureau, 1137 Branchton Road, PO Box 618, Boyers, Pennsylvania 16018.

FOR FURTHER INFORMATION CONTACT: Program Manager, Freedom of Information and Privacy Act office, *NBIBSORN@opm.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended, OPM, National Background Investigations Bureau is revising the Personnel Investigations Records (OPM/Central-9) system of records. The records in this system may be used to provide investigatory information for determinations concerning whether an individual is or continues to be suitable or fit for Government employment or military service; eligible for logical and physical access to federally controlled facilities and information systems; eligible to hold a sensitive position (including but not limited to eligibility for access to classified information); fit to perform work for or on behalf of the Government as an employee of a contractor; qualified for Government service; qualified to perform contractual services for the Government; and loyal to the United States. The system is also used to document such determinations.

OPM is revising OPM/Central-9, Personnel Investigations Records, by adding two categories of individuals, namely, individuals who are applicants or employees of the District of Columbia Public Schools, and individuals about whom OPM has provided an adjudication advisory opinion at the request of another Federal agency's adjudication or security office.

OPM is updating and adding categories of records to ensure consistency with the Federal Investigative Standards. Specifically, OPM is amending record category ''a'' to acknowledge that under the Federal Investigative Standards, OPM/Central-9 may include civil and criminal fingerprint histories, bureau of vital

statistics records, publicly-available electronic information, and prior security clearance and investigative information related to spouses and cohabitants. OPM is amending record category ''e'' to clarify that records include ''credentialing'' records, formerly referred to as ''HSPD–12'' records. OPM is adding record category ''f'' to acknowledge that records include electronic submissions in OPM's Electronic Questionnaires for Investigative Processing (e-QIP) system.

OPM is revising the language in the already existing purposes and adding new purposes for which the records are used. The revisions to existing purposes and new purposes are consistent with the purpose for which the records were originally collected, as described above. The revised language clarifies that background investigations include investigations related to military service; that the authority for OPM to use the data for personnel research is 5 U.S.C. 1103(a)(8); and that initiatives to make background investigations more effective and efficient may be undertaken either by OPM or by the Office of the Director of National Intelligence. The new purposes are for supporting legally-authorized homeland security, law enforcement, intelligence, and insider threat detection and prevention activities.

OPM is updating the system's authority citation; adding an explanation of procedures for agencies holding decentralized segments of OPM/Central-9; adding new routine uses and revising the language in the already existing routine uses; updating the safeguards for records in the system; defining new requirements for notification, access, and amendment procedures; revising the record source categories; revising language in the section on exempted records; and, adding language reserving the right to assert exemptions for records received from another agency that could be properly claimed by that agency in responding to a request and to refuse access to information compiled in reasonable anticipation of a civil action or proceeding. Additionally, OPM is noting two edits in the Security Classification and Amendment Procedures sections to correct verbiage that is misquoted online in the **Federal Register** SORN Compilations.

Specifically regarding the addition of new routine uses and revision of existing routine uses, OPM is making the following revisions:

- To eliminate unnecessary duplication, OPM combined four existing routine uses related to background investigations, adjudications, employment, and contracting (formerly routine uses a, b, c, and g) into three routine uses (a, e, and aa), while making clarifying changes to their text.
- OPM has incorporated, as routine uses l through q, the text of six routine uses from the OPM Prefatory Statement of Routine Uses for Internal and Central Systems of Records, which we previously incorporated only by reference. We revised one of these routine uses—related to disclosure of information for equal employment opportunity (EEO) activities—to eliminate obsolete text related to certain compliance matters, and to add text related to matters for which the records may be used (in processing Federal-sector EEO complaints).
- OPM has revised the language of an existing routine use (now routine use b) to permit release of records to any element of the U.S. intelligence community for use in intelligence activities for the purpose of protecting United States national security interests.
- OPM has added a new routine use x for release of records to insider threat, counterintelligence, and counterterrorism officials, consistent with E.O. 13587 of October 7, 2011.
- OPM has revised an existing routine use and added an additional routine use (now routine uses j and k) for release of records in connection with data breach detection, prevention, and remediation, based on new Office of Management and Budget guidance.
- OPM has added routine uses r and s for release of records to an agency Office of Inspector General for investigations of misconduct or fraud and the performance of audit authorities under the Inspector General Act of 1978.
- OPM has added routine use t for release of records related to unemployment claims.
- OPM has added routine use u for the release of records to appropriately-cleared individuals to determine whether information is or should be classified.
- OPM has added two routine uses (v and w) for release of records to the Director of National Intelligence consistent with section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004, and E.O. 13467 of June 30, 2008.
- OPM has added routine use y for the release of records to Federal, State, local, tribal, foreign, or other public authority in the event of a natural or manmade disaster.
- OPM has added routine use z for the release of records to Federal, State, and local government agencies, if necessary, to obtain information from them which will assist OPM in its responsibilities as an authorized Investigation Service Provider to evaluate and improve the effectiveness and efficiency of background investigation methodologies.
- OPM has eliminated, as obsolete, application to this system of records of one prefatory routine use (routine use 6) related to statistical studies.
- OPM has eliminated, as obsolete, former routine use i, for furnishing information to the Office of Management and Budget in connection with the coordination and clearance of private relief legislation.
- Former routine uses e, f, j, k, and l have been renumbered as routine uses c, d, g, h, and i.

OPM notes that individuals seeking records of investigations performed by other investigative agencies, which have their own systems of records, should contact those agencies instead of the Office of Personnel Management.

What is the authority for maintaining the OPM/Central-9, Personnel Investigations Records?

Depending on the purpose of the investigation, the Executive Orders (E.O.s) 9397, 10450, 10577, 10865, 12333, 12968, and 13467, as amended; E.O.s 13488 and 13549; 5 U.S.C. 1103, 1302, 1303, 1304, 3301, 7301, 9101, and 11001; 22 U.S.C. 272b, 290a, and 2519; 31 U.S.C. 1537; 42 U.S.C. 1874(b)(3), 2165, 2201, and 20132; 50 U.S.C. 3341; Public Law 108–136; 5 CFR parts 2, 5, 731, 732, 736, and 1400; and Homeland Security Presidential Directive 12 (HSPD 12).

What is the probable or potential individual privacy effect on amending and updating the OPM/Central 9, Personnel Investigations Records?

The probable or potential effect on individual privacy is limited. Additional routine uses of the information have been added which are still consistent with the purpose for which we collect the information. Records in OPM/Central-9 continue to be restricted to individuals who have undergone the appropriate background investigation and have a need to know in order to perform their official duties or to recipients as is consistent with the conditions of disclosures under the Privacy Act to include the routine uses published in the System of Records Notice.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

Office of Personnel Management

OPM/CENTRAL–9

SYSTEM NAME:

Personnel Investigations Records

SECURITY CLASSIFICATION:

None for the system. However, records within the system may have national security/foreign policy classifications up through Top Secret.

SYSTEM LOCATION(S):

a. National Background Investigations Bureau (NBIB), P.O. Box 618, 1137 Branchton Road, Boyers, PA 16018–0618.

b. Records may be maintained in various NBIB field offices, including the Personnel Investigations Center, 601 10th Street, Fort Meade, MD, for limited periods of time. These records would include investigative and administrative records, including files and duplicate records or records which extract information from the main files. This is necessary to assist field offices in their day to day operations. Investigative activities conducted by field offices are reported to NBIB headquarters at one or more stages of the background investigation process. Upon completion of activities to include fieldwork, quality review, and/or adjudicative action, documents are returned to NBIB headquarters or destroyed in accordance with the published retention schedule.

c. *Decentralized segments:* When OPM discloses a record maintained as part of the Central-9 system of records, the disclosed record shall be considered a ''decentralized copy''. A recipient agency that maintains a decentralized copy of a Central-9 record maintains what is referred to as a ''decentralized segment'' of the Central-9 system of records. Decentralized segments may be maintained as part of a recipient agency's system of records, however, they remain subject to the policies and practice described below. Recipient agencies shall only maintain a decentralized copy of a record for an authorized purpose and for as long as the subject of the decentralized copy remains of interest to the recipient agency. These copies may be located in the personnel security office or other designated offices responsible for making suitability, fitness, security clearance, access, HSPD 12 credentialing decisions, decisions about eligibility for assignment to or retention in sensitive national security positions or acceptance or retention in the armed forces, or hiring determinations on an individual. The use, custody, retention, and release of decentralized segments is described in greater detail as follows:

- *Use and custody:* Reports of investigation were removed from OPM's Governmentwide systems of records and placed in OPM's Central systems of records in 1979 because they are physically maintained by OPM in a central repository, consist of records of both OPM and other agencies' employees, and are not maintained by other agencies under OPM direction. 44 FR 30836 (May 29, 1979). An agency's ''internal security records'' may include ''the informational copy of the Commission's (OPM's) report of investigation (provided to agencies on a temporary basis) . . . along with agency-created security data'' so long as the subject of the report remains of interest to the agency for an authorized purpose. 44 FR at 30836–37; *see* this Notice's *Purpose* statement. Internal agency review of the record, for the purpose it was given to the recipient agency or another purpose described in this notice, is permissible. However, the decentralized copy remains a part of the OPM/Central-9 system of records even while the copy is in the recipient agency's custody; under 5 CFR 297.104(b), all records in Central systems of records are established and maintained by OPM (in contrast, Governmentwide systems are maintained both by OPM *and* by the agencies with custody over them under 5 CFR 297.104(c)).
- *Retention:* Decentralized copies should be retained consistent with the guidance defined in applicable NARA General Records Schedules. Under NARA General Records Schedule 18, Part 22 (b), investigative reports and related documents furnished to an agency by OPM should be destroyed in accordance with OPM's instructions. OPM instructs that the records may be maintained only so long as the subject of the report remains of interest to the agency for a purpose defined in this Notice. Upon separation or when the subject is no longer of interest to the agency, the agency must dispose of any/all background investigation records.
- *Privacy Act requests for reports of investigation:* Under 5 CFR 297.105(c), only OPM responds to initial Privacy Act requests for records in an OPM Central system of records. If an agency receives, from the subject of a report, a request for access or amendment, the agency should contact the OPM NBIB Freedom of Information and Privacy Act (FOI/PA) office and refer that request to OPM accordingly. OPM NBIB's FOI/PA office will make an access or amendment determination under the Privacy Act.
- *FOIA, Routine Use Releases, and Releases based upon a Privacy Act Condition of Disclosure:* Section 9(c) of Executive Order 10450 states that copies of reports of investigation held by agencies ''remain the property of'' OPM and restricts agencies from redisclosing reports without OPM permission. In addition, the reports may include other government agency data that was disclosed to OPM with redisclosure limitations. For these reasons an agency that seeks to internally redisclose an OPM report of investigation for a purpose not described in this Notice, or to externally redisclose an OPM report of investigation for any purpose, should first contact the OPM NBIB Freedom of Information and Privacy Act (FOI/PA) office. OPM NBIB's FOI/PA office will make a release determination by applying the routine uses described in this Notice or other uses prescribed in 5 U.S.C. 552a(b); or, in the case of a FOIA referral, by applying the FOIA. Alternatively if the record will be used in a legal proceeding that has commenced, the agency should contact OPM's Office of General Counsel under 5 CFR part 295. Because the disclosure is made from OPM/Central–9, even if made by the agency under OPM's direction, OPM will record all required disclosure accountings for routine use releases. It is therefore unnecessary for the agency to make a separate decision of whether to disclose the report from its internal systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Civilian and military applicants and Federal employees or employees of government contractors, experts, instructors, and consultants to Federal programs who undergo a personnel background investigation for the purpose of determining suitability for government employment, fitness for appointment to an excepted service position, fitness to perform work under a Government contract, eligibility to serve in a national security sensitive position, acceptance or retention in the armed forces, eligibility for access to classified information, and/or eligibility for logical or physical access to a federally controlled facility or information technology system.

b. Individuals who are current or former employees or applicants for employment with International Organizations.

c. Individuals considered for assignment as representatives of the Federal Government in volunteer programs.

d. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative assignment or under a similar agreement.

e. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in matters related to the administration of the merit system.

f. State, Local, Tribal and Private Sector partners identified by Federal sponsors for eligibility to access classified information in support of homeland defense initiatives.

g. Individuals who are applicants or employees of the District of Columbia Public Schools.

h. Individuals about whom OPM has provided an adjudication advisory opinion at the request of another Federal agency's adjudication or security office.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Records containing the following information about the individual investigated may be maintained: Name, former names, and aliases; date and place of birth; Social Security Number; height; weight; hair and eye color; gender; mother's maiden name; current and former home addresses, phone numbers, and email addresses; employment history; military record information; selective service registration record; residential history; education and degrees earned; names of associates and references with their contact information; citizenship; passport information; criminal history record information; criminal or civil fingerprint history information; civil court actions; bureau of vital statistics records; publicly available electronic information; prior and current security clearance and investigative information, including information from the U.S. Intelligence Community; mental health history; records related to drug and/or alcohol use; financial record information; information from the Internal Revenue Service pertaining to income tax returns; credit reports; the name, date and place of birth, Social Security Number, citizenship information, criminal history, and prior security clearance and investigative information for spouse or cohabitant; the name and marriage information for current and former spouse(s); the citizenship, name, date and place of birth, and address for relatives; information on foreign contacts and activities; association records; information on loyalty to the United States; and other agency reports furnished to OPM in connection with the background investigation process, and other information developed from above.

b. Summaries of personal and third party interviews conducted during the course of the background investigation.

c. Correspondence relating to adjudication matters and results of suitability decisions in cases adjudicated by the OPM in accordance with 5 CFR part 731.

d. Records of personnel background investigations conducted by other Federal agencies.

e. Records of adjudicative and credentialing decisions by other Federal agencies, including clearance determinations and/or indicators that polygraph(s) were administered.

f. Records of electronic investigative forms completed by the subject and/or submitted to other Federal Agencies that utilize the Electronic Questionnaires for Investigations Processing (e-QIP) system.

Note: This system does not include agency records of a personnel investigative nature that do not come to OPM

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Depending on the purpose of the investigation, Executive Orders (E.O.s) 9397, 10450, 10577, 10865, 12333, 12968, and 13467, as amended; E.O.s 13488 and 13549; 5 U.S.C. 1103, 1302, 1303, 1304, 3301, 7301, 9101, and 11001; 22 U.S.C. 272b, 290a, 2519; 31 U.S.C. 1537; 42 U.S.C. 1874(b)(3), 2165, 2201, and 20132; 50 U.S.C. 3341; Public Law 108–136; 5 CFR parts 2, 5, 731, 732, 736, and 1400; and Homeland Security Presidential Directive 12 (HSPD 12).

PURPOSE(S):

The records in this system may be used to provide investigatory information for determinations concerning whether an individual is or continues to be suitable or fit for Government employment or military service; eligible for logical and physical access to federally controlled facilities and information systems; eligible to hold a sensitive position (including but not limited to eligibility for access to classified information); fit to perform work for or on behalf of the Government as an employee of a contractor; qualified for Government service; qualified to perform contractual services for the Government; and loyal to the United States. The system is also used to document such determinations.

To otherwise comply with mandates and Executive Orders.

The records may be used to locate individuals for personnel research conducted under 5 U.S.C. 1103(a)(8).

The records may be used by OPM and the Office of the Director of National Intelligence to streamline and make more effective and efficient the investigations and adjudications processes generally.

The records may be used in support of legally authorized U.S. homeland security, law enforcement, intelligence and/or insider threat program functions to identify whether an individual poses a terrorism, foreign intelligence, and/or insider threat to the United States.

The records may be used in support of Executive Order 13549 and related implementing directives supporting homeland security matters.

The records may be used to assist in legally authorized intelligence activities, including threat analyses and damage assessments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside OPM as a routine use pursuant to 5 U.S.C. 552a(b)(3). OPM provides a report of investigation to an agency only for a specified purpose, as described in this Notice. Internal agency review of the record, for the purpose it was given to the recipient agency or another purpose described in this Notice, is permissible. Any other disclosure requires OPM's consent as described in the *System Location* section of this Notice. The routine uses listed below are specific to this system of records only:

a. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government or the Government of the District of Columbia having a need to investigate, evaluate, or make a determination regarding loyalty to the United States; qualifications, suitability, or fitness for Government employment or military service; eligibility for logical or physical access to federally-controlled facilities or information systems; eligibility for access to classified information or to hold a sensitive position; qualifications or fitness to perform work for or on behalf of the Government under contract, grant, or other agreement; or access to restricted areas.

b. To an element of the U.S. Intelligence Community as identified in E.O. 12333, as amended, for use in intelligence activities for the purpose of

protecting United States national security interests.

c. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

d. To the appropriate Federal, state, local, tribal, foreign, or other public authority responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where OPM becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

e. To an agency, office, or other establishment in the executive, legislative, or judicial branches of the Federal Government in response to its request, in connection with its current employee's, contractor employee's, or military member's retention; loyalty; qualifications, suitability, or fitness for employment; eligibility for logical or physical access to federally-controlled facilities or information systems; eligibility for access to classified information or to hold a sensitive position; qualifications or fitness to perform work for or on behalf of the Government under contract, grant, or other agreement; or access to restricted areas.

f. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. However, the investigative file, or parts thereof, will only be released to a congressional office if OPM receives a notarized authorization or signed statement under 28 U.S.C. 1746 from the subject of the investigation.

g. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government.

h. For agencies that use adjudicative support services of another agency, at the request of the original agency, the results will be furnished to the agency providing the adjudicative support.

i. To provide criminal history record information to the FBI, to help ensure the accuracy and completeness of FBI and OPM records.

j. To appropriate agencies, entities, and persons when (1) OPM suspects or has confirmed that there has been a breach of the system of records; (2) OPM has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the agency (including its information systems, programs and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

k. To another Federal agency or Federal entity, when OPM determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

l. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

m. To disclose information to the National Archives and Records Administration for use in records management inspections.

n. To disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which OPM is authorized to appear, when:

(1) OPM, or any component thereof; or

(2) Any employee of OPM in his or her official capacity; or

(3) Any employee of OPM in his or her individual capacity where the Department of Justice or OPM has agreed to represent the employee; or

(4) The United States, when OPM determines that litigation is likely to affect OPM or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or OPM is deemed by OPM to be relevant and necessary to the litigation, provided, however, that the disclosure is compatible with the purpose for which records were collected.

o. For the Merit Systems Protection Board—To disclose information to officials of the Merit Systems Protection Board or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, *e.g.,* as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

p. To disclose information to an agency Equal Employment Opportunity (EEO) office or to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, or in the processing of a Federal-sector EEO complaint.

q. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

r. To another Federal agency's Office of Inspector General when OPM becomes aware of an indication of misconduct or fraud during the applicant's submission of the standard forms.

s. To another Federal agency's Office of Inspector General in connection with its inspection or audit activity of the investigative or adjudicative processes and procedures of its agency as authorized by the Inspector General Act of 1978, as amended, exclusive of requests for civil or criminal law enforcement activities.

t. To a Federal agency or state unemployment compensation office upon its request in order to adjudicate a claim for unemployment compensation benefits when the claim for benefits is made as the result of a qualifications, suitability, fitness, security, identity credential, or access determination.

u. To appropriately cleared individuals in Federal agencies, to determine whether information obtained in the course of processing the background investigation is or should be classified.

v. To the Office of the Director of National Intelligence for inclusion in its Scattered Castles system in order to facilitate reciprocity of background investigations and security clearances within the intelligence community or assist agencies in obtaining information required by the Federal Investigative Standards.

w. To the Director of National Intelligence, or assignee, such information as may be requested and relevant to implement the responsibilities of the Security Executive Agent for personnel security,

and pertinent personnel security research and oversight, consistent with law or executive order.

x. To Executive Branch Agency insider threat, counterintelligence, and counterterrorism officials to fulfill their responsibilities under applicable Federal law and policy, including but not limited to E.O. 12333, 13587 and the National Insider Threat Policy and Minimum Standards.

y. To the appropriate Federal, State, local, tribal, foreign, or other public authority in the event of a natural or manmade disaster. The record will be used to provide leads to assist in locating missing subjects or assist in determining the health and safety of the subject. The record will also be used to assist in identifying victims and locating any surviving next of kin.

z. To Federal, State, and local government agencies, if necessary, to obtain information from them which will assist OPM in its responsibilities as the authorized Investigation Service Provider in conducting studies and analyses in support of evaluating and improving the effectiveness and efficiency of the background investigation methodologies.

aa. To an agency, office, or other establishment in the executive, legislative, or judicial branches of the Federal Government in response to its request, in connection with the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper format in file folders, on microfilm, as digital images, on computer tapes, and in electronic databases such as the Personnel Investigations Processing System, the Central Verification System, and the e-QIP system.

RETRIEVABILITY:

Records are retrieved by the name, Social Security Number, unique case serial number and/or other unique identifier of the individual on whom they are maintained.

SAFEGUARDS:

Paper files are stored in a locked filing cabinet or a secure facility with an intrusion alarm system. Microfilm is secured in a facility with an intrusion system. Electronic records are maintained on secure servers in a limited access room with a keyless cipher lock and/or smart card reader. All employees who have a need to access the information are required to have the appropriate investigation consistent with the risk and sensitivity designation of that position, and the investigation must be favorably adjudicated or an interim access be granted before they are allowed access to the records.

The U.S. Postal Service and other postal providers are used to transmit hard copy records sent to and from field offices. Information that is transmitted electronically from field offices is encrypted.

RETENTION AND DISPOSAL:

Investigative files and the computerized data bases which show the scheduling or completion of an investigation are retained for 16 years from the date of closing or the date of the most recent investigative activity, whichever is later, except for investigations involving potentially actionable issue(s), which will be maintained for 25 years from the date of closing or the date of the most recent investigative activity.

The digital capture of a fingerprint card set is forwarded to the Federal Bureau of Investigation, and the card is destroyed when it is verified that the digital copy was accurately captured and transferred.

Hard copy records are destroyed by shredding and recycling, and computerized records are destroyed by electronic erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Background Investigations Bureau, U.S. Office of Personnel Management, P.O. Box 618, 1137 Branchton Road, Boyers, PA 16018.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(c)(3), (d), and (e)(1), regarding providing an accounting of disclosures to the data subject, access to and amendment of records, and maintaining in its records only such information that is relevant and necessary. The section of this notice titled Systems Exempted from Certain Provisions of the Act indicates the kinds of material exempted and the reasons for exempting them from access.

Individuals wishing to learn whether this system contains information about them or wishing to request access to their record should contact: FOI/PA, Office of Personnel Management, National Background Investigations Bureau, P.O. Box 618, 1137 Branchton Road, Boyers, PA 16018–0618, in writing. Written requests must contain the following information:

a. Full name.

b. Date and place of birth.

c. Full Social Security Number.

d. Any available information regarding the type of record involved.

e. The address to which the record information should be sent.

f. Two forms of acceptable identity source documents.

g. An original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: *I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).*

An attorney or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on the individual's behalf. The written authorization must also include an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: *I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).*

Individuals requesting access must also comply with OPM's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297).

A detailed list of acceptable identity source documents can be found on the OPM Web site at *https://www.opm.gov/investigations/freedom-of-information-and-privacy-act-requests/.*

AMENDMENT PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(c)(3), (d), and (e)(1), regarding providing an accounting of disclosures to the data subject, access to and amendment of records, and maintaining in its records only such information that is relevant and necessary. The section of this notice titled Systems Exempted from Certain Provisions of the Act indicates the kinds of material exempted and the reasons for exempting them from amendment.

Individuals wishing to request amendment to their non-exempt records should contact the Federal Investigations Processing Center in writing. Requests should be directed only to the OPM National Background Investigations Bureau, whether the record sought is in the primary system or in an agency's decentralized segment.

Individuals must furnish the following information for their records to be located and identified:

a. Full name.

b. Date and place of birth.

c. Full Social Security Number.

d. The precise identification of the records to be amended.

e. The identification of the specific material to be deleted, added, or changed.

f. A statement of the reasons for the request, including all available material substantiating the request.

g. The address to which correspondence should be sent.

h. Two forms of acceptable identity source documents.

i. An original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: *I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).*

An attorney or other person acting on behalf of an individual must provide written authorization from that individual for the representative to act on the individual's behalf. The written authorization must also include an original notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format: *I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).*

Individuals requesting amendment must also comply with OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

A detailed list of acceptable identity source documents can be found on the OPM Web site at *https://www.opm.gov/investigations/freedom-of-information-and-privacy-act-requests/*.

Note: Where an agency retains the decentralized copy of the investigative report provided by OPM, requests for access to or amendment of such reports will be forwarded to the OPM National Background Investigations Bureau for processing.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from:

a. Electronic and paper applications, personnel and security forms or other information completed or supplied by the individual, and the results of personal contacts with the individual.

b. Investigative and other record material furnished by Federal agencies, including notices of personnel actions.

c. By personal investigation, written inquiry, or computer linkage from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other sources, including publically available information such as newspapers, magazines, periodicals, and public posts on social media.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

OPM has claimed that all information in these records that meets the criteria stated in 5 U.S.C. 552a(k) (1), (2), (3), (4), (5), (6), or (7) is exempt from the requirements of the Privacy Act that relate to providing an accounting of disclosures to the data subject, access to and amendment of records, and maintaining in its records only such information that is relevant and necessary. (5 U.S.C. 552a(c)(3), (d), and (e)(1)).

This system may contain the following types of exempt information:

1. Properly classified information subject to the provisions of section 552(b)(1), which references matters that are ''(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.'' 5 U.S.C. 552a(k)(1).

2. ''[I]nvestigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of [5 U.S.C. 552a]: Provided, however, [t]hat if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence[.]'' 5 U.S.C. 552a(k)(2).

3. Information ''maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18 [of the U.S. Code].'' 5 U.S.C. 552a(k)(3).

4. Material that is ''required by statute to be maintained and used solely as a statistical record.'' 5 U.S.C. 552a(k)(4).

5. ''[I]nvestigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information . . . .'' 5 U.S.C. 552a(k)(5). Materials may be exempted only to the extent that release of the material to the individual whom the information is about ''would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to [September 27, 1975, furnished information to the Government] under an implied promise that the identity of the source would be held in confidence.'' Id.

6. Testing and examination materials, compiled during the course of a personnel investigation, that are ''used solely to determine individual qualifications for appointment or promotion in the Federal service,'' when disclosure of the material ''would compromise the objectivity or fairness of the testing or examination process.'' 5 U.S.C. 552a(k)(6).

7. Evaluation materials, compiled during the course of a personnel investigation, that are used to determine potential for promotion in the armed services can be exempted to the extent that the disclosure of the data ''would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to [September 27, 1975,] under an implied promise that the identity of the source would be held in confidence.'' 5 U.S.C. 552a(k)(7).

These exemptions are codified by regulation in 5 CFR 297.501(b)(5). In addition, under 5 CFR 297.501(c), OPM reserves the right to assert exemptions for records received from another agency that could be properly claimed by that agency in responding to a request; and to refuse access to information compiled in reasonable anticipation of a civil action or proceeding. Under this regulation OPM may assert exemption (j)(1) on behalf of an agency authorized to assert it.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79041; File No. SR–BatsEDGX–2016–53]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 22.3, Continuing Options Market Maker Registration, of Bats EDGX Exchange, Inc.

October 4, 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 September 28, 2016, Bats EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been 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 is proposing to make a modification to Exchange Rule 22.3, Continuing Options Market Maker Registration, to remove the provision of the rule that requires termination of a Member's Options Market Maker registration in an option series if the Options Market Maker fails to enter quotations in the series within five business days after the Options Market Maker's registration in the series becomes effective.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 22.3 to remove subparagraph (c), which currently requires the Exchange to terminate a firm's Options Market Maker registration if it does not enter quotations in an option series in which it is registered within five business days after the Options Market Maker's registration in the series becomes effective. Currently, the Exchange surveils whether a newly registered Options Market Maker enters quotations in the series within five business days of registration. If an Options Market Maker does not, the Exchange is required by Exchange Rule 22.3(c) to automatically deregister the Options Market Maker in that series. The Exchange views Exchange Rule 22.3(c) as largely duplicative of other Exchange Rules and excessively rigid in view of other Exchange Rules that allow the Exchange discretion and flexibility in determining an appropriate remedy.

Exchange Rule 22.5(a)(6) provides that Options Market Makers are expected to ''maintain active markets'' in all series in which they are registered. Both Rule 22.3(c) and Rule 22.5(a)(6) impose an obligation upon registered Options Market Maker to maintain active markets. The main difference is that Exchange Rule 22.3(c) applies only to the first five days that an Options Market Maker is registered, whereas Exchange Rule 22.5(a)(6) applies during the first five days and continues for as long as the Options Market Maker is registered in a series. The Exchange believes that there is no benefit to imposing stricter quoting obligations on a newly registered Options Market Maker than those imposed on existing registered Options Market Makers. Instead, in the Exchange's view, the requirement to maintain active markets should be the same from when an Options Market Maker first registers as any time after registration.

The Exchange notes that it will continue to be permitted to deregister a registered Options Market Maker under Exchange Rule 22.2(b) if it is found that the Options Market Maker has failed in its obligation to maintain active markets under Exchange Rule 22.5(a)(6) or fails its obligation to provide continuous two-sided quotes under Rule 22.6(d).[3] Removing Exchange Rule 22.3(c) would simply remove the non-discretionary requirement that the Exchange must deregister an Options Market Maker's registration in a series if it does not enter quotations in the series within five business days of registration.

The Exchange currently conducts surveillance to monitor and enforce compliance with the ''active markets'' provision of Exchange Rule 22.5(a)(6) for all Options Market Makers. A registered Options Market Maker is subject to the Exchange Rule 22.5(a)(6) surveillance for the entire time the Options Market Maker is registered, including the first five days covered by Exchange Rule 22.3(c). If a registered Options Market Maker is found by surveillance not to be maintaining active markets in the option series in which it is registered, the Exchange will determine the appropriate course of action against such Options Market Maker. The Exchange may take actions of escalating severity against the offending Options Market Maker from an informal warning up to deregistering the Options Market Maker in the options in which it fails to maintain active markets or bringing formal action.[4] The Exchange has found that this discretion has allowed for effective enforcement of Options Market Maker obligations while allowing the Exchange to consider the facts and circumstances of each case in determining the appropriate remedy.

On the other hand, current Exchange Rule 22.3(c) is non-discretionary and its enforcement can lead to potentially arbitrary results, as it does not permit the Exchange to consider the facts and circumstances of each case in enforcing the rule. While as a general matter an Options Market Maker should enter quotations in a series in which it is registered as soon as practicable, experience has shown that many factors can affect when a newly registered Options Market Maker will be in a position to begin entering quotations. Further, as discussed above [sic], Exchange Rule 22.6(d) contemplates certain acceptable periods of inactivity. Just as the Exchange is provided discretion to enforce all Options Market Maker obligations under Exchange Rule 22.2(b), the Exchange believes that it should be afforded the same discretion to evaluate the facts and circumstances of each case in which an Options

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 22.2(b) (''The registration of any Member as a Market Maker may be suspended or terminated by the Exchange upon a determination that such Member has failed to properly perform as a Market Maker.'').

[4] *See* Exchange Rules 22.2(b) and 22.5(c).

Market Maker is not active in a series within the first five days of registration and determine the appropriate remedy.

Finally, other national options exchanges do not require automatic deregistration of a registered Options Market Maker from an options series when the Options Market Maker fails to submit a quote within the first five days of registration. Other exchanges allow considerably more discretion in determining the appropriate remedy for a registered Options Market Maker that fails its quoting obligations. For example, neither the Chicago Board Options Exchange (''CBOE''), nor the Miami International Securities Exchange (''MIAX''), nor NYSE Arca, Inc. Options (''NYSE Arca''), has a requirement to automatically deregister an options market maker if it fails in its quoting or other obligations within five days of registration. Instead, each of the above exchanges appears to rely on a rule substantively identical to Exchange Rule 22.2(b) that gives the respective exchange discretion as to the appropriate remedy for Options Market Makers that do not meet their obligations.[5]

The Exchange, therefore, proposes to amend Exchange Rule 22.3 to remove subparagraph (c) and to enforce its Options Market Maker ''active market'' obligations with the remedies permitted in Exchange Rule 22.2(b) and Exchange Rule 22.5(c).

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6]

In particular, the proposal is consistent with Section 6(b)(1)[7] in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The proposal allows the Exchange the discretion so that it may appropriately and equitably enforce compliance by its members with the rules of the Exchange—in particular, the Exchange's Options Market Maker obligations.

Additionally, the proposal is consistent with Section 6(b)(5) of the Act[8] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed amendment to remove Exchange Rule 22.3(c) will permit the Exchange to consider all facts and circumstances in instances where it appears that a registered Options Market Maker does not meet its obligations and to exercise discretion in applying the appropriate remedy for such failure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change does not introduce any burden on competition, but rather, removes the automatic deregistration requirement of Exchange Rule 22.3(c) to allow the Exchange to apply the obligation to maintain active markets to all registered Options Market Makers equally.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, 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) of the Act[9] and paragraph (f)(6) of Rule 19b–4 thereunder,[10] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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–BatsEDGX–2016–53 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–BatsEDGX–2016–53. 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

[5] *See* CBOE Rule 8.2(b) (''The registration of a Market-Maker may be suspended or terminated by the Exchange upon a determination that the Market-Maker has failed to properly perform as a Market-Maker.''); MIAX Rule 600(c) (''The registration of any Member as a Lead Market Maker, Primary Lead Market Maker, or as a Registered Market Maker may be suspended or terminated by the Exchange upon a determination that such Member has failed to properly perform as a Market Maker''); NYSE Arca Options Rule 6.33 (''The registration of any person as a Market Maker may be suspended or terminated by the Exchange upon a determination of any substantial or continued failure by such Market Maker to engage in dealings in accordance with [Market Maker Obligations].'').

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(1).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BatsEDGX–2016–53, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24426 Filed 10–7–16; 8:45 am]

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79046; File No. SR–DTC–2016–008]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Processing of Transactions in Money Market Instruments

October 5, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4,[2] notice is hereby given that on September 23, 2016, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by DTC.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would establish a change in the processing of transactions in money market instruments (''MMI'') that are processed in DTC's MMI Program (''MMI Securities'') by modifying (i) the DTC Rules, By-laws and Organization Certificate (''Rules''),[4] (ii) the DTC Settlement Service Guide (''Settlement Guide''),[5] and (iii) the DTC Distributions Service Guide (''Distributions Guide''),[6] as described below.[7] The proposed rule change would affect DTC's processing of issuances of MMI Securities (''Issuances'') by issuers of MMI Securities (''Issuers'') as well as Maturity Presentments, Income Presentments, Principal Presentments, and Reorganization Presentments (collectively, ''Presentments'') (Issuances and Presentments, collectively ''MMI Obligations''). The proposed rule change would amend the Rules and Settlement Guide to (i) eliminate intra-day reversals of processed but not yet settled MMI Obligations resulting from an Issuing and Paying Agent (''IPA'') notifying DTC of its refusal to pay (''RTP'') for Presentments of an Issuer's maturing MMI Securities for a designated Acronym;[8] (ii) eliminate the Largest Provisional Net Credit (''LPNC'') risk management control; (iii) provide that the IPA must acknowledge its funding obligations for Presentments and that Receivers of Issuances must approve their receipt of those Issuances in DTC's Receiver Authorized Delivery (''RAD'') system before DTC would process MMI Presentments; (iv) implement an enhanced process to test risk management controls under certain conditions with respect to an Acronym (to be referred to as MMI Optimization, as defined below); (v) make updates and revisions to the Settlement Processing Schedule in the Settlement Guide (''Processing Schedule''), as described below, (vi) eliminate the ''receive versus payment NA'' control (''RVPNA''), as described below, and (vii) make other technical and clarifying changes to the text, as more fully described below. In addition, the proposed rule change would amend the Distributions Guide to make changes to text relating to the processing of Income Presentments so that it is consistent with the changes proposed in the Settlement Guide in that regard, as more fully described below.[9]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to (i) mitigate risk to DTC and Participants relating to intra-day reversals of processed MMI Obligations in the event of an IPA's RTP with respect to maturing obligations (''Maturing Obligations'')[10] for an Acronym and/or income payments[11]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On September 23, 2016, DTC filed this proposed rule change as an advance notice (SR–DTC–2016–802) with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010, 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) of the Act, 17 CFR 240.19b–4(n)(1)(i). A copy of the advance notice is *available at http://www.dtcc.com/legal/sec-rule-filings.aspx.*

[4] *Available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

[5] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[6] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Distributions%20Service%20Guide%20FINAL%20November%202014.pdf.*

[7] Eligibility for inclusion in the MMI Program covers MMI, which are short-term debt Securities that generally mature 1 to 270 days from their original issuance date. MMI include, but are not limited to, commercial paper, banker's acceptances and short-term bank notes and are issued by financial institutions, large corporations, or state and local governments. Most MMI trade in large denominations (typically, $250,000 to $50 million) and are purchased by institutional investors. Eligibility for inclusion in the MMI Program also covers medium term notes that mature over a longer term.

[8] Rule 1, *supra* note 4. MMI of an Issuer are designated by DTC using unique four-character identifiers employed by DTC referred to as Acronyms. An MMI Issuer can have multiple Acronyms representing its Securities. MMI Transactions and other functions relating to MMI (*e.g.,* confirmations and RTP) instructed and/or performed by IPAs, Participants and/or DTC as described herein are performed on an ''Acronym-by-Acronym'' basis.

[9] Capitalized terms not otherwise defined herein have the respective meanings set forth in the Rules, the Settlement Guide, and the Distributions Guide.

[10] A Maturing Obligation is a payment owed in settlement by the IPA to the Participant on whose behalf DTC presents the matured MMI Securities.

[11] Principal and income for an Acronym are distributed by an IPA according to a cycle determined by the terms of the issue (*e.g.,* monthly, quarterly, and semi-annually). Such distributions

relating to Presentments for an Acronym, and (ii) reduce blockage for the completion of MMI Obligations by eliminating the LPNC control, as more fully described below.

Background

When an Issuer issues MMI Securities at DTC, the IPA for that Issuer sends issuance instructions to DTC electronically, which results in crediting the applicable MMI Securities to the DTC Account of the IPA. These MMI Securities are then Delivered to the Accounts of applicable Participants that are purchasing the Issuance in accordance with their purchase amounts. These purchasing Participants typically include broker/dealers or banks, acting as custodians for institutional investors. The IPA Delivery instructions may be free of payment or, most often, Delivery Versus Payment. Deliveries of MMI are processed pursuant to the same Rules and the applicable Procedures [12] set forth in the Settlement Guide, as are Deliveries generally, whether free or versus payment. Delivery Versus Payment transactions are subject to risk management controls of the IPA and Receiving Participants for Net Debit Cap and Collateral Monitor sufficiency,[13] and payment for Delivery Versus Payment transactions is due from the receiving Participants through DTC's net settlement process. To the extent, if any, that the Participant has a Net Debit Balance in its Settlement Account at end-of-day, payment of that amount is due to DTC.

When MMI Securities mature, the Maturity Presentment process is initiated automatically by DTC on maturity date, starting at approximately 6:00 a.m. Eastern Time (''ET''), for Delivery of matured MMI Securities from the applicable DTC Participants' Accounts to the applicable IPA Accounts. This automated process electronically sweeps all maturing positions of MMI Securities from Participant Accounts and debits the Settlement Account of the applicable IPA for the amount of the Maturing Obligations for Presentments for the Acronym and credits the Settlement Accounts of the Deliverers. In accordance with the Rules, payment is due from the IPA for settlement to the extent, if any, that the IPA has a Net Debit Balance in its Settlement Account at end-of-day.

With regard to DTC net settlement, MMI Issuers and IPAs commonly consider the primary source of payments for Maturing Obligations of MMI Securities to be funded by the proceeds of Issuances of the same Acronym by that Issuer on the same Business Day. Because Presentments are currently processed automatically at DTC, IPAs have the option to refuse to pay for Maturing Obligations to protect against the possibility that an IPA may not be able to fund settlement because it has not received funds from the relevant Issuer. An IPA that refuses payment for a Presentment (*i.e.,* refuses to make payment for the Delivery of matured MMI Securities for which it is the designated IPA and/or pay interest or dividend income on an MMI Security for which it is the designated IPA) must notify DTC of its RTP in the DTC Settlement User Interface. An IPA may enter an RTP until 3:00 p.m. ET on the date of the affected Presentment.

Under the current Rules, the effect of an RTP is to instruct DTC to reverse all processed Deliveries of that Acronym, including Issuances, related funds credits and debits, and Presentments. This late day reversal of processed (but not yet settled) transactions may override DTC's risk management controls (*i.e.,* Collateral Monitor and Net Debit Cap) and force a presenting Participant into a Net Debit Balance; this situation poses systemic risk with respect to the Participant's ability to fund its settlement and, hence, DTC's ability to complete end-of-day net funds settlement. Also, the possibility of intra-day reversals of processed MMI Obligations creates uncertainty for Participants.

Currently, to mitigate the risks associated with an RTP, DTC Rules and the Settlement Guide provide for the LPNC risk management control. DTC withholds credit intra-day from each Participant that has a Presentment in the amount of the aggregate of the two largest credits with respect to an Acronym. The LPNC is not included in the calculation of the Participant's Collateral Monitor or its Net Debit Balance. This provides protection in the event that MMI Obligations are reversed by DTC as a result of an RTP.[14]

DTC's Rules and Procedures relating to settlement processing for the MMI Program [15] were designed to limit credit, liquidity, and operational risk for DTC and Participants. In connection with ongoing efforts by DTC to evaluate the risk associated with the processing of MMI Obligations, DTC has determined that the risks presented by intra-day reversals of processed MMI Obligations should be eliminated to prevent the possibility that a reversal could override risk controls and heighten liquidity and settlement risk. Eliminating intra-day reversals of processed MMI Obligations would also enhance intra-day finality and allow for the elimination of the LPNC which creates intra-day blockage and affects liquidity through the withholding of settlement credits.

Proposal

The proposed rule change would amend the Rules and the Settlement Guide to eliminate provisions for intra-day reversals of processed MMI Obligations based on an IPA's RTP or Issuer insolvency. In addition, the proposed rule change would amend the Distributions Guide to make changes to text relating to the processing of Income Presentments so that it is consistent with the changes proposed in the Settlement Guide in that regard, as more fully described below.

Pursuant to the proposed rule change, DTC would no longer automatically process Presentments (and Issuances and related deliveries). Rather, except as noted below, DTC would only process these transactions after an acknowledgment (''MMI Funding Acknowledgment'') is made by the IPA to DTC whereby either: (i) The value of

may be for interest only, principal only, or interest and principal.

[12] Pursuant to the Rules, the term ''Procedures'' means the Procedures, service guides, and regulations of the Corporation adopted pursuant to Rule 27, as amended from time to time. *See* Rule 1, Section 1, *supra* note 4, at 15. The Procedures applicable to MMI settlement processing are set forth in the Settlement Guide. *Supra* note 5.

[13] Delivery Versus Payment transfers at DTC are structured so that the completion of Delivery of Securities to a Participant in end-of-day settlement is contingent on the receiving Participant satisfying its end-of-day net settlement obligation, if any. The risk of Participant failure to settle is managed through risk management controls, structured so that DTC may complete settlement despite the failure to settle of the Participant, or Affiliated Family of Participants, with the largest net settlement obligation. The two principal controls are the Net Debit Cap and Collateral Monitor. The largest net settlement obligation of a Participant or Affiliated Family of Participants cannot exceed DTC liquidity resources, based on the Net Debit Cap, and must be fully collateralized, based on the Collateral Monitor. This structure is designed so that DTC may pledge or liquidate Collateral of the defaulting Participant in order to fund settlement among non-defaulting Participants. Liquidity resources, including the Participants Fund and a committed line of credit with a consortium of lenders, are available to complete settlement among non-defaulting Participants.

[14] *See* Securities Exchange Act Release No. 71888 (April 7, 2014), 79 FR 20285 (April 11, 2014) (SR–DTC–2014–02) (clarifying the LPNC Procedures in the Settlement Guide) and Securities Exchange Act Release No. 68983 (February 25, 2013), 78 FR 13924 (March 1, 2013) (SR–DTC–2012–10) (updating the Rules related to LPNC).

[15] The Procedures applicable to MMI settlement processing are set forth in the Settlement Guide. *Supra* note 5.

receiver-approved [16] Issuances alone,[17] or a combination of receiver-approved Issuances plus an amount the IPA(s) has acknowledged has been funded by the Issuer, exceeds the Acronym's Presentments; or (ii) the IPA acknowledges it has been funded for the entire amount of the gross value of an Acronym, regardless of Issuances.[18]

DTC anticipates that the proposed rule change would generally maintain the volume of transactions processed today in terms of the total number and value of transactions that have passed position and risk controls throughout the processing day. However, because of the requirement for the IPA to provide an MMI Funding Acknowledgement prior to processing of an Acronym, the reason why transactions do not complete during the processing day would shift. It is expected that the value and volume of MMI transactions recycling for risk management controls during the late morning and afternoon time periods would be reduced as a result of MMI transactions being held outside of the processing system awaiting an MMI Funding Acknowledgement decision. The non-MMI transactions and fully funded MMI transactions would also likely have a reduction in blockage from risk management controls as a result of the elimination of the LPNC control. The elimination of the LPNC control would no longer withhold billions of dollars of settlement credits until 3:05 p.m. ET as it does today, which would in turn permit these transactions to complete earlier in the day.

An IPA would make an MMI Funding Acknowledgment using a new Decision Making Application (''DMA''). When an MMI Funding Acknowledgement has occurred, it would constitute the IPA's instruction to DTC to attempt to process transactions in the Acronym. At this point, if the IPA has acknowledged that it would fully fund the Acronym, then the transactions would be sent to the processing system and attempted against position and risk management controls. If the IPA provides an MMI Funding Acknowledgement for only partial funding of the entire amount of Presentments for an Acronym, DTC would test risk management controls of Deliverers and Receivers with respect to that Acronym to determine whether risk management controls would be satisfied by all Deliverers and Receivers of the Acronym and determine whether all parties maintain adequate position to complete the applicable transactions, *i.e.,* ''MMI Optimization''. In the case that the aggregate amount of RAD approved Issuances of an Acronym exceeds the aggregate amount of Presentments, and thus an affirmative acknowledgment by the IPA would not be required, risk management controls for all Deliverers and Receivers would be tested using MMI Optimization as well.

As indicated above, if partial funding from the IPA is necessary, then transactions would be routed to MMI Optimization. Generally, in MMI Optimization, all Deliverers and Receivers of the Acronym must satisfy risk management controls and delivering Participants must hold sufficient position, in order for the transactions in that Acronym to be processed. However, as long as the Issuances that can satisfy Deliverer and Receiver risk controls for that Acronym are equal to or greater than the Maturing Presentments of that Acronym, the applicable transactions (*i.e.,* those that pass risk controls) would be processed. If there are multiple IPAs for an Acronym, DTC would determine funding based on the satisfaction of conditions for all Receivers and Deliverers with respect to all Presentments, Issuances and applicable DOs in the Acronym and MMI Funding Acknowledgements for all IPAs with Issuances and Presentments in the Acronym. No instruction of an IPA to DTC to process the subject MMI transactions shall be effective until MMI Optimization is satisfied with respect to all transactions in the Acronym.

If there is no MMI Funding Acknowledgment for the IPA for an Acronym for which Maturing Obligations are due by 3:00 p.m. ET on that day and/or DTC is aware that the Issuer of an Acronym is insolvent (''Acronym Payment Failure''), then DTC would not process transactions in the Acronym.[19]

In the event of an Acronym Payment Failure, DTC would (i) prevent further issuance and maturity activity for the Acronym in DTC's system, (ii) prevent Deliveries of MMI Securities of the Acronym on failure date and halt all activity in that Acronym, (iii) set the Collateral Value of the MMI Securities in the Acronym to zero for purposes of calculating the Collateral Monitor of any affected Participant, and (iv) notify Participants of the Acronym Payment Failure. Notification would be made through a DTC broadcast through the current process.

Notwithstanding the occurrence of an Acronym Payment Failure, the IPA would remain liable for funding pursuant to any MMI Funding Acknowledgment previously provided for that Business Day.

A ''Temporary Acronym Payment Failure'' with respect to Income Presentments would occur when an IPA notifies DTC that it temporarily refuses to pay Income Presentments for the Acronym (typically due to an Issuer's inability to fund Income Presentments on that day). A Temporary Acronym Payment Failure would only be initiated if there are no Maturity Presentments, Principal Presentments and/or Reorganization Presentments on that Business Day. DTC expects the Issuer and/or IPA to resolve such a situation by the next Business Day. In the event of a Temporary Acronym Payment Failure, DTC would (i) temporarily devalue to zero all of the Issuer's MMI Securities for purposes of calculating the Collateral Monitor, unless and until the IPA acknowledges funding with respect to the Income Payments on the following Business Day, (ii) notify Participants of the delayed payment through a DTC broadcast as is the current process today, and (iii) block from DTC's systems all further Issuances and maturities by that Issuer for the remainder of the Business Day on which notification of the Temporary Payment Failure was received by DTC.

An IPA would not be able to avail itself of a Temporary Acronym Payment Failure for the same Acronym on consecutive Business Days.

Also, in light of the proposed elimination of intra-day reversals of processed MMI Obligations, DTC would also eliminate the RVPNA control. The RVPNA control is provided for in the

[16] DTC subjects certain transactions to receiver approval in its RAD system.

[17] An affirmative MMI Funding Acknowledgement by the IPA would not be required in the case that the aggregate amount of RAD approved Issuances of an Acronym exceeds the aggregate amount of Presentments since these Issuances would provide the funding of the maturing obligations versus an Issuer having to fund the IPA. The proposed rule change would provide that in this instance, the IPA is deemed to provide a standing instruction to process transactions in the Acronym, subject to risk management controls. Any such instruction or deemed instruction by the IPA would be irrevocable once given.

[18] In the case where an affirmative MMI Funding Acknowledgment by the IPA would be required for Presentments to be processed, the MMI Funding Acknowledgement would be a notification provided by an IPA to DTC with respect to an Acronym that the IPA acknowledges and affirms its funding obligation for a maturing Acronym either (i) in the entire amount of the Acronym or (ii) for an amount at least equal to the difference between the value of Issuances and the value of the Presentments. In the case of (ii) above, the IPA may (later that day) increase the funding amount it acknowledges, but in no event may the IPA reduce the amount of its obligation previously acknowledged that day.

[19] DTC would automatically consider an Acronym Payment Failure occurring due to an IPA's failure to provide timely MMI Funding Acknowledgement (*i.e.,* provide the acknowledgment by 3:00 p.m. ET) as an RTP.

Settlement Guide and implements current Section 1(c) of Rule 9(B). RVPNA is used to prevent a Participant from Delivering free of value or undervalued any MMI Securities received versus payment on the same Business Day.[20] This protects DTC against being unable to reverse transactions for Deliveries Versus Payment of MMI Securities in the event of an RTP by the IPA.[21] The elimination of reversals of processed MMI Obligations would eliminate the need for the RVPNA control.

Proposed Rule Changes to the Rules, Settlement Guide, and Distributions Guide

DTC would amend the text of Rule 1 (Definitions), Rule 9(A) (Transactions in Securities and Money Payments), Rule 9(B) (Transactions in Eligible Securities), Rule 9(C) (Transactions in MMI Securities), the Settlement Guide and the Distributions Guide to reflect the proposed changes described above. Specifically:

(i) Rule 1 would be amended to:

a. Delete the definition of LPNC; and

b. Add a cross-reference to indicate that the terms MMI Funding Acknowledgment and MMI Optimization would be defined in Section 1 of Rule 9(C).

(ii) Rule 9(A) would be amended to add text providing that an instruction to DTC from a Participant for Delivery Versus Payment of MMI Securities pursuant to Rule 9(C) shall not be effective unless and until applicable conditions specified in Rule 9(C) as set forth below have been satisfied.

(iii) Rule 9(B) would be amended to:

a. Eliminate text referencing the LPNC;

b. Eliminate the provision precluding DTC from acting on an instruction for Delivery of MMI Securities subject of an Incomplete Transaction if the instruction involves a Free Delivery, Pledge or Release of Securities or a Delivery, Pledge or Release of Securities substantially undervalued; and

c. Add text providing that an instruction to DTC from a Participant for Delivery Versus Payment of MMI Securities pursuant to Rule 9(C) shall not be effective unless and until the applicable conditions specified in Rule 9(C) described below have been satisfied.

(iv) Rule 9(C) would be amended to:

a. Add the definitions of MMI Funding Acknowledgment and MMI Optimization to reflect the meaning of these terms as described above;

b. Add text that Delivery Versus Payment of MMI Securities would be affected in accordance with Rules 9(A), 9(B) and the Settlement Guide in addition to Rule 9(C);

c. Add text indicating that instructions by a Presenting Participant for a Presentment or Delivery of MMI Securities would be deemed to be given only when any applicable MMI Funding Acknowledgment has been received by DTC;

d. Remove conditions and references relating to reversals of processed MMI Obligations;

e. Set forth conditions for the processing of Presentments, including:

i. The requirement for the IPA to provide an MMI Funding Acknowledgment, except in the case where the aggregate amount of Issuances exceeds Presentments;

ii. Satisfaction of risk management controls and RAD;

iii. That an instruction to DTC with respect to an Issuance or Presentment shall become effective upon satisfaction of the provisions described in i. and ii. immediately above;

iv. That DTC shall comply with an effective instruction;

v. That the IPA acknowledges and agrees that DTC would process instructions with respect to Issuances and Presentments as described above and that the IPA's obligations in this regard are irrevocable; and

vi. That if the IPA notifies DTC in writing of its insolvency, or if DTC otherwise has notice, or if the IPA issues a Payment Refusal for the Acronym, then the IPA would not be required to acknowledge its obligations and DTC would not be required to process any further instructions with respect to the applicable Acronym;

f. Eliminate references to MMI Securities being devalued in the event of an RTP because in the event of any payment failure by the IPA, DTC would then revert to the Acronym Payment Failure Process described below; and

g. Delete a reference indicating that DTC's Failure to Settle Procedure includes special provisions for MMI Securities.

(v) The Settlement Guide would be amended to:

a. Delete the description of, and all references and provisions related to, LPNC;

b. Delete: (A) The definition of RVPNA, (B) a provision that transactions for MMI Securities that are deemed RVPNA would recycle pending release of the LPNC control at 3:05 p.m. ET, and (C) a note that MMI Securities received versus payment are not allowed to be freely moved until the LPNC control is released;

c. Add a description of ''Unknown Rate'' to provide for a placeholder in the Settlement Guide for references to an interest rate where payment of interest by an IPA to Receivers is scheduled but the interest rate to be paid is not known at the time;

d. Change the heading of the section currently named ''Establishing Your Net Debit Cap'' to ''Limitation of Participant Net Debit Caps by Settling Banks'' to reflect the context of that section more specifically;

e. Revise the Settlement Processing Schedule to:

i. Add a cutoff time of 2:30 p.m. ET for an IPA to replace the Unknown Rate with a final interest rate and state that the IPA must successfully transmit the final rate to DTC before 2:30 p.m. ET;

ii. Add a cutoff time of 2:55 p.m. ET after which Issuances and Presentments cannot be processed on the given Business Day because the conditions described above for processing of MMI Obligations have not been met;

iii. Remove a reference for a cutoff relating to reversals of MMI Obligations since reversals would no longer occur as described above;

iv. Define 3 p.m. ET as the cutoff time for any required MMI Funding Acknowledgements to be received in order for DTC to be able to process for a given Acronym that day;

v. Add at cutoff time of 3 p.m. ET for an IPA to notify DTC of a Temporary Acronym Payment Failure;

vi. Delete a reference to the release of LPNC controls as LPNC would no longer exist; and

vii. Clarify that a 3:10 p.m. ET cutoff after which CNS transactions that cannot be completed would be dropped from the system, also applies to valued transactions in non-MMI Securities and fully paid for and secondary MMI Deliveries or Maturity Presentments;

f. Add a section describing MMI Processing to include a description of MMI Funding Acknowledgments and the MMI Optimization process as described above;

g. Revise the section referencing provisions for ''Issuer Failure Processing'' to instead describe Acronym Payment Failure Processing and Temporary Acronym Payment Failure Process, as these processes are described above, since the contingencies

[20] For purposes of RVPNA, MMI Securities are considered undervalued if they are Delivered Versus Payment for less than 10 percent below market value.

[21] For example, if A Delivers MMI Securities to B versus payment and B Delivers the same MMI Securities to C free of payment (subject to risk management controls), under Rule 9(B), Section 1, the Delivery to C is final when the securities are credited to C. DTC would therefore be unable to reverse the Delivery to C and thus it cannot reverse the Delivery from B to A.

for processing a payment failure hinge on the failure of payment on an Acronym by an IPA regardless of whether it is ultimately caused by an Issuer insolvency or otherwise;

h. Remove a duplicate reference to the DTC contact number for Participants/IPAs to call in the event of an Acronym Payment Failure;

i. Remove the description of the ''MMI IPA MP Pend'' process which was designed to allow IPAs to minimize the impact of potential reversals of processed MMI Obligations; as such reversals would no longer occur; and

j. Change the name of the section named ''Calculating Your Net Debit Cap'' to ''Calculation of Participant Net Debit Caps''.

(vi) The Distributions Guide would be amended to (i) delete language reflecting that Income Presentments are processed at the start-of-day, and (ii) add a brief description of the processing of Presentments as proposed above and provide a cross-reference to the Settlement Guide relating to MMI settlement processing.

(vii) The proposed rule change would also make technical and clarifying changes to the texts of the Rules and Settlement Guide for consistency throughout the texts in describing the concepts and terms set forth above, make corrections to grammar and spacing and edit text to provide for enhanced readability.

Implementation

The proposed rule change would be implemented in phases whereby Acronyms would be migrated to be processed in accordance with the proposed rule change over a period of five months beginning in November 2016 and with all Acronyms expected to be implemented by the end of March 2017, except for the implementation of the elimination of the Rule and Settlement Guide provisions relating to RVPNA which elimination would not occur until all other aspects of the proposed rule change are implemented with respect to all Acronyms. DTC would announce phased implementation dates for proposed rule change via Important Notice upon all applicable regulatory approval by Commission.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act [22] requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule change is consistent with this provision of the Act because (i) the elimination of intra-day reversals of processed MMI Obligations would promote the intra-day finality of those MMI Obligations, (ii) the deletion of the LPNC control would make available settlement credits to reduce blockage from Net Debit Caps, (iii) implementation of the MMI Optimization process would provide increased efficiency in testing risk controls in order to facilitate timely processing of transactions under the proposal, (iv) elimination of the RVPNA control would allow intraday processing of Free Deliveries of MMI Securities received for value, (v) the proposed updates and revisions to the Processing Schedule would accommodate the processing changes required to implement the proposal to promote intra-day finality, and (vi) the proposed technical changes to texts of the Rules and Settlement Guide, as described above, would simplify and clarify terms and concepts in the Rules and Settlement Guide text for Participants with respect to MMI transaction processing at DTC. Therefore, as applicable, by (i) promoting intra-day finality of MMI transactions, (ii) reducing potential blockages in transaction processing, (iii) facilitating more efficient application of risk management controls to allow processing of pending transactions, (iv) allowing intraday processing of Free Deliveries of MMI Securities received for value, (v) updating the Processing Schedule in order to accommodate the proposed changes that would promote intra-day finality, and (vi) clarifying and updating terms and concepts in the Rules and the Settlement Guide related to processing of MMI transactions, the proposal would promote the prompt and accurate clearance and settlement of MMI Securities processed through DTC consistent with the Act, in particular Section 17A(b)(3)(F) cited above.

Rule 17Ad–22(d)(12) promulgated under the Act [23] requires (i) that each registered clearing agency shall establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, ensure that final settlement occurs no later than the end of the settlement day, and (ii) that intraday or real-time finality be provided where necessary to reduce risks. DTC believes that the proposed rule change is consistent with Rule 17Ad–22(d)(12) because the elimination of intraday reversals of MMI transactions would promote settlement finality of processed MMI Obligations and prevent the possibility that a reversal could override risk controls and heighten liquidity and settlement risk.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any adverse impact, or impose any burden, on competition. Moreover, because the proposed rule change improves the efficiency of intraday processing and settlement finality at DTC, for MMI transactions and others, the proposed rule change may have a positive effect on competition among DTC Participants, including IPAs.

Although the proposed rule change imposes a new requirement on IPAs, to provide an MMI Funding Acknowledgment under the proposed rule, any burden on the IPAs in making these determinations and taking these actions is justified by the elimination of late day reversals, improving settlement finality for all Participants engaged in MMI transactions. Moreover, the change was requested by the IPA community and DTC believes, based upon discussion with its IPA Participants, that there is no differential effect among IPA Participants due to his additional requirement, thus imposing no burden on competition.

The elimination of the LPNC further improves efficiency of intraday processing at DTC for all transactions, including MMI transactions, by eliminating liquidity blockages due to the withholding of credits under the LPNC control; this improved efficiency should also foster competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not solicited and does not intend to solicit comments regarding the proposed rule change. DTC has not received any unsolicited written comments from interested parties. To the extent DTC receives written comments on the proposed rule change, DTC will forward such comments to the Commission. DTC has conducted industry outreach with respect to the proposal including discussion with industry associations and IPAs.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] 17 CFR 240.1717Ad–22(d)(12)

reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[24]

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–DTC–2016–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2016–008. 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 DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2016–008 and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Brent J. Fields,

Secretary.

[FR Doc. 2016–24499 Filed 10–7–16; 8:45 am]

BILLING CODE 8011–01–P

[24] *See supra* note 3 (regarding filing of related advance notice).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79039; File No. SR–BatsBZX–2016–62]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 22.3, Continuing Options Market Maker Registration

October 4, 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 September 28, 2016, Bats BZX Exchange, Inc. (''BZX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been 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 filed a proposal to make a modification to Exchange Rule 22.3, Continuing Options Market Maker Registration, to remove the provision of the rule that requires termination of a Member's Options Market Maker registration in an option series if the Options Market Maker fails to enter quotations in the series within five business days after the Options Market Maker's registration in the series becomes effective.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 22.3 to remove subparagraph (c), which currently requires the Exchange to terminate a firm's Options Market Maker registration if it does not enter quotations in an option series in which it is registered within five business days after the Options Market Maker's registration in the series becomes effective. Currently, the Exchange surveils whether a newly registered Options Market Maker enters quotations in the series within five business days of registration. If an Options Market Maker does not, the Exchange is required by Exchange Rule 22.3(c) to automatically deregister the Options Market Maker in that series. The Exchange views Exchange Rule 22.3(c) as largely duplicative of other Exchange Rules and excessively rigid in view of other Exchange Rules that allow the Exchange discretion and flexibility in determining an appropriate remedy.

Exchange Rule 22.5(a)(6) provides that Options Market Makers are expected to ''maintain active markets'' in all series in which they are registered. Both Rule 22.3(c) and Rule 22.5(a)(6) impose an obligation upon registered Options Market Maker to maintain active markets. The main difference is that Exchange Rule 22.3(c) applies only to the first five days that an Options Market Maker is registered, whereas Exchange Rule 22.5(a)(6) applies during the first five days and continues for as long as the Options Market Maker is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

registered in a series. The Exchange believes that there is no benefit to imposing stricter quoting obligations on a newly registered Options Market Maker than those imposed on existing registered Options Market Makers. Instead, in the Exchange's view, the requirement to maintain active markets should be the same from when an Options Market Maker first registers as any time after registration.

The Exchange notes that it will continue to be permitted to deregister a registered Options Market Maker under Exchange Rule 22.2(b) if it is found that the Options Market Maker has failed in its obligation to maintain active markets under Exchange Rule 22.5(a)(6) or fails its obligation to provide continuous two-sided quotes under Rule 22.6(d).[3] Removing Exchange Rule 22.3(c) would simply remove the non-discretionary requirement that the Exchange must deregister an Options Market Maker's registration in a series if it does not enter quotations in the series within five business days of registration.

The Exchange currently conducts surveillance to monitor and enforce compliance with the ''active markets'' provision of Exchange Rule 22.5(a)(6) for all Options Market Makers. A registered Options Market Maker is subject to the Exchange Rule 22.5(a)(6) surveillance for the entire time the Options Market Maker is registered, including the first five days covered by Exchange Rule 22.3(c). If a registered Options Market Maker is found by surveillance not to be maintaining active markets in the option series in which it is registered, the Exchange will determine the appropriate course of action against such Options Market Maker. The Exchange may take actions of escalating severity against the offending Options Market Maker from an informal warning up to deregistering the Options Market Maker in the options in which it fails to maintain active markets or bringing formal action.[4] The Exchange has found that this discretion has allowed for effective enforcement of Options Market Maker obligations while allowing the Exchange to consider the facts and circumstances of each case in determining the appropriate remedy.

On the other hand, current Exchange Rule 22.3(c) is non-discretionary and its enforcement can lead to potentially arbitrary results, as it does not permit the Exchange to consider the facts and circumstances of each case in enforcing the rule. While as a general matter an Options Market Maker should enter quotations in a series in which it is registered as soon as practicable, experience has shown that many factors can affect when a newly registered Options Market Maker will be in a position to begin entering quotations. Further, as discussed above [sic], Exchange Rule 22.6(d) contemplates certain acceptable periods of inactivity. Just as the Exchange is provided discretion to enforce all Options Market Maker obligations under Exchange Rule 22.2(b), the Exchange believes that it should be afforded the same discretion to evaluate the facts and circumstances of each case in which an Options Market Maker is not active in a series within the first five days of registration and determine the appropriate remedy.

Finally, other national options exchanges do not require automatic deregistration of a registered Options Market Maker from an options series when the Options Market Maker fails to submit a quote within the first five days of registration. Other exchanges allow considerably more discretion in determining the appropriate remedy for a registered Options Market Maker that fails its quoting obligations. For example, neither the Chicago Board Options Exchange (''CBOE''), nor the Miami International Securities Exchange (''MIAX''), nor NYSE Arca, Inc. Options (''NYSE Arca''), has a requirement to automatically deregister an options market maker if it fails in its quoting or other obligations within five days of registration. Instead, each of the above exchanges appears to rely on a rule substantively identical to Exchange Rule 22.2(b) that gives the respective exchange discretion as to the appropriate remedy for Options Market Makers that do not meet their obligations.[5]

The Exchange, therefore, proposes to amend Exchange Rule 22.3 to remove subparagraph (c) and to enforce its Options Market Maker ''active market'' obligations with the remedies permitted in Exchange Rule 22.2(b) and Exchange Rule 22.5(c).

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6]

In particular, the proposal is consistent with Section 6(b)(1)[7] in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The proposal allows the Exchange the discretion so that it may appropriately and equitably enforce compliance by its members with the rules of the Exchange—in particular, the Exchange's Options Market Maker obligations.

Additionally, the proposal is consistent with Section 6(b)(5) of the Act[8] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed amendment to remove Exchange Rule 22.3(c) will permit the Exchange to consider all facts and circumstances in instances where it appears that a registered Options Market Maker does not meet its obligations and to exercise discretion in applying the appropriate remedy for such failure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change does not introduce any burden on competition, but rather, removes the automatic deregistration requirement of Exchange Rule 22.3(c) to allow the Exchange to apply the obligation to maintain active

[3] *See* Exchange Rule 22.2(b) (''The registration of any Member as a Market Maker may be suspended or terminated by the Exchange upon a determination that such Member has failed to properly perform as a Market Maker.'').

[4] *See* Exchange Rules 22.2(b) and 22.5(c).

[5] *See* CBOE Rule 8.2(b) (''The registration of a Market-Maker may be suspended or terminated by the Exchange upon a determination that the Market-Maker has failed to properly perform as a Market-Maker.''); MIAX Rule 600(c) (''The registration of any Member as a Lead Market Maker, Primary Lead Market Maker, or as a Registered Market Maker may be suspended or terminated by the Exchange upon a determination that such Member has failed to properly perform as a Market Maker''); NYSE Arca Options Rule 6.33 (''The registration of any person as a Market Maker may be suspended or terminated by the Exchange upon a determination of any substantial or continued failure by such Market Maker to engage in dealings in accordance with [Market Maker Obligations].'').

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(1).

[8] 15 U.S.C. 78f(b)(5).

markets to all registered Options Market Makers equally.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, 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) of the Act[9] and paragraph (f)(6) of Rule 19b–4 thereunder,[10] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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–BatsBZX–2016–62 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–BatsBZX–2016–62. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BatsBZX–2016–62, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24424 Filed 10–7–16; 8:45 am]

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[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79035; File No. SR–NASDAQ–2016–124]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Nasdaq Rule 7046

October 4, 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 September 23, 2016, 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, 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

Nasdaq is proposing to amend proposed [sic] Nasdaq Rule 7046 (Nasdaq Trading Insights) by adding the corresponding fee for the optional Nasdaq Trading Insights product.

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com,* at Nasdaq's principal office, 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, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Nasdaq Rule 7046 (Nasdaq Trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Insights) by adding the corresponding fees for the optional Nasdaq Trading Insights product.[3] As discussed in the NTI Filing, the Nasdaq Trading Insights product is a single optional market data service comprised of four market data components: (a) Missed Opportunity—Liquidity; (b) Missed Opportunity—Latency; (c) Peer Benchmarking; and (d) Liquidity Dynamics Analysis.

Upon request by a potential subscribing firm, Nasdaq will provide the Nasdaq Trading Insights product for a 14-day period at no charge. This waiver may be provided only once per firm. A firm will be charged the monthly fee rate listed in Nasdaq Rule 7046(b)(2) if it does not cancel by the conclusion of the trial offer and the fee will not be pro-rated.

The monthly fee rates set forth in Nasdaq Rule 7046(b), as well as in the chart below, will apply to a firm that subscribes to the Nasdaq Trading Insights product. The monthly fee will be based on the number of ports the firm is subscribing to within the Nasdaq Trading Insights product and in no case will the Nasdaq Trading Insights fees be pro-rated. The fees for the Nasdaq Trading Insights product will be in accordance with the following table.

Tiers	Number of ports	Monthly charges
Tier 1	1–5	$1,500
Tier 2	6–15	2,000
Tier 3	16–25	2,500
Tier 4	26+	3,500

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Sections 6(b)(4) and (5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, and does not unfairly discriminate between customers, issuers, brokers or dealers.

In adopting Regulation NMS,[6] the Commission granted SROs and broker-dealers (''BDs'') increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. Nasdaq believes that its Nasdaq Trading Insights market data product is precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[7]

By removing unnecessary regulatory restrictions on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether proprietary data is sold to BDs at all, it follows that the price at which such data is sold should be set by the market as well.

Moreover, fee liable data products such as the Nasdaq Trading Insights product are a means by which exchanges compete to attract order flow, and this proposal simply adds the relevant fee structure into an Exchange rule. To the extent that exchanges are successful in such competition, they earn trading revenues and also enhance the value of their data products by increasing the amount of data they are able to provide. Conversely, to the extent that exchanges are unsuccessful, the inputs needed to add value to data products are diminished. Accordingly, the need to compete for order flow places substantial pressure upon exchanges to keep their fees for both executions and data reasonable.

The fee structure for the Nasdaq Trading Insights product, including the 14-day trial offer, also reflects an equitable allocation and will not be unfairly discriminatory because it is a voluntary product designed to ensure that the amount of the charge is tailored to the specific port usage patterns of the subscriber. Thus, for example, a subscriber's monthly charge for receiving access to the Nasdaq Trading Insights product for five ports is $1,500, while a subscriber's monthly charge for receiving access to the Nasdaq Trading Insights product for 26 ports is $3,500. The range of fee options further ensures that subscribers are not charged a fee that is inequitably disproportionate to the use that they make of the product. Additionally, the 14-day trial offer provides a potential subscriber an opportunity to try the product before signing on to receive it for a fee.

The proposal would not permit unfair discrimination because the Nasdaq Trading Insights product will be available to all interested market participants opting to subscribe, regardless of whether they take advantage of the 14-day trial offer, and will help to protect a free and open market by continuing to provide additional non-core data (offered on an optional basis for a fee) to the marketplace and by providing investors with greater choices.[8]

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 proposed fee structure is designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs while continuing to offer its data products at competitive rates to firms.

The market for data products is extremely competitive and firms may freely choose alternative venues and data vendors based on the aggregate fees assessed, the data offered, and the value provided. The Nasdaq Trading Insights product is part of the existing market for proprietary market data products that is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities, in a vigorously competitive market.

[3] This filing is referenced in the recently approved Nasdaq Trading Insights filing (the ''NTI Filing'') that proposed Nasdaq Rule 7046 (Nasdaq Trading Insights) to the Exchange rule book. *See* Securities Exchange Act Release No. 78886 (Sept. 20, 2016) (SR–NASDAQ–2016–101) (order granting approval).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (''Regulation NMS Adopting Release'').

[7] *Id.*

[8] *See* Sec. Indus. Fin. Mkts. Ass'n (SIFMA), Initial Decision Release No. 1015, 2016 SEC LEXIS 2278 (ALJ June 1, 2016) (finding the existence of vigorous competition with respect to non-core market data). *See also* the decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010) (''*NetCoalition I*'') (upholding the Commission's reliance upon competitive markets to set reasonable and equitably allocated fees for market data).

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, market data and trade execution are a paradigmatic example of joint products with joint costs. The decision whether and on which platform to post an order will depend on the attributes of the platform where the order can be posted, including the execution fees, data quality and price, and distribution of its data products. Without trade executions, exchange data products cannot exist. Moreover, data products are valuable to many end users only insofar as they provide information that end users expect will assist them or their customers in making trading decisions.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's transaction execution platform and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs. Moreover, the operation of the exchange is characterized by high fixed costs and low marginal costs. This cost structure is common in content and content distribution industries such as software, where developing new software typically requires a large initial investment (and continuing large investments to upgrade the software), but once the software is developed, the incremental cost of providing that software to an additional user is typically small, or even zero (*e.g.,* if the software can be downloaded over the internet after being purchased).[9] In Nasdaq's case, it is costly to build and maintain a trading platform, but the incremental cost of trading each additional share on an existing platform, or distributing an additional instance of data, is very low. Market information and executions are each produced jointly (in the sense that the activities of trading and placing orders are the source of the information that is distributed) and are each subject to significant scale economies. In such cases, marginal cost pricing is not feasible because if all sales were priced at the margin, Nasdaq would be unable to defray its platform costs of providing the joint products.

Competition among trading platforms can be expected to constrain the aggregate return each platform earns from the sale of its joint products, but different platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. Nasdaq pays rebates and credits to attract orders, charges relatively low prices for market information and charges relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower liquidity rebates to attract orders, setting relatively low prices for accessing posted liquidity, and setting relatively high prices for market information. Still others may provide most data free of charge and rely exclusively on transaction fees to recover their costs. Finally, some platforms may incentivize use by providing opportunities for equity ownership, which may allow them to charge lower direct fees for executions and data.

In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering. Such regulation is unnecessary because an ''excessive'' price for one of the joint products will ultimately have to be reflected in lower prices for other products sold by the firm, or otherwise the firm will experience a loss in the volume of its sales that will be adverse to its overall profitability. In other words, an increase in the price of data will ultimately have to be accompanied by a decrease in the cost of executions, or the volume of both data and executions will fall.[10]

The proposed charges for the Nasdaq Trading Insights product are designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs and ease administrative burden while continuing to offer its data products at competitive rates to firms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2016–124 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–NASDAQ–2016–124. 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

[9] *See* William J. Baumol and Daniel G. Swanson, ''The New Economy and Ubiquitous Competitive Price Discrimination: Identifying Defensible Criteria of Market Power,'' *Antitrust Law Journal,* Vol. 70, No. 3 (2003).

[10] Moreover, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including eleven SRO markets, as well as internalizing BDs and various forms of alternative trading systems (''ATSs''), including dark pools and electronic communication networks (''ECNs''). Each SRO market competes to produce transaction reports via trade executions, and two FINRA-regulated TRFs compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market. Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, BDs, and ATSs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ATS, and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, NYSE MKT, NYSE Arca, and BATS/Direct Edge.

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2016–124, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24420 Filed 10–7–16; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32303; File No. 812–14452]

Terra Income Fund 6, Inc., et al.; Notice of Application

October 4, 2016.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a business development company (''BDC'') and certain closed-end investment companies to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: Terra Income Fund 6, Inc. (''Terra 6''), Terra Secured Income Fund, LLC (''TSIF''), Terra Secured Income Fund 2, LLC (''TSIF 2''), Terra Secured Income Fund 3, LLC (''TSIF 3''), Terra Secured Income Fund 4, LLC (''TSIF 4''), Terra Secured Income Fund 5, LLC (''TSIF 5''), Terra Property Trust, Inc. (''Terra REIT''), Terra Secured Income Fund 5 International (''Terra International''), and Terra Income Advisors, LLC (''Terra Income Advisors''), on behalf of itself and its successors.[1]

FILING DATES: The application was filed on April 29, 2015 and amended on November 3, 2015, May 11, 2016 and September 14, 2016.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 31, 2016, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: Bruce D. Batkin, 805 Third Avenue, 8th Floor, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Kay-Mario Vobis, Senior Counsel, at (202) 551–6728, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Terra 6 is a Maryland corporation organized as a closed-end management investment company that has elected to be regulated as a BDC within the meaning of section 2(a)(48) of the Act.[2] Terra 6 is a specialty finance company formed to invest primarily in commercial real estate loans to, and preferred equity investments in, U.S. companies qualifying as ''eligible portfolio companies'' under the Act. Terra 6 may also purchase other select commercial real estate-related debt securities of private companies. Terra 6's Objectives and Strategies[3] are to pay attractive and stable cash distributions and to preserve, protect and return capital contributions to stockholders. The board of directors (''Board'') of Terra 6 is comprised of five directors, three of whom are not ''interested persons,'' within the meaning of section 2(a)(19) of the Act (the ''Non-Interested Directors''), of Terra 6.

2. Each of TSIF, TSIF 2, TSIF 3, TSIF 4 and TSIF 5 is organized as a Delaware limited liability company and would be an investment company but for section 3(c)(5)(C) of the Act. Each of TSIF, TSIF 2, TSIF 3, TSIF 4 and TSIF 5 was formed to originate, fund, acquire and structure real estate-related loans, including mezzanine loans, first and second mortgage loans, subordinated mortgage loans, bridge loans, preferred equity investments and other loans related to high quality commercial real estate in the United States. TSIF, TSIF 2, TSIF 3 and TSIF 4 currently exist as wholly-owned subsidiaries of TSIF 5.

3. Terra REIT is a Maryland corporation that intends to qualify to be taxed as a REIT and would be an investment company but for section 3(c)(5)(C) of the Act. Terra REIT exists as a wholly-owned subsidiary of TSIF 5 and holds the portfolio assets of each of TSIF, TSIF 2, TSIF 3, TSIF 4 and TSIF 5.

4. Terra International is a Cayman Islands exempted company and would be an investment company but for section 3(c)(1) of the Act. Terra International was formed to acquire real estate-related loans, including mezzanine loans, first and second mortgage loans, subordinated mortgage loans, bridge loans and other loans

[1] The term ''successor'' means an entity that results from a reorganization into another jurisdiction or change in the type of business organization.

[2] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[3] ''Objectives and Strategies'' means, with respect to a Regulated Fund (defined below), the investment objectives and strategies, as described in the Regulated Fund's registration statement on Form N–2, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the ''Securities Act''), or under the Securities Exchange Act of 1934, and the Regulated Fund's reports to shareholders.

related to high quality commercial real estate in the United States.

5. Terra Income Advisors, a Delaware limited liability company, is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and serves as investment adviser to Terra 6 and Terra International, as well as TSIF 5 and its wholly-owned subsidiaries TSIF, TSIF 2, TSIF 3, TSIF 4, and Terra REIT.

6. Applicants seek an order (''Order'') to permit one or more Regulated Funds [4] and/or one or more Affiliated Funds [5] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser negotiates terms in addition to price; [6] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (''Follow-On Investments''). ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub) participated together with one or more other Regulated Funds and/or one or more Affiliated Funds in reliance on the requested Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[7]

7. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[8] Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the requested Order, as though the parent Regulated Fund were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Fund's investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Sub. The Regulated Fund's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Regulated Fund's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Fund's place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Sub.

8. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. The Regulated Funds' Advisers expect that any portfolio company that is an appropriate investment for a Regulated Fund should also be an appropriate investment for one or more other Regulated Funds and/or one or more Affiliated Funds, with certain exceptions based on available capital or diversification.[9]

9. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Adviser will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (''Eligible Directors''), and the ''required majority,'' as defined in section 57(o) of the Act (''Required Majority'') [10] will approve each Co-Investment Transaction prior to any investment by the participating Regulated Fund.

10. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund's Eligible Directors. The Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

11. No Non-Interested Director of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than through share

[4] ''Regulated Fund'' means Terra 6 and any Future Regulated Fund. ''Future Regulated Fund'' means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser is an Adviser, and (c) that intends to participate in the Co-Investment Program. The term ''Adviser'' means Terra Income Advisors and/or any future investment adviser that controls, is controlled by or is under common control with Terra Income Advisors and is registered as an investment adviser under the Advisers Act.

[5] Terra International together with TSIF, TSIF 2, TSIF 3, TSIF 4, TSIF 5, Terra REIT and any Future Affiliated Funds are the ''Affiliated Funds.'' ''Future Affiliated Fund'' means any entity (a) whose investment adviser is an Adviser, (b) that would be an investment company but for sections 3(c)(1), 3(c)(5)(C), or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program.

[6] The term ''private placement transactions'' means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act.

[7] All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[8] The term ''Wholly-Owned Investment Sub'' means an entity (i) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund; (iii) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions of the application; and (iv) that would be an investment company but for sections 3(c)(1), 3(c)(5)(C), or 3(c)(7) of the Act.

[9] The Regulated Funds, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

[10] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

ownership in one of the Regulated Funds.

12. Applicants also represent that if an Adviser or its principals, or any person controlling, controlled by, or under common control with an Adviser or its principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25% of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as required under condition 14. Applicants believe this condition will ensure that the Non-Interested Directors will act independently in evaluating the Co-Investment Program, because the ability of the Advisers or the Principals to influence the Non-Interested Directors by a suggestion, explicit or implied, that the Non-Interested Directors can be removed will be limited significantly. Applicants represent that the Non-Interested Directors will evaluate and approve any such independent third party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Affiliated Funds could be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. Each time an Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, the Regulated Fund's Adviser will make an independent determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on each participating party's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's available capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Fund) to the Eligible Directors of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the shareholders of the Regulated Fund; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Funds would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of other Regulated Funds or Affiliated Funds; provided that, if any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) the Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to

participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Fund or any Regulated Fund or any affiliated person of any Affiliated Fund or any Regulated Fund receives in connection with the right of an Affiliated Fund or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, the Affiliated Funds or the other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by sections 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8,[11] a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Affiliated Fund, or any affiliated person of another Regulated Fund or Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Fund. The grant to an Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Funds and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Fund or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the applicable Adviser to be invested by each Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the participating Affiliated Funds in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-

[11] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of an Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee [12] (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable), received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by such Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Funds, the Advisers, the other Regulated Funds or any affiliated person of the Regulated Funds or Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of an Adviser, investment advisory fees paid in accordance with the agreement between the Adviser and the Regulated Fund or Affiliated Fund).

14. If the Holders own in the aggregate more than 25% of the Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24428 Filed 10–7–16; 8:45 am]

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[12] Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79038; File No. SR–BOX–2016–47]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Adopt Participant Fees on the BOX Market LLC (''BOX'') Options Facility

October 4, 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 September 28, 2016, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to adopt Participant Fees on the BOX Market LLC (''BOX'') options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on October 1, 2016. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

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 Fee Schedule for trading on BOX to establish two Participant Fees; a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

monthly Participant Fee and a one-time Initiation Fee applicable to all BOX Participants.

First, the Exchange proposes to adopt a Participant Fee of $1,500 per month, applicable to all BOX Participants. Currently, the Exchange does not assess BOX Participants a fee to access its options market. The Exchange believes the Participant Fee is competitive with fees at other option exchanges.[5]

Next, the Exchange proposes to adopt a one-time Initiation Fee of $2,500 which will be assessed to all new BOX Participants upon their initial connection to the options market, so the Exchange can recoup some of the costs associated with processing and preparing technology in order for the new BOX Participant to be able to trade on BOX. The Exchange's proposed one-time Initiation Fee is similar to and generally lower than one time application fees in place at other options exchanges.[6]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange's proposal to adopt a BOX Options Participant Fee of $1,500 per month is reasonable because the Exchange is seeking to recoup costs related to membership administration. The proposed fee is competitive with similar fees at other options exchanges.[8] Lastly, the Exchange believes the Participant Fee of $1,500 is equitable and not unfairly discriminatory because the Participant Fee will be assessed uniformly to each BOX Participant, regardless of Participant type.

The Exchange also believes that its one-time Initiation Fee of $2,500 is reasonable, equitable and not unfairly discriminatory. As described above, the one-time Initiation Fee is comparable to other similar fees in place at other options exchanges and is designed to cover costs associated with processing and preparing technology in order for a Participant to begin trading on BOX. The Exchange believes that the Initiation Fee is equitable and not unfairly discriminatory, as it will be assessed uniformly to each new BOX Options Participant, regardless of Participant type.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In terms of intra-market competition, the Exchange's proposal to adopt a BOX Options Participant Fee of $1,500 per month and a one-time Initiation Fee of $2,500 does not impose an undue burden on competition because the Exchange would uniformly assess the same Participant Fees to each BOX Options Participant. If the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose Participants. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[9] and Rule 19b–4(f)(2) thereunder,[10] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–BOX–2016–47 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BOX–2016–47. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

[5] *See* The Chicago Board Options Exchange, Incorporated's Fees Schedule. Per month a Market Maker Trading Permit is $5,500, an SPX Tier Appointment is $3,000, a VIX Tier Appointment is $2,000, and an Electronic Access Permit is $1,600. *See also* the International Securities Exchange LLC's Schedule of Fees. Per month an Electronic Access Member is assessed $500.00 for membership and a market maker is assessed from $2,000 to $4,000 per membership depending on the type of market maker. *See also* C2 Options Exchange, Incorporated's Fees Schedule. Per month, a market-maker is assessed a $5,000 permit fee, an Electronic Access Permit is assessed a $1,000 permit fee. *See also* NYSE Arca, Inc.'s Fee Schedule. Per month, a Clearing Firm is assessed a $1,000 per month fee for the first Options Trading Permit (''OTP'') and $250 thereafter, and a market maker is assessed a permit based on the maximum number of OTPs held by an OTP Firm or OTP Holder during a calendar month ranging from $1,000 to $6,000 a month.

[6] The Chicago Board Options Exchange, Incorporated (''CBOE'') charges $3,000 for an individual applicant and $5,000 for an applicant organization and at the International Securities Exchange, LLC (''ISE'') charges $7,500 for a Primary Market Maker, $5,500 for a Competitive Market Maker and $3,500 for an Electronic Access Member.

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] *See supra* note 5.

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BOX–2016–47, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79036; File No. SR–IEX–2016–16]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rules To Implement the Quoting and Trading Provisions of the Tick Size Pilot Program and To Describe Related Changes to IEX System Functionality

October 4, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 3, 2016, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

IEX is filing with the Commission a proposed rule change to adopt rules under IEX Rule 11.340 to implement the quoting and trading provisions of the Regulation NMS Plan to Implement a Tick Size Pilot Program submitted to the Commission pursuant to Rule 608 of Regulation NMS[4] under the Act (the ''Plan''),[5] and to describe changes to IEX system functionality necessary to implement the Plan. The proposed rule change is substantially similar to proposed rule changes published by the Commission for the NASDAQ Stock Market LLC (''Nasdaq'') to adopt NASDAQ Rule 4770, which also implemented the quoting and trading provisions of the Plan.[6] Accordingly, the Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[7] and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[8]

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 17 CFR 242.608.

[5] *See* Securities and Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (File No. 4–657) (''Tick Plan Approval Order''). See also Securities and Exchange Act Release No. 76382 (November 6, 2015) (File No. 4–657), 80 FR 70284 (File No. 4–657) (November 13, 2015), which extended the pilot period commencement date from May 6, 2015 to October 3, 2016.

[6] *See* Securities and Exchange Act Release No. 78251 (July 7, 2016); 81 FR 45315 (July 13, 2016.

[7] 15 U.S.C. 78s(b)(3)(a).

[8] 17 CFR 240.19b–4(f)(6)(iii).

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish rules to require its members to comply with the requirements of the Plan, which is designed to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of small capitalization companies. The Exchange proposes changes to its rules for a two-year pilot period that coincides with the Pilot Period for the Plan, which is currently scheduled as a two-year pilot to begin on October 3, 2016.

Background

On August 25, 2014, NYSE Group, Inc., on behalf of BATS Exchange, Inc., BATS Y-Exchange, Inc., Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, the Nasdaq Stock Market LLC, New York Stock Exchange LLC (''NYSE''), NYSE MKT LLC, and NYSE Arca, Inc. (collectively ''Participants''), filed with the Commission, pursuant to Section 11A of the Act[9] and Rule 608 of Regulation NMS thereunder, the Plan to Implement a Tick Size Pilot Program (''Pilot'').[10] The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014 (the ''June 2014 Order'').[11] The Plan[12] was published for comment in the **Federal Register** on November 7, 2014,[13] and approved by the Commission, as modified, on May 6, 2015.[14] An amendment to the Plan adding IEX as a Participant became effective on August 5, 2016.[15]

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the

[9] 15 U.S.C. 78k–1

[10] *See* Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

[11] *See* Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014).

[12] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[13] *See* Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014).

[14] *See* Tick Plan Approval Order, *supra* note 5. *See also* Securities Exchange Act Release No. 77277 (March 3, 2016), 81 FR 12162 (March 8, 2016) (File No. 4–657), which amended the Plan to add National Stock Exchange, Inc. as a Participant.

[15] See Securities Exchange Act Release No. 78703 (August 26, 2016; 81 FR 60397 (September 1, 2016) (File No. 4–631).

liquidity and trading of the common stocks of small-capitalization companies. The Commission plans to use the Tick Size Pilot Program to assess whether wider tick sizes enhance the market quality of Pilot Securities for the benefit of issuers and investors. Each Participant is required to comply, and to enforce compliance by its member organizations, as applicable, with the provisions of the Plan.

Proposed paragraph (d) of Rule 11.340 describes the changes to System functionality necessary to implement the Plan. The Exchange believes that all of the proposed changes are designed to directly comply with the Plan and to assist the Exchange in meeting its regulatory obligations thereunder.

The Plan will include stocks of companies with $3 billion or less in market capitalization, an average daily trading volume of one million shares or less, and a volume weighted average price of at least $2.00 for every trading day. The Plan will consist of a control group of approximately 1,400 Pilot Securities and three test groups with 400 Pilot Securities in each selected by a stratified sampling.[16] During the pilot, Pilot Securities in the control group will be quoted at the current tick size increment of $0.01 per share and will trade at the currently permitted increments. Pilot Securities in the first test group (''Test Group One'') will be quoted in $0.05 minimum increments but will continue to trade at any price increment that is currently permitted.[17] Pilot Securities in the second test group (''Test Group Two'') will be quoted in $0.05 minimum increments and will trade at $0.05 minimum increments subject to a midpoint exception, a retail investor exception, and a negotiated trade exception.[18] Pilot Securities in the third test group (''Test Group Three'') will be subject to the same terms as Test Group Two and also will be subject to the ''Trade-at'' requirement to prevent price matching by a person not displaying at a price of a Trading Center's ''Best Protected Bid'' or ''Best Protected Offer,'' unless an enumerated exception applies.[19] In addition to the exceptions provided under Test Group Two, an exception for Block Size orders and exceptions that closely resemble those under Rule 611 of Regulation NMS[20] will apply to the Trade-at requirement.

The Plan also contains requirements for the collection and transmission of data to the Commission and the public. A variety of data generated during the Plan will be released publicly on an aggregated basis to assist in analyzing the impact of wider tick sizes on smaller capitalization stocks.[21] The Exchange adopted paragraph (b) of Rule 11.340 to require Members to comply with the data collection provisions under Appendix B and C of the Plan.[22]

Member Compliance; Proposed Rules 11.340(a) and (c)

The Plan requires the Exchange to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the applicable quoting and trading requirements specified in the Plan.[23] Accordingly, the Exchange is proposing new Rule 11.340(a) to require its Members to comply with the quoting and trading provisions of the Plan. The proposed Rules are also designed to ensure the Exchange's compliance with the Plan.

Proposed paragraph (a)(1) of Rule 11.340 would establish the following defined terms:

- ''Plan'' means the Tick Size Pilot Plan submitted to the Commission pursuant to Rule 608(a)(3) of Regulation NMS under the Act.
- ''Pilot Test Groups'' means the three test groups established under the Plan, consisting of 400 Pilot Securities each, which satisfy the respective criteria established by the Plan for each such test group.
- Trade-at Intermarket Sweep Order'' (''TA ISO'') would mean a limit order for a Pilot Security that meets the following requirements:

(i) When routed to a Trading Center, the limit order is identified as a TA ISO; and

(ii) Simultaneously with the routing of the limit order identified as a TA ISO, one or more additional limit orders, as necessary, are routed to execute against the full size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is better than or equal to the limit price of the limit order identified as a TA ISO Sweep Order. These additional routed orders also must be marked as TA ISOs or Intermarket Sweep Order (''ISO).

- Paragraph (a)(1)(E) would provide that all capitalized terms not otherwise defined in this rule shall have the meanings set forth in the Plan, Regulation NMS under the Act, or Exchange rules, as applicable.

Proposed Paragraph (a)(2) would state that the Exchange is a Participant in, and subject to the applicable requirements of, the Plan; proposed Paragraph (a)(3) would require members to establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the applicable requirements of the Plan, which would allow the Exchange to enforce compliance by its members with the provisions of the Plan, as required pursuant to Section II(B) of the Plan.

In addition, Paragraph (a)(4) would provide that Exchange systems would not display, quote or trade in violation of the applicable quoting and trading requirements for a Pilot Security specified in the Plan and this proposed rule, unless such quotation or transaction is specifically exempted under the Plan. Although not required or prohibited by the Plan, the Exchange proposes to apply the quoting and trading requirements during the Pre-Market Hours and Post-Market Hours trading sessions,[24] in addition to the Regular Market Hours trading session.[25] The Exchange believes that applying the same processes and requirements in Test Group Pilot Securities will simplify processing of orders by the Exchange, avoiding market participant confusion that may be caused by applying only some of the Plan requirements and not others during the different market sessions.

The Exchange also proposes to add Rule 11.340(a)(5) to provide for the treatment of Pilot Securities that drop below a $1.00 value during the Pilot Period.[26] The Exchange proposes that if

[16] *See* Section V of the Plan for identification of Pilot Securities, including criteria for selection and grouping.

[17] *See* Section VI(B) of the Plan. Pilot Securities in Test Group One will be subject to a midpoint exception and a retail investor exception.

[18] *See* Section VI(C) of the Plan.

[19] *See* Section VI(D) of the Plan.

[20] 17 CFR 242.611.

[21] *See* Section VII of the Plan.

[22] *See* Securities Exchange Act Release No. 78481 (August 4, 2016); 81 FR 52933 (August 10, 2016).

[23] The Exchange was also required by the Plan to develop appropriate policies and procedures that provide for data collection and reporting to the Commission of data described in Appendixes B and C of the Plan. *See* Securities Exchange Act Release No. 77456 (March 28, 2016), 81 FR 18925 (April 1, 2016) (SR–NASDAQ–2016–43).

[24] As used in this proposal, the term ''Market Hours'' means the period of time beginning at 9:30 a.m. ET and ending at 4:00 p.m. ET (or such earlier time as may be designated by IEX on a day when IEX closes early). The term ''Pre- Market Hours'' means the period of time beginning at 8:00 a.m. ET and ending immediately prior to the commencement of Market Hours. The term ''Post-Market Hours'' means the period of time beginning immediately after the end of Market Hours and ending at 5:00 p.m. ET. *See* Rule 1.160(z), (aa) and (gg).

[25] Regular Trading Hours is defined by the Plan as having the same meaning as Rule 600(b)(64) of Regulation NMS. *See* Section I (cc) of the Plan.

[26] NYSE, on behalf of the Participants, submitted a letter to Commission requesting exemption from

Continued

the price of a Pilot Security drops below $1.00 during regular trading on any given business day, such Pilot Security would continue to be subject to the Plan and the requirements described below that necessitate members to comply with the specific quoting and trading obligations for each respective Pilot Test Group under the Plan, and would continue to trade in accordance with the proposed rules below as if the price of the Pilot Security had not dropped below $1.00. However, if the Closing Price of a Pilot Security on any given business day is below $1.00, such Pilot Security would be moved out of its respective Pilot Test Group into the control group (which consists of Pilot Securities not placed into a Pilot Test Group), and may then be quoted and traded at any price increment that is currently permitted by Exchange rules for the remainder of the Pilot Period. Notwithstanding anything contained herein to the contrary, the Exchange proposes that, at all times during the Pilot Period, Pilot Securities (whether in the control group or any Pilot Test Group) would continue to be subject to the data collection rules, which are enumerated in Rule 11.340(b).

The Exchange proposes Rules 11.340(c)(1)–(3), which would require members to comply with the specific quoting and trading obligations for each Pilot Test Group under the Plan. With regard to Pilot Securities in Test Group One, proposed Rule 11.340(c)(1) would provide that no member may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05. However, orders priced to trade at the midpoint of the National Best Bid and National Best Offer (''NBBO'') or Best Protected Bid and Best Protected Offer (''PBBO'') and orders entered in a Participant-operated retail liquidity program [27] may be ranked and accepted in increments of less than $0.05. Pilot Securities in Test Group One may continue to trade at any price increment that is currently permitted by Rule 11.210.[28]

With regard to Pilot Securities in Test Group Two, proposed Rule 11.340(c)(2)(A) would provide that such Pilot Securities would be subject to all of the same quoting requirements as described above for Pilot Securities in Test Group One, along with the applicable quoting exceptions. In addition, proposed Rule 11.340(c)(2)(B) would provide that, absent one of the listed exceptions in proposed 11.340(c)(2)(C) enumerated below, no member may execute orders in any Pilot Security in Test Group Two in price increments other than $0.05. The $0.05 trading increment would apply to all trades, including Brokered Cross Trades.

Paragraph (2)(C) would set forth further requirements for Pilot Securities in Test Group Two. Specifically, members trading Pilot Securities in Test Group Two would be allowed to trade in increments less than $0.05 under the following circumstances:

(i) Trading may occur at the midpoint between the NBBO or PBBO;

(ii) Retail Investor Orders may be provided with price improvement that is at least $0.005 better than the PBBO.

(iii) Negotiated Trades may trade in increments less than $0.05; and

(iv) Execution of a customer order to comply with Rule 10.160 [29] following the execution of a proprietary trade by the Member at an increment other than $0.05, where such proprietary trade was permissible pursuant to an exception under the Plan.[30]

Paragraph (3)(A)–(3)(C) would set forth the requirements for Pilot Securities in Test Group Three. Members quoting or trading such Pilot Securities would be subject to all of the same quoting and trading requirements as described above for Pilot Securities in Test Group Two, including the quoting and trading exceptions applicable to Pilot Securities in Test Group Two. In addition, proposed Paragraph (3)(D) would provide for an additional prohibition on Pilot Securities in Test Group Three referred to as the ''Trade-at Prohibition.'' [31] Paragraph (3)(D)(ii) would provide that, absent one of the listed exceptions in proposed Rule 11.340(c)(3)(D)(iii) enumerated below, no member may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer.

Proposed Rule 11.340(c)(3)(D)(iii) would allow members to execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer if any of the following circumstances exist:

a. The order is executed as agent or riskless principal by an independent trading unit, as defined under Rule 200(f) of Regulation SHO,[32] of a Trading Center within a Member that has a displayed quotation as agent or riskless principal, via either a processor or an SRO Quotation Feed, at a price equal to

certain provisions of the Plan related to quoting and trading. *See* letter from Elizabeth K. King, NYSE, to Brent J. Fields, Secretary, Commission, dated October 14, 2015 (the ''October Exemption Request''). FINRA, also on behalf of the Plan Participants, submitted a separate letter to Commission requesting additional exemptions from certain provisions of the Plan related to quoting and trading. *See* letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, to Robert W. Errett, Deputy Secretary, Commission, dated February 23, 2016 (the ''February Exemption Request,'' and together with the October Exemption Request, the ''Exemption Request Letters''). The Commission, pursuant to its authority under Rule 608(e) of Regulation NMS, granted New York Stock Exchange LLC a limited exemption from the requirement to comply with certain provisions of the Plan as specified in the Exemption Request Letters and noted herein. *See* letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Sherry Sandler, Associate General Counsel, New York Stock Exchange LLC, dated April 25, 2016 (the ''Exemption Letter''). The Exchange is seeking the same exemptions as requested in the Exemption Request Letters, including without limitation, an exemption relating to proposed Rule 11.340(a)(5).

[27] The Exchange notes that it does not operate a retail liquidity program, but has included references to retail liquidity programs operated by other Participants in its rules for the sake of consistency with the Plan.

[28] Rule 11.210 specifies the minimum price variant, or increment, applicable to securities traded on the Exchange.

[29] Rule 10.160 is the Exchange's Prohibition Against Trading Ahead of Customer Orders rule, which is substantially identical to FINRA Rule 5320.

[30] The Exchange proposes to add this exemption to permit members to fill a customer order in a Pilot Security at a non-nickel increment to comply with Rule 10.160 under limited circumstances. Specifically, the exception would allow the execution of a customer order following a proprietary trade by the member at an increment other than $0.05 in the same security, on the same side and at the same price as (or within the prescribed amount of) a customer order owed a fill pursuant to Rule 10.160, where the triggering proprietary trade was permissible pursuant to an exception under the Plan. The Commission granted NYSE an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra* note 26. The Exchange is seeking the same exemptions as requested in the Exemption Request Letters. The Exchange believes such an exception best facilitates the ability of members to continue to protect customer orders while retaining the flexibility to engage in proprietary trades that comply with an exception to the Plan.

[31] Proposed 11.340(c)(3)(D)(i) would define the ''Trade-at Prohibition'' to mean the prohibition against executions by a Trading Center of a sell order for a Pilot Security at the price of a Protected Bid or the execution of a buy order for a Pilot Security at the price of a Protected Offer during regular trading hours.

[32] The Exchange is proposing that, for proposed Rules 11.340 (c)(3)(D)(iii)a. and b., a Trading Center operated by a broker-dealer would mean an independent trading unit, as defined under Rule 200(f) of Regulation SHO, within such broker-dealer. *See* 17 CFR 242.200.

Independent trading unit aggregation is available if traders in an aggregation unit pursue only the particular trading objective(s) or strategy(s) of that aggregation unit and do not coordinate that strategy with any other aggregation unit. Therefore, a Trading Center cannot rely on quotations displayed by that broker dealer from a different independent trading unit. As an example, an agency desk of a broker-dealer cannot rely on the quotation of a proprietary desk in a separate independent trading unit at that same broker-dealer.

the traded-at Protected Quotation, that was displayed before the order was received,[33] but only up to the full displayed size of that independent trading unit's previously displayed quote; [34]

b. The order is executed by an independent trading unit, as defined under Rule 200(f) of Regulation SHO, of a Trading Center within a Member that has a displayed quotation for the account of that Trading Center on a principal (excluding riskless principal) [35] basis, via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received, but only up to the full displayed size of that independent unit's previously displayed quote; [36]

c. The order is of Block Size [37] at the time of origin and may not be:

A. an aggregation of non-block orders; or

B. broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution;

d. The order is a Retail Investor Order executed with at least $0.005 price improvement;

e. The order is executed when the Trading Center displaying the Protected Quotation that was traded at was experiencing a failure, material delay, or malfunction of its systems or equipment;

f. The order is executed as part of a transaction that was not a ''regular way'' contract;

g. The order is executed as part of a single-priced opening, reopening, or closing transaction on the Exchange;

h. The order is executed when a Protected Bid was priced higher than a Protected Offer in the Pilot Security in Test Group Three;

i. The order is identified as a TA ISO;

j. The order is executed by a Trading Center that simultaneously routed TA ISO or ISOs to execute against the full displayed size of the Protected Quotation that was traded at: [38]

k. The order is executed as part of a Negotiated Trade;

l. The order is executed when the Trading Center displaying the Protected Quotation that was traded at had displayed, within one second prior to execution of the transaction that constituted the Trade-at, a Best Protected Bid or Best Protected Offer, as applicable, for the Pilot Security in Test Group Three with a price that was inferior to the price of the Trade-at transaction;

m. The order is executed by a Trading Center which, at the time of order receipt, the Trading Center had guaranteed an execution at no worse than a specified price (a ''stopped order''), where:

A. The stopped order was for the account of a customer;

B. The customer agrees to the specified price on an order-by-order basis; and

C. The price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security in Test Group Three at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security in Test Group Three at the time of execution, as long as such order is priced at an acceptable increment; [39]

n. The order is for a fractional share of a Pilot Security in Test Group Three, provided that such fractional share order was not the result of breaking an order for one or more whole shares of a Pilot Security in Test Group Three into orders for fractional shares or was not otherwise effected to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan; or

o. The order is to correct a bona fide error, which is recorded by the Trading Center in its error account.[40] A bona fide error is defined as:

[33] The Exchange is proposing to adopt this limitation to ensure that a Trading Center does not display a quotation after the time of order receipt solely for the purpose of trading at the price of a protected quotation without routing to that protected quotation.

[34] This proposed exception to Trade-at would allow a Trading Center to execute an order at the Protected Quotation in the same capacity in which it has displayed a quotation at a price equal to the Protected Quotation and up to the displayed size of such displayed quotation.

[35] As described above, proposed Rule 11.340(c)(3)(D)(iii)a. would establish the circumstances in which a Trading Center displaying an order as riskless principal would be permitted to Trade-at the Protected Quotation. Accordingly, the Exchange proposes that proposed Rule 11.340(c)(3)(D)(iii)b. would exclude such circumstances.

[36] The display exceptions to Trade-at set forth in proposed Rules 11.340 (c)(3)(D)(iii)a. and b. would not permit a broker-dealer to trade on the basis of interest it is not responsible for displaying. In particular, a broker-dealer that matches orders in the over-the-counter market shall be deemed to have ''executed'' such orders as a Trading Center for purposes of proposed Rule 11.340. Accordingly, if a broker-dealer is not displaying a quotation at a price equal to the Protected Quotation, it could not submit matched trades to an alternative trading center (''ATS'') that was displaying on an agency basis the quotation of another ATS subscriber. However, a broker-dealer that is displaying, as principal, via either a processor or an SRO Quotation Feed, a buy order at the protected bid, could internalize a customer sell order up to its displayed size. The display exceptions would not permit a non-displayed Trading Center to submit matched trades to an ATS that was displaying on an agency basis the quotation of another ATS subscriber and confirmed that a broker-dealer would not be permitted to trade on the basis of interest that it is not responsible for displaying.

[37] ''Block Size'' is defined in the Plan as an order (1) of at least 5,000 shares or (2) for a quantity of stock having a market value of at least $100,000.

[38] In connection with the definition of a Trade-at ISO proposed in Rule 11.340 (a)(1)(D), this exception refers to the Trading Center that routed the ISO.

[39] The stopped order exemption in Rule 611 of Regulation NMS applies where ''[t]he price of the trade-through transaction was, for a stopped buy order, lower than the national best bid in the NMS stock at the time of execution or, for a stopped sell order, higher than the national best offer in the NMS stock at the time of execution'' (*see* 17 CFR 242.611(b)(9)). The Trade-at stopped order exception applies where ''the price of the Trade-at transaction was, for a stopped buy order, equal to the national best bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to the national best offer in the Pilot Security at the time of execution'' (*see* Plan, Section VI(D)(12)).

To illustrate the application of the stopped order exemption as it currently operates under Rule 611 of Regulation NMS and as it is currently proposed for Trade-at, assume the National Best Bid is $10.00 and another protected quote is at $9.95. Under Rule 611 of Regulation NMS, a stopped order to buy can be filled at $9.95 and the firm does not have to send an ISO to access the protected quote at $10.00 since the price of the stopped order must be lower than the National Best Bid. For the stopped order to also be executed at $9.95 and satisfy the Trade-at requirements, the Trade-at exception would have to be revised to allow an order to execute at the price of a protected quote which, in this case, could be $9.95.

Based on the fact that a stopped order would be treated differently under the Rule 611 of Regulation NMS exception than under the Trade-at exception in the Plan, the Exchange believes that it is appropriate to amend the Trade-at stopped order exception in the Plan to ensure that the application of this exception would produce a consistent result under both Regulation NMS and the Plan. Therefore, the Exchange proposes in this proposed Rule 11.340(c)(3)(D)(iii)m. to allow a transaction to satisfy the Trade-at requirement if the stopped order price, for a stopped buy order, is equal to or less than the National Best Bid, and for a stopped sell order, is equal to or greater than the National Best Offer, as long as such order is priced at an acceptable increment. The Commission granted NYSE an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra* note 26. The Exchange is seeking the same exemptions as requested in the Exemption Request Letters.

[40] The exceptions to the Trade-at requirement set forth in the Plan and in the Exchange's proposed Rule 11.340(c)(3)(D)(iii) are, in part, based on the exceptions to the trade-through requirement set forth in Rule 611 of Regulation NMS, including exceptions for an order that is executed as part of a transaction that was not a ''regular way'' contract, and an order that is executed as part of a single-priced opening, reopening, or closing transaction by the Trading Center (*see* 17 CFR 242.611(b)(2) and (b)(3)). Following the adoption of Rule 611 of Regulation NMS and its exceptions, the Commission issued exemptive relief that created exceptions from Rule 611 of Regulation NMS for certain error correction transactions. *See* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007); Securities Exchange Act Release No. 55883 (June 8, 2007), 72 FR 32927 (June 14, 2007). The Exchange has determined that it is appropriate to incorporate this additional exception to the Trade-at Prohibition, as this exception is equally applicable in the Trade-at context.

Accordingly, the Exchange is proposing to exempt certain transactions to correct bona fide errors in the execution of customer orders from the

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A. The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market:

B. The unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions;

C. The incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or

D. A delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.

Finally, Proposed Rule 11.340 (c)(3)(D)(iv) would prevent members from breaking an order into smaller orders or otherwise effecting or executing an order to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan.

Exchange Handling of Orders During the Pilot Period for the Plan

Proposed paragraph (d) of Rule 11.340 would set forth the Exchange's specific procedures for handling, executing, repricing and displaying certain orders and modifiers applicable to Pilot Securities. Unless otherwise indicated, paragraph (d) of Rule 11.340 would apply to orders in all three Test Group Pilot Securities, but not to Pilot Securities included in the Control Group.

The Exchange is proposing to adopt new Rule 11.340(d)(1) to make it clear that it will not accept an order in a Test Group Pilot Security that is not entered in the Pilot's minimum increment of $0.05, applied to all orders that require a price and do not otherwise qualify for an exemption to the $0.05 minimum price increment required by the Plan. The provision will also clarify that IEX will use the $0.05 minimum price increment when the System reprices an order, including when it rounds a derived price up or down.

Trade-at Intermarket Sweep Orders

The Exchange proposes to adopt paragraph (d)(2) to Rule 11.340 to specify that it will accept TA ISOs in all securities, and that TA ISOs must be designated as IOC, may not be Minimum Quantity Orders and do not route. If a TA ISO is entered in a security that is not in Test Group Three, it will be treated as an ISO in accordance with Rule 11.190(b)(12). The Exchange believes that accepting TA ISOs in all securities will reduce complexity for Members.

Order Price Collars and Restraints

In order to facilitate compliance with the Plan, paragraph (d)(3) of Rule 11.340 would provide that Order Price Collars and Restraints, as specified in Rule 11.190(f), that are not in the permissible trading price increment for the security will be rounded down (in the case of an order to buy) or up (in the case of an order to sell) to the nearest price in the permissible trading price increment for that security. The Exchange believes that rounding, as described, will facilitate its compliance with the requirements of the Plan.

Retail Liquidity Programs

As proposed, paragraph (d)(4) specifies that the Exchange does not operate a retail liquidity program, but that if IEX receives an order from a Member that is identified as a Retail Investor Order or a retail liquidity providing order, IEX will accept such order if it is in a permissible increment, but will disregard identification as a Retail Investor Order or a retail liquidity providing order.

Test Group Three Securities

As proposed, subparagraph (d)(5) of Rule 11.340 describes how the Exchange will handle certain types of orders in Pilot Securities in Test Group Three to avoid possible execution on the Exchange of a non-displayed order at the price of a Protected Quote in a Test Group Three Pilot Security unless the incoming order otherwise qualifies for an exception to the Trade-at prohibition.

Currently, pursuant to Rule 11.230(a)(4), an incoming or active order to sell (buy) may trade with non-displayed orders to buy (sell) at the price of protected bids (offers) without routing to such protected bids (offers). Subparagraph (d)(5)(A) provides that an incoming or active order to sell (buy) will trade with displayed orders to buy (sell) and route, if consistent with the terms of the order, to protected bids (offers) before trading with non-displayed orders at the same price. After trading or routing, or both, any remaining balance of an incoming order will trade with any non-displayed orders at the same price, so long as the incoming order has satisfied all same price Protected Quotations or an exception applies. This provision thus enables the Exchange to comply with the Trade-at restriction of the Plan by providing for satisfaction of Protected Quotations before executing non-displayed orders at the same price.

Similarly, subparagraph (d)(5)(B) of Rule 11.340 specifies that an ISO to buy (sell) will not trade with non-displayed interest to sell (buy) that is the same price as the protected offer (bid) unless the limit price of such ISO is higher (lower) than the price of the protected offer (bid), or another exception applies. This would be permitted under the Trade-at Prohibition because to enter an ISO to buy (sell) at a price higher (lower) than the protected offer (protected bid), the entering firm would have been required to simultaneously route limit orders to execute against the full size of the protected offer (protected bid).

Rule 11.340(5)(C) specifies how the Exchange will handle certain non-displayed orders to assure that such orders would not trade at the price of a Protected Quotation. A non-displayed order is an order that is not displayed on the Exchange, and may be a market order, limit order or pegged order. Pegged orders must be non-displayed. Reserve Orders are orders with a displayed and non-displayed portion.

Currently, a non-displayed order is eligible to trade with a resting order on the Order Book on entry or to post to the Order Book and trade with an incoming order, depending on market conditions and the terms of each such order.[41] Non-displayed orders (except for Discretionary Peg Orders and Primary Peg Orders), including the non-displayed portion of a Reserve Order, may post and rest on the Order Book at a price that locks contra-side liquidity at

Trade-at Prohibition, subject to the conditions set forth by the SEC's order exempting these transactions from Rule 611 of Regulation NMS. The Commission granted New York Stock Exchange LLC an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra* note 26. The Exchange is seeking the same exemptions as requested in the Exemption Request Letters.

As with the corresponding exception under Rule 611 of Regulation NMS, the bona fide error would have to be evidenced by objective facts and circumstances, the Trading Center would have to maintain documentation of such facts and circumstances and record the transaction in its error account. To avail itself of the exemption, the Trading Center would have to establish, maintain, and enforce written policies and procedures reasonably designed to address the occurrence of errors and, in the event of an error, the use and terms of a transaction to correct the error in compliance with this exemption. Finally, the Trading Center would have to regularly surveil to ascertain the effectiveness of its policies and procedures to address errors and transactions to correct errors and take prompt action to remedy deficiencies in such policies and procedures. *See* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[41] *See* Rule 11.230 generally.

the Midpoint Price, and may execute against an incoming order at such price if the resting order's conditions are met. For example, if the NBBO is locked at $10.10 and a midpoint peg buy order is resting at $10.10 it will trade with an incoming sell order at $10.10.

Accordingly, to prevent non-displayed resting buy (sell) orders from executing at the price of a Protected Offer (Bid), subparagraph (d)(5)(C) provides that, if after being posted to the Order Book, the NBBO or PBBO changes so that such a non-displayed order will no longer be executable at its posted price due to the requirements of Regulation NMS or the Plan, as applicable, the non-displayed order will be repriced consistent with subparagraph (d)(5)(C) and IEX Rule 11.190(h).

The provisions of subparagraphs (d)(5)(C)(i) and (ii) describe the manner in which nondisplayed orders will function when the order's booked price is locked or crossed by the PBBO. These provisions change the manner in which nondisplayed limit and midpoint peg orders function. For Discretionary Peg orders and primary peg orders, the provision modifies existing functionality whereby such orders are subject to repricing with reference to the NBBO so that in Test Group Three, such orders will reprice with reference to the PBBO as well.

Specifically, subparagraph (d)(5)(C)(i) provides that a non-displayed resting buy (sell) order (including the non-displayed portion of a reserve order) will not execute at the price of a Protected Bid (Offer) on an away trading center unless the incoming order qualifies for an exception to the Trade-at Prohibition.

Subparagraph (d)(5)(c)(ii) provides that a non-displayable order (including the non-displayed portion of a reserve order) that, at the time of entry, could not be executed at its full limit price, adjusted by applicable peg instructions, if any, market conditions and all applicable rules and regulations, will be repriced and ranked by the System on the Order Book non-displayed pursuant to the Midpoint Price Constraint at the current Midpoint Price (''Permitted Non-Displayed Group 3 Book Price''). In situations where the resulting price for a buy (sell) order is equal to the lowest Protected Offer (highest Protected Bid), the Permitted Non-Displayed Group 3 Book Price will be equal to one (1) MPV below (above) the lowest Protected Offer (highest Protected Bid). Non-displayed orders (including non-displayed portions of reserve orders) resting on the Order Book whose booked price becomes locked or crossed by the PBBO will be re-priced by the System at a Permitted Non-Displayed Group 3 Book Price. To reflect increases (declines) in the lowest Protected Offer (highest Protected Bid), the System will continue to re-price a resting non-displayed buy (sell) order to be equal to the higher (lower) of the order's limit price or a Permitted Non-Displayed Group 3 Book Price.

Block Size Orders

Finally, the Exchange proposes to specify how it will implement the Block Size exception to the Trade-at prohibition. Specifically, pursuant to subparagraph (d)(5)(D) of Rule 11.340, the Exchange will utilize the Block Size exception under the following circumstances: If a non-routable order is of at least Block Size and the resulting execution upon entry against the Order Book is for at least Block Size, or a routable order of at least Block Size is sent to the Order Book and the resulting execution upon entry is for at least Block Size.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[42] in general and furthers the objectives of Sections 6(b)(5) of the Act[43] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is consistent with the Act because it is designed to ensure that the Exchange and its members would be in compliance with a Plan approved by the Commission pursuant to an order issued by the Commission in reliance on Section 11A of the Act,[44] and also because it allows the Exchange to make changes to its handling of orders and modifiers necessary to implement the requirements of the Plan on its System. Such approved Plan gives the Exchange authority to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with applicable quoting and trading requirements specified in the Plan. The Exchange believes that the proposed rule change is consistent with the authority granted to it by the Plan to establish specifications and procedures for the implementation and operation of the Plan that are consistent with the provisions of the Plan. Likewise, the Exchange believes that the proposed rule change provides interpretations of the Plan that are consistent with the Act, in general, and furthers the objectives of the Act, in particular.

Furthermore, the Exchange is a Participant under the Plan and subject, itself, to the provisions of the Plan. The proposed rule change ensures that the Exchange's systems would not display or execute trading interests outside the requirements specified in such Plan. The proposal would also help allow market participants to continue to trade NMS Stocks within quoting and trading requirements that are in compliance with the Plan, with certainty on how certain orders and trading interests would be treated. This, in turn, will help encourage market participants to continue to provide liquidity in the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in 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 implements the provisions of the Plan, and is designed to assist the Exchange in meeting its regulatory obligations pursuant to the Plan. The proposed changes are being made to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the trading and quoting requirements specified in the Plan, of which other equities exchanges are also Participants. Other competing national securities exchanges are subject to the same trading and quoting requirements specified in the Plan, and must take the same steps that the Exchange has to conform its existing rules to the requirements of the Plan. Therefore, the proposed changes would not impose any burden on competition, while providing certainty of treatment and execution of trading interests on the Exchange to market participants in NMS Stocks that are acting in compliance with the requirements specified in the Plan.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[42] 15 U.S.C. 78f(b).

[43] 15 U.S.C. 78f(b)(5).

[44] 15 U.S.C. 78k–1.

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) of the Act [45] and Rule 19b–4(f)(6) thereunder.[46]

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.

The Exchange has requested that the SEC waive the 30-day operative period. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to implement the proposed rules immediately thereby preventing delays in the implementation of the Plan. The Commission notes that the Plan is scheduled to start on October 3, 2016. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[47]

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– IEX–2016–16 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–IEX–2016–16. 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–IEX–2016–16, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24421 Filed 10–7–16; 8:45 am]

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[45] 15 U.S.C. 78s(b)(3)(A).

[46] 17 CFR 240.19b–4(f)(6).

[47] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[48] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79040; File No. SR–BOX–2016–49]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC (''BOX'') Options Facility

October 4, 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 September 30, 2016, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to amend the Fee Schedule [sic] on the BOX Market LLC (''BOX'') options facility. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on October 1, 2016. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

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 Fee Schedule for trading on BOX. Specifically, the Exchange proposes to revise certain qualification thresholds and fees in Section I.B.2 of the BOX Fee Schedule, the BOX Volume Rebate (''BVR'').

Under the current BVR, the Exchange offers a tiered per contract rebate for all Public Customer PIP Orders and COPIP orders of 100 contracts and under that do not trade solely with their contra order. Percentage thresholds are calculated on a monthly basis by totaling the Participant's PIP and COPIP volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes.

The current per contract rebate for Participants in PIP and COPIP Transactions under the BVR is:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate (all account types)	
		PIP	COPIP
1	0.000% to 0.159%	($0.00)	($0.00)
2	0.160% to 0.339%	(0.02)	(0.02)
3	0.340% to 0.999%	(0.04)	(0.04)
4	1.000% to 1.249%	(0.07)	(0.06)
5	1.250% and Above	(0.12)	(0.06)

The Exchange proposes to adjust certain BVR percentage thresholds and fees within the BVR. Specifically, the Exchange proposes to eliminate Tier 4 and adjust the percentage thresholds in Tier 5 to ''1.000% and Above.'' The Exchange then proposes to renumber Tier 5 to Tier 4. The quantity submitted will continue to be calculated on a monthly basis by totaling the Participant's PIP and COPIP volume submitted to BOX, relative to the total national Customer volume in multiply-listed options classes. Additionally, the Exchange proposes to decrease the fee [sic] in the revised Tier 4 for PIP transactions to $0.11 from $0.12.

The new BVR set forth in Section I.B.2 of the BOX Fee Schedule will be as follows:

Tier	Percentage thresholds of national customer volume in multiply-listed options classes (monthly)	Per contract rebate (all account types)	
		PIP	COPIP
1	0.000% to 0.159%	($0.00)	($0.00)
2	0.160% to 0.339%	(0.02)	(0.02)
3	0.340% to 0.999%	(0.04)	(0.04)
4	1.000% and Above	(0.11)	(0.06)

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed amendments to the BVR in Section I.B.2 of the BOX Fee Schedule are reasonable, equitable and non-discriminatory. The BVR was adopted to attract Public Customer order flow to the Exchange by offering these Participants incentives to submit their PIP and COPIP Orders to the Exchange and the Exchange believes it is appropriate to now amend the BVR. The Exchange believes it is equitable and not unfairly discriminatory to amend the BVR, as all Participants have the ability to qualify for a rebate, and rebates are provided equally to qualifying Participants. Finally, the Exchange believes it is reasonable and appropriate to continue to provide incentives for Public Customers, which will result in greater liquidity and ultimately benefit all Participants trading on the Exchange.

BOX believes it is reasonable, equitable and not unfairly discriminatory to adjust the monthly Percentage Thresholds of National Customer Volume in Multiply-Listed Options Classes and their applicable rebates. The volume thresholds and rebates are meant to incentivize Participants to direct order flow to the Exchange to obtain the benefit of the rebate, which will in turn benefit all market participants by increasing liquidity on the Exchange. Other exchanges employ similar incentive programs;[6] and the Exchange believes that the proposed changes to the volume thresholds and rebates are reasonable and competitive when compared to incentive structures at other exchanges.

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 is simply proposing to revise certain qualification thresholds and fees in Section I.B. of the BOX Fee Schedule. The Exchange believes that the volume

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *See* Section B of the PHLX Pricing Schedule entitled ''Customer Rebate Program;'' ISE Gemini's Qualifying Tier Thresholds (page 6 of the ISE Gemini Fee Schedule); and CBOE's Volume Incentive Program (VIP).

based rebates and fees increase intermarket and intramarket competition by incenting Participants to direct their order flow to the exchange, which benefits all participants by providing more trading opportunities and improves competition on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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)(ii) of the Exchange Act [7] and Rule 19b–4(f)(2) thereunder,[8] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–BOX–2016–49 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–BOX–2016–49. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BOX–2016–49, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24425 Filed 10–7–16; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79037; File No. SR–BOX–2016–46]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Non-Controversial Amendments to Its Rules

October 4, 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 September 22, 2016, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to make non-controversial amendments to its rules. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 purpose of the proposed rule change is to amend Rule 7130(a) to clarify that the BOX HSVF is no longer provided to market participants at no cost. The BOX HSVF is a proprietary product that provides: (i) Trades and trade cancelation information; (ii) best-ranked price level to buy and the best-ranked price level to sell; (iii) instrument summaries (including information such as high, low, and last trade price and traded volume); (iv) the five best limit prices for each option instrument; (v) request for Quote messages; [3] (vi) PIP Order, Improvement Order and Block Trade Order (Facilitation and Solicitation) information; [4] (vii) orders exposed at NBBO; [5] (viii) instrument dictionary (*e.g.*, strike price, expiration date, underlying symbol, price threshold, and minimum trading increment for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rules 100(a)(57), 7070(h) and 8050.

[4] As set forth in Exchange Rules 7150 and 7270, respectively.

[5] As set forth in Exchange Rules 7130(b)(2) and 8040(d)(6), respectively.

instruments traded on BOX); (ix) options class and instrument status change notices (*e.g.*, whether an instrument or class is in pre-opening, continuous trading, closed, halted, or prohibited from trading); (x) options class opening time; and (xi) Public Customer bid/ask volume at the best limit.

The Exchange recently amended its fees to establish a $750.00 per month fee for receiving the HSVF.[6] The Exchange proposes to amend the language in BOX Rule 7130(a)(2) to reflect this change.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[7] in general, and Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest. The Exchange believes it is appropriate to make the proposed change to its rules so that market participants and investors have a clear and accurate understanding of the meaning of the Exchange's rules. By removing obsolete rule text, the Exchange is eliminating any potential for confusion by simplifying the Exchange Rules, ensuring that market participants, regulators and the public can more easily navigate the Exchange's Rulebook. The Exchange believes that the proposed rule change is not unfairly discriminatory because it treats all market participants equally and will not have an adverse impact on any market participant.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, the proposed change simply reflects the recent amendments to the BOX Fee Schedule.[9] As such, 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.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

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)[10] of the Act and Rule 19b–4(f)(6) thereunder.[11]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[12] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately reflect recent amendments to its fee schedule, which will eliminate any potential for confusion.[14] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

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–BOX–2016–46 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–BOX–2016–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BOX–

[6] *See* Securities Exchange Act Release No. 78565 (August 12, 2016), 81 FR 55251 (August 18, 2016) (SR–BOX–2016–40).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See supra* note 6.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 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.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] *See supra* note 6.

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

2016–46, and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24422 Filed 10–7–16; 8:45 am]

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[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Investment Company Act of 1940; Release No. 32302/October 4, 2016

In the Matter of: Advisors Series Trust, 615 East Michigan Street, Milwaukee, WI 53202; Orinda Asset Management, LLC, 4 Orinda Way, Suite 100B, Orinda, CA 94563; (File No. 812–13889)

Order Under Section 38(a) of the Investment Company Act of 1940 Rescinding a Prior Order

On September 8, 2016, the Commission issued a notice (Investment Company Act Release No. 32254) of its intention to rescind, at the request of Advisors Series Trust and Orinda Asset Management, LLC, pursuant to section 38(a) of the Investment Company Act of 1940 (the ''Act''), a prior order issued to Advisors Series Trust and Orinda Asset Management, LLC under section 6(c) of the Act that granted an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements (Investment Company Act Release No. 30065 (May 21, 2012)) (the ''Prior Order'').

The notice gave interested persons an opportunity to request a hearing and stated that an order rescinding the Prior Order would be issued unless a hearing was ordered. No request for a hearing has been filed.

Accordingly,

It is ordered, pursuant to section 38(a) of the Act, that the Prior Order be, and hereby is, rescinded.

By the Commission.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24427 Filed 10–7–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79034; File No. SR–NYSEArca–2016–134]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 7.16P

October 4, 2016.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 26, 2016, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.16P. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.16P (Short Sales). Specifically, the Exchange proposes to amend Rule 7.16P(f)(5)(G) regarding the treatment of an Intermarket Sweep Order (''ISO'')[4] designated Immediate-or-Cancel (''IOC'') during a Short Sale Period.[5] Rule 7.16P(f)(5)(F) currently provides that during a Short Sale Period, IOC orders will be traded to the extent possible at a Permitted Price[6] and higher and then cancelled, and the working price will not be adjusted.[7] An IOC ISO with a limit price at or below the NBB, on the other hand, is treated unlike an IOC order during a Short Sale Period and similar to a Day ISO. Rule 7.16P(f)(5)(G) currently provides that a Day ISO will be rejected if the limit price is at or below the NBB. The Exchange proposes to amend Rule 7.16P(f)(5)(G) to specify that an IOC ISO and a Day ISO are both handled in a similar manner by the Exchange. The Exchange proposes to make this change by deleting the word 'Day' from Rule 7.16P(f)(5)(G).[8] Given that during a Short Sale Period, an IOC ISO and a Day ISO are both treated in a similar manner, the Exchange believes the proposed change will provide specificity to the Exchange's rules that during a Short Sale Period, all ISOs will be rejected if the limit price is at or below the NBB.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change would promote just and equitable principles of

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] An ISO is a Limit Order that does not route and meets the requirements of Rule 600(b)(30) of Regulation NMS. *See* Rule 7.31P(e)(3).

[5] Short Sale Period is the period of time that the Short Sale Price Test remains in effect if the Short Sale Price Test is triggered by the listing market with respect to a covered security. *See* Rule 7.16P(f)(4).

[6] Permitted Price is the working price and/or display price adjusted one minimum price increment above the current NBB for short sale orders during a Short Sale Period that have a working price and/or display price equal to or lower than the NBB. *See* Rule 7.16P(f)(5)(A).

[7] *See* Rule 7.16P(f)(5)(F).

[8] The Exchange proposes a non-substantive amendment to delete the term ''Order'' in Rule 7.16P(f)(5)(G) as such term is redundant of the term ISO, which includes the term ''Order.''

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

trade, and remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring consistency in the treatment of ISOs during a Short Sale Period. The Exchange believes the proposal to amend Rule 7.16P will also promote transparency and provide specificity to the rule, which serves 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to make amendments to the manner in which ISOs are handled during a Short Sale Period.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. According to the Exchange, during a Short Sale Period, IOC ISOs and Day ISOs are treated in a similar manner, and the proposed rule change would specify that during a Short Sale Period, all ISOs will be rejected if the limit price is at or below the NBB. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2016–134 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–NYSEArca–2016–134. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2016–134 and should be submitted on or before November 1, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–24419 Filed 10–7–16; 8:45 am]

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[11] 15 U.S.C. 78s(b)(3)(A).

[12] 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.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] 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).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14886 and #14887]

Florida Disaster #FL–00118

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of FLORIDA (FEMA–4280–DR), dated 09/28/2016.

Incident: Hurricane Hermine.

Incident Period: 08/31/2016 through 09/11/2016.

Effective Date: 09/28/2016.

Physical Loan Application Deadline Date: 11/28/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 06/28/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/28/2016, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Citrus, Dixie, Hernando, Hillsborough, Leon, Levy, Pasco, Pinellas.

Contiguous Counties (Economic Injury Loans Only):

Florida: Alachua, Gadsden, Gilchrist, Hardee, Jefferson, Lafayette, Liberty, Manatee, Marion, Polk, Sumter, Taylor, Wakulla.

Georgia: Grady, Thomas.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.125
Homeowners Without Credit Available Elsewhere	1.563
Businesses With Credit Available Elsewhere	6.250
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 148868 and for economic injury is 148870.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–24384 Filed 10–7–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14888 and #14889]

Florida Disaster #FL–00119

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of FLORIDA (FEMA–4280–DR), dated 09/28/2016.

Incident: Hurricane Hermine.

Incident Period: 08/31/2016 through 09/11/2016.

Effective Date: 09/28/2016.

Physical Loan Application Deadline Date: 11/28/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 06/28/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/28/2016, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Citrus, Dixie, Franklin, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Pasco, Pinellas, Suwannee, Taylor, Wakulla

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 148888 and for economic injury is 148898.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2016–24383 Filed 10–7–16; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meetings.

SUMMARY: The SBA is issuing this notice to announce the location, date, time and agenda for the 1st quarter meetings of the National Small Business Development Center (SBDC) Advisory Board.

DATES: The meetings for the 1st quarter will be held on the following dates:

Tuesday, October 18, 2016 at l:00 pm

EST Tuesday, November 15, 2016 at 1:00 pm EST

Tuesday, December 20, 2016 at 1:00 pm EST

ADDRESSES: These meetings will be held via conference call.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Monika Nixon by fax or email. Her contact information is Monika Nixon, Program Specialist, 409 Third Street SW., Washington, DC 20416, Phone 202–205–7310, Fax 202–481–5624, email, *monika.nixon@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact Monika Nixon at the information above.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of these meetings is to discuss following issues pertaining to the SBDC Advisory Board:

—SBA Update

—Annual Meetings

—Board Assignments

—Member Roundtable

Miguel L. Heureux,

White House Liaison.

[FR Doc. 2016–24385 Filed 10–7–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 9750]

30-Day Notice of Proposed Information Collection: Adoptive Family Relief Act Refund Application

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to November 10, 2016.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Lage, who may be reached at *PRA_BurdenComments@state.gov.* You must include the DS form number, information collection, and the OMB control number in correspondence. DO NOT submit any completed Department of State visa forms to this email or any case inquiry to this email box.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Adoptive Family Relief Act Refund Application.
- *OMB Control Number:* 1405–0223.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–7781.
- *Respondents:* Immigrant Visa Petitioners.
- *Estimated Number of Respondents:* 600.
- *Estimated Number of Responses:* 600.
- *Average Time per Response:* 5 Minutes.
- *Total Estimated Burden Time:* 50 Hours.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Adoptive Family Relief Act (Pub. L. 114–70) amended Section 221(c) of the Immigration and Nationality Act (INA), 8 U.S.C. 1201(c), to allow for the waiver or refund of certain immigrant visa fees for a lawfully adopted child, or a child coming to the United States to be adopted by a United States citizen, subject to criteria prescribed by the Secretary of State. Over 350 American families have successfully adopted children from the Democratic Republic of the Congo. However, since September 25, 2013, they have not been able to bring their adoptive children home to the United States because the Democratic Republic of the Congo suspended the issuance of ''exit permits'' for these children. As the permit suspension drags on, however, American families are repeatedly paying visa renewal and related fees, while also continuing to be separated from their adopted children.

The waiver or refund provides support and relief to American families seeking to bring their adoptive children home to the United States from the Democratic Republic of the Congo, and families in similar situations. This form collects information to determine the extra visa renewal fees these families have paid and refund them in accordance with the Adoptive Family Relief Act.

Methodology

The collection is hosted on the Department of State's Web site and is printed and filled out by the individual, and submitted by mail or in person to the Consular Section where the adoption case was originally processed.

Dated: August 26, 2016.

Karin King,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2016–24484 Filed 10–7–16; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9751]

30-Day Notice of Proposed Information Collection: Application for A, G, or NATO Visa

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to November 10, 2016.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Lage, who may be reached at

PRA_BurdenComments@state.gov. You must include the DS form number, information collection, and the OMB control number in correspondence. DO NOT submit any completed Department of State visa forms to this email or any case inquiry to this email box.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for A, G, or NATO Visa.
- *OMB Control Number:* 1405–0100.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–1648.
- *Respondents:* Foreign Government Officials
- *Estimated Number of Respondents:* 150,000.
- *Estimated Number of Responses:* 150,000.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 75,000.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Department of State uses Form DS–1648 to solicit information from applicants for a renewal of an A, G, or NATO visa, excluding A–3, G–5, and NATO–7 classifications. INA 101(a)(15)(A) and (G) and 22 CFR 41.12 and 41.25 describe the criteria for these nonimmigrant visa classifications.

Methodology

The DS–1648 is submitted electronically to the Department via the Internet. The applicant will be instructed to print a confirmation page displaying a bar coded record locator, which will be scanned by Department of State staff at the time of processing.

Dated: August 25, 2016.

Karin King,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2016–24485 Filed 10–7–16; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9752]

30-Day Notice of Proposed Information Collection: Nonimmigrant Treaty Trader/Investor Application

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to November 10, 2016.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Lage, who may be reached at *PRA_BurdenComments@state.gov.* You must include the DS form number, information collection, and the OMB control number in correspondence. DO NOT submit any completed Department of State visa forms to this email or any case inquiry to this email box.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Nonimmigrant Treaty Trader/Investor Application.
- *OMB Control Number:* 1405–0101.
- *Type of Request:* Extension of the Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–156E.
- *Respondents:* E visa applicants who are deemed essential employees.
- *Estimated Number of Respondents:* 48,600.
- *Estimated Number of Responses:* 48,600.
- *Average Time per Response:* 4 hours.
- *Total Estimated Burden Time:* 194,400.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Section 101(a)(15)(E) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(E), provides nonimmigrant status for a national of a country with which the United States maintains an appropriate treaty of commerce and navigation who is coming to the United States to: (i) Carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country; or (ii) develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing. Form DS–156E is completed by foreign nationals seeking nonimmigrant treaty trader/investor visas to the United States. The Department uses the DS–156E to elicit information necessary to determine a foreign national's visa eligibility.

Methodology

After completing Form DS–160, Online Nonimmigrant Visa Applicant,

certain applicants for treaty trader/investor status will fill out the DS–156E online, download it, and submit it in person or via mail to the consular post processing his/her nonimmigrant visa application.

Dated August 1, 2016.

Meredith McEvoy,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2016–24483 Filed 10–7–16; 8:45 am]

BILLING CODE 4710–06–P

STATE JUSTICE INSTITUTE

Grant Guideline, Notice

AGENCY: State Justice Institute.

ACTION: Grant Guideline for FY 2017.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2017 State Justice Institute grants.

DATES: October 11, 2016.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *jonathan.mattiello@sji.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701, *et seq.*), SJI is authorized to award grants, cooperative agreements, and contracts to state and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the state courts of the United States.

The following Grant Guideline is adopted by the State Justice Institute for FY 2017.

Table of Contents

I. The Mission of the State Justice Institute
II. Eligibility for Award
III. Scope of the Program
IV. Grant Applications
V. Grant Application Review Procedures
VI. Compliance Requirements
VII. Financial Requirements
VIII. Grant Adjustments

I. The Mission of the State Justice Institute

SJI was established by State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 *et seq.*) to improve the administration of justice in the state courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, SJI is charged, by statute, with the responsibility to:

- Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;
- Foster coordination and cooperation with the federal judiciary;
- Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
- Encourage education for judges and support personnel of state court systems through national and state organizations.

To accomplish these broad objectives, SJI is authorized to provide funding to state courts, national organizations which support and are supported by state courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the state courts. SJI is supervised by a Board of Directors appointed by the President, with the advice and consent of the Senate. The Board is statutorily composed of six judges; a state court administrator; and four members of the public, no more than two of the same political party.

Through the award of grants, contracts, and cooperative agreements, SJI is authorized to perform the following activities:

A. Support technical assistance, demonstrations, special projects, research and training to improve the administration of justice in the state courts;

B. Provide for the preparation, publication, and dissemination of information regarding state judicial systems;

C. Participate in joint projects with federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the state courts;

E. Encourage and assist in furthering judicial education; and,

F. Encourage, assist, and serve in a consulting capacity to state and local courts in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services.

II. Eligibility for Award

SJI is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

A. *State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).*

B. *National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of state governments (42 U.S.C. 10705(b)(1)(B)).*

C. *National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of state governments (42 U.S.C. 10705(b)(1)(C)).* An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:

1. The principal purpose or activity of the applicant is to provide education and training to state and local judges and court personnel; and

2. The applicant demonstrates a record of substantial experience in the field of judicial education and training.

D. *Other eligible grant recipients (42 U.S.C. 10705 (b)(2)(A)–(D)).*

1. Provided that the objectives of the project can be served better, the Institute is also authorized to make awards to:

a. Nonprofit organizations with expertise in judicial administration;

b. Institutions of higher education;

c. Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees); and

d. Private agencies with expertise in judicial administration.

2. SJI may also make awards to state or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

E. *Inter-agency Agreements.* SJI may enter into inter-agency agreements with federal agencies (42 U.S.C. 10705(b)(4)) and private funders to support projects consistent with the purposes of the State Justice Institute Act.

SJI is prohibited from awarding grants to federal, tribal, and international courts.

III. Scope of the Program

SJI is offering six types of grants in FY 2017: Project Grants, Technical Assistance (TA) Grants, Curriculum Adaptation and Training (CAT) Grants, Partner Grants, Strategic Initiatives Grants (SIG) Program, and the Education Support Program (ESP).

The SJI Board of Directors has established Priority Investment Areas for grant funding. SJI will allocate significant financial resources through grant-making for these Priority Investment Areas (in no ranking order):

- Language Access and the State Courts—improving language access in the state courts through remote interpretation (outside the courtroom), interpreter certification, and courtroom services (plain language forms, Web sites, etc.).
- Self-Represented Litigation—promoting court-based self-help centers,

online services, and increasing the use of court-based volunteer attorney programs.

• Reengineering to Improve Court Services and Performance—Assisting courts with the process of reengineering, regionalization or centralization of services, structural changes, improving performance, and reducing cost to taxpayers while providing access to justice.

• Remote Technology—supporting the innovative use of technology to improve the business operations of courts and enhance services outside the courtroom. This includes videoconferencing, online access, educational services, and remote court proceedings.

• Human Trafficking and the State Courts—Through the Human Trafficking and the State Courts Collaborative, addressing the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families.

• Guardianship, Conservatorship, and Elder Issues—assisting courts in improving and increasing use of court-based volunteer attorney programs.

• Juvenile Justice—innovative projects that have no other existing or potential funding sources (federal, state, or private) that will advance best practices in handling dependency and delinquency cases; promote effective court oversight of juveniles in the justice system; address the impact of trauma on juvenile behavior; assist the courts in identification of appropriate provision of services for juveniles; and address juvenile re-entry.

• Fines, Fees, and Bail Practices—Assisting courts in taking a leadership role in reviewing fines, fees, and bail practices to ensure processes are fair and access to justice is assured; implementing alternative forms of sanction; developing processes for indigency review; and transparency, governance, and structural reforms that promote access to justice, accountability, and oversight. Projects that address this Priority Investment Area will inform the work of the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) National Task Force on Fines, Fees, and Bail Practices.

A. Project Grants

Project Grants are intended to support innovative education and training, research and evaluation, demonstration, and technical assistance projects that can improve the administration of justice in state courts locally or nationwide. Project Grants may ordinarily not exceed $300,000. Examples of expenses not covered by Project Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for Project Grants ordinarily may not exceed 36 months.

Applicants for Project Grants will be required to contribute a cash match of not less than 50 percent of the total cost of the proposed project. In other words, grant awards by SJI must be matched at least dollar for dollar by grant applicants. Applicants may contribute the required cash match directly or in cooperation with third parties. Prospective applicants should carefully review Section VI.8. (matching requirements) and Section VI.16.a. (non-supplantation) of the Guideline prior to beginning the application process. Funding from other federal departments or agencies may not be used for cash match. If questions arise, applicants are strongly encouraged to consult SJI.

As set forth in Section I., SJI is authorized to fund projects addressing a broad range of program areas. Funding will not be made available for the ordinary, routine operations of court systems.

B. Technical Assistance (TA) Grants

TA Grants are intended to provide state or local courts, or regional court associations, with sufficient support to obtain expert assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. TA Grants may not exceed $50,000. Examples of expenses not covered by TA Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for TA Grants ordinarily may not exceed 12 months. In calculating project duration, applicants are cautioned to fully consider the time required to issue a request for proposals, negotiate a contract with the selected provider, and execute the project.

Applicants for TA Grants will be required to contribute a *total* match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $50,000 TA grant must provide a $25,000 match, of which up to $20,000 can be in-kind and not less than $5,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. TA Grant application procedures can be found in section IV.B.

C. Curriculum Adaptation and Training (CAT) Grants

CAT Grants are intended to: (1) Enable courts or national court associations to modify and adapt model curricula, course modules, or conference programs to meet states' or local jurisdictions' educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness, or (2) conduct judicial branch education and training programs, led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. CAT Grants may not exceed $30,000. Examples of expenses not covered by CAT Grants include the salaries, benefits, or travel of full-or part-time court employees. Grant periods for CAT Grants ordinarily may not exceed 12 months.

Applicants for CAT Grants will be required to contribute a match of not less than 50 percent of the grant amount requested, of which 20 percent must be cash. In other words, an applicant seeking a $30,000 CAT grant must provide a $15,000 match, of which up to $12,000 can be in-kind and not less than $3,000 must be cash. Funding from other federal departments and agencies may not be used for cash match. CAT Grant application procedures can be found in section IV.C.

D. Partner Grants

Partner Grants are intended to allow SJI and federal, state, or local agencies or foundations, trusts, or other private entities to combine financial resources in pursuit of common interests. SJI and its financial partners may set any level for Partner Grants, subject to the entire amount of the grant being available at the time of the award. Grant periods for Partner Grants ordinarily may not exceed 36 months.

Partner Grants are subject to the same cash match requirement as Project Grants. In other words, grant awards by SJI must be matched at least dollar-for-dollar. Partner Grants are initiated and coordinated by SJI and its financial partner. More information on Partner Grants can be found in section IV.D.

E. Strategic Initiatives Grants

The Strategic Initiatives Grants (SIG) program provides SJI with the flexibility to address national court issues as they occur, and develop solutions to those problems. This is an innovative approach where SJI uses its expertise and the expertise and knowledge of its grantees to address key issues facing state courts across the United States.

The funding is used for grants or contractual services, and is handled at the discretion of the SJI Board of

Directors and staff outside the normal grant application process (*i.e.,* SJI will initiate the project).

F. Education Support Program (ESP) for Judges and Court Managers

The Education Support Program (ESP) is intended to enhance the skills, knowledge, and abilities of state court judges and court managers by enabling them to attend out-of-state, or to enroll in online, educational and training programs sponsored by national and state providers that they could not otherwise attend or take online because of limited state, local, and personal budgets. An ESP award only covers the cost of tuition up to a maximum of $1,000 per award. ESP application procedures can be found in section IV.E.

IV. Grant Applications

A. Project Grants

An application for a Project Grant must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances (see below). See *www.sji.gov/forms* for Project Grant application forms.

1. Forms

a. Application Form (Form A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

b. Certificate of State Approval (Form B)

An application from a state or local court must include a copy of Form B signed by the state's chief justice or state court administrator. The signature denotes that the proposed project has been approved by the state's highest court or the agency or council it has designated. It denotes further that, if applicable, a cash match reduction has been requested, and that if SJI approves funding for the project, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

c. Budget Form (Form C)

Applicants must submit a Form C. In addition, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category (see subsection A.4. below).

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

d. Assurances (Form D)

This form lists the statutory, regulatory, and policy requirements with which recipients of Institute funds must comply.

e. Disclosure of Lobbying Activities (Form E)

Applicants other than units of state or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts (see section VI.A.7.).

2. Project Abstract

The abstract should highlight the purposes, goals, methods, and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page.

3. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

a. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (*e.g.,* to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives.

The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

b. Need for the Project

If the project is to be conducted in any specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing programs, procedures, services, or other resources cannot adequately resolve those problems. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

c. Tasks, Methods and Evaluations

(1) *Tasks and Methods.* The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

(a) *For research and evaluation projects,* the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and protecting others who are not the subjects of research but would be

affected by the research. If the potential exists for risk or harm to human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

(b) *For education and training projects,* the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

(c) *For demonstration projects,* the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they would be identified and their cooperation obtained; and how the program or procedures would be implemented and monitored.

(d) *For technical assistance projects,* the applicant should explain the types of assistance that would be provided; the particular issues and problems for which assistance would be provided; the type of assistance determined; how suitable providers would be selected and briefed; and how reports would be reviewed.

(2) *Evaluation.* Projects should include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan should be appropriate to the type of project proposed.

d. Project Management

The applicant should present a detailed management plan, including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (*i.e.,* no later than January 30, April 30, July 30, and October 30), per section VI.A.13.

Applicants should be aware that SJI is unlikely to approve a limited extension of the grant period without strong justification. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

e. Products

The program narrative in the application should contain a description of the product(s) to be developed (*e.g.,* training curricula and materials, Web sites or other electronic multimedia, articles, guidelines, manuals, reports, handbooks, benchbooks, or books), including when they would be submitted to SJI. The budget should include the cost of producing and disseminating the product to the state chief justice, state court administrator, and other appropriate judges or court personnel. If final products involve electronic formats, the applicant should indicate how the product would be made available to other courts. Discussion of this dissemination process should occur between the grantee and SJI prior to the final selection of the dissemination process to be used.

(1) *Dissemination Plan.* The application must explain how and to whom the products would be disseminated; describe how they would benefit the state courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (*i.e.,* whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

Applicants proposing to develop web-based products should provide for sending a notice and description of the document to the appropriate audiences to alert them to the availability of the Web site or electronic product (*i.e.,* a written report with a reference to the Web site).

Three (3) copies of all project products should be submitted to SJI, along with an electronic version in HTML or PDF format. Discussions of final product dissemination should be conducted with SJI prior to the end of the grant period.

(2) *Types of Products.* The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period (see section VI.A.14.a.).

The curricula and other products developed through education and training projects should be designed for use by others and again by the original participants in the course of their duties.

(3) *SJI Review.* Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in Web site or multimedia format, applicants must provide for SJI review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI (see section VI.A.11.f.).

(4) *Acknowledgment, Disclaimer, and Logo.* Applicants must also include in all project products a prominent acknowledgment that support was received from SJI and a disclaimer paragraph based on the example provided in section VI.A.11.a.2. in the Grant Guideline. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a Web site or other multimedia product, unless SJI approves another placement. The SJI logo can be downloaded from SJI's Web site: *www.sji.gov.*

f. Applicant Status

An applicant that is not a state or local court and has not received a grant from SJI within the past three years should indicate whether it is either a national non-profit organization

controlled by, operating in conjunction with, and serving the judicial branches of state governments, or a national non-profit organization for the education and training of state court judges and support personnel (see section II). If the applicant is a non-judicial unit of federal, state, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

g. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

h. Organizational Capacity

Applicants that have not received a grant from SJI within the past three years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from SJI within the past three years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, ''current'' means no earlier than two years prior to the present calendar year.

If a current audit report is not available, SJI will require the organization to complete a financial capability questionnaire, which must be signed by a certified public accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

i. Statement of Lobbying Activities

Non-governmental applicants must submit SJI's Disclosure of Lobbying Activities Form E, which documents whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

j. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. Letters of general support for a project are also encouraged.

4. Budget Narrative

In addition to Project Grant applications, the following section also applies to Technical Assistance and Curriculum Adaptation and Training grant applications.

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background information or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation.

a. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute a supplantation of state or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match.

b. Fringe Benefit Computation

For non-governmental entities, the applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

c. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section VII.I.2.c. Prior written SJI approval is required for any consultant rate in excess of $800 per day; SJI funds may not be used to pay a consultant more than $1,100 per day. Honorarium payments must be justified in the same manner as consultant payments.

d. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the federal government. The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

e. Equipment

Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which

equipment is to be leased and which is to be purchased. The method of procurement should also be described.

f. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

g. Construction

Construction expenses are prohibited.

h. Postage

Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine mailing costs. The bases for all postage estimates should be included in the budget narrative.

i. Printing/Photocopying

Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

j. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs, *i.e.* salaries plus fringe benefits (see section VII.H.3.).

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. These rates must be established in accordance with section VII.H.3. If the applicant has an indirect cost rate or allocation plan approved by any federal granting agency, a copy of the approved rate agreement must be attached to the application.

5. Submission Requirements

a. Every applicant must submit an original and one copy, by mail, of the application package consisting of Form A; Form B, if the application is from a state or local court, or a Disclosure of Lobbying Form (Form E), if the applicant is not a unit of state or local government; Form C; the Application Abstract; the Program Narrative; the Budget Narrative; and any necessary appendices.

Letters of application may be submitted at any time. However, applicants are encouraged to review the grant deadlines available on the SJI Web site. Receipt of each application will be acknowledged by letter or email.

b. Applicants submitting more than one application may include material that would be identical in each application in a cover letter. This material will be incorporated by reference into each application and counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of the application.

B. Technical Assistance (TA) Grants

1. Application Procedures

Applicants for TA Grants may submit an original and one copy, by mail, of a detailed letter describing the proposed project, as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval from the State Supreme Court, or its designated agency; and Form C—Project Budget in Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed form for the letter, or a minimum or maximum page limit, letters of application should include the following information:

a. *Need for Funding.* The applicant must explain the critical need facing the applicant, and the proposed technical assistance that will enable the applicant meet this critical need. The applicant must also explain why state or local resources are not sufficient to fully support the costs of the project. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

b. *Project Description.* The applicant must describe how the proposed project addressed one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The applicant must describe the tasks the consultant will perform, and how would they be accomplished. In addition, the applicant must identify which organization or individual will be hired to provide the assistance, and how the consultant was selected. If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant (applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services)? What specific tasks would the consultant(s) and court staff undertake? What is the schedule for completion of each required task and the entire project? How would the applicant oversee the project and provide guidance to the consultant, and who at the court or regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and SJI upon completion of the technical assistance.

c. *Likelihood of Implementation.* What steps have been or would be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant would be needed to adopt the changes recommended by the consultant and approved by the court, how would they be involved in the review of the recommendations and development of the implementation plan?

3. Budget and Matching State Contribution

Applicants must follow the same guidelines provided under Section IV.A. A completed Form C—Project Budget,

Tabular Format and budget narrative must be included with the letter requesting technical assistance.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (*e.g.,* the number of days per task times the requested daily consultant rate). Applicants should be aware that consultant rates above $800 per day must be approved in advance by SJI, and that no consultant will be paid more than $1,100 per day from SJI funds. In addition, the budget should provide for submission of two copies of the consultant's final report to the SJI.

Recipients of TA Grants must maintain appropriate documentation to support expenditures.

4. Submission Requirements

Letters of application should be submitted according to the grant deadlines provided on the SJI Web site.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Letters of general support for the project are also encouraged. Support letters may be submitted under separate cover; however, they should be received by the same date as the application.

C. Curriculum Adaptation and Training (CAT) Grants

1. Application Procedures

Applicants must submit an original and one copy, by mail, of a detailed letter as well as a Form A—State Justice Institute Application; Form B—Certificate of State Approval; and Form C—Project Budget, Tabular Format (see *www.sji.gov/forms*).

2. Application Format

Although there is no prescribed format for the letter, or a minimum or maximum page limit, letters of application should include the following information.

a. For adaptation of a curriculum:

(1) *Project Description.* The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not. Due to the high costs of travel to attend training events, the innovative use of distance learning is highly encouraged.

The applicant must provide the title of the curriculum that will be adapted, and identify the entity that originally developed the curriculum. The applicant must also address the following questions: Why is this education program needed at the present time? What are the project's goals? What are the learning objectives of the adapted curriculum? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the model curriculum? Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from a single local jurisdiction, from across the state, from a multi-state region, from across the nation)?

(2) *Need for Funding.* The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should explain why state or local resources are unable to fully support the modification and presentation of the model curriculum. The applicant should also describe the potential for replicating or integrating the adapted curriculum in the future using state or local funds, once it has been successfully adapted and tested. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(3) *Likelihood of Implementation.* The applicant should provide the proposed timeline, including the project start and end dates, the date(s) the judicial branch education program will be presented, and the process that will be used to modify and present the program. The applicant should also identify who will serve as faculty, and how they were selected, in addition to the measures taken to facilitate subsequent presentations of the program. Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any evaluation should be included in the final report.

(4) *Expressions of Interest by Judges and/or Court Personnel.* Does the proposed program have the support of the court system or association leadership, and of judges, court managers, and judicial branch education personnel who are expected to attend? Applicants may demonstrate this by attaching letters of support.

b. For training assistance:

(1) *Need for Funding.* The applicant must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicant must provide an explanation why not.

The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the National Center for State Courts (NCSC) Library and Digital Archive. Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

The applicant should describe the court reform or initiative prompting the need for training. The applicant should also discuss how the proposed training will help the applicant implement planned changes at the court, and why state or local resources are not sufficient to fully support the costs of the required training. In addition, the applicant should describe how, if applicable, the project will be sustained in the future through existing resources.

(2) *Project Description.* The applicant must identify the tasks the trainer(s) will be expected to perform, which organization or individual will be hired, and, if in-house personnel are not the trainers, how the trainer will be selected. If a trainer has not yet been identified, the applicant must describe the procedures and criteria that will be used to select the trainer. In addition, the applicant should address the following questions: What specific tasks would the trainer and court staff or regional court association members

undertake? What presentation methods will be used? What is the schedule for completion of each required task and the entire project? How will the applicant oversee the project and provide guidance to the trainer, and who at the court or affiliated with the regional court association would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the trainer has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the trainer's ability to complete the assignment within the proposed time frame and for the proposed cost.

(3) *Likelihood of Implementation.* The applicant should explain what steps have been or will be taken to coordinate the implementation of the training. For example, if the support or cooperation of specific court or regional court association officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the reform and initiate the training proposed, how will the applicant secure their involvement in the development and implementation of the training?

3. Budget and Matching State Contribution

Applicants must also follow the same guidelines provided under Section IV.A. Applicants should attach a copy of budget Form C and a budget narrative that describes the basis for the computation of all project-related costs and the source of the match offered.

4. Submission Requirements

For curriculum adaptation requests, applicants should allow at least 90 days between the Board meeting and the date of the proposed program to allow sufficient time for needed planning. Letters of support for the project are also encouraged. Applicants are encouraged to call SJI to discuss concerns about timing of submissions.

D. Partner Grants

SJI and its funding partners may meld, pick and choose, or waive their application procedures, grant cycles, or grant requirements to expedite the award of jointly-funded grants targeted at emerging or high priority problems confronting state and local courts. SJI may solicit brief proposals from potential grantees to fellow financial partners as a first step. Should SJI be chosen as the lead grant manager, Project Grant application procedures will apply to the proposed Partner Grant.

E. Education Support Program (ESP)

1. Limitations

Applicants may not receive more than one ESP award in a two-year fiscal year period unless the course specifically assumes multi-year participation, such as a certification program or a graduate degree program in judicial studies in which the applicant is currently enrolled (neither exception should be taken as a commitment on the part of the SJI Board of Directors to approve serial ESP awards). If the course assumes multi-year participation, awards will be limited to one per fiscal year. Attendance at annual or mid-year meetings or conferences of a state or national organization does not qualify as an out-of-state educational program for the ESP, even though it may include workshops or other training sessions.

The ESP only covers the cost of tuition up to a maximum of $1,000 per award, per course. Awards will be made for the exact amount requested for tuition. Funds to pay tuition in excess of $1,000, and other cost of attending the program such as travel, lodging, meals, materials, transportation to and from airports (including rental cars) must be obtained from other sources or borne by the ESP award recipient. Applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible. An ESP award is not transferable to another individual. It may be used only for the course specified in the application unless the applicant's request to attend a different course that meets the eligibility requirements is approved in writing by SJI.

2. Eligibility Requirements

a. *Recipients.* Because of the limited amount of funding available, only full-time judges of state or local trial and appellate courts; full-time professional, state, or local court personnel with management and supervisory responsibilities; and supervisory and management probation personnel in judicial branch probation offices are eligible for the program. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible.

b. *Courses.* An ESP award is only for: (1) a course presented in a state other than the one in which the applicant resides or works, or (2) an online course. The course must be designed to enhance the skills of new or experienced judges and court managers; or be offered by a recognized graduate program for judges or court managers.

SJI does not submit the names of ESP award recipients to educational organizations, nor provide the funds to the educational organization. SJI also does not provide the funding directly to the applicant's court. ESP funds are provided as reimbursements directly to the recipient.

3. Forms

a. *Education Support Program Application—Form ESP–1* (see *www.sji.gov/forms*). The application requests basic information about the applicant and the educational program the applicant would like to attend. It also addresses the applicant's commitment to share the skills and knowledge gained with state and local court colleagues. The application must bear the original signature of the applicant. Faxed or photocopied signatures will not be accepted. SJI will not supplant state funds with these awards.

b. *Education Support Program Concurrence—Form ESP–2* Judges and court managers applying for the program must submit the original written concurrence of the chief justice of the state's supreme court (or the chief justice's designee) on Form ESP–2. The signature of the presiding judge of the applicant's court may not be substituted for that of the state's chief justice or the chief justice's designee. The chief justice or state court administrator must notify SJI of the designees within the state for ESP purposes.

4. Submission Requirements

Applications may be submitted at any time but will be reviewed on a quarterly basis. This means ESP awards will be on a ''first-come, first-considered'' basis. The dates for applications to be received by SJI for consideration in FY 2015 are November 1, February 1, May 1, and August 1. These are *not* mailing deadlines. The applications must be received by SJI on or before each of these dates. No exceptions or extensions will be granted. All the required items must be received for an application to be considered. If the Concurrence form or letter of support is sent separately from the application, the postmark date of the last item sent will be used in determining the review date. All applications should be sent by mail or courier (not fax or email).

V. Application review procedures

A. Preliminary Inquiries

SJI staff will answer inquiries concerning application procedures.

B. Selection Criteria

1. Project Grant Applications

a. Project Grant applications will be rated on the basis of the criteria set forth below. SJI will accord the greatest weight to the following criteria:

(1) The soundness of the methodology;

(2) The demonstration of need for the project;

(3) The appropriateness of the proposed evaluation design;

(4) If applicable, the key findings and recommendations of the most recent evaluation and the proposed responses to those findings and recommendations;

(5) The applicant's management plan and organizational capabilities;

(6) The qualifications of the project's staff;

(7) The products and benefits resulting from the project, including the extent to which the project will have long-term benefits for state courts across the nation;

(8) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions;

(9) The reasonableness of the proposed budget; and,

(10) The demonstration of cooperation and support of other agencies that may be affected by the project.

b. In determining which projects to support, SJI will also consider whether the applicant is a state court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation (see section II.); the availability of financial assistance from other sources for the project; the amount of the applicant's match; the extent to which the proposed project would also benefit the federal courts or help state courts enforce federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years.

2. Technical Assistance (TA) Grant Applications

TA Grant applications will be rated on the basis of the following criteria:

a. Whether the assistance would address a critical need of the applicant;

b. The soundness of the technical assistance approach to the problem;

c. The qualifications of the consultant(s) to be hired or the specific criteria that will be used to select the consultant(s);

d. The commitment of the court or association to act on the consultant's recommendations; and,

e. The reasonableness of the proposed budget.

SJI also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to SJI in the current year, and the amount expected to be available in succeeding fiscal years.

3. Curriculum Adaptation and Training (CAT) Grant Applications

CAT Grant applications will be rated on the basis of the following criteria:

a. For curriculum adaptation projects:

(1) The goals and objectives of the proposed project;

(2) The need for outside funding to support the program;

(3) The appropriateness of the approach in achieving the project's educational objectives;

(4) The likelihood of effective implementation and integration of the modified curriculum into ongoing educational programming; and,

(5) Expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project.

b. For training assistance:

(1) Whether the training would address a critical need of the court or association;

(2) The soundness of the training approach to the problem;

(3) The qualifications of the trainer(s) to be hired or the specific criteria that will be used to select the trainer(s);

(4) The commitment of the court or association to the training program; and

(5) The reasonableness of the proposed budget.

SJI will also consider factors such as the reasonableness of the amount requested; compliance with match requirements; diversity of subject matter, geographic diversity; the level of appropriations available to SJI in the current year; and the amount expected to be available in succeeding fiscal years.

4. Partner Grants

The selection criteria for Partner Grants will be driven by the collective priorities of SJI and other organizations and their collective assessments regarding the needs and capabilities of court and court-related organizations. Having settled on priorities, SJI and its financial partners will likely contact the courts or court-related organizations most acceptable as pilots, laboratories, consultants, or the like.

5. Education Support Program (ESP)

ESP awards are only for programs that either: (1) Enhance the skills of judges and court managers; or (2) are part of a graduate degree program for judges or court personnel. Awards are provided on the basis of:

a. The date on which the application and concurrence (and support letter, if required) were sent (''first-come, first-considered'');

b. The unavailability of state or local funds, or funding from another source to cover the costs of attending the program, or participating online;

c. The absence of educational programs in the applicant's state addressing the topic(s) covered by the educational program for which the award is being sought;

d. Geographic balance among the recipients;

e. The balance of ESP awards among educational providers and programs;

f. The balance of ESP awards among the types of courts and court personnel (trial judge, appellate judge, trial court administrator) represented; and

g. The level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years.

The postmark or courier receipt will be used to determine the date on which the application form and other required items were sent.

C. Review and Approval Process

1. Project Grant Applications

SJI's Board of Directors will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

2. Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grant Applications

The Board will review the applications competitively. The Board will review all applications and decide which projects to fund. The decision to fund a project is solely that of the Board of Directors. The Chairman of the Board will sign approved awards on behalf of SJI.

3. Education Support Program (ESP)

A committee of the Board of Directors will review ESP applications quarterly. The committee will review the applications competitively. The

Chairman of the Board will sign approved awards on behalf of SJI.

4. Partner Grants

SJI's internal process for the review and approval of Partner Grants will depend on negotiations with fellow financiers. SJI may use its procedures, a partner's procedures, a mix of both, or entirely unique procedures. All Partner Grants will be approved by the Board of Directors.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned.

E. Notification of Board Decision

SJI will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications. For all applications (except ESP applications), if requested, SJI will convey the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal in a subsequent funding cycle.

F. Response to Notification of Approval

With the exception of those approved for ESP awards, applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the approval may be rescinded and the application presented to the Board for reconsideration. In the event an issue will only be resolved after award, such as the selection of a consultant, the final award document will include a Special Condition that will require additional grantee reporting and SJI review and approval. Special Conditions, in the form of incentives or sanctions, may also be used in other situations.

VI. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts, and cooperative agreements awarded by SJI. The Board of Directors has approved additional policies governing the use of SJI grant funds. These statutory and policy requirements are set forth below.

A. Recipients of Project Grants

1. Advocacy

No funds made available by SJI may be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities (42 U.S.C. 10706(b)).

2. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to SJI. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

3. Audit

Recipients of SJI grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and its financial operations are in accordance with generally accepted accounting principles (see section VII.I. for the requirements of such audits).

4. Budget Revisions

Budget revisions among direct cost categories that: (a) Transfer grant funds to an unbudgeted cost category, or (b) individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

5. Conflict of Interest

Personnel and other officials connected with SJI-funded programs must adhere to the following requirements:

a. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which SJI funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

b. In the use of SJI project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

(1) Using an official position for private gain; or

(2) Affecting adversely the confidence of the public in the integrity of the Institute program.

c. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

6. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of SJI-sponsored work, such fact shall be promptly and fully reported to SJI. Unless there is a prior agreement between the grantee and SJI on disposition of such items, SJI shall determine whether protection of the invention or discovery shall be sought.

7. Lobbying

a. Funds awarded to recipients by SJI shall not be used, indirectly or directly, to influence Executive Orders or similar promulgations by federal, state or local agencies, or to influence the passage or defeat of any legislation by federal, state or local legislative bodies (42 U.S.C. 10706(a)).

b. It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, SJI will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

8. Matching Requirements

All grantees other than ESP award recipients are required to provide a match. A match is the portion of project costs not borne by the Institute. Match includes both cash and in-kind contributions. Cash match is the direct outlay of funds by the grantee or a third party to support the project. In-kind match consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the

grantee or others (*e.g.,* advisory board members) working directly on the project or that portion of the grantee's federally-approved indirect cost rate that exceeds the Guideline's limit of permitted charges (75 percent of salaries and benefits).

Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of SJI, match may be incurred from the date of the Board of Directors' approval of an award. The amount and nature of required match depends on the type of grant (see section III.).

The grantee is responsible for ensuring that the total amount of match proposed is actually contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section VII.D.1.). Match should be expended at the same rate as SJI funding.

The Board of Directors looks favorably upon any unrequired match contributed by applicants when making grant decisions. The match requirement may be waived in exceptionally rare circumstances upon the request of the chief justice of the highest court in the state or the highest ranking official in the requesting organization and approval by the Board of Directors (42 U.S.C. 10705(d)). The Board of Directors encourages all applicants to provide the maximum amount of cash and in-kind match possible, even if a waiver is approved. The amount and nature of match are criteria in the grant selection process (see section V.B.1.b.).

Other federal department and agency funding may not be used for cash match.

9. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds. Recipients of SJI funds must immediately take any measures necessary to effectuate this provision.

10. Political Activities

No recipient may contribute or make available SJI funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify SJI or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office (42 U.S.C. 10706(a)).

11. Products

a. Acknowledgment, Logo, and Disclaimer

(1) Recipients of SJI funds must acknowledge prominently on all products developed with grant funds that support was received from the SJI. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a multimedia product, unless another placement is approved in writing by SJI. This includes final products printed or otherwise reproduced during the grant period, as well as re-printings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available on SJI's Web site: *www.sji.gov/forms.*

(2) Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

(3) In addition to other required grant products and reports, recipients must provide a one page executive summary of the project. The summary should include a background on the project, the tasks undertaken, and the outcome. In addition, the summary should provide the performance metrics that were used during the project, and how performance will be measured in the future.

b. Charges for Grant-Related Products/ Recovery of Costs

(1) SJI's mission is to support improvements in the quality of justice and foster innovative, efficient solutions to common issues faced by all courts. SJI has recognized and established procedures for supporting research and development of grant products (*e.g.* a report, curriculum, video, software, database, or Web site) through competitive grant awards based on merit review of proposed projects. To ensure that all grants benefit the entire court community, projects SJI considers worthy of support (in whole or in part), are required to be disseminated widely and available for public consumption. This includes open-source software and interfaces. Costs for development, production, and dissemination are allowable as direct costs to SJI.

(2) Applicants should disclose their intent to sell grant-related products in the application. Grantees must obtain SJI's prior written approval of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either SJI grant funds or grantee matching contributions.

(3) In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of SJI-funded project or other purposes consistent with the State Justice Institute Act that have been approved by SJI (see section VII.F.).

c. Copyrights

Except as otherwise provided in the terms and conditions of a SJI award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of a SJI-supported project, but SJI shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

d. Due Date

All products and, for TA and CAT grants, consultant and/or trainer reports (see section VI.B.1 & 2) are to be completed and distributed (see below) not later than the end of the award period, not the 90-day close out period. The latter is only intended for grantee final reporting and to liquidate obligations (see section VII.J.).

e. Distribution

In addition to the distribution specified in the grant application, grantees shall send:

(1) Three (3) copies of each final product developed with grant funds to

SJI, unless the product was developed under either a Technical Assistance or a Curriculum Adaptation and Training Grant, in which case submission of 2 copies is required; and

(2) An electronic version of the product in HTML or PDF format to SJI.

f. SJI Approval

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of SJI. Grantees shall submit a final draft of each written product to SJI for review and approval. The draft must be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit SJI review and incorporation of any appropriate changes required by SJI. Grantees must provide for timely reviews by the SJI of Web site or other multimedia products at the treatment, script, rough cut, and final stages of development or their equivalents.

g. Original Material

All products prepared as the result of SJI-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

12. Prohibition Against Litigation Support

No funds made available by SJI may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

13. Reporting Requirements

a. Recipients of SJI funds other than ESP awards must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

b. The quarterly Financial Status Report must be submitted in accordance with section VII.G.2. of this Guideline. A final project Progress Report and Financial Status Report shall be submitted within 90 days after the end of the grant period in accordance with section VII.J.1. of this Guideline.

14. Research

a. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis backup files containing research and evaluation data collected under an SJI grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

b. Confidentiality of Information

Except as provided by federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

c. Human Subject Protection

Human subjects are defined as individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique. All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, SJI must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

15. State and Local Court Applications

Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council. The supreme court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application (42 U.S.C. 10705(b)(4)). See section VII.B.2.

16. Supplantation and Construction

To ensure that SJI funds are used to supplement and improve the operation of state courts, rather than to support basic court services, SJI funds shall not be used for the following purposes:

a. To supplant state or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

b. To construct court facilities or structures.

c. Solely to purchase equipment.

17. Suspension or Termination of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, SJI may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award (42 U.S.C. 10708(a)).

18. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with SJI funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by SJI that the property will continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or SJI disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in SJI, which will direct the disposition of the property.

B. Recipients of Technical Assistance (TA) and Curriculum Adaptation and Training (CAT) Grants

Recipients of TA and CAT Grants must comply with the requirements

listed in section VI.A. and the reporting requirements below:

1. Technical Assistance (TA) Grant Reporting Requirements

Recipients of TA Grants must submit to SJI one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as two copies of the consultant's written report.

2. Curriculum Adaptation and Training (CAT) Grant Reporting Requirements

Recipients of CAT Grants must submit one copy of the agenda or schedule, outline of presentations and/or relevant instructor's notes, copies of overhead transparencies, power point presentations, or other visual aids, exercises, case studies and other background materials, hypotheticals, quizzes, and other materials involving the participants, manuals, handbooks, conference packets, evaluation forms, and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty, developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the educational program in the future, as well as two copies of the consultant's or trainer's report.

C. Education Support Program (ESP) Recipients

1. ESP award recipients are responsible for disseminating the information received from the course to their court colleagues locally and, if possible, throughout the state

Recipients also must submit to SJI a certificate of attendance from the program and a copy of the notice of any funding received from other sources. A state or local jurisdiction may impose additional requirements on ESP award recipients.

2. To receive the funds authorized by an ESP award, recipients must submit an ESP Payment Request (Form ESP–3) together with a paid tuition statement from the program sponsor.

ESP Payment Requests must be submitted within 90 days after the end of the course, which the recipient attended.

3. ESP recipients are encouraged to check with their tax advisors to determine whether an award constitutes taxable income under federal and state law.

D. Partner Grants

The compliance requirements for Partner Grant recipients will depend upon the agreements struck between the grant financiers and between lead financiers and grantees. Should SJI be the lead, the compliance requirements for Project Grants will apply, unless specific arrangements are determined by the Partners.

VII. Financial Requirements

A. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, sub-grantees, contractors, and other organizations in:

1. Complying with the statutory requirements for the award, disbursement, and accounting of funds;
2. Complying with regulatory requirements of SJI for the financial management and disposition of funds;
3. Generating financial data to be used in planning, managing, and controlling projects; and
4. Facilitating an effective audit of funded programs and projects.

B. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving awards from SJI are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of the State Supreme Court

a. Each application for funding from a state or local court must be approved, consistent with state law, by the state supreme court, or its designated agency or council.

b. The state supreme court or its designee shall receive all SJI funds awarded to such courts; be responsible for assuring proper administration of SJI funds; and be responsible for all aspects of the project, including proper accounting and financial record-keeping by the subgrantee. These responsibilities include:

(1) *Reviewing Financial Operations.* The state supreme court or its designee should be familiar with, and periodically monitor, its sub-grantee's financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

(2) *Recording Financial Activities.* The sub-grantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the state supreme court or its designee in summary form. Sub-grantee expenditures should be recorded on the books of the state supreme court or evidenced by report forms duly filed by the sub-grantee. Matching contributions provided by sub-grantees should likewise be recorded, as should any project income resulting from program operations.

(3) *Budgeting and Budget Review.* The state supreme court or its designee should ensure that each sub-grantee prepares an adequate budget as the basis for its award commitment. The state supreme court should maintain the details of each project budget on file.

(4) *Accounting for Match.* The state supreme court or its designee will ensure that sub-grantees comply with the match requirements specified in this Grant Guideline (see section VI.A.8.).

(5) *Audit Requirement.* The state supreme court or its designee is required to ensure that sub-grantees meet the necessary audit requirements set forth by SJI (see sections I. and VI.A.3. below).

(6) *Reporting Irregularities.* The state supreme court, its designees, and its sub-grantees are responsible for promptly reporting to SJI the nature and circumstances surrounding any financial irregularities discovered.

C. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);
2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;
3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;
4. Provides cost and property controls to assure optimal use of grant funds;
5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational

efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

D. Total Cost Budgeting and Accounting

Accounting for all funds awarded by SJI must be structured and executed on a ''Total Project Cost'' basis. That is, total project costs, including SJI funds, state and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions should be applied at the same time as the obligation of SJI funds. Ordinarily, the full matching share must be obligated during the award period; however, with the written permission of SJI, contributions made following approval of the grant by the Board of Directors, but before the beginning of the grant, may be counted as match. If a proposed cash or in-kind match is not fully met, SJI may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match

All grantees must maintain records that clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does SJI funds and required matching shares. For all grants made to state and local courts, the state supreme court has primary responsibility for grantee/sub-grantee compliance with the requirements of this section (see subsection B.2. above).

E. Maintenance and Retention of Records

All financial records, including supporting documents, statistical records, and all other information pertinent to grants, sub-grants, cooperative agreements, or contracts under grants, must be retained by each organization participating in a project for at least three years for purposes of examination and audit. State supreme courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and sub-grant awards, applications, and required grantee/sub-grantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, sub-grant or contract, whether they are employed full-time or part-time. Time and effort reports are required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report.

3. Maintenance

Grantees and sub-grantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and sub-grantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/sub-grantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and sub-grantees must give any authorized representative of SJI access to and the right to examine all records, books, papers, and documents related to an SJI grant.

F. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to SJI (see subsection G.2. below). The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A state and any agency or instrumentality of a state, including institutions of higher education and hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to sub-grantees through a state, the sub-grantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/sub-grantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees may be considered as cash match with prior written approval from SJI. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

If the sale of products occurs during the project period, the income may be treated as cash match with the prior written approval of SJI. The costs and income generated by the sales must be reported on the Quarterly Financial Status Reports (Form F) and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to SJI in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs as specified in section VI.A.11.b.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

G. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all SJI grant funds and grantees.

Request for Reimbursement of Funds Grantees will receive funds on a reimbursable, U.S. Treasury ''check-issued'' or electronic funds transfer (EFT) basis. Upon receipt, review, and approval of a Request for Reimbursement (Form R) by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The Form R, along with the instructions

for its preparation, and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT) are available on the Institute's Web site: *www.sji.gov/forms.*

2. Financial Reporting

a. *General Requirements.* To obtain financial information concerning the use of funds, the Institute requires that grantees/sub-grantees submit timely reports for review.

b. *Due Dates and Contents.* A Financial Status Report is required from all grantees, other than ESP award recipients, for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, state and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report (Form F), along with instructions, are provided at *www.sji.gov/forms.* If a grantee requests substantial payments for a project prior to the completion of a given quarter, SJI may request a brief summary of the amount requested, by object class, to support the Request for Reimbursement.

3. Consequences of Non-Compliance With Submission Requirement

Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant payments.

H. Allowability of Costs

1. Costs Requiring Prior Approval

a. *Pre-agreement Costs.* The written prior approval of SJI is required for costs considered necessary but which occur prior to the start date of the project period.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of SJI is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or software to be purchased exceeds $3,000.

c. *Consultants.* The written prior approval of SJI is required when the rate of compensation to be paid a consultant exceeds $800 a day. SJI funds may not be used to pay a consultant more than $1,100 per day.

d. *Budget Revisions.* Budget revisions among direct cost categories that (i) transfer grant funds to an unbudgeted cost category or (ii) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget require prior SJI approval (see section VIII.A.1.).

2. Travel Costs

Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the federal government. SJI funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting, or conference of that organization.

3. Indirect Costs

Indirect costs are only applicable to organizations that are not state courts or government agencies. These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. Although SJI's policy requires all costs to be budgeted directly, it will accept indirect costs if a grantee has an indirect cost rate approved by a federal agency. However, recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (salaries plus fringe benefits).

a. Approved Plan Available

(1) A copy of an indirect cost rate agreement or allocation plan approved for a grantee during the preceding two years by any federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars must be submitted to SJI.

(2) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, *e.g.,* accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

I. Audit Requirements

1. Implementation

Each recipient of a Project Grant must provide for an annual fiscal audit. This requirement also applies to a state or local court receiving a sub-grant from the state supreme court. The audit may be of the entire grantee or sub-grantee organization or of the specific project funded by the Institute. Audits conducted using generally accepted auditing standards in the United States will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a state or local agency authorized to audit government agencies.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for: (1) Follow-up, (2) maintaining a record of the actions taken on recommendations and time schedules, (3) responding to and acting on audit recommendations, and (4) submitting periodic reports to SJI on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

Ordinarily, SJI will not make a subsequent grant award to an applicant that has an unresolved audit report involving SJI awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active SJI grants to that organization.

J. Close-Out of Grants

1. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (see subsection J.2. below), the following documents must be submitted to SJI by grantees (other than ESP award recipients):

a. *Financial Status Report.* The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by SJI. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no instance should any unused funds remain with the grantee beyond the submission date of the final Financial Status Report.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products

have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. These reporting requirements apply at the conclusion of every grant other than an ESP award.

2. Extension of Close-Out Period

Upon the written request of the grantee, SJI may extend the close-out period to assure completion of the grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

VIII. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring Institute approval must be submitted by the project director in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested). All requests for changes from the approved application will be carefully reviewed for both consistency with this Grant Guideline and the enhancement of grant goals and objectives. Failure to submit adjustments in a timely manner may result in the termination of a grantee's award.

A. Grant Adjustments Requiring Prior Written Approval

The following grant adjustments require the prior written approval of SJI:

1. Budget revisions among direct cost categories that (a) transfer grant funds to an unbudgeted cost category or (b) individually or cumulatively exceed five percent (5%) of the approved original budget or the most recently approved revised budget (see section VII.H.1.d.).
2. A change in the scope of work to be performed or the objectives of the project (see subsection D. below).
3. A change in the project site.
4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see subsection E. below).
5. Satisfaction of special conditions, if required.
6. A change in or temporary absence of the project director (see subsections F. and G. below).
7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section VI.A.2.).
8. A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.
9. A change in the name of the grantee organization.
10. A transfer or contracting out of grant-supported activities (see subsection H. below).
11. A transfer of the grant to another recipient.
12. Pre-agreement costs (see section VII.I.2.a.).
13. The purchase of automated data processing equipment and software (see section VII.H.1.b.).
14. Consultant rates (see section VII.I.2.c.).
15. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Requests for Grant Adjustments

All grantees must promptly notify SJI, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help SJI's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the SJI Executive Director. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by SJI. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification to SJI.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for an extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section VII.J.2.).

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/sub-grantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by SJI.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, SJI must be notified immediately. In such cases, if the grantee/sub-grantee wishes to terminate the project, SJI will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to SJI for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by SJI.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by SJI. All such arrangements must be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval of SJI at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to SJI.

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[FR Doc. 2016–24382 Filed 10–7–16; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Highway Project in Los Angeles County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to advise the public that a Draft Environmental Impact Statement (EIS) will be prepared for proposed highway improvements on Interstate 605 (I–605) and State Route 60 (SR–60). The limits of the Interstate 605 (I–605) and State Route 60 (SR–60) Improvement Project (Project) will traverse the cities of Baldwin Park, El Monte, City of Industry, Pico Rivera, South El Monte, Whittier, and unincorporated Los Angeles County. Improvements on I–605 are proposed from south of Slauson Avenue to the I–605/Interstate 10 (I–10) Interchange, and improvements on SR–60 are proposed from Santa Anita Avenue to east of Turnbull Canyon Road. A Project Study Report-Project Development Study (PSR–PDS) for the Project was approved in December 2015 (not attached).

FOR FURTHER INFORMATION CONTACT: Ronald Kosinski, Deputy District Director, Division of Environmental Planning, District 7, 100 South Main Street, Suite 100, Los Angeles, CA 90012, (213) 897–0703.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this Project pursuant to 23 United States Code (U.S.C.) 327.

Caltrans will prepare an Environmental Impact Statement (EIS) for the proposed Project. The purpose of the Project is to reduce congestion, improve freeway operations, improve and enhance safety, and improve local and system interchange operations. The Project proposes widening along southbound and northbound I–605 and the addition of one mixed flow lane (a standard freeway lane where vehicles with any number of occupants can drive anytime) along westbound SR–60 within the Project limits. The Project will also include the addition of auxiliary lanes, where necessary (lanes used to separate entering, exiting, or weaving traffic from through traffic). Improvements to local streets and interchanges would be required as part of the Project. Interchanges that would be affected include the I–605/Slauson Avenue Interchange, I–605/Washington Boulevard Interchange, I–605/Whittier Boulevard Interchange, I–605/Beverly Boulevard Interchange, I–605/Rose Hills Road Interchange, I–605/Peck Road Interchange, I–605/SR 60 Interchange, I–605/Valley Boulevard Interchange, and SR 60/Peck Road Interchange.

The following five Project alternatives are under consideration.

Alternative 1: No Build Alternative

In this alternative, there would be no reconstruction or improvements to I–605 or SR–60. I–605 within the Project limits would continue to have four mixed flow lanes that are 11-feet wide, with 2-foot-wide median shoulders, plus one high-occupancy vehicle (HOV) lane and a 1-foot-wide HOV buffer.

Alternative 2: Standard Alternative (Lane/Shoulder Widths)

Alternative 2 would meet Caltrans' Highway Design Manual standards for travel lanes and shoulders. This alternative includes adding one mixed flow lane on southbound and northbound I–605 and widening all lanes to 12 feet, for a total of five, 12-foot-wide mixed flow lanes. The 2-foot-wide median shoulders would be widened to 10 feet, and the 1-foot-wide HOV buffer would be widened to four feet. One 12-foot-wide mixed flow lane would also be added on westbound SR–60. Right-of-Way (ROW) acquisitions would be required to accommodate the proposed improvements and to meet Caltrans' Highway Design Manual standards.

Alternative 3: Reduced Standard Alternative (Lane/Shoulder Widths)

Alternative 3 includes many of the design elements identified in Alternative 2; however, this alternative includes features that do not meet Caltrans' Highway Design Manual standards to reduce ROW acquisitions. On I–605, only two of the five mixed flow lanes would be 12-feet wide, as the remaining three lanes would be 11-feet wide. The 2-foot-wide median shoulders would be widened to 10 feet, and the 1-foot-wide HOV buffer would be widened to two feet.

Alternative 4: Hybrid Alternative

Alternative 4 includes many of the same design elements identified in Alternative 2; however, this alternative includes features that do not meet Caltrans' Highway Design Manual standards to reduce ROW acquisitions. Like Alternative 2, this alternative includes five mixed flow lanes on I–605, but only one mixed flow lane would be 12-feet wide, which is added to the outside travel lane. The remaining portion of the highway, consisting of the four 11-foot-wide mixed flow lanes, the 2-foot-wide median shoulders, and 1-foot-wide HOV buffer, would not be improved as part of this alternative.

Alternative 5: Transportation Systems Management/Transportation Demand Management (TSM/TDM)

The TSM/TDM Alternative would add transportation system and demand management techniques to existing features within the Project limits. Improvements that may be included as part of this alternative are additional ramp metering, improved signal timing, increased transit service, improved signage, development of rideshare/carpool programs, and installation of intelligent transportation systems.

Build Alternatives 2 through 4 may include may include additional design variations, which provide optional lane use (general purpose, HOV), optional on and off ramp modifications, and other operational improvements. Build

alternatives proposed may be refined or be removed from further consideration, as engineering and environmental analysis is conducted for the Project.

Analysis supporting the Environmental Impact Statement (EIS) will determine the improvements necessary to meet the existing and future transportation needs in the corridor.

The following permits/approvals may be required to construct the Project:

- 33 U.S.C. 408 Section 408 Permit (United States (U.S.) Army Corps of Engineers)
- Clean Water Act (CWA) Section 404 Permit (U.S. Army Corps of Engineers)
- Section 1602 Agreement (California Department of Fish and Wildlife)
- National Pollutant Discharge Elimination System (NPDES) Permit
- Caltrans Statewide Permit and Construction General Permit
- CWA Section 401 Water Quality Certification and/or Waste Discharge Requirement (WDR) (Regional Water Quality Control Board)
- South Coast Air Quality Management District (SCAQMD) Rules 403, 1403, and 1166
- Clean Air Act, Transportation Conformity Determination (FHWA; Caltrans)
- Section 106 Compliance with National Historic Preservation Act
- Section 7 Consultation with U.S. Fish and Wildlife Service in the event that Federally-listed species are affected
- Union Pacific Railroad (UPRR) Memorandum of Agreement
- Various City Encroachment Permits

Caltrans will be holding public scoping meetings to provide an overview of the Project, summarize the environmental process, and receive input regarding the environmental issues and the suggested scope and content of the EIS. These meetings will include separate agency and public scoping. One round of three meetings will be held on November 1st through November 3rd. Please refer to the table below for meeting details:

City	Date	Time	Location
City of Industry	Tuesday, Nov. 1, 2016	6:30 p.m.–8:30 p.m	Public Scoping Meeting, Industry Hills Expo Center, 16200 Temple Avenue, City of Industry, CA 91744.
South El Monte	Wednesday, Nov. 2, 2016	6:30 p.m.–8:30 p.m	Public Scoping Meeting, South El Monte Senior Center, 1556 Central Ave., South El Monte, CA 91733.
Whittier	Thursday, Nov. 3, 2016	6:30 p.m.–8:30 p.m	Public Scoping Meeting, Palm Park, Palm A–B Room, 5703 Palm Ave., Whittier, CA 90601.
Whittier	Thursday, Nov. 3, 2016	3:00 p.m.–4:30 p.m	Agency Scoping Meeting, Palm Park, Palm A–B Room, 5703 Palm Ave., Whittier, CA 90601.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and Participating Agencies; tribal governments and local agencies and private organizations and citizens who have previously expressed or are known to have interest in this proposal. The Draft EIS is anticipated to be available for public and agency review and comment in mid-2019. Public meetings will be held in study area communities during the public and agency review and comment period. In addition, public hearings will be held for the Project. Public notice will be given for the time and place of the public meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action is addressed and all significant concerns are identified, comments and suggestions are invited from all interested parties. Comments or questions about this proposed action and the EIS should be directed to Caltrans at the address provided above. (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.)

Issued on: October 3, 2016.

Josue M. Yambo,

Senior Transportation Engineer, Project Delivery Division, Federal Highway Administration, Sacramento, California.

[FR Doc. 2016–24480 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0207]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 18 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before November 10, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0207 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://*

www.regulations.gov at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 18 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Joshua A. Akshar

Mr. Akshar, 22, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''In my medical opinion, Joshua Akshar has sufficient visual acuity and field of vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Akshar reported that he has driven straight trucks for 3 years, accumulating 10,200 miles. He holds a Class B CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Elijah A. Allen, Jr.

Mr. Allen, 52, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''It is my medical opinion that he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Allen reported that he has driven straight trucks for 8 years, accumulating 320,000 miles, tractor-trailer combinations for 25 years, accumulating 2 million miles, and buses for 1 year, accumulating 2,600 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 10 miles per hour (mph).

Tanner H. Brooks

Mr. Brooks, 21, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''It is my opinion that his vision will enable him to safely operate a commercial vehicle.'' Mr. Brooks reported that he has driven tractor-trailer combinations for 3 years, accumulating 24,000 miles. He holds an operator's license from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Brian E. Broux

Mr. Broux, 49, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/50. Following an examination in 2016, his optometrist stated, ''In my opinion, Mr. Broux's vision is sufficient to operate a commercial motor vehicle.'' Mr. Broux reported that he has driven straight trucks for 11 years, accumulating 143,000 miles. He holds a Class BM1 CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alvin J. Dannenmann

Mr. Dannenmann, 50, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, 20/60. Following an examination in 2016, his optometrist stated, ''In my professional opinion Mr [*sic*] Dannenmann has sufficient to [*sic*] vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Dannenmann reported that he has driven straight trucks for 30 years, accumulating 2.34 million miles, and tractor-trailer combinations for 30 years, accumulating 450,000 miles. He holds an operator's license from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Wayne L. Dorbert

Mr. Dorbert, 58, has had exotropia in his right eye due to amblyopia since childhood. The visual acuity in his right eye is 20/40, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''Visual ability and acuity are stable and sufficient to operate a commercial vehicle.'' Mr. Dorbert reported that he has driven buses for 6 years, accumulating 61,500 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger D. Ellsworth Jr.

Mr. Ellsworth, 44, has hypoexotropia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/40. Following an examination in 2016, his optometrist stated, ''In my opinion, Mr. Ellsworth has sufficient vision to perform the driving tasks required to operate a commercial vehicle, with his optical correction.'' Mr. Ellsworth reported that he has driven straight trucks for 14 years, accumulating 364,000 miles. He holds an operator's license from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gregory L. Frisch

Mr. Frisch, 48, has had complete loss of vision in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''I believe he has sufficient vision to perform the driving tasks that require operating a commercial or passenger vehicle.'' Mr. Frisch reported that he has driven straight trucks for 15 years,

accumulating 90,000 miles, tractor-trailer combinations for 15 years, accumulating 60,000 miles, and buses for 10 years, accumulating 50,000 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Josh Gallant Jr.

Mr. Gallant, 68, has had a retinal detachment in his right eye since 1992. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''It is my opinion that his vision and ocular health should not [sic] prevent him from being able to operate a commercial vehicle.'' Mr. Gallant reported that he has driven straight trucks for 22 years, accumulating 2.34 million miles. He holds a Class B CDL from South Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John P. Grum

Mr. Grum, 45, has amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my medical opinion I feel John has more than sufficient vision to continue to operate a commercial vehicle.'' Mr. Grum reported that he has driven straight trucks for 20 years, accumulating 600,000 miles, and tractor-trailer combinations for 20 years, accumulating 1 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Dillon L. Hendren

Mr. Hendren, 28, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''Since Mr. Hendren's visual fields are much greater than the required field in each eye, he should be considered visually competent to operate a commercial vehicle.'' Mr. Hendren reported that he has driven straight trucks for 9 years, accumulating 142,659 miles. He holds an operator's license from South Carolina. His driving record for the last 3 years shows one crash; he was cited for spillage of load/improper load secure.

Roger E. Kadolph

Mr. Kadolph, 63, has a macular scar in his left eye since 1952. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his ophthalmologist stated, ''In short, the history and examination was consistent with a history of very early cataract formation along with a macular scar rendering decreased central visual acuity with no changes in the peripheral vision in both eyes . . . In regards to his exam, again everything has been unchanged and he should be strongly considered for a waiver for this CDL as nothing has been altered here in the last many years.'' Mr. Kadolph reported that he has driven straight trucks for 45 years, accumulating 45,000 miles, tractor-trailer combinations for 24 years, accumulating 120,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jay D. May

Mr. May, 36, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''Jay's vision is sufficient to drive a commercial vehicle.'' Mr. May reported that he has driven straight trucks for 11 years, accumulating 5,500 miles, tractor-trailer combinations for 11 years, accumulating 495,000 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Tracy L. Neal

Mr. Neal, 49, has had optic atrophy in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''It is my medical opinion that Mr. Neal has sufficient vision to perform safe driving tasks required to operate a commercial vehicle.'' Mr. Neal reported that he has driven tractor-trailer combinations for 26 years, accumulating 2.6 million miles. He holds an operator's license from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward P. Paloskey Jr.

Mr. Paloskey, 56, has retinal scar in his left eye due to an electromagnetic foreign body in 1984. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2016, his optometrist stated, ''In my medical opinion, Edward P. Paloskey Jr [*sic*] has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Paloskey reported that he has driven straight trucks for 30 years, accumulating 4.2 million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jesse R. Parker

Mr. Parker, 44, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my medical opinion, Mr. Parker has sufficient vision to perform the driving tasks assigned to him to operate a commercial vehicle.'' Mr. Parker reported that he has driven tractor-trailer combinations for 16 years, accumulating 80,000 miles. He holds an operator's license from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Christopher A. Stewart

Mr. Stewart, 57, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated that Mr. Stewart does have sufficient vision to perform the driving tasks required to operate a commercial motor vehicle. Mr. Stewart reported that he has driven tractor-trailer combinations for 32 years, accumulating 3.58 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Emejildo Vargas

Mr. Vargas, 28, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/200. Following an examination in 2016, his optometrist stated, ''Mr. Vargas does meet the visual standards to drive legally and there is sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Vargas reported that he has driven straight trucks for 4 years, accumulating 74,080 miles, and tractor-trailer combinations for 2 years, accumulating 14,580 miles. He holds a Class A CDL from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2016–0207 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2016–0207 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: September 29, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–24465 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0209]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before November 10, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0209 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 12 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Robert A. Andersen

Mr. Andersen, 81, has a prosthetic left eye due to a traumatic incident in 2011. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2016, his ophthalmologist stated, ''Mr. Andersen functions well with activities of daily living including but not limited to sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Andersen reported that he has driven straight trucks for 64 years, accumulating 30 million miles, and tractor-trailer combinations for 58 years, accumulating 5.6 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Daniel L. Bawden

Mr. Bawden, 71, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/300. Following an examination in 2016, his optometrist stated, ''In my professional opinion, the scotoma in his left eye is so small that he can safely operate a commercial vehicle.'' Mr. Bawden reported that he has driven straight trucks for 7 years, accumulating 21,000 miles, and tractor-trailer combinations for 43 years, accumulating 3.2 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kelly L. Ewing

Mr. Ewing, 47, has had complete loss of vision in his left eye due to a traumatic incident in 1999. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''In my medical opinion, I do believe that Mr. [*sic*] Ewing has sufficient vision to perform the driving tasks required of him to operate a commercial vehicle.'' Mr. Ewing reported that he has driven straight trucks for 30 years, accumulating 150,000 miles, and tractor-trailer combinations for 23 years, accumulating 548,550 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph G. Fischer

Mr. Fischer, 52, has a corneal scar in his left eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/15, and in his left eye, count fingers. Following an examination in 2016, his ophthalmologist stated, ''I believe Mr. Fischer is capable to return to work as a commercial driver despite the vision impairment of the left eye.'' Mr. Fischer reported that he has driven straight trucks for 33 years, accumulating 495,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Nylo K. Helberg

Mr. Helberg, 26, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2016, his optometrist stated, ''In my opinion, his condition will not affect his ability to safely operate a commercial vehicle.'' Mr. Helberg reported that he has driven straight trucks for 4 years, accumulating 240,000 miles. He holds an operator's license from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

J. Willard Keener

Mr. Keener, 58, has had strabismus in his right eye since childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my opinion, Mr. Keener has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Keener reported that he has driven straight trucks for 30 years, accumulating 360,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Billy R. McLaurin

Mr. McLaurin, 69, has had a retinal scar in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/30. Following an examination in 2016, his ophthalmologist stated, ''In conclusion, it is my opinion that the ophthalmic findings in the above gentleman's right eye are chronic and stable and do not seem to significantly impact his capacity to operate a commercial vehicle.'' Mr. McLaurin reported that he has driven buses for 19 years, accumulating 141,246 miles. He holds a Class CB CDL from Delaware. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jason R. Raml

Mr. Raml, 37, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2016, his optometrist stated, ''I feel that Jason has sufficient vision to safely operate a commercial vehicle.'' Mr. Raml reported that he has driven straight trucks for 25 years, accumulating 75,000 miles, and tractor-trailer combinations for 12 years, accumulating 85,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alfred L. Robinson

Mr. Robinson, 59, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''If correctable to 20/20 in the right eye and 150 degree field of vision satisfies your requirements to be able to operate a commercial vehicle, then Alfred L. Robinson meets those requirements.'' Mr. Robinson reported that he has driven straight trucks for 15 years, accumulating 135,000 miles, and tractor-trailer combinations for 15 years, accumulating 180,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerry L. Smith

Mr. Smith, 52, has had a prosthetic right eye since childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I certify that in Dr. Timothy Wilson's medical opinion, Jerry L. Smith has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 15 years, accumulating 450,000 miles, and tractor-trailer combinations for 15 years, accumulating 450,000 miles. He holds a Class A M2 CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Danny R. Tate

Mr. Tate, 39, has a prosthetic left eye due to a traumatic incident in 2007. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''It is my opinion that he has sufficient vision to safely perform the driving tasks required to

operate a commercial vehicle without restriction.'' Mr. Tate reported that he has driven straight trucks for 15 years, accumulating 165,000 miles. He holds an operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Larry K. Zielinski

Mr. Zielinski, 69, has age related macular degeneration in his right eye since 2006. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''In my medical opinion, Larry Zielinski has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Zielinski reported that he has driven tractor-trailer combinations for 45 years, accumulating 1.8 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2016–0209 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2016–0209 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: September 29, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–24452 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0208]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 20 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before November 10, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0208 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 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.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 20 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Randal D. Aukes

Mr. Aukes, 57, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2016, his optometrist stated, ''In my professional medical opinion I believe Randal Aukes has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Aukes reported that he has driven straight trucks for 35 years, accumulating 35,000 miles, and tractor-trailer combinations for 35 years, accumulating 3.85 million miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph A. Baker

Mr. Baker, 37, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''It is my opinion that Mr. Baker has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Baker reported that he has driven straight trucks for 13 years, accumulating 650 miles, and tractor-trailer combinations for 13 years, accumulating 1.95 million miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Keith D. Blackwell

Mr. Blackwell, 59, has had glaucoma in his right eye due to a retinal detachment since 2009. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I certify that in my medical opinion, Mr [*sic*] Blackwell has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Blackwell reported that he has driven straight trucks for 2 years, accumulating 20,000 miles and tractor-trailer combinations for 28 years, accumulating 3.36 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gerald D. Bowser

Mr. Bowser, 62, has had a macular scar in his right eye due to a traumatic incident in 1966. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I feel Gerald is more than capable to drive a commercial vehicle efficiently concerning his visual capability.'' Mr. Bowser reported that he has driven straight trucks for 43 years, accumulating 645,000 miles, and tractor-trailer combinations for 10 years, accumulating 250,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kathy J. Brown

Ms. Brown, 55, has had amblyopia in her right eye since childhood. The visual acuity in her right eye is 20/300, and in her left eye, 20/20. Following an examination in 2016, her optometrist stated, ''Visually evaluated I feel that this patient is able to perform the tasks required to operate a commercial motor vehicle due to the full visual field in each eye and ability to achieve 20/20–1 in the left eye'' Ms. Brown reported that she has driven straight trucks for 4 years, accumulating 50,000 miles. She holds an operator's license from Ohio. Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Louis J. Cullen, Jr.

Mr. Cullen, 71, has complete loss of vision in his left eye due to a traumatic incident in 1968. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''I believe Mr. Cullen has sufficient vision to perform his job and driving tasks required to drive a commercial vehicle.'' Mr. Cullen reported that he has driven straight trucks for 50 years, accumulating 15,000 miles, buses for 10 years, accumulating 15,000 miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edwin P. Davis

Mr. Davis, 49, has corneal scarring in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''Based on these test results, it is my opinion that Mr. Davis possesses sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Davis reported that he has driven straight trucks for 33 years, accumulating 429,000 miles, and tractor-trailer combinations for 33 years, accumulating 660,000 miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows one crash, to which he did not contribute and for which he was not cited, and no convictions for moving violations in a CMV.

Timothy J. Dougherty

Mr. Dougherty, 55, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2016, his optometrist stated, ''Based on this it is my professional opinion that Mr. Dougherty has adequate activities to visually perform the driving tasks to operate a commercial vehicle.'' Mr. Dougherty reported that he has driven straight trucks for 4 years, accumulating 40,000 miles, and tractor-trailer combinations for 2 years, accumulating 52,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen R. Ehlenburg

Mr. Ehlenburg, 54, has complete loss of vision in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2016, his ophthalmologist stated, ''He has sufficient vision to operate a commercial vehicle.'' Mr. Ehlenburg reported that he has driven straight trucks for 5 years, accumulating 300,000 miles, and tractor-trailer combinations for 15 years, accumulating 1.05 million miles. He holds a Class A CDL from

Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stanley W. Goble, Jr.

Mr. Goble, 50, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2016, his optometrist stated, ''I certify that it is my medical opinion that Mr. Goble has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Goble reported that he has driven tractor-trailer combinations for 22 years, accumulating 1.43 million miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William R. Guida

Mr. Guida, 60, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/200, and in his left eye, 20/15. Following an examination in 2016, his optometrist stated, ''I believe that William has sufficient vision to perform any driving task required to operate a commercial vehicle.'' Mr. Guida reported that he has driven straight trucks for 15 years, accumulating 7,500 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas H. Gysbers

Mr. Gysbers, 63, has had central vision loss in his left eye due to glaucoma in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2016, his optometrist stated, ''I believe he is well adapted to his vision condition and has sufficient vision to safely operate a commercial vehicle.'' Mr. Gysbers reported that he has driven straight trucks for 40 years, accumulating 600,000 miles and tractor-trailer combinations for 40 years, accumulating 80,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jerry L. Hayden, Jr.

Mr. Hayden, Jr., 46, had optic neuritis in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2016, his optometrist stated, ''In my opinion Jerry has stable and sufficient vision that is unchanged over the past 11 years to operate a commercial vehicle.'' Mr. Hayden reported that he has driven straight trucks for 22 years, accumulating 220,000 miles. He holds a Class B CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John T. Mabry

Mr. Mabry, 45, has had chronic microcystic edema and aphakia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, count fingers. Following an examination in 2016, his ophthalmologist stated, ''Mr. Mabry meets the visual requirements for operation of a commercial vehicle.'' Mr. Mabry reported that he has driven buses for 3 years, accumulating 312,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Peter E. McDonnell

Mr. McDonnell, 52, has complete loss of vision in his left eye due to a traumatic incident in 2000. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''This letter certifies that Peter meets or exceeds the visual requirements needed to operate a commercial vehicle.'' Mr. McDonnell reported that he has driven straight trucks for 20 years, accumulating 480,000 miles. He holds an operator's license from Massachusetts. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George P. Mendiola

Mr. Mendiola, 49, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/15, and in his left eye, 20/70. Following an examination in 2016, his optometrist stated, ''In my medical opinion, George has sufficient vision to perform driving tasks needed to operate a commercial vehicle.'' Mr. Mendiola reported that he has driven straight trucks for 9 years, accumulating 270,000 miles, and tractor-trailer combinations for 8 years, accumulating 80,000 miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Norman D. Mosely

Mr. Mosely, 57, has had a central retinal vein occlusion in his right eye since 2008. The visual acuity in his right eye is 20/60, and in his left eye, 20/25. Following an examination in 2016, his ophthalmologist stated, ''In my medical opinion his visual acuity and field of vision qualifies him to drive a commercial vehicle.'' Mr. Mosely reported that he has driven straight trucks for 10 years, accumulating 110,000 miles, buses for 19 years, accumulating 320,000 miles. He holds an operator's license from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joe W. Restine

Mr. Restine, 53, has complete loss of vision in his left eye due to a traumatic incident in 1945. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his optometrist stated, ''I, Ed Jones O.D., certify that in my medical opinion, Joe Restine, has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Restine reported that he has driven straight trucks for 34 years, accumulating 850,000 miles, tractor-trailer combinations for 32 years, accumulating 160,000 miles. He holds an operator's license from Oklahoma. His driving record for the last 3 years shows no crashes and 1 conviction for a moving violation in a CMV; he failed to yield to a traffic control device.

Greg D. Schneckloth

Mr. Schneckloth, 24, has complete loss of vision in his right eye since 2000. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2016, his optometrist stated, ''In my opinion, Mr. Scneckloth has sufficient vision to perform the driving tasks required to operate a motorized vehicle, including commercial vehicles, as long as the current laws state that he may do so considering the loss of vision in his right eye (if the vision loss does not cause any exclusion of operating rights).'' Mr. Schneckloth reported that he has driven straight trucks for 3 years, accumulating 31,500 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Allen J. Stolz

Mr. Stolz, 48, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''His main problem is amblyopia in the right eye. . .In my opinion, Mr.

Stolz should be able to get his commercial license.'' Mr. Stolz reported that he has driven straight trucks for 1 year, accumulating 1,000 miles, and tractor-trailer combinations for 18 years, accumulating 216,000 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2016–0208 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2016–0208 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: September 29, 2016.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2016–24447 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2016–0002–N–19]

Agency Request for Emergency Processing of Collection of Information by the Office of Management and Budget; Railworthiness Directive for Certain Railroad Tank Cars Equipped With Bottom Outlet Valve Assembly and Constructed by American Railcar Industries and ACF Industries

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Agency request for OMB emergency information collection processing and request for comments.

SUMMARY: FRA hereby gives notice it is submitting the following Information Collection request (ICR) to the Office of Management and Budget (OMB) for Emergency processing under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations. FRA requests that OMB authorize the proposed collection of information identified below on October 18, 2016, for a period of 180 days.

FOR FURTHER INFORMATION CONTACT: A copy of this individual ICR, with applicable supporting documentation, may be obtained by calling FRA's Clearance Officers: Robert Brogan (tel. (202) 493–6292) or Kimberly Toone (tel. (202) 493–6132) (these numbers are not toll-free), or by contacting Mr. Brogan via facsimile at (202) 493–6216 or Ms. Toone via facsimile at (202) 493–6497, or via email by contacting Mr. Brogan at *Robert.Brogan@dot.gov*; or by contacting Ms. Toone at *Kim.Toone@dot.gov.* Comments regarding these information collection requirements should include the title and OMB control number listed below and should be sent directly to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at *oira_submissions@omb.eop.gov.*

Title: Railworthiness Directive for Certain Railroad Tank Cars Equipped with Bottom Outlet Valve Assembly and Constructed by American Railcar Industries and ACF Industries

OMB Control Number: 2130–NEW.

Form Number(s): N/A.

Affected Public: Businesses (Tank Car Owners).

Frequency of Submission: One-time; on occasion.

Respondent Universe: 100 Tank Car Owners.

Reporting Burden:

Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Identify tank cars covered by the Directive for Certain Railroad Tank Cars Equipped with Bottom Outlet Valve Assembly and Constructed by American Railcar Industries and ACF Industries (14,800 cars).	20 Tank Car Owners (100 Lessees/Sub-Lessees).	20 ID Reports	4 hours	80
Visual Inspection of Sump Weld Area of All Tank Cars Identified under this Directive.	100 Shippers	14,000 inspections/records.	10 min	2,333
Inspect and Test Sump and BOV Skid Groove as Stipulated in Directive and Maintain Record Results.	20 Tank Car Owners (100 Lessees/Sub-Lessees).	14,000 records	2 hours	28,000
Train and Qualify Non-Destructive Test Technicians on NDT Procedures and Record Qualification (⅓ of the 100 tank car mechanics).	10 Tank Car Facility Operators.	33 trained and tested mechanics.	2 hours	66

Section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Tank Car Owner Notification to All Parties under Contract to Car Owner, including Lessees and/or sub-Lessees, using tank cars subject to the Terms of this Directive.	20 Tank Car Owners (100 Lessees/Sub-Lessees).	100 notices	2 hours	200
Report of Inspection , Test, and Repair Information stipulated in paragraph 2(g) of Directive to FRA.	20 Tank Car Owners (100 Lessees/Sub-Lessees).	14,000 reports	20 min. per car/report.	4,667
Repairs: 15% of Relevant Tank Fleet of 14,000 cars— Record and Report of Repairs to Tank Car Owners.	10 Tank Car Facility Operators.	2,100 car reports/ records.	16 hours	33,600
Tank Car Facility Request to Tank Car Owner for Written Permission and Approval of Qualification and Maintenance Program It Will Use Consistent with Appendices D, R, and W of the Tank Car Manual and 49 CFR 180.513 Prior to Initiating Any Repairs.	10 Tank Car Facility Operators.	20 requests + 20 written permissions.	10 min. + 10 min	7
Tank Car Facility Report of All Work Performed to Tank Car Owner.	10 Tank Car Facility Operators.	Burden Included Directly Above.	N/A	N/A

Total Estimated Responses: 44,293.

Total Estimated Annual Burden: 68,953 hours.

Status: Emergency Review.

Description:

On September 30, 2016, FRA issued a Railworthiness Directive (Directive) to all owners of DOT specification 111 general purpose tank cars, which can be found on FRA's Web site at *http://www.fra.dot.gov/eLib/details/L18383.* FRA issued the Directive based on its finding that as a result of non-conforming welding practices, DOT–111 tank cars built by American Railcar Industries, Inc. (ARI) and ACF Industries, LLC (ACF) between 2009 and 2015 to the ARI and ACF 300 stub sill design and equipped with a two-piece cast sump and bottom outlet valve (BOV) skid may be in an unsafe operating condition and could result in the release of hazardous materials. As a result of the non-conforming welding practices, these cars may have substantial weld defects at the sump and BOV skid groove attachment welds, potentially affecting each tank's ability to retain its contents during transportation. The Directive requires owners to: (1) Identify tank cars in their fleet covered by this Directive; and (2) ensure appropriate inspection and testing of each tank car's sump and BOV skid groove attachment welds to ensure no flaw exists which could result in the loss of tank integrity.

As provided under 5 CFR 1320.13, *Emergency Processing*, DOT is requesting emergency processing for this new collection of information as specified in the PRA and its implementing regulations. DOT cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to disrupt the collection of information. Further, in light of recent tank car accidents/incidents carrying crude oil, FRA believes safety is an overriding issue. The Directive took effect upon issuance. FRA cannot wait the normal 90 days of public comment. Under the Directive, tank car owners must take immediate action to identify tank cars in their fleet subject to the Directive. Therefore, FRA is requesting OMB approval of this collection of information 7 days after publication of this Notice in the **Federal Register**. Upon OMB approval of its Emergency clearance request, FRA will follow the normal clearance procedures for the information collection associated with this Directive.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on October 4, 2016.

Amitabha Bose,

Chief Counsel.

[FR Doc. 2016–24429 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Programmatic Environmental Impact Statement for the Coachella Valley—San Gorgonio Pass Rail Corridor Service: Riverside, San Bernardino, Orange, and Los Angeles Counties, CA

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (EIS).

SUMMARY: Through this NOI, FRA announces it will prepare a Programmatic EIS and Environmental Impact Report (EIR) jointly with the Riverside County Transportation Commission (RCTC) and the California Department of Transportation (Caltrans) for the Coachella Valley—San Gorgonio Pass Rail Corridor Service (Project). FRA, RCTC, and Caltrans will develop the Programmatic EIS/EIR in compliance with the National Environmental Policy Act of 1969 (NEPA), and the California Environmental Quality Act (CEQA). FRA invites the public and Federal, state, and local agencies to provide input into the scope of the EIS/EIR and will consider all information from outreach activities when preparing the EIS/EIR. The Project will study options for providing intercity passenger rail service between the cities of Los Angeles and Indio, California also known as the Coachella Valley—San Gorgonio Pass Corridor (the Corridor).

DATES: Persons interested in providing written comments on the scope of the Coachella Valley—San Gorgonio Pass

Rail Corridor Service Project must do so by November 10, 2016.

Three public scoping meetings are scheduled for Wednesday, October 12, 2016; Thursday, October 13, 2016; and Monday, October 17, 2016.

ADDRESSES: Interested persons should send written comments to FRA's Office of Program Delivery, 1200 New Jersey Avenue SE. (Mail Stop 20), Washington, DC 20590, or Riverside County Transportation Commission (RCTC), 4080 Lemon Street, 3rd Floor, Riverside, California 92501, or via email to Robert Yates, Multimodal Services Director, *CoachellaValleyRail@ArellanoAssociates.com.* Comments should include ''Coachella Valley—San Gorgonio Pass Rail Corridor Service—NOI Scoping Comments'' in the subject line.

Interested persons may also provide comments orally or in writing at the following scoping meetings:

- Springbrook Club House at Reid Park: 1101 N. Orange Street Riverside, CA 92501, between 5:00 p.m. and 7:00 p.m.;
- Indio Senior Center: 45–700 Aladdin Street, Indio, CA 92201, between 5:00 p.m. and 7:00 p.m.; and
- Metro Headquarters, Plaza Level: One Gateway Plaza, Los Angeles, California 90012, between 5:00 p.m. and 7:00 p.m.

All scoping meeting locations are Americans with Disabilities Act of 1990 (ADA) accessible. Spanish language translators will be present. You may call (909) 627–2974 at least 72 hours in advance of the meeting to request other accommodations or translation services.

FOR FURTHER INFORMATION CONTACT: Ms. Stephanie Perez, Environmental Protection Specialist, Office of Program Delivery, Federal Railroad Administration, 1200 New Jersey Avenue SE. (Mail Stop 20), Washington, DC 20590; Telephone: (202) 493–0388, email: *stephanie.perez@dot.gov,* or Robert Yates, Multimodal Services Director, at *CoachellaValleyRail@ArellanoAssociates.com.*

Scoping materials and information concerning the scoping meeting is available through RCTC's Web site: *http://rctc.org/projects/rail-projects/coachella-valley-san-gorgonio-pass-corridor-rail-service.*

SUPPLEMENTARY INFORMATION: FRA is an operating administration of DOT and is responsible for overseeing the safety of railroad operations, including the safety of any proposed rail transportation system. FRA also provides financial assistance for intercity passenger rail capital investments.

FRA is the lead agency under NEPA for the Project. FRA will prepare the Programmatic EIS/EIR consistent with NEPA, the Council on Environmental Quality regulations implementing NEPA (40 CFR parts 1500–1508), and FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999; 78 FR 2713, Jan. 14, 2013) (Environmental Procedures). FRA, RCTC, and Caltrans will prepare the EIS consistent with 23 U.S.C. 139 (titled ''Efficient environmental reviews for project decision making''). RCTC and Caltrans will ensure the EIR is consistent with CEQA. After release and circulation of a Draft Programmatic EIS/EIR for public comment, FRA will issue a single document consisting of the Final Programmatic EIS and a Record of Decision under the Fixing America's Surface Transportation Act (Pub. L. 114–94, section 1304(n)(2)) unless it determines that statutory criteria or practicability considerations prelude issuing a combined document.

The EIS will also document FRA's compliance with other applicable Federal, state, and local laws including, Section 106 of the National Historic Preservation Act, Section 4(f) of the U.S. Department of Transportation Act of 1966, the conformity requirements of the Clean Air Act, and Executive Order 12898 and U.S. DOT Order 5610.2(a) on Environmental Justice. FRA, RCTC, and Caltrans will use a tiered NEPA process (*e.g.* Programmatic EIS/EIR) to complete the environmental review of the Project, under 40 CFR 1508.28 (titled ''Tiering'') and FRA's Environmental Procedures.

''Tiering'' is a staged environmental review process often applied to environmental review for complex transportation projects. When used, the initial phase of a tiered process addresses broad questions and likely environmental effects for the Corridor including, but not limited to, the type of service(s) being proposed, major infrastructure components, and identification of major facility capacity constraints. Based on the decisions made in the Programmatic EIS/EIR, future site-specific proposals would be analyzed at a greater level of detail and addressed in subsequent phases or tiered (*e.g.* Project-level NEPA and CEQA) environmental documents.

Project Description and Background

The Project would extend from an eastern terminus in Indio, California to the western terminus at Los Angeles Union Station (LAUS), and is approximately 141 miles long. In 1991, RCTC completed the first in a series of studies evaluating the feasibility of operating one or two daily intercity rail round trips between Los Angeles and Indio. From 1991 to 2013, RCTC completed additional feasibility studies on the Coachella Valley—San Gorgonio Pass Rail Corridor Service. In July 2016, RCTC, in coordination with Caltrans and FRA, prepared and completed the Coachella Valley—San Gorgonio Pass Rail Corridor Service Study Alternatives Analysis Final Report that evaluated a reasonable range of alternatives for a new intercity rail service between Los Angeles and Indio. The purpose of the Alternatives Analysis was to identify an alternative(s) for more detailed evaluation in a subsequent Service Development Plan and Programmatic EIS/EIR.

Project Need

The Corridor currently faces significant mobility challenges that are likely to continue as growth in population, employment, and tourism activity is expected to increase travel demand. An effective rail system will help meet the future mobility needs of residents, businesses, and visitors. The Corridor faces continuing transportation challenges as evidenced by the following:

Constrained Travel Options—While a transportation system that includes air, highway, and rail modes, serves the Corridor, access and capacity are presently constrained along certain segments and may be unable to meet future travel demand. Air access is limited for many residents due to distance from major airports, frequency, and high cost of flights between the Coachella Valley region and Los Angeles. Interstate 10 is the only major highway that serves the eastern portion of the Corridor. Amtrak offers limited long distance passenger train service three times a week with a stop in Palm Springs late at night.

Significant Highway Congestion—While travel by car is expected to meet the majority of future travel demand, increased use will result in additional congestion. Congestion along certain highway segments of the Corridor is likely to worsen, making travel times unreliable. Interstate 10 follows the entirety of the Corridor and experiences regular congestion and travel delays. In addition, geographic constraints limit the potential expansion of the existing highway system.

Constrained Rail System Capacity—Existing corridor rail service could accommodate an increasing portion of projected travel demand growth by providing an alternative mode to car travel. However, rail service is currently constrained and existing infrastructure would need to be upgraded to provide adequate main track capacity for additional passenger trains.

Increase Travel Capacity Without Impacting Air Quality and Natural Resources – Highway capacity improvements can have negative impacts on regional and local air quality as well as the efficient use of natural resources. Rail system improvements offer the opportunity to achieve air quality benefits with fewer potential impacts on natural resources.

Project Purpose and Objectives

The overall purpose of the Project is to provide a safe, reliable, and convenient intercity passenger rail service that would meet the future mobility needs of residents, businesses, and visitors within the Corridor. The Project would achieve the following objectives:

- Provide travelers between the Coachella Valley and the Los Angeles Basin with a public transportation service that offers more convenient and competitive trip times, better station access, and more frequency, than currently-available public transportation services;
- Provide travelers between the Coachella Valley and the Los Angeles Basin with an alternative to driving that offers reliable travel schedules;
- Provide travelers between the Coachella Valley and the Los Angeles Basin with a transportation service that is affordable;
- Serve a range of trip purposes traveling between the Coachella Valley and the Los Angeles Basin, particularly including business, social, medical, leisure, and recreational trips;
- Improve regional travel opportunities between the Coachella Valley and the Los Angeles Basin for transit dependent people;
- Serve the expected population growth in the Coachella Valley and the Los Angeles Basin; and
- Not preclude, by choice of alignment or technology, a possible future Corridor expansion between the Coachella Valley and Phoenix.

The Project would provide enhanced passenger rail service and is consistent with State and regional efforts to reduce mobile source emissions associated with highway and truck traffic on parallel highways from Los Angeles to Indio. These efforts are anticipated to help the Southern California Association of Governments (SCAG) and RCTC meet the air pollution and greenhouse gas emission reduction targets mandated by California Assembly Bill 32, known as the Global Warming Solutions Act of 2006, as amended, and California Senate Bill 375, known as the California's Sustainable Communities and Climate Protection Act of 2008. These two laws establish the basis for SCAG and RCTC to accommodate regional growth through increased and more frequent access to alternative modes of transit for local communities.

Proposed Project Alternatives

In the Programmatic EIS/EIR FRA, RCTC, and Caltrans will evaluate and analyze a No Build Alternative and at least one Build Alternative consisting of multiple improvements between Indio and Los Angeles.

No Build Alternative—The No Build Alternative provides a baseline for comparison to the Build Alternative. This alternative represents the existing California transportation system (highway, air, and rail) as it would exist after completion of programs or projects currently funded or being implemented. The No Build Alternative would draw upon the following sources of information:

- State Transportation Improvement Program (2016);
- Regional Transportation Plans for all modes of travel;
- Airport plans; and
- Passenger rail plans.

Build Alternative—The Build Alternative would include the necessary infrastructure improvements to meet the Project's purpose and need. The Build Alternative is made up of two components, a route alignment and station alternatives.

FRA, RCTC, and Caltrans will consider the July 2016 Alternatives Analysis Final Report when identifying the Build Alternative(s) for detailed analysis in the Programmatic EIS/EIS. However, additional reasonable build alternatives meeting the proposed purpose and need but not considered in the July 2016 Alternatives Analysis Final Report may be developed during the scoping process. This may also involve refining the Build Alternative as more information comes available based on the environmental analysis and coordination with stakeholders and the public. Additionally, the proposed purpose and need may be updated and/or refined based on coordination with stakeholders and the public.

Probable Effects

The Programmatic EIS/EIR will consider the potential environmental effects of the Project Alternatives. FRA, RCTC, and Caltrans will analyze the following environmental issue areas in the Programmatic EIS/EIR: Agricultural Lands; Air Quality and Global Climate Change; Biological and Wetland Resources; Cultural and Historic Resources; Economic and Fiscal Impacts; Energy; Environmental Justice; Floodplains, Hydrology, and Water Quality; Geology, Soils, and Seismicity; Hazardous Waste and Materials; Land Use, Planning, and Communities; Noise and Vibration; Parklands, Community Services, and Other Public Facilities; Safety and Security; Section 4(f) and 6(f) Resources; Transportation; and Visual Quality and Aesthetics.

Scoping and Comments

FRA encourages broad participation in the EIS process during scoping and review of the resulting environmental documents. FRA invites all interested agencies, Native American Tribes, and the public at large to participate in the scoping process to ensure the Programmatic EIS/EIR addresses the full range of issues related to the proposed action, reasonable alternatives are addressed, and all significant issues are identified. FRA requests any public agency having jurisdiction over an aspect of the Project identify the agency's permit or environmental review requirements and the scope and content of the environmental information germane to the agency's jurisdiction over the Project. FRA requests public agencies advise FRA if they anticipate taking a major action in connection with the proposed project and if they wish to cooperate in the preparation of the Programmatic EIS/EIR.

FRA will coordinate with participating agencies during development of the Draft Programmatic EIS under 23 U.S.C. 139. FRA will invite all Federal and non-Federal agencies and Native American Tribes that may have an interest in the Project to become participating agencies for the EIS. If an agency or Tribe is not invited and would like to participate, please contact FRA at the contact information listed above. FRA will develop a Coordination Plan summarizing how it will engage the public, agencies, and Tribes in the process. The Coordination Plan will be posted to the Project Web site *http://rctc.org/projects/rail-projects/coachella-valley-san-gorgonio-pass-corridor-rail-service* and to FRA's Web site *fra.dot.gov.* At various milestones during the development of the Programmatic EIS/EIR, FRA, RCTC, and Caltrans will provide additional opportunities for public and interested party input.

FRA, RCTC, and Caltrans have scheduled three public scoping meetings as an important component of the scoping process for both the state and Federal environmental review. The scoping meetings described in the **ADDRESSES** section will also be advertised locally and included in

additional public notification. The format of the meeting will consist of a presentation describing the proposed Coachella Valley—San Gorgonio Pass Corridor Service Project, objectives, and existing conditions. Following the presentation, scoping meeting attendees will be able to participate in an open house format that encourages questions and comments on the Project from the public.

Felicia Young,

Acting Director, Office of Program Delivery.

[FR Doc. 2016–24597 Filed 10–6–16; 4:15 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Environmental Impact Statement for the Long Bridge Project in Washington, DC

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Extension of agency and public scoping comment period, Long Bridge project.

SUMMARY: On August 26, 2016, FRA published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Long Bridge Project jointly with the District of Columbia Department of Transportation (DDOT) (81 FR 59036). The Proposed Action consists of potential improvements to Long Bridge and related railroad infrastructure located between the Virginia Railway Express (VRE) Crystal City Station in Arlington, Virginia and Control Point (CP) Virginia in Washington, DC. In announcing its intent, FRA and DDOT established a 30-day public comment period that was scheduled to end on September 26, 2016. In consideration of requests for additional time to comment, FRA and DDOT are extending the scoping comment period to October 14, 2016. The extension provides agencies and the public with 30 days to submit comments following public and interagency scoping meetings held on September 14, 2016.

DATES: The scoping comment period for the Long Bridge Project is extended to October 14, 2016.

ADDRESSES: Scoping comments can be mailed to the address identified under the **FOR FURTHER INFORMATION CONTACT** caption below. Internet and email correspondence may be submitted through the Long Bridge Project Web site *http://longbridgeproject.com/* or at *info@longbridgeproject.com*.

FOR FURTHER INFORMATION CONTACT: Ms. Amanda Murphy, Environmental Protection Specialist, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE., (Mail Stop–20), Washington, DC 20590; telephone: (202) 493–0624.

SUPPLEMENTARY INFORMATION: More information about the Long Bridge Project is available at *http://longbridgeproject.com/*.

Issued in Washington, DC, on October 5, 2016.

Felicia B. Young,

Acting Director, Office of Program Delivery.

[FR Doc. 2016–24522 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2016–009]

Final Notice on Updates to the Uniform System of Accounts (USOA) and Changes to the National Transit Database (NTD) Reporting Requirements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice, response to comments.

SUMMARY: This Notice finalizes updates to the USOA and changes to NTD Automatic Passenger Counter Certification requirements.

DATES: Full implementation required in report year 2018.

FOR FURTHER INFORMATION CONTACT: Maggie Schilling, National Transit Database Deputy Program Manager, FTA Office of Budget and Policy, (202) 366–2054 or *margaret.schilling@dot.gov.*

SUPPLEMENTARY INFORMATION:

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A. Background
B. Response to Comments on Proposed Updates to the USOA and Changes to NTD Reporting Requirements
C. Response to Comments on the Revised APC Certification Process
D. Overview of Final Updates to the USOA, NTD Reporting Requirements and APC Certification

A. Background

On February 3, 2016, FTA published a **Federal Register** notice (initial notice) (Docket No. FTA–2016–009) for comment on proposed updates to the USOA and changes to NTD reporting requirements. The USOA is the basic reference document that describes how transit agencies are to report to the NTD. The USOA was originally published in 1977 when NTD reporting began. While the NTD has undergone numerous and substantial changes in the past 38 years, the USOA was last updated for minor changes in 1995. The notice described various proposed changes to the USOA to better align with today's NTD and accounting practices and to address FTA data needs and common questions among NTD reporters. In the initial notice, FTA proposed the following changes:

A. Separation of ''Passenger-Paid Fares'' and ''Organization-Paid Fares''
B. Separation of ''Paid Absences'' from ''Fringe Benefits''
C. Consolidation of ''Casualty and Liability Costs'' under General Administration Function
D. Expansion of Assets and Liabilities Object Classes (F–60)
E. Addition of ''Voluntary Non-Exchange Transactions''
F. Addition of ''Sales and Disposals of Assets''
G. Simplification of State Fund Reporting
H. Reorganization of B–30 Contractual Relationship

Additionally, the initial notice proposed changes to the NTD reporting requirements that are not directly addressed in the updated USOA, which are as follows:

I. Separation of Operators' and Non-Operators' Work Hours and Counts
J. Enhanced Auditor's Review
K. Revised Automatic Passenger Counter (APC) Certification Process

In the initial notice, FTA proposed that it would begin implementing the proposed reporting requirements beginning with the FY 2017 NTD reporting cycle.

B. Response to Comments on Proposed Updates to the USOA and Changes to NTD Reporting Requirements

The comment period for the initial notice closed on April 4, 2016. The following is a summary of the comments from the initial notice related to the updates to the USOA and NTD reporting requirements.

Comment: Three commenters raised a concern over the separation of ''Passenger-Paid Fares'' and ''Organization-Paid Fares.'' Commenters opposed the separation of ''Passenger-Paid Fares'' and ''Organization-Paid Fares'' stating that the additional information will add little, if any, value to the NTD report. Commenters noted that adding these additional reporting requirements will only increase the cost of compliance for reporting agencies. One commenter specifically raised a concern stating that the proposed

change would be especially burdensome for small rural reporters and suggested that FTA rescind the proposed change for ''5311 providers in areas less than 50,000 population.''

Response: FTA is sensitive to the concern that the proposed change may require additional efforts by the reporting agencies. However, FTA believes that the separation of ''Passenger-Paid Fares'' and ''Organization-Paid Fares'' will address a common source of confusion among transit agencies. There are several different types of revenue that count as fares, and the distinction between ''Passenger-Paid Fares'' and ''Organization-Paid Fares'' attempts to clarify the sources of funds that should be reported as fares. Additionally, this change will help NTD analysts in identifying and understanding special circumstances such as university towns where the farebox return is relatively high because the agency has negotiated such contracts. In developing these proposed changes, FTA conducted industry outreach which indicated that most agencies already collect this information by these categories and reporting these fares separately would not be an excessive burden.

Comment: Five commenters raised a concern over separating ''Paid-Absences'' from ''Fringe Benefits.'' Commenters opposed the separation of ''Paid-Absences'' from ''Fringe Benefits'' stating that the additional information will add little, if any, value to the NTD report. Commenters noted that adding these additional reporting requirements will only increase the cost of compliance for reporting agencies. While one commenter did not specifically oppose this change, the commenter explained that the organization does have this information available but that method of reporting for NTD will result in additional manpower during the initial reporting period as all current calculations will need to be modified to capture this additional requirement.

Response: FTA conducted industry outreach which indicated that the proposed change to separate ''Paid Absences'' from ''Fringe Benefits'' better and more closely align with many transit agencies' current accounting and reporting practices. FTA believes that collecting these items separately will improve future analysis of this dataset by providing additional clarity on costs that are under a transit agency's control (*e.g.*, paid absences) versus costs that are external and outside the transit agency's control (*e.g.*, fringe benefits such as health care). FTA realizes that although the change may initially require additional resources, these distinctions will ultimately improve data quality and analysis by data analysts.

Comment: Two commenters expressed concern over the proposed change to consolidate the ''Casualty and Liability Costs'' under the General Administration function. Commenters expressed concern that if ''Casualty and Liability Costs'' are to be categorized and reported under General Administration function as outlined in the proposal, their transit agencies would lose Federal funds since this change would shift the costs from a capital eligible operating expense requiring a 20 percent non-federal match to an operating cost requiring a 50 percent non-federal share.

Additionally, one commenter made a suggestion for FTA to consider other non-litigious settlements to be considered in this category. For example, an agency may have to provide a retroactive payment to its labor union employees due to a contract negotiation. The commenter explained that this lump sum outlay will greatly increase the perceived expenses in a single fiscal year.

Response: The proposed change to consolidate ''Casualty and Liability Costs'' under General Administration function aims to align costs with their appropriate categories and simplify NTD reporting requirements for reporters. FTA's prior decision to allow recipients to use Section 5307 funds for preventative maintenance did not originally anticipate this type of cost (*i.e.*, casualty and liability costs) as an eligible preventative maintenance cost. This change corrects the unintended consequence of including these costs in the Vehicle Maintenance function as preventative maintenance activities by moving ''Casualty and Liability Costs'' to its appropriate place. FTA maintains that ''Casualty and Liability Costs'' are most sensibly placed in General Administration function.

Per current reporting rules, retroactive payments made to employees for prior reporting years as the result of a contract negotiation should be reported as a reconciling item on F–40 form. Reconciling items are reported as a sum amount and not by individual functions. Retroactive payments made to employees for the current reporting year should be reported on the F–30 form.

It is important to note that NTD reporting does not affect the eligibility of these costs for grant reimbursement. The eligibility of expenses for grant reimbursement depends on the nature or definition of the expenses. If an agency has a settlement that it does not consider as casualty and liability, the agency can reach out to its NTD analyst for clarification on object class definitions and can contact its FTA regional office to determine grant reimbursement procedures.

Comment: Eight commenters raised a concern over implementing the proposed changes to the USOA and the NTD reporting requirements for the FY 2017 NTD reporting cycle. Commenters explained that the proposed implementation of FY 2017 does not allow for adequate time for transit agencies to prepare for the change.

Response: FTA understands that some of the proposed changes may require adjustments to current data collection practices. FTA concurs with commenters that the proposed start date of FY 2017 may not provide adequate time for some agencies to make adjustments to their NTD reporting. FTA will delay the implementation of the proposed USOA changes to FY 2018.

Comment: Three commenters raised concern over reporting pension and Other Postemployment Benefits (OPEB) in light of the recently released Governmental Accounting Standards Board (GASB) statements.

Response: After taking into consideration the recent GASB statements related to pension and OPEB reporting and the delayed implementation date of the USOA changes, FTA proposes to add line items to account for ''Deferred Outflows of Resources'' and ''Deferred Inflows of Resources'' on the F–60 form, as well as to rescind the original proposed changes to add ''Pension Funds'' and ''OPEB Adjustment'' USOA object classes.

Comment: One commenter raised a question on how to report sale of an asset at a loss.

Response: If assets are sold at a loss, the amount received from the sale of the asset should be reported as Sales and Disposals of Assets. Per the NTD Policy Manual, transit agencies should not report an accounting loss from a sale because no money was received for the portion that is treated as an accounting loss.

Comment: Four commenters expressed opposition to the enhanced auditor's review noting that the added cost detail and auditor certifications will increase the costs to reporters who are already strapped for cash due to reduced or frozen levels of Federal funding.

One commenter asked FTA to provide guidelines for the enhanced review to aid auditors in effectively and efficiently reviewing agency information.

Response: The auditor's review is to be performed only once every ten years and, due to its limited scope, should not take more than a day of an auditor's time. While FTA understands that this requirement will create some additional burden, FTA believes that the improved data quality and oversight justifies this requirement. In some cases, reporters have not had their NTD reporting certified by an auditor since the requirement for Independent Auditor's Statement—Financial Data was first implemented over 30 years ago. FTA conducted outreach while developing these updates which indicated that agencies believe that business operations can change considerably in ten years and it would be appropriate to require agencies to complete this review every ten years. Additionally, the enhanced auditor's review does not apply to rural reporters. Rural reporters should continue to comply with existing rural reporting compliance requirements.

FTA publishes guidelines for the auditor's review in the NTD Policy Manual which is updated and published every year.

Comment: One commenter expressed concern over changes to maintenance categories for reporting on the F–30 and F–40 forms, as Vehicle Maintenance and Non-Vehicle Maintenance functions are sufficient.

Response: FTA is not proposing to expand or change the expenses reported in these two maintenance categories. The term *Non-vehicle Maintenance* is being replaced by the term *Facilities Maintenance.* Under this current proposal, transit agencies will report expenses under the following four functions in the NTD: Vehicle Operations, Vehicle Maintenance, Facility Maintenance, and General Administration.

Comment: One commenter pointed out that the USOA refers to OMB Circular No. A–87 and explained that for Federal funds awarded after December 26, 2014, the new ''Uniform Guidance'' applies instead of OMB Circular No. A–87.

Response: FTA will update the USOA to reflect the latest guidance. The guidance provided with a reference to A–87 is not changed by the ''Uniform Guidance.''

Comment: Seven commenters raised concern over the new USOA numbering scheme as they believe they would need to make significant changes to their systems to match the new USOA numbers. While one commenter did not specifically oppose the proposed change, the commenter raised concern about whether the expectation is for the agencies to change their chart of accounts structure to the new numbering structure. This would be a monumental effort and would be very difficult and costly. Also, it would make any comparative analysis difficult since historical transactions would be reflected under the old account structure. The commenter suggests that FTA allow for mapping an agency's existing chart of accounts to the NTD reporting instead of requiring that the existing chart of accounts be renumbered.

Response: FTA's intention in renumbering USOA object classes was to provide a clearer numbering structure within the USOA and the NTD reporting system. FTA is proposing updates to the USOA in an effort to simplify and clarify reporting requirements which includes restructuring the USOA object classes by merging, dividing, adding, or deleting USOA object classes. FTA did not anticipate requiring transit agencies to restructure their core accounting structure. Although it was not intended or expected that transit agencies restructure their chart of accounts to match the proposed changes, FTA understands that the proposed USOA numbering scheme may cause confusion and therefore rescinds the originally proposed USOA numbering scheme. Instead, FTA will develop a new USOA numbering scheme that is more consistent with the general logic of sequencing followed in the current USOA. The NTD asks that an independent auditor review a reporter's chart of accounts to determine that they either: (1) Match the USOA chart of accounts; or (2) can map to the USOA accounts. This is a self-certification process. Transit agencies are not required to restructure their chart of accounts/core accounting systems. Any proposed changes to the numbering conventions would still allow transit agencies to map their current chart of accounts to the USOA object classes. This mapping is considered sufficient for self-certification.

Comment: Five commenters opposed the overall expansion of the NTD reporting requirements. Commenters expressed concern that proposed change will be costly and time-consuming, without providing additional benefits.

One commenter specifically expresses concern for expanding the NTD reporting requirements for small system reporters.

Response: FTA is committed to implementing reasonable NTD reporting requirements to better align with today's accounting practices and to address FTA data needs. The current USOA has been in place for 38 years and in some cases no longer reflects current accounting practices and transit business operations. FTA's goal with the changes to the USOA is to address inconsistencies in the USOA due to changes in technology and transit organization structure and to revise accounting principles and object classes in the USOA to align with current accounting and industry leading practices and standards. FTA identified at the list of changes by conducting interviews with NTD reporters, NTD data analysts, and subject matter specialists in areas that needed improvement. FTA also followed up with several transit agencies to gather preliminary feedback on the changes which revealed that agencies already have the proposed information readily available. FTA recognizes that the changes may initially require some changes to data collection and reporting. However, all proposed changes are intended to simplify or clarify reporting requirements or to address issues that are not addressed in the current USOA.

Rural and urban reporters receiving a small systems waiver will see limited changes to their reporting requirements.

C. APC Certification Process Changes

FTA received 15 comments on the proposed APC certification process. Following is a summary of the comments related to APC.

Comment: Two commenters requested clarification on the rule allowing agencies with data on greater than 98 percent of trips to scale up the data.

Response: FTA believes that its original statement of the rule was unclear. Agencies reporting to the NTD have two options when reporting passenger miles and unlinked passenger trips. One option is a 100% count and the other option is a sample. Agencies must report a 100% count if it is available. FTA recognizes that a true 100% count is very difficult to achieve; during the course of a year there may be equipment failures or other problems that lead to missing data on some trips. Thus, FTA permits agencies to report that they have a 100% count of passenger miles or unlinked passenger trip data if they have data for 98% or more of vehicle trips, or if a statistician approves their method for factoring up existing data to fill in missing data. This is a longstanding policy and FTA is not proposing to change it. Agencies that collect data on less than 98% of trips, and do not have a statistician to approve a factoring-up method, must instead report using a sampling method.

Comment: One commenter noted that if an agency uses the proposed 5% criterion for APC approval, and then

uses an NTD-approved sampling plan for NTD passenger miles reporting, it may not meet FTA's long-held ''10% accuracy at 95% confidence'' standard.

Response: This comment assumes that the manual count against which the APC is compared is in fact the true value; however, manual counts are subject to error. Once the APC system has been approved, FTA considers it to be the true value, and thus any NTD-approved sampling plan would give data within 10% of the true value, at the 95% confidence level. FTA further notes that many agencies with APC systems will sample well in excess of the required sample size, and thus the sampling error can be expected to decrease.

Comment: Two commenters recommended that agencies be permitted to certify their APCs using a method different from the one prescribed by FTA, provided it meets some statistical standard.

Response: FTA believes in the importance of allowing flexibility to agencies and encouraging them to adopt practices that best meet their individual needs. Thus FTA agrees with this suggestion. The final policy will allow an agency to certify its APCs using either the method prescribed by FTA, or any method certified by a qualified statistician to show that the absolute value of the difference between manual and APC data for unlinked passenger trips and passenger miles is less than 7.5% of the total of the manual data, at a 95% confidence level.

Comment: One commenter proposed that agencies be required to submit a description of the results and methodologies in the acceptance testing process, as well as an administrative control procedure outlining responsibility within the agency for maintenance of the APC system over time.

Response: The proposed policy already requires agencies to submit a description of the APC system used and benchmarking procedure. While FTA encourages agencies to put thorough administrative procedures in place, FTA believes it would be an unnecessary burden to require agencies to submit these procedures for approval. In general, FTA does not prescribe particular management procedures to agencies.

Comment: Two commenters requested clarification of the calculations to be performed.

Response: To determine whether their APC data meets the certification standard, agencies should take the total unlinked passenger trips on the vehicle trips in the comparison sample collected by manual methods, and the total unlinked passenger trips on those vehicle trips collected by APCs. Agencies subtract these two totals and take the absolute value of the difference. They then divide this difference by the total unlinked passenger trips in the sample collected manually to get the difference as a percentage of the total. The difference as a percentage of the total should be less than 5% to meet the certification standard. The same calculation is performed for passenger miles.

Comment: One commenter noted that APCs need to be checked continually, not just annually.

Response: FTA concurs that continual monitoring of APCs is a best practice; however, the purpose of the new APC certification policy is not to be an exhaustive list of all procedures necessary to collect good APC data. Agencies are only required to submit results to FTA as described in the policy; beyond this, FTA encourages agencies to follow best practices.

Comment: One commenter raised the concern that data could be improperly manipulated before being analyzed in the certification procedure, and suggested that agencies be required to use procedures that secure the data from such manipulation.

Response: FTA encourages agencies to follow data security best practices; however, this certification will not carry additional administrative requirements to verify that numbers were not tampered with intentionally. As with other data collected by the NTD, FTA will require the agency CEO to attest to the accuracy of the data in the APC certification report.

Comment: Five commenters offered opinions on the 5% error standard. One commenter suggested that larger agencies with higher ridership should be held to tighter error standards. Two commenters suggested that a looser standard (8% or 10%) would be reasonable. Two commenters suggested that standard error be taken into account; one suggested setting a maximum allowable standard error, while another suggested requiring the 5% error standard to be valid at the 95% confidence level.

Response: In setting the proposed 5% standard, FTA balanced the capabilities of the technology, data needs of NTD data users, statistical validity, and ease of calculation. FTA continues to believe that the proposed standard best fits these competing needs.

Comment: Two commenters suggested that agencies be required to count passengers already on board at the start of a sampled trip as boardings at the first stop, and passengers still on board at the end of the trip as alightings at the last stop.

Response: FTA concurs that this is a best practice and a common source of error, and will include guidance to this effect in the policy.

Comment: Two commenters suggested setting a maximum allowable percentage of trips discarded due to suspected poor data quality.

Response: FTA concurs that a large proportion of trips with invalid data are likely to indicate a deeper problem with the APC system. The final policy will stipulate that at most 50% of vehicle trips may be rejected by data cleaning algorithms.

Comment: One commenter noted that having a checker for each door is only necessary on heavy-ridership trips; one checker per bus is sufficient otherwise.

Response: This is consistent with the guidance in FTA's original proposed policy: ''we recommend using a data collector at each door on heavily-loaded trips.''

Comment: Three commenters had observations related to the APC penetration rate, the proportion of APC-equipped vehicles in the fleet. Two commenters suggested that agencies be required to distribute APC-equipped vehicles throughout the system in such a way that high-ridership routes are not overrepresented. One commenter suggested that FTA provide more precise rules pertaining to the requirement, ''The trips must be distributed over as much of the agency's fleet of APC-equipped vehicles as possible.''

Response: While distribution of APC-equipped vehicles is a possible source of error in the annual service consumed totals reported to the NTD, it is not relevant to APC certification. Existing guidance on sampling already stipulates that agencies must avoid sampling bias. FTA believes that agencies can interpret the requirement to distribute sampled trips widely without the need for an explicit rule.

Comment: One commenter suggested that the certification process use raw data rather than processed APC data.

Response: FTA believes, based on industry input, that raw APC data should not be considered reliable or useful. Agencies will report processed data to the NTD, so it is reasonable that they should certify the accuracy of the processed data.

Comment: One commenter asked whether agencies would be allowed to report unlinked passenger trips collected using one method (*e.g.*, registering farebox) and passenger miles using APC.

Response: FTA concurs that in general this is allowed. However, if the agency intends to use the average passenger trip length from a sample to estimate passenger miles in subsequent years, the agency must calculate the trip length using the unlinked passenger trips collected by the method that will be used to report unlinked passenger trips to the NTD.

Comment: One commenter asked whether agencies should use all valid APC data, or should select a sample of vehicle trips from the available valid APC data.

Response: FTA encourages agencies to use all valid data. However, agencies need to account for the stratified nature of the sample in this case. The set of all valid data may be biased toward certain routes, vehicles, or trips, and thus cannot be considered a random sample of the whole service. Instead agencies must determine average unlinked passenger trips and passenger miles at a granular level (the vehicle trip level, for example) and factor up each group (*e.g.*, vehicle trip) individually. Alternatively, agencies are permitted to use any NTD-approved sampling plan in conjunction with APCs. Any such plan would include statistically valid procedures for replacing selected trips on which data are not collected.

Comment: One commenter expressed concern that an agency may be penalized by reduced formula funding if they perform their APC maintenance check mid-year and find that the data no longer meet the requirements.

Response: FTA reduced the required timeframe for the maintenance check from one year to any convenient period. FTA expects that it will typically take less than a month. An agency that performs the check and finds that the error is over 5% should reexamine its APC data collection procedures, make any needed adjustments, perform any needed maintenance on the system, and retest. The shortened timeframe should allow agencies to retest before the end of the year, thus ensuring that an agency that encounters problems in its maintenance check can nonetheless provide an uninterrupted set of data to the NTD. FTA will clarify this point in its final policy.

Comment: One commenter suggested that FTA provide guidelines to agencies for accuracy standards and testing that the agencies can write into their RFPs when they procure APC systems.

Response: While FTA certainly encourages agencies to follow best practices when procuring APC systems, FTA believes ample guidance is available through other industry resources.

Comment: Two commenters commented on the proposed sample size. One commenter recommended a minimum of 40 and a maximum of 70 vehicle trips. The other commenter recommended that a minimum number of boardings (*e.g.*, 1,000) be mandated in addition to vehicle trips.

Response: In devising the proposed number of trips (15 to 50) FTA balanced the need for good data with agency burden. FTA notes that the proposed requirements are only a minimum; agencies are free to use a larger sample if they believe it will provide better data.

Comment: One commenter requested that FTA provide a template that performs the calculations.

Response: FTA designed the error criteria to be simple enough that an agency should be able to calculate them without the need for a template.

Comment: Eight commenters had comments about unbalanced error. One commenter noted that the unbalanced error criterion would be harder for small agencies to satisfy than large ones, and that unbalanced error does not detect systemic bias. Three commenters believe the unbalanced error criterion would be too difficult to meet. Three commenters noted that unbalanced error is redundant since unlinked passenger trips are already being tested. Two commenters requested clarification of the definition of unbalanced error.

Response: FTA concurs with the concerns that commenters have raised and will withdraw the unbalanced error criterion from the final policy.

D. Overview of Final Updates to the USOA and NTD Reporting Requirements

After considering the comments submitted on the proposed updates to the USOA and changes to NTD reporting requirements, FTA will delay the implementation of the original proposed USOA changes to FY 2018. Additionally, FTA will add line items to account for ''Deferred Outflows of Resources'' and ''Deferred Inflows of Resources'' on the F–60 form, as well as rescind the original proposed changes to add ''Pension Funds'' and ''OPEB Adjustment'' USOA object classes. FTA will also publish a new USOA numbering scheme that is more consistent with a standard chart of accounts. These changes will be reflected in the final Uniform System of Accounts.

The revised APC certification process is effective immediately. The final requirements can be found on the NTD Web site: *www.transit.dot.gov/ntd.*

Carolyn Flowers,

Acting Administrator.

[FR Doc. 2016–24414 Filed 10–7–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2016–0085]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Request for public comment on an extension of a currently approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes a collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before December 12, 2016.

ADDRESSES: You may submit comments using any of the following methods. All comments must have the applicable DOT docket number (*e.g.,* NHTSA–2016–0085) noted conspicuously on them.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251

Instructions: All submissions must include the agency name and docket number for this proposed collection of

information. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Leo Yon, Trends Analysis Division (NEF–170), Room W45–215, NHTSA, 1200 New Jersey Ave., Washington, DC 20590. Telephone: (202) 366–7028.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, *see* 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including 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.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

Title: Reporting of Information and Documents about Potential Defects.

Type of Request: Revision of a currently approved information collection.

OMB Control Number: 2127–0616.

Affected Public: Businesses or individuals.

Abstract: This notice requests comment on NHTSA's proposed extension to approved collection of information OMB No. 2127–0616. The Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act (Pub. L. 106–414) was enacted on November 1, 2000. These TREAD requirements of the Act are found in 49 U.S.C. 30166 and many of these requirements are implemented through, and addressed with more specificity in, 49 CFR part 579 *Reporting of Information and Communications about Potential Defects.*

These Early Warning Reporting (EWR) requirements specify that manufacturers of motor vehicles and motor vehicle equipment submit information, periodically or upon NHTSA's request, that includes claims for deaths and serious injuries, property damage data, communications from customers and others, information on incidents resulting in fatalities or serious injuries from possible defects in vehicles or equipment in the United States or in identical or substantially similar vehicles or equipment in a foreign country, and other information that assist NHTSA in identifying potential safety-related defects. The intent of this information collection is to provide early warning of such potential safety-related defects.

Estimated Burden Hours: This approved information collection was last renewed in August 2013, when additional component type codes were added to manufacturer EWR submissions. *See* 78 FR 51412. Due to one-time investments and other associated costs, the collection was approved for 85,193 burden hours and $10.3 million dollars in the first year. We estimated subsequent years would require 45,897 burden hours and $5.75 million dollars. Today we update these estimates by removing the first-year costs associated with the 2013 rulemaking, as well as revising estimates to better align with current EWR volume.

First, the below estimates are adjusted to better reflect current EWR submission volume. Table 1 provides an average annual submission count for each claim category submitted per the requirements of 49 CFR 579:

TABLE 1—ANNUAL AVERAGE OF SUBMISSIONS BY MANUFACTURERS (2013–2015)

Category of claims	Light vehicles	Heavy, med vehicles	Trailers	Motorcycles	Emergency vehicles	Buses	Tires	Child restraints	Equipment mfr.	Totals
Injury Fatality	9,082	97	13	135	3	12	74	378	8	9,804
Property Damage*	8,554	572	21	16	2	55	2,261	N/A	N/A	11,481
Warranty Claims	Aggregate Data									
Consumer Complaints	Aggregate Data									
Mfr. Field Reports	66,064	7,221	13	1,276	3	461	N/A	4,259	N/A	79,297
Dealer Field Reports	Aggregate Data									
Foreign Death Claims	59	1	1	2	0	0	2	35	0	101
Totals	83,759	7,891	48	1,429	8	528	2,337	4,672	8	100,683

*Property damage claims are aggregate data but are counted differently because they require more time to manually review.

The above updated submission totals represent a 17% increase from the currently approved information collection. Submission totals for each category have risen with an average of 9,804 injury and fatality claims (previously 6,041 claims), 11,481 property damage claims (previously 11,402 claims), 79,297 manufacturer

field reports (previously 68,574 field reports), 101 foreign death claims (previously 41 claims), totaling 100,683 submissions on average (previously estimated at 86,058 submissions).

The agency estimates that an average of 5 minutes is required for a manufacturer to process each report, with the exception of foreign death claims. We estimate foreign death claims require an average of 15 minutes to process. Multiplying this average number of minutes by the number of submissions NHTSA receives in each reporting category yields the burden hour estimates found below in Table 2:

TABLE 2—ESTIMATED ANNUAL BURDEN HOURS

Category of claims	Light vehicles	Heavy, med vehicles	Trailers	Motorcycles	Emergency vehicles	Buses	Tires	Child restraints	Equipment mfr.	Totals
Injury Fatality	757	8	1	11	0	1	6	32	1	817
Property Damage*	713	48	2	1	0	5	188	N/A	N/A	957
Warranty Claims	Aggregate Data									
Consumer Complaints	Aggregate Data									
Mfr. Field Reports	5,505	602	1	106	0	38	N/A	355	N/A	6,608
Dealer Field Reports	Aggregate Data									
Foreign Death Claims	15	0	0	1	0	0	1	9	0	25
Totals	6,990	658	4	119	1	44	195	395	1	8,407

* Property damage claims are aggregate data but are counted differently because they require more time to manually review.

Our previous estimates totaled 7,178 burden hours associated with these Early Warning submissions. We now update that total to 8,407 burden hours, a 17% increase, associated with the above noted claim categories.

The burden hours associated with aggregate data submissions for consumer complaints, warranty claims, and dealer field reports are included in reporting and computer maintenance hours. The burden hours for computer maintenance are calculated by multiplying the hours of computer use (for a given category) by the number of manufacturers reporting in a category. Similarly, reporting burden hours are calculated by multiplying hours used to report for a given category by the number of manufacturers for the category. Using these methods and the average number of manufacturers who report annually, we estimate the burden hours for reporting cost and computer maintenance below in Table 3:

TABLE 3—ESTIMATED ANNUAL BURDEN HOURS FOR REPORTING AND COMPUTER MAINTENANCE

Vehicle/equipment category	Avg. Number of manufacturers	Quarterly hours to report per manufacturer	Annual burden hours for reporting	Hours for computer maintenance per manufacturer	Annual burden hours for computer maintenance
Light Vehicles	39	8	1,248	347	13,533
Medium-Heavy Vehicles	39	5	780	86.5	3,374
Trailers	80	1	320	86.5	6,920
Motorcycles	15	2	120	86.5	1,298
Emergency Vehicles	7	5	140	86.5	606
Buses	38	5	760	86.5	3,287
Tires	34	5	680	86.5	2,941
Child Restraints	34	1	136	86.5	2,941
Vehicle Equipment	6	1	24	-	
Totals			4,208		34,899

Thus, the total burden hours for EWR death and injury data, aggregate data and non-dealer field reports is 8,407 (Table 2) + 4,208 (Table 3) + 34,899 (Table 3) = 47,514 burden hours.

In order to provide the information required for foreign safety campaigns, manufacturers must (1) determine whether vehicles or equipment that are covered by a foreign safety recall or other safety campaign are identical or substantially similar to vehicles or equipment sold in the United States, (2) prepare and submit reports of these campaigns to the agency, and (3) where a determination or notice has been made in a language other than English, translate the determination or notice into English before transmitting it to the agency. NHTSA estimates that preparing and submitting each foreign defect report (foreign recall campaign) requires 1 hour of clerical staff and that translation of determinations into English requires 2 hours of technical staff (note: this assumes that all foreign campaign reports require translation, which is unlikely). Between 2013 and 2015, NHTSA received a yearly average of 133 foreign recall reports which results in 133 hours for preparation and submission of the reports (133 defect reports × 1 hour clerical = 133 hours) and 266 hours for technical time (133 foreign recall reports × 2 hours technical = 266 hours.

With respect to the burden of determining identical or substantially similar vehicles or equipment to those sold in the United States, manufacturers of motor vehicles are required to submit not later than November 1 of each year, a document that identifies foreign products and their domestic counterparts. NHTSA continues to

estimate that the annual list could be developed with 8 attorney hours and 1 hour for IT work. NHTSA receives these lists from 83 manufacturers, on average, resulting in 747 burden hours (83 vehicle manufacturers ××x 8 hours for attorney support = 664 hours) + (83 vehicle manufacturers × 1 hour for IT support = 83 hours).

TABLE 4—HOURLY BURDEN FOR FOREIGN REPORTING

Task	Qty	Occupation	Burden hours	
			Per unit	Total
Annual List	83	Attorney	8	664
Annual list—Electronic	83	IT	1	83
Foreign Defect Report	133	Clerical	1	133
Foreign Defect report	133	Technical	2	266
Total				1,146

Therefore, the total annual hour burden on manufacturers for reporting foreign safety campaigns and substantially similar vehicles/equipment is 1,146 hours (774 hours professional time + 133 hours clerical time + 266 hours technical time). This is an increase of 154 burden hours from our previous estimate (1,146 hours for current estimate—992 hours for previous estimate).

Section 579.5 also requires manufacturers to submit notices, bulletins, customer satisfaction campaigns, consumer advisories and other communications that are sent to more than one dealer or owner. Manufacturers are required to submit this information monthly. Section 579.5 does not require manufacturer to create these documents; rather, only copies of these documents must be submitted to NHTSA. Therefore, the burden hours are only those associated with collecting the documents and submitting copies to NHTSA. Manufacturers must index these communications and email them to NHTSA within 5 working days after the end of the month in which they were issued.

NHTSA continues to estimate that we receive about 7,000 notices a year. We estimate that it takes about 5 minutes to collect, index, and send each notice to NHTSA. Therefore, we continue to estimate that it takes 7,000 documents × 5 minutes = 35,000 minutes or 583 hours for manufacturers to submit notices as required under Part 579.5.

TABLE 5—TOTAL BURDEN HOURS FOR THIS COLLECTION

Reporting type	Annual burden hours
EWR Reporting (Table 3)	47,514
Foreign Reporting (Table 4)	1,146
Part 579.5	583
Total	49,243

Estimated Cost Burdens—We now estimate the calculated cost burdens that this collection imposes on industry. The hourly wage rates shown below have been utilized in previous renewals of this collection and are now updated through June 2016. These current rate adjustments are derived from the Employment Cost Index Historical Listing (Volume III) provided by the U.S. Bureau of Labor Statistics to adjust for inflation. The non-seasonally adjusted wages and salaries, for private industry workers, were referenced to calculate the following updated 2016 wage rates:

TABLE 6—HOURLY WAGE RATES BY OCCUPATION

Occupation	Wage rate	
	2011	2016
Attorney	$130.39	$144.47
Engineer	130.39	144.47
IT	145.59	161.31
Technical	94.09	104.25
Clerical	30.69	34.00

2016 wage data from U.S. Department of Labor.

We have also constructed various breakdowns of the average five minutes of labor among the various occupations depending on the type of document that was reviewed. For example, to combine three minutes of technical labor and two minutes of clerical labor produces a combined wage rate of $76.15 per hour, using the adjusted 2016 wage rates in Table 6. Table 7 shows the time allocations and weighted hourly rate by report:

TABLE 7—TIME ALLOCATION AND WEIGHTED HOURLY RATE BY REPORT

Claim type	Attorney	Engineer	IT	Technical	Clerical	Total time	Weighted hourly rate
Claims of Injury/Death	3	0	0	0	2	5	$100.29
Property Damage	0	0	0	3	2	5	76.15
Mfr. Field Reports	0	0	0	3	2	5	76.15
Foreign Deaths	3	10	0	0	2	15	129.74

The total cost for 2016 Claims documents were obtained using the following formula:

K × T × W = Costs for claim type

Where:

K = Documents submitted by industry
T = Average time spent on a document
W = Wage rate based on U.S. Department of Labor and skill mix

For example, the estimated cost to report light vehicle death and injury claims is $75,899 (9,082 death and injury claims reported × 5/60 hours × $100.29 wage rate).

NHTSA estimates the reporting costs as a function of

- The number of manufacturers reporting;
- The frequency of required reports;
- The number of hours required per report; and
- The cost of personnel to report.

The number of manufacturers reporting is estimated from EWR submission. The frequency of reports is fixed at 4 times per year. The number of hours for reporting ranges from 1 hour for trailer manufacturer to 8 hours for light vehicle manufacturers (See Table 3). In addition, we assume that 50 percent of the total burden hours are utilized by technical personnel while clerical staff consumes the remaining 50 percent. In other words, the hourly wage rate for each quarterly report is split evenly between technical and clerical personnel and a weighted average of the wage hour is developed from this assumption. For 2016 the wage rate is $69.13 ([$104.25 × 0.5] + [$34.00 × 0.5]).

The reporting costs are calculated as follows:

$M \times T_p \times 4 \times \$69.13$ = cost of reporting

Where:

M = Manufacturers reporting data in the category

T_p = Reporting time for the category

4 = Quarterly reports per year

$69.13 = Reporting cost wage rate (rounded)

Thus, the estimated reporting cost for light vehicles is $86,272 (39 manufacturers × 8 hours × 4 quarters × $69.13 wage rate).

The costs for computer maintenance including software, hardware, data storage, etc. were calculated using the following formula:

$M \times T_c \times I_T$ = cost of computer maintenance

Where:

M = Manufacturers reporting data in the category

T_c = Annual computer maintenance time per manufacturer for the category

I_T = IT wage rate

The computer maintenance costs for light vehicles are $2,183,059 (39 manufacturers × 347 hours × $161.31 wage rate).

Table 8 shows the annual cost of reporting EWR information to NHTSA using the information outlined in tables 1, 2, 3, 6, and 7:

TABLE 8—ESTIMATE EWR COSTS BY SUBMISSION TYPE

Category	Light vehicles	Heavy, med vehicles	Trailers	Motorcycles	Emergency vehicles	Buses	Tires	Child restraints	Equipment mfr.	Totals
(Injury/Fatality)	$75,899	$811	$109	$1,128	$25	$100	$618	$3,159	$67	$81,916
Property Damage*	54,284	3,630	133	102	13	349	14,348	0	0	72,859
Warranty Claims	Aggregate Data									
Consumer Complaints	Aggregate Data									
Mfr. Field Reports	419,247	45,825	82	8,098	19	2,926	0	27,028	0	503,224
Dealer Field Reports	Aggregate Data									
Foreign Death Claims	1,914	32	32	65	0	0	65	1,135	0	3,244
Reporting Cost	86,272	53,920	22,121	8,295	9,678	52,537	47,007	9,401	1,659	290,891
Computer Maintenance	2,183,059	544,192	1,116,291	209,305	97,675	530,238	474,424	474,424	0	5,629,607
Totals:	2,820,674	648,410	1,138,769	226,992	107,410	586,150	536,463	515,147	1,726	6,581,741

Note: Totals may not be exact due to rounding.

Table 9 details the total annual costs for reproting annual list of substatially similar vehicles and foreign safety campaigns:

TABLE 9—ESTIMATED ANNUAL COSTS FOR SUBSTANTIALLY SIMILAR VEHICLES AND FOREIGN SAFETY CAMPAIGNS

Task	Qty	Occupation	2016 Wage rate (from Table 6)	Burden hours		Cost
				Per unit	Total	
Annual list	83	Attorney	$144.47	8	664	$95,929
Annual list—Electronic	83	IT	161.31	1	83	13,389
Defect report	133	Clerical	34.00	1	133	4,523
Defect report	133	Technical	104.25	2	266	27,731
Foreign Campaign Totals					1,146	141,572

The cost associated for manufacturers to submit Part 579.5 notices, bulletins, customer satisfaction campaigns, consumer advisories and other communications that are sent to more than one dealer or owner can be estimated from the number of hours and wage of personal submitting the documents. We understand that some manufacturers have clerical staff collect and submit the documents and other have technical staff. Because we do not know how many documents are sent by a particular staff we will assume they are done the higher paid staff. Thus, we estimated the cost to collect and submit Part 579.5 documents at 583 hours × $104.25 for Technical staff = $60,779 for manufacturers to submit notices as required under Part 579.5.

Table 10 shows the estimated cost for manufacturers to report EWR data, foreign campaigns, and Part 579.5 documents through this collection:

TABLE 10—TOTAL DOLLAR ESTIMATES FOR MANUFACTURERS TO COMPLY WITH EWR REPORTING, FOREIGN REPORTING, AND PART 579.5 REPORTING

Reporting Type	Annual Cost ($)
EWR Reporting (Table 8)	$6,581,741
Foreign Reporting (Table 9)	141,572
Part 579.5 Submissions	60,779
Total	6,784,092

Removed Burdens— Our previous renewal of this collection included one-time cost estimates associated with adding a new vehicle type, fuel and/or propulsion system type, and four new components (stability control, forward collision avoidance, lane departure prevention, and backover prevention) to vehicle EWR reporting. These one-time costs were estimated for manufacturers to amend their reporting templates and revise their software system to support the new reporting requirements. *See* 78 FR 51415. Manufacturers were required to make these changes to their vehicle EWR reporting by January 1, 2015. *See* 79 FR 47591. As these one-time costs have already been incurred and manufacturers have already made the necessary modifications to their systems, a total of 39,296 burden hours and $4.57 million dollars will be removed from this collection.

Summary of Burden Estimate—Based on the foregoing, we estimate the burden hours for industry to comply with the current EWR requirements, foreign campaign requirements and Part 579.5 requirements total 49,243 burden hours (47,514 for EWR requirements + 1,146 hours for foreign campaign requirements + 583 hours for Part 579.5). This is a decrease of 35,950 hours from the currently approved collection, mostly due to the one-time costs we previously estimated and have now removed from this collection. We now estimate the cost burden for current EWR requirements, foreign campaign requirements, and Part 579.5 requirements to total $6,784,092 annually.

Estimated Number of Respondents—NHTSA receives EWR submissions, foreign campaigns, and Part 579.5 submissions from roughly 292 manufacturers per year.

In summary, we estimate that there will be a total of 292 respondents per year associated with OMB No. 2127–0616.

Issued on: October 4, 2016.

Michael L. Brown,

Acting Director, Office of Defects Investigation.

[FR Doc. 2016–24526 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2016–0065]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on June 27, 2016 (81 FR 41644).

DATES: Comments must be submitted to OMB on or before November 10, 2016.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, OMB, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer.

FOR FURTHER INFORMATION CONTACT: Alex Ansley, Recall Management Division (NVS–215), Room W48–301, NHTSA, 1200 New Jersey Ave., Washington, DC 20590. Telephone: (202) 493–0481.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation, *see* 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including 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.

In compliance with these requirements, NHTSA asks for public comments on the following collection of information:

Title: Defect and Noncompliance Reporting and Notification.

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2127–0004.

Affected Public: Businesses or individuals.

Abstract: The 60-day notice for this information collection received one (1) comment submitted by Nissan North America, Inc. (Nissan). Nissan agreed with many of the estimates presented in the 60-day notice but did offer substantive comments on six different estimates related to safety recall reporting and owner notification obligations. A summary of Nissan's comments are found below in the corresponding burden estimate along with the Agency's response.

This collection covers the information collection requirements found within various statutory sections in the Motor Vehicle Safety Act of 1966 (Act), 49 U.S.C. 30101, *et seq.,* that address and require manufacturer notifications to NHTSA of safety-related defects and failures to comply with Federal Motor Vehicle Safety Standards (FMVSS) in motor vehicles and motor vehicle equipment, as well as the provision of particular information related to the ensuing owner and dealers notifications and free remedy campaigns that follow those notifications.

Pursuant to the Act, motor vehicle and motor vehicle equipment manufacturers are obligated to notify, and then provide various information and documents, to NHTSA in the event a safety defect or noncompliance with Federal Motor Vehicle Safety Standards (FMVSS) is identified in products they manufactured. *See* 49 U.S.C. 30118(b) and 49 CFR 573.6 (requiring manufacturers to notify NHTSA, and provide certain information, when they learn of a safety defect or noncompliance). Manufacturers are further required to notify owners, purchasers, dealers and distributors about the safety defect or noncompliance. *See* 49 U.S.C. 30118(b), 30120(a), and 49 CFR 577.7, 577.13. They are required to provide to NHTSA copies of communications pertaining to

recall campaigns that they issue to owners, purchasers, dealers, and distributors. *See* 49 U.S.C. 30166(f) and 49 CFR 573.6(c)(10).

Manufacturers are also required to file with NHTSA a plan explaining how they intend to reimburse owners and purchasers who paid to have their products remedied before being notified of the safety defect or noncompliance, and explain that plan in the notifications they issue to owners and purchasers about the safety defect or noncompliance. *See* 49 U.S.C. 30120(d) and 49 CFR 573.13. They are further required to keep lists of the respective owners, purchasers, dealers, distributors, lessors, and lessees of the products determined to be defective or noncompliant and involved in a recall campaign, and are required to provide NHTSA with a minimum of six quarterly reports reporting on the progress of their recall campaigns. *See* 49 CFR 573.8 and 573.7, respectively.

The Act and Part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns. These requirements relate to the proper disposal of recalled tires, including a requirement that the manufacturer conducting the tire recall submit a plan and provide specific instructions to certain persons (such as dealers and distributors) addressing that disposal, and a requirement that those persons report back to the manufacturer certain deviations from the plan. *See* 49 U.S.C. 30120(d) and 49 CFR 573.6(c)(9). They also require the reporting to NHTSA of intentional and knowing sales or leases of defective or noncompliant tires.

49 U.S.C. 30166(n), and its implementing regulation found at 49 CFR 573.10, mandates that anyone who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire that is not compliant with FMVSS, and with actual knowledge that the tire manufacturer has notified its dealers of the defect or noncompliance as required under the Act, is required to report that sale or lease to NHTSA no more than five working days after the person to whom the tire was sold or leased takes possession of it.

Estimated Burden: The approved information collection associated with 49 CFR part 573 and portions of 49 CFR part 577 presently holds an estimated annual burden of 46,138 hours associated with an estimated 280 respondents per year. For information concerning how we calculated these estimates please see the **Federal Register** Notices 78 FR 51381 (August 20, 2013).

Our prior estimates of the number of manufacturers each year that would be required to provide information under 49 CFR part 573, the number of recalls for which 49 CFR part 573 information collection requirements would need to be met, and the number of burden hours associated with the requirements currently covered by this information collection require adjustment as explained below.

Based on current information, we now estimate 275 distinct manufacturers filing an average of 854 Part 573 Safety Recall Reports each year. This is a change from our previous estimate of 680 Part 573 Safety Recall Reports filed by 280 manufacturers each year.

We originally estimated that it takes a manufacturer an average of 4 hours to complete each notification report to NHTSA and that maintenance of the required owner, purchaser, dealer, and distributors lists requires 8 hours a year per manufacturer. Nissan commented that, in its experience, it spends ''. . . two (2) to (3) days (16–24 hours) to complete each Defect Information Report (DIR), based on an eight (8) hour day. This varies based on the size and complexity of the recall.'' We thank Nissan for its comment and do not disagree with its estimated burden for filing a Part 573 Recall Report (or ''DIR'' as referenced in Nissan's comment). However, most manufacturers who conduct safety recalls are not major, passenger vehicle manufacturers. And, generally, most other manufacturers include very few products in the average safety recall. We presume that, like Nissan, other major, passenger vehicle manufacturers require similar time and burden to prepare and file their reports due to the size and complexity of passenger vehicle recalls. As such, we estimate that major, passenger vehicle manufacturers will require 20 burden hours, the average of Nissan's estimate, to prepare and file their Part 573 Recall Reports.

By utilizing the metric associated with NHTSA's VIN Look-up Tool regulation (*See* 49 CFR 573.15), we will associate a higher burden hour estimate for the major, passenger vehicle manufacturers who produce more than 25,000 vehicles annually. The seventeen (17) manufacturers that fit this annual production criterion recall many more products, on average, than other manufacturers. Between 2013 and 2015, the recalls for these major, passenger vehicle manufacturers (including Nissan) affected an average of 153,000 vehicles per recall. However, the recalls for all other manufacturers (including manufacturers for other vehicles and motor vehicle equipment such as tires, child seats, etc.), affected an average of 32,000 products per recall. Between 2013 and 2015 the major, passenger vehicle manufacturers conducted an average of 45 recalls annually.

We estimate the annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance for the seventeen major, passenger vehicle manufacturers to be 900 hours annually (45 notices × 20 hours/report). We estimate all other manufacturers to require a total of 3,236 hours annually to file their notices (809 notices × 4 hours/report). Accordingly, the estimated annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance is 6,336 hours (900 hours + 3,236 hours) + (275 MFRs × 8 hours to maintain purchaser lists).

We also estimated an additional 2 hours would be needed to add to a manufacturer's Part 573 Safety Recall Report details relating to the intended schedule for notifying its dealers and distributors, and tailoring its notifications to dealers and distributors in accordance with the requirements of 49 CFR 577.13. Nissan commented that, in its experience and depending on the complexity of the recall, it ''typically works up to five (5) business days/forty (40) hours to craft the Dealer announcement with the appropriate repair protocol and other essential information to provide to dealers. The announcement creation includes coordinating with multiple departments in order to notify and instruct the dealers/retailers on how to execute the remedy.'' Similar to the burden hour estimate for readying the Part 573 Recall Report, we believe Nissan's estimate is realistic and should apply to the burden hour calculation for the major, passenger vehicle manufacturers. We believe, however, that most other manufacturers would require up to two hours readying this notification. This burden is now estimated at 3,418 hours annually (809 notices × 2 hours/notification + 45 notices × 40 hours/notification).

49 U.S.C. 30166(f) requires vehicle manufacturers to provide to the Agency copies of all communications regarding defects and noncompliances sent to owners, purchasers, and dealerships. Manufactures must index these communications by the year, make, and model of the vehicle as well as provide a concise summary of the subject of the communication. We estimate this burden requires 30 minutes for each vehicle recall. This would total to an estimated 380 hours annually (760 vehicle recalls × .5 hours). Nissan commented that they agreed with the Agency's estimate for this burden.

In the event a manufacturer supplied the defect or noncompliant product to independent dealers through independent distributors, that manufacturer is required to include in its notifications to those distributors an instruction that the distributors are to then provide copies of the manufacturer's notification of the defect or noncompliance to all known distributors or retail outlets further down the distribution chain within five working days. *See* 49 CFR 577.7(c)(2)(iv). As a practical matter, this requirement would only apply to equipment manufacturers since vehicle manufacturers generally sell and lease vehicles through a dealer network, and not through independent distributors. We believe our previous estimate of roughly 80 equipment recalls per year needs to be adjusted to 95 equipment recalls per year to better reflect recent recall figures. Although the distributors are not technically under any regulatory requirement to follow that instruction, we expect that they will, and have estimated the burden associated with these notifications (identifying retail outlets, making copies of the manufacturer's notice, and mailing) to be 5 hours per recall campaign. Assuming an average of 3 distributors per equipment item, (which is a liberal estimate given that many equipment manufacturers do not use independent distributors) the total number of burden hours associated with this third party notification burden is approximately 1,425 hours per year (95 recalls × 3 distributors × 5 hours). We received no comments on this particular burden estimate.

As for the burden linked with a manufacturer's preparation of and notification concerning its reimbursement for pre-notification remedies, we estimated that the preparation of a reimbursement plan takes approximately 8 hours annually, and that an additional 2 hours per year is spent tailoring the plan to particular defect and noncompliance notifications to NHTSA and adding tailored language about the plan to a particular safety recall's owner notification letters.

Nissan commented that this requirement actually requires additional burden hours from various departments within the company. Nissan estimates that its Consumer Affairs department must maintain and update a reimbursement Web site which requires $24,000 annually. Further, updates to this Web site take approximately four (4) hours to complete, presumably per recall (but this is not clarified). Another twelve (12) annual hours are required to ''. . . . disseminate internal documents to Consumer Affairs staff . . .'' Nissan's Field Quality Assurance and Technical Compliance departments also spend a combined four and a half (4.5) hours, per recall, creating the reimbursement plan and adding specific language to the owner notification letter.

We thank Nissan for its detailed burden estimate for this requirement. Regarding the Web site that Nissan operates for managing reimbursement submissions, this is not a current burden imposed by the regulation in 49 CFR 577.11. Manufacturers must disseminate reimbursement information to owners through the owner notification letter and provide owners a physical mailing address to submit any claims in writing. Manufacturers are not required to create or maintain a Web site for facilitating this pre-notification remedy requirement. As such, we will not include the $24,000 annual maintenance costs related to Nissan's Web site or the four (4) hours spent on updating the Web site.

However, we do agree with Nissan regarding the four and a half (4.5) hours required to create the reimbursement plan and tailor the plan to each specific recall. We previously estimated a combined total of 10 hours for these items but we will use Nissan's estimate going forward. Also, we will add an additional 12 hours annually, as Nissan estimates, for each manufacturer to disseminate pre-notification reimbursement to their company staff.

In sum, these required activities total 4,827 annual burden hours ((275 MFRs × 4 hours to prepare plan) + (854 recalls × .5 hours tailoring plan for each recall) + (275 MFRs × 12 hours to disseminate plan information)).

The Safety Act and 49 CFR part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns, as well as a statutory and regulatory reporting requirement that anyone who knowingly and intentionally sells or leases a defective or noncompliant tire notify NHTSA of that activity.

Manufacturers are required to include specific information related to tire disposal in the notifications they provide NHTSA concerning identification of a safety defect or noncompliance with FMVSS in their tires, as well as in the notifications they issue to their dealers or other tire outlets participating in the recall campaign. *See* 49 CFR 573.6(c)(9). We now estimate that the Agency administers 12 tire recalls each year, on average, revised down from our previous estimate of 15 tire recall each year. We estimate that the inclusion of this additional information will require an additional two hours of effort beyond the subtotal above associated with non-tire recall campaigns. This additional effort consists of one hour for the NHTSA notification and one hour for the dealer notification for a total of 24 burden hours (12 tire recalls a year × 2 hours per recall).

Manufacturer owned or controlled dealers are required to notify the manufacturer and provide certain information should they deviate from the manufacturer's disposal plan. Consistent with our previous analysis, we continue to ascribe zero burden hours to this requirement since to date no such reports have been provided and our original expectation that dealers would comply with manufacturers' plans has proven true.

Accordingly, we estimate 24 burden hours a year will be spent complying with the tire recall campaign requirements found in 49 CFR 573.6(c)(9).

Additionally, because the agency has yet to receive a single report of a defective or noncompliant tire being intentionally sold or leased, our previous estimate of zero burden hours remains unchanged with this notice. We received no comments regarding the burden estimates for tire disposal requirements or tire recall campaign requirements.

The previous clearance for this information collection allowed for start-up costs for the Agency's VIN Look-up system and a new regulation that required manufacturers to create a VIN Look-up service on their respective Web sites. As these systems were launched successfully in August 2014, the start-up estimates for costs and burden will now be removed. The estimated costs to industry for one-time infrastructure expenses to create a VIN-based recalls lookup service consisting of 108 hours, and costing a total of $45,000, will now be removed from this information collection.

Each manufacturer was also required to establish requirements, analysis, and designs for their new recalls look-up tools. These additional burdens stemmed from: The creation of the VIN search interface; database setup to host the recall information; data refresh procedures to populate recall information; server side VIN code lookup and recall status retrieval; integration with existing manufacturer Web site; and application testing. We estimated these burdens to total 1,332 hours and $130,005 and these costs will now be removed from this information collection.

We continue to believe nine vehicle manufacturers, who did not operate

VIN-based recalls lookup systems prior to August 2013, incur certain recurring burdens on an annual basis. We estimate that 100 burden hours will be spent on system and database administrator support. These 100 burden hours include: Backup data management and monitoring; database management, updates, and log management; and data transfer, archiving, quality assurance, and cleanup procedures. We estimate another 100 burden hours will be incurred on web/application developer support. These burdens include: Operating system and security patch management; application/web server management; and application server system and log files management. We estimate these burdens will total 1,800 hours each year (9 MFRs × 200 hours). We estimate the recurring costs of these burden hours will be $30,000 per manufacturer.[1] We continue to estimate that the total cost to the industry from these recurring expenses will total $270,000, on an annual basis (9 MFRs × $30,000). Nissan commented that they agreed with this estimate.

The Agency previously estimated one-time startup costs that manufacturers would assume in order to meet certain technical access requirements to provide recall information to NHTSA's Web site. We estimated that the total one-time costs to the industry from these technical access requirements would require 1,914 burden hours (27 MFRs × 72 hours) and total $189,270 (27 MFRs × $7,010) and we now remove these costs from this information collection.

The Agency previously estimated one-time startup costs manufacturers incurred to create a VIN list for 15 years of recall information. We estimated that the total one-time costs to the industry from this VIN list creation would require 1,620 hours (27 MFRs × 60 hours). We remove these costs from this information collection.

Changes to 49 CFR part 573 in 2013 required 27 manufacturers to update each recalled vehicle's repair status no less than every 7 days, for 15 years from the date the VIN is known to be included in the recall. This ongoing requirement to update the status of a VIN for 15 years continues to add a recurring burden on top of the one-time burden to implement and operate these online search tools. We calculate that 8 affected motorcycle manufacturers will make recalled VINs available for an average of 2 recalls each year and 19 affected passenger vehicle manufacturers will make recalled VINs available for an average of 8 recalls each year. We believe it will take no more than 1 hour, and potentially much less with automated systems, to update the VIN status of vehicles that have been remedied under the manufacturer's remedy program. We continue to estimate this will require 8,736 burden hours per year (1 hour × 2 recalls × 52 weeks × 8 MFRs + 1 hour × 8 recalls × 52 weeks × 19 MFRs) to support the requirement to update the recalls completion status of each VIN in a recall at least weekly for 15 years. We received no comments on this estimate.

As the number of Part 573 Recall Reports has increased in recent years, so has the number of quarterly reports which track the completion of safety recalls. Our previous estimate of 3,000 quarterly reports received annually is now revised up to an average of 3,800 reports annually. Nissan commented that they spend an average of ten (10) minutes per quarterly report where we previously estimated 4 hours per report. We believe Nissan's estimate of 10 minutes is much more realistic as this process is likely automated through electronic reporting. As such, we will adopt Nissan's estimate of 10 minutes burden to gather the pertinent information for each quarterly report.

Nissan further estimated that it requires one (1) additional hour each quarter to electronically submit all quarterly reports (for up to 30 recalls in a given quarter) totaling another four (4) burden hours annually. As noted before, the major, passenger vehicle manufacturers often conduct more recalls affecting more vehicles and this can increase the quarterly reporting burden for those manufacturers. We will include an additional four (4) burden hours for the seventeen major, passenger vehicle manufacturers. The quarterly reporting burden now totals 701 hours ((3,800 quarterly reports × 10 minutes/report) + (17 MFRs × 4 hours for electronic submission)).

NHTSA's last update to this information collection established a new online recalls portal for the submission of recall documents. We continue to estimate a small burden of 2 hours annually in order to set up a manufacturer's online recalls portal account with the pertinent contact information and maintaining/updating their account information as needed. We estimate this will require a total of 550 hours annually (2 hours × 275 MFRs). Nissan commented that they agree with this estimate.

Also updated in the last revision to this information collection, NHTSA established a requirement that manufactures change or update recall components in their Part 573 Safety Recall Report. We continue to estimate that 20 percent of Part 573 reports will involve a change or addition. We originally estimated that this burden would require an additional 30 minutes per amended report. Nissan commented that this task requires up to one (1) hour per amended report. We believe Nissan's estimate of one hour is reasonable and we will adopt this estimated burden calculation. At one hour per amended report, this totals 171 burden hours per year (854 recalls × .20 = 171 recalls; 171 × 1 = 171 hours).

As to the requirement that manufacturers notify NHTSA in the event of a bankruptcy, we expect this notification to take an estimated 2 hours to draft and submit to NHTSA. We continue to estimate that only 10 manufacturers might submit such a notice to NHTSA each year, so we calculate the total burden at 20 hours (10 MFRs × 2 hours). We received no comments on this particular estimate.

We continue to estimate that it takes manufacturers an average of 8 hours to draft their notification letters, submit them to NHTSA for review, and then finalize them for mailing to their affected owners and purchasers. We estimate that the 49 CFR part 577 requirements result in 6,832 burden hours annually (8 hours per recall × 854 recalls per year). Nissan commented that they agree with the Agency's estimate for this burden calculation.

The estimate associated with the regulation which requires owner notifications within 60 days of filing a Part 573 Safety Recall Report remains must similarly be revised with an increase in recalls. We previously calculated that about 25 percent of past recalls did not include an owner notification mailing within 60 days of the filing of the Part 573 Safety Recall Report. However, recent trends show that only about 10 percent of recalls require an interim owner notification mailing. Under the regulation, manufacturers must send two letters in these cases: An interim notification of the defect or noncompliance within 60 days and a supplemental letter notifying owners and purchasers of the available remedy.

We originally estimated these interim letters would require 8 burden hours per recall (similar to the standard owner notification letters). However, Nissan commented that preparation of the interim letter can require up to ten (10) hours if the letter is complex in nature.

[1] $8,000 (for data center hosting for the physical server) + $12,000 (for system and database administrator support) + $10,000 (for web/application developer support) = $30,000.

We believe Nissan's estimate of 10 hours is reasonable and we will adopt this estimate burden calculation. Accordingly, we estimate that 850 burden hours are associated with this 60-day interim notification requirement (854 recalls × .10 = 85 recalls; 85 recalls times 10 hours per recall = 850 hours).

As for costs associated with notifying owners and purchasers of recalls, we continue to estimate this costs $1.50 per first class mail notification, on average. This cost estimate includes the costs of printing, mailing, as well as the costs vehicle manufacturers may pay to third-party vendors to acquire the names and addresses of the current registered owners from state and territory departments of motor vehicles. In reviewing recent recall figures, we determined that an estimated 58.4 million letters are mailed yearly totaling $87,600,000 ($1.50 per letter × 58,400,000 letters). The requirement in 49 CFR part 577 for a manufacturer to notify their affected customers within 60 days would add an additional $8,760,000 (58,400,000 letters × .10 requiring interim owner notifications = 5,840,000 letters; 5,840,000 × $1.50 = $8,760,000). In total we estimate that the current 49 CFR part 577 requirements cost manufacturers a total of $96,360,000 annually ($87,600,000 owner notification letters + $8,760,000 interim notification letters = $96,360,000). Nissan commented that they agree with the Agency's estimate for this cost estimate.

Due to the past burdens associated with the requirement that certain vehicle manufacturers setup VIN Look-up systems for their recalled vehicles, many estimates have been removed from this information collection as these burdens and costs have already occurred. The 49 CFR part 573 and 49 CFR part 577 requirements found in today's notice will require 36,070 hours each year for OMB Control Number 2127–0004, a decrease of 10,068 burden hours from the previously approved collection of 46,138 hours. Additionally, manufacturers impacted by 49 CFR part 573 and 49 CFR part 577 requirements will incur a recurring annual cost estimated at $96,630,000 total.

Estimated Number of Respondents: NHTSA receives reports of defect or noncompliance from roughly 275 manufacturers per year. Accordingly, we estimate that there will be approximately 275 manufacturers per year filing defect or noncompliance reports and completing the other information collection responsibilities associated with those filings.

In summary, we estimate that there will be a total of 275 respondents per year associated with OMB No. 2127–0004.

Issued on: October 4, 2016.

Michael L. Brown,

Acting Director, Office of Defects Investigation.

[FR Doc. 2016–24505 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA 2016–0094; Notice No. 2016–17]

Hazardous Materials: Proposed Termination of EX Classification Approval EX1987030326

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: PHMSA proposes to terminate EX classification approval EX1987030326, issued to BHT Products, Inc. for a Division 4.1 classification. In January and May 2016, PHMSA attempted to contact BHT Products, Inc. via letters delivered by certified mail. These letters requested that BHT Products, Inc. provide PHMSA with background information, such as a copy of the existing lab report and test data to support the classification issued under EX1987030326. To date, PHMSA has not received any correspondence from BHT Products, Inc. concerning EX1987030326.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Paquet, Director, Approvals and Permits Division, Office of Hazardous Materials Safety, (202) 366–4512, PHMSA, 1200 New Jersey Avenue SE., Washington, DC 20590 or at *explo@dot.gov.*

Correspondence with respect to the EX classification approval EX1987030326 should be sent to *explo@dot.gov* with a subject line ''EX classification approval EX1987030326'' and should be in writing; state in detail any alleged errors of fact and law; enclose any additional information needed to support the request; and state in detail the final decision sought.

Action: PHMSA will terminate the EX classification approval EX1987030326 thirty (30) days after this notice is published in the **Federal Register**, unless the holder requests reconsideration as outlined in 49 CFR 107.715.

Issued in Washington, DC, on October 4, 2016, under authority delegated in 49 CFR part 107.

William S. Schoonover,

Acting Associate Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2016–24417 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Port Performance Freight Statistics Working Group

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST–R), U.S. Department of Transportation (USDOT).

ACTION: Port Performance Freight Statistics Working Group: notice of public meeting and public comment period on draft work plan.

SUMMARY: This notice announces an upcoming meeting of the Port Performance Freight Statistics Working Group (hereafter, ''Working Group''). The Working Group will provide advice and recommendations to the BTS Director pursuant to Section 6018 of the *Fixing America's Surface Transportation (FAST) Act* on matters related to port performance measures, including: (a) Specifications and data measurements to be used in the Port Performance Freight Statistics Program established under subsection 6018(a); and (b) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection 6018(b)(2). The Working Group will operate in accordance with the provisions of the *Federal Advisory Committee Act (FACA)* and the rules and regulations issued in implementation of that Act.

This notice also announces the opening of a 14-day public comment period for the Working Group's draft Work Plan, available at *http://www.bts.gov/bts/port_performance.* This draft Work Plan identifies the schedule, agenda items, and anticipated follow-up actions for each of the Working Group's four meetings.

DATES: The Working Group meeting will be held on November 18, 2016, from 9:00 a.m. to 4:30 p.m., Eastern Standard Time.

ADDRESSES: The meeting will be at the U.S. Department of Transportation; 1200 New Jersey Avenue SE., Washington, DC 20590. Any person requiring accessibility accommodations should

contact Matthew Chambers at (202) 366–1270 or via email at: *portstatistics@dot.gov.*

FOR FURTHER INFORMATION CONTACT: U.S. Department of Transportation, Office of the Assistant Secretary for Research and Technology, Bureau of Transportation Statistics, Attn: Port Performance Freight Statistics Working Group, 1200 New Jersey Avenue SE., Room # E32–342, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background: The Port Performance Freight Statistics Working Group has been created in accordance with Section 6018 of the FAST Act (Pub. L. 114–94; Dec. 4, 2015; 129 Stat. 1312). The Working Group supports development of the newly-established BTS Port Performance Freight Statistics Program. The goal of the program is ''to provide nationally consistent measures of performance'' of the nation's largest ports, and to report annually to Congress on port capacity and throughput.

The Working Group is established in the FAST Act to provide recommendations to the BTS Director on matters related to port performance measures; to identify a standard for port data; to specify standards for consistent port performance measures; to recommend statistics for measuring port capacity and throughput; and to develop a process to collect timely and consistent data. The FAST Act also identifies the membership of the Working Group, and sets a due date for recommendations to the BTS Director of December 4, 2016.

Agenda: During the meeting, U.S. Department of Transportation (hereafter, ''Department'') staff will provide updates of the Department's progress in implementing its Port Performance Freight Statistics Program and related provisions. The Working Group will discuss its draft recommendations on the following topics:

(a) Generally accepted industry standard for port data collection and reporting.

(b) Standards for collecting data and reporting nationally consistent port performance measures.

(c) Statistics measuring U.S. port capacity and throughput.

(d) Process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information.

The final meeting agenda will be posted on the BTS Web site at *www.bts.gov/port_performance* in advance of the meeting.

Public Participation: The meeting will be open to the public on a first-come, first served basis, especially because space is limited. Members of the public who wish to attend the meetings in-person are asked to send RSVPs, including name and affiliation to *portstatistics@dot.gov,* in order to request a seat and to facilitate entry. RSVPs are requested by November 14, 2016. Any person requiring accessibility accommodation, such as sign language interpretation, should contact the Matthew Chambers at (202) 366–1270 or via email at: *portstatistics@dot.gov* five (5) business days before the meeting.

Written Comments: Persons who wish to submit written comments on the draft Work Plan or for consideration by the Working Group at its November meeting must send them via email to *portstatistics@dot.gov* or mail to Matthew Chambers, Designated Federal Officer, Port Performance Freight Statistics Working Group, 1200 New Jersey Avenue SE., Room # E32–342, Washington, DC 20590. Written comments for the Working Group's November meeting must be received on or before November 14, 2016. Written comments on the draft Work Plan must be received on or before October 20, 2016. Comments on the Working Group's activities can be provided at any time to *PortStatistics@dot.gov.*

Dated: October 3, 2016.

Michael Sprung,

Assistant Director, Bureau of Transportation Statistics.

[FR Doc. 2016–24446 Filed 10–7–16; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant To Executive Order 13288, Executive Order 13391, and Executive Order 13469

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of nine individuals and 11 entities whose property and interests in property have been unblocked pursuant to Executive Order 13288 of March 6, 2003, ''Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe,'' Executive Order 13391 of November 22, 2005, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe,'' and Executive Order 13469 of July 25, 2008, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe.''

DATES: OFAC's actions described in this notice are effective as of October 4, 2016.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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

Notice of OFAC Actions

A. On October 4, 2016, OFAC, in consultation with the State Department, removed from the SDN List the individuals and entities listed below, whose property and interests in property were blocked pursuant to Executive Order 13288 (E.O. 13288), Executive Order 13391 (E.O. 13391), and Executive Order 13469 (E.O. 13469).

1. CHAPFIKA, Abina DOB 23 Aug 1961 Passport ZE190297 (Zimbabwe) Spouse of David Chapfika (individual) [ZIMBABWE—E.O. 13391].
2. CHARAMBA, Rudo Grace DOB 20 Jun 1964 Spouse of George Charamba (individual) [ZIMBABWE—E.O. 13391].
3. CHIGWEDERE, Aeneas Soko; DOB 25 Nov 1939; Minister of Education, Sports and Culture (individual) [ZIMBABWE—E.O. 13288, E.O. 13391].
4. CHIWENGA, Jocelyn Mauchaza DOB 19 May 1955 Passport AN061550 (Zimbabwe) Spouse of Constantine Chiwenga (individual) [ZIMBABWE—E.O. 13391].
5. CHOMBO, Ever; No. 38, 39th Crescent, Warrenton Park, Harare, Zimbabwe DOB 20 Sep 1956 Passport AN845280 (Zimbabwe) Spouse of Ignatius Chombo (individual) [ZIMBABWE—E.O. 13391].
6. MSIPA, Cephas George; DOB 07 Jul 1931; Passport ZD001500 (Zimbabwe); Midlands Provincial Governor (individual) [ZIMBABWE—E.O. 13391].
7. MUGABE, Sabina DOB 14 Oct 1934 Politburo Senior Committee Member (individual) [ZIMBABWE—E.O. 13288, E.O. 13391].
8. NKOMO, Georgina Ngwenya; 59 Muchbimding Road, Worringham, Bulawayo, Zimbabwe DOB 4 Aug 1966

Spouse of John Nkomo (individual) [ZIMBABWE—E.O. 13391].
9. UTETE, Charles Manhamu DOB 30 Oct 1938 Former Cabinet Secretary; Passport ZD002097 (Zimbabwe) (individual) [ZIMBABWE—E.O. 13288, E.O. 13391].
10. GOWRIE FARM; City of Norton (entity) [ZIMBABWE—E.O. 13391].
11. LONGWOOD FARM (entity) [ZIMBABWE—E.O. 13391].
12. R/E OF MLEMBWE FARM; City of Mlembwe (entity) [ZIMBABWE—E.O. 13391].
13. ZB FINANCIAL HOLDINGS LIMITED (a.k.a. ZIMBABWE FINANCIAL HOLDINGS LIMITED; a.k.a. FINHOLD; a.k.a. WWW.ZB.CO.ZW), National Identification Number 1278–89, 10th Floor ZB House 46 Speke Avenue P.O. Box 3198, Harare, Phone Number 263–4–751168; Fax Number 263–4–251029 (entity) [ZIMBABWE—E.O. 13469].
14. ZB BANK LIMITED (a.k.a. ZIMBABWE BANKING CORPORATION LIMITED; a.k.a. ZB BANK; a.k.a. ZBCL; a.k.a. ZIMBANK), Zimbank House Cnr. 1st Street/Speke Avenue P.O. Box 3198, Harare, Phone Number 263–4–751168; Fax Number 263–4–757497(entity) [ZIMBABWE—E.O. 13469].
15. ZB HOLDINGS LIMITED, 10th Floor ZB House 46 Speke Avenue P.O. Box 3198, Harare, Phone Number 263–4–751168; Fax Number 263–4–251029 (entity) [ZIMBABWE—E.O. 13469].
16. INTERMARKET HOLDINGS LIMITED, 10th Floor ZB House 46 Speke Avenue P.O. Box 3198, Harare, Phone number 263–4–751168; Fax Number 263–4–251029 (entity) [ZIMBABWE—E.O. 13469].
17. SCOTFIN LIMITED, 10th Floor ZB House 46 Speke Avenue P.O. Box 3198, Harare, Phone Number 263–4–751168; Fax Number 263–4–251029 (entity) [ZIMBABWE—E.O. 13469].
18. INDUSTRIAL DEVELOPMENT CORPORATION OF ZIMBABWE LTD (a.k.a. Industrial Development Corporation of Zimbabwe), P.O. Box CY1431 Causeway, Harare; 93 Park Lane, Harare, Phone Number 263–4–794805; Fax Number 263–4–250385 (entity) [ZIMBABWE—E.O. 13469].
19. CHEMPLEX CORPORATION LIMITED (a.k.a. Chemplex Corporation Ltd), 93 Park Lane P.O. Box 989, Harare; 10 Bilston Street, Bulawayo; 35 Coventry Road, Harare, Linked to Industrial Development Corporation of Zimbabwe Ltd (entity) [ZIMBABWE—E.O. 13469].
20. ZIMBABWE FERTILISER COMPANY (a.k.a. ZFC Limited), 35 Coventry Road, Workington, Harare; Ambleside Road, Aspindale Park, Harare; Sable Chemicals Complex, Lot 1/7, Sherwood Block, Kwekwe, Linked to Chemplex Corporation Limited (entity) [ZIMBABWE—E.O. 13469].

B. On October 4, 2016, OFAC published the following revised identifier information for one individual on OFAC's SDN List whose property and interests in property are blocked pursuant to E.O. 13391:

1. MUGABE, Leo (a.k.a. ''CDE MUGABE''), 72 Green Groove Drive, Greendale, Harare, Zimbabwe; DOB 28 Feb 1957; alt. DOB 28 Aug 1962; MP for Makonde; Nephew of Robert MUGABE (individual) [ZIMBABWE].

Dated: October 4, 2016.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2016–24398 Filed 10–7–16; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 1, 2016.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Tuesday, November 1, 2016, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave, Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various special topics with IRS processes.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24396 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 30, 2016.

FOR FURTHER INFORMATION CONTACT: Kim Vinci at 1–888–912–1227 or 916–974–5086.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, November 30, 2016, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact: Kim Vinci at 1–888–912–1227 or 916–974–5086, TAP Office, 4330 Watt Ave, Sacramento, CA 95821, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24397 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving

customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 17, 2016.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, November 17, 2016, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW., Room 1509, National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24393 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 9, 2016.

FOR FURTHER INFORMATION CONTACT: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Wednesday, November 9, 2016, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Gretchen Swayzer. For more information please contact: Gretchen Swayzer at 1–888–912–1227 or 469–801–0769, TAP Office, 4050 Alpha Rd, Farmers Branch, TX 75244, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24399 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 10, 2016.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Thursday, November 10, 2016, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1–888–912–1227 or (954) 423–7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: *http://www.improveirs.org.* The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24391 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 16, 2016.

FOR FURTHER INFORMATION CONTACT: Linda Rivera at 1–888–912–1227 or (202) 317–3337.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, November 16, 2016, at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1–888–912–1227 or (202)317–3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509-National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24392 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8038, 8038–G, and 8038–GC

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 8038, Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038–G, Information Return for Tax-Exempt Governmental Obligation, and Form 8038–GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales.

DATES: Written comments should be received on or before December 12, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6527, 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 R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return for Tax-Exempt Private Activity Bond Issues (Form 8038), Information Return for Tax-Exempt Governmental Obligation (Form 8038–G), and Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales (Form 8038–GC).

OMB Number: 1545–0720.

Form Number: 8038, 8038–G, and 8038–GC.

Abstract: Issuers of state or local bonds must comply with certain information reporting requirements contained in Internal Revenue Code section 149 to qualify for tax exemption. The information must be reported by the issuers about bonds issued by them during each preceding calendar quarter. Forms 8038, 8038 G, and 8038 GC are used to provide the IRS with the information required by Code section 149 and to monitor the requirements of Code sections 141 through 150.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: State, Local or Tribal Governments and not-for-profit institutions.

Estimated Number of Respondents: 39,491.

Estimated Time per Respondent: 21 hours, 4 minutes.

Estimated Total Annual Burden Hours: 831,714.

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: September 30, 2016.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2016–24394 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 23, 2016.

FOR FURTHER INFORMATION CONTACT: Theresa Singleton at 1–888–912–1227 or 202–317–3329.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Wednesday, November 23, 2016, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1–888–912–1227 or 202–317–3329, TAP Office, 1111 Constitution Avenue NW., Room 1509-National Office, Washington, DC 20224, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: October 1, 2016.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2016–24395 Filed 10–7–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0823]

Agency Information Collection (Expanded Access to Non-VA Care Through the Veterans Choice Program)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

Activities: OMB Review.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 10, 2016.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0823 (Expanded Access to Non-VA Care through the Veterans Choice Program)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov*. Please refer to ''OMB Control No. 2900–0823 (Expanded Access to Non-VA Care through the Veterans Choice Program)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: Secondary Authorization Request for VA Community Care (VA Form 10–10143e).

OMB Control Number: 2900–0823.

Type of Review: Revision (new form added).

Abstract: VA Form 10–10143e would require non-VA health care providers to submit requests for additional services supporting the original authorized plan of care to the agency. A copy of all medical and dental records (including but not limited to images, test results, and notes or other records of what care was provided and why) related to a Veteran's care provided under this Program must be submitted to VA for entry into the veteran's electronic medical record. Providers will be required to submit records produced as a result of care authorized after the beginning of the Program.

Affected Public: Individuals or Households.

Estimated Annual Burden: 289,826 burden hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: 4.56 times per year.

Estimated Number of Respondents: 190,675 respondents.

Titles: Election to Receive Authorized Non-VA Care and Selection of Provider for the Veterans Choice Program (VA Form 10–10143).

OMB Control Number: 2900–0823.

Type of Review: Extension.

Abstract: Section 17.1515 requires eligible veterans to notify VA whether the veteran elects to receive authorized non-VA care through the Veterans Choice Program, be placed on an electronic waiting list, or be scheduled for an appointment with a VA health care provider. Section 17.1515(b)(1) also allows eligible veterans to specify a particular non-VA entity or health care provider, if that entity or provider meets certain requirements.

Affected Public: Individuals or Households.

Estimated Annual Burden: 928,606 burden hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: 12.64 times per year.

Estimated Number of Respondents: 440,794 respondents.

Titles: Health-Care Plan Information for the Veterans Choice Program (VA Form 10–10143a).

OMB Control Number: 2900–0823.

Type of Review: Extension.

Abstract: Section 17.1510(d) requires eligible veterans to submit to VA information about their health-care plan to participate in the Veterans Choice Program.

Affected Public: Individuals or Households.

Estimated Annual Burden: 88,159 burden hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: 1.2 times per year.

Estimated Number of Respondents: 440,794 respondents.

Titles: Submission of Medical Record Information under the Veterans Choice Program (VA Form 10–10143b).

OMB Control Number: 2900–0823.

Type of Review: Extension.

Abstract: Participating eligible entities and providers are required to submit a copy of any medical record related to hospital care or medical services furnished under this Program to an eligible veteran.

Affected Public: Individuals or Households.

Estimated Annual Burden: 464,383 burden hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: 29.80 times per year.

Estimated Number of Respondents: 187,000 respondents.

Titles: Submission of Information on Credentials and Licenses by Eligible Entities or Providers (VA Form 10–10143c).

OMB Control Number: 2900–0823.

Type of Review: Extension.

Abstract: Section 17.1530 requires eligible entities and providers to submit verification that the entity or provider maintains at least the same or similar credentials and licenses as those required of VA's health care providers, as determined by the Secretary.

Affected Public: Individuals or Households.

Estimated Annual Burden: 15,583 burden hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 187,000 respondents.

By direction of the Secretary:

Cynthia Harvey-Pryor,

Program Specialist, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2016–24482 Filed 10–7–16; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board Amended; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463; Title 5 U.S.C. App. 2 (Federal Advisory Committee Act) that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will meet from 8 a.m. to 5 p.m. on the dates indicated below (unless otherwise listed). This Notice of Meetings is being amended due to date changes.

Subcommittee	Date	Location
Surgery	November 16, 2016	Residence Inn Arlington Pentagon City.
Infectious Diseases-B	November 17, 2016	Hilton Crystal City—Reagan National Airport.
Oncology-A/D	November 17, 2016	Hilton Crystal City—Reagan National Airport.
Hematology	November 18, 2016	Hilton Crystal City—Reagan National Airport.
Oncology-C	November 18, 2016	* VA Central Office.
Cellular & Molecular Medicine	November 21, 2016	* VA Central Office.
Oncology-E	November 21, 2016	Hilton Crystal City—Reagan National Airport.
Oncology-B	November 28, 2016	* VA Central Office.
Epidemiology	November 29, 2016	* VA Central Office.
Infectious Diseases-A	November 29, 2016	* VA Central Office.
Mental Health & Behavioral Sciences-A	November 29, 2016	* VA Central Office.
Nephrology	November 29, 2016	Hilton Crystal City—Reagan National Airport.
Immunology-A	November 30, 2016	Hilton Crystal City—Reagan National Airport.
Mental Health & Behavioral Sciences-B	November 30, 2016	Hilton Crystal City—Reagan National Airport.
Cardiovascular Studies-A	December 1, 2016	Hilton Crystal City—Reagan National Airport.
Endocrinology-B	December 1, 2016	Hilton Crystal City—Reagan National Airport.
Neurobiology-C	December 1, 2016	Hilton Crystal City—Reagan National Airport.
Pulmonary Medicine	December 1, 2016	Hilton Crystal City—Reagan National Airport.
Neurobiology-A	December 2, 2016	* VA Central Office.
Neurobiology-E	December 2, 2016	Hilton Crystal City—Reagan National Airport.
Special Emphasis on Genomics	December 2, 2016	* VA Central Office.
Endocrinology-A	December 5, 2016	Hyatt Regency Washington.
Neurobiology-B	December 6, 2016	Hilton Crystal City—Reagan National Airport.
Cardiovascular Studies-B	December 8, 2016	Hilton Crystal City—Reagan National Airport.
Gastroenterology	December 8, 2016	Hilton Crystal City—Reagan National Airport.
Neurobiology-D	December 9, 2016	Hilton Crystal City—Reagan National Airport.
Gulf War Research	December 9, 2016	* VA Central Office.
Jt BL/CS SMRB	January 26, 2017	* VA Central Office.
Eligibility	January 27, 2017	Hyatt Regency Washington.

The addresses of the meeting sites are:
Hilton Crystal City—Reagan National Airport, 2399 Jefferson Davis Hwy., Arlington, VA.
Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue NW., Washington, DC.
* VA Central Office, 1100 First Street NE., Suite 600, Washington, DC.
* Teleconference.

The purpose of the subcommittees is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review evaluation. Proposals submitted for review include diverse medical specialties within the general areas of biomedical, behavioral and clinical science research.

These subcommittee meetings will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals, which involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly frustrate implementation of proposed agency action regarding the research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the subcommittee meetings is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B).

Those who would like to obtain a copy of the minutes from the closed subcommittee meetings and rosters of the subcommittee members should contact Holly Krull, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 632–8522 or email at *holly.krull@va.gov*.

Dated: October 5, 2016.

LaTonya L. Small,

Advisory Committee Management Officer.

[FR Doc. 2016–24510 Filed 10–7–16; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 81 Tuesday,

No. 196 October 11, 2016

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Species Status for Sideroxylon reclinatum ssp. austrofloridense (Everglades Bully), Digitaria pauciflora (Florida Pineland Crabgrass), and Chamaesyce deltoidea ssp. pinetorum (Pineland Sandmat) and Endangered Species Status for Dalea carthagenensis var. floridana (Florida Prairie-Clover); Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2016–0090;4500030113]

RIN 1018–BB48

Endangered and Threatened Wildlife and Plants; Proposed Threatened Species Status for Sideroxylon reclinatum ssp. austrofloridense (Everglades Bully), Digitaria pauciflora (Florida Pineland Crabgrass), and Chamaesyce deltoidea ssp. pinetorum (Pineland Sandmat) and Endangered Species Status for Dalea carthagenensis var. floridana (Florida Prairie-Clover)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose threatened species status under the Endangered Species Act of 1973 (Act), as amended, for *Sideroxylon reclinatum* ssp. *austrofloridense* (Everglades bully), *Digitaria pauciflora* (Florida pineland crabgrass) and *Chamaesyce deltoidea* ssp. *pinetorum* (pineland sandmat), and endangered species status for *Dalea carthagenensis* var. *floridana* (Florida prairie-clover). All four plants are from south Florida. If we finalize this rule as proposed, it would extend the Act's protections to these plants. The effect of this regulation will be to add these species to the List of Endangered and Threatened Plants.

DATES: We will accept comments received or postmarked on or before December 12, 2016. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by November 25, 2016.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2016–0090, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2016–0090; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments* below for more information).

FOR FURTHER INFORMATION CONTACT: Roxanna Hinzman, Field Supervisor, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, FL 32960, by telephone 772–562–3909, or by facsimile 772–562–4288. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if we determine that a species is an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can only be completed by issuing a rule.

What this proposed rule does. This document proposes the listing of the *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* as threatened species, and *Dalea carthagenensis* var. *floridana* as an endangered species. The four plants are currently candidate species for which we have on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal, but for which development of a listing regulation has until now been precluded by other higher priority listing activities. This proposed rule reassesses all available information regarding status of and threats to the four plants.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the threats to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* consist primarily of habitat loss and modification through urban and agricultural development, and lack of adequate fire management (Factor A) and proliferation of nonnative invasive plants, stochastic events (hurricanes and storm surge), maintenance practices used on roadsides and disturbed sites, and sea level rise (SLR) (Factor E).

We will seek peer review. We will seek comments from independent specialists to ensure that our proposed designation is based on scientifically sound data, assumptions, and analyses. We will invite these peer reviewers to comment on our listing proposal.

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The four plants' biology, range, and population trends, including:

(a) Biological or ecological requirements of these plants, including habitat requirements for establishment, growth, and reproduction;

(b) Genetics and taxonomy;

(c) Historical and current range including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the plants, their habitat, or both.

(2) Factors that may affect the continued existence of these plants, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these plants and existing regulations that may be addressing those threats.

(4) Current or planned activities in the areas occupied by these plants and

potential effects (positive or negative) of these activities on these plants.

(5) Additional information concerning the biological or ecological requirements of these plants, including pollination and pollinators.

(6) Additional information concerning the current and projected effects of climate change, including sea level rise, on these plants and their habitat.

(7) Scientific information or analysis informing whether these plants more closely meet the definition of an endangered species or of a threatened species under the Act.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, South Florida Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests for public hearings must be received within 45 days after the date of publication of this proposed rule in the **Federal Register** (see **DATES**). Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), we will seek the expert opinions of at least three appropriate and independent specialists regarding this proposed rule. The purpose of peer review is to ensure that our listing determination and critical habitat designation are based on scientifically sound data, assumptions, and analyses. The peer reviewers will have expertise in the biology, habitat, and conservation status of these plants, to help inform our determination.

Previous Federal Actions

Digitaria pauciflora was first recognized as a candidate species on September 27, 1985 (50 FR 39526). The 1990 Candidate Notice of Review (CNOR) published in the **Federal Register** on February 21, 1990 (55 FR 6184), included *Digitaria pauciflora* as a candidate for listing under the Act. We determined at that time that listing was warranted, but precluded due to workloads and competing priorities.

Digitaria pauciflora remained on the candidate list as published in the CNOR in 1993 (58 FR 51144, September 30, 1993). The CNOR was not published again until October 25, 1999, and it retained *Digitaria pauciflora* as a candidate and assigned a listing priority number (LPN) of 6; the 1999 CNOR first recognized *Chamaesyce deltoidea* ssp. *pinetorum* as a candidate and assigned an LPN of 12 and *Dalea carthagenensis* var. *floridana* as a candidate and assigned an LPN of 3 (64 FR 57534). Candidate species are assigned LPNs based on immediacy and magnitude of threats, as well as taxonomic status. The lower the LPN, the higher priority that species is for us to determine appropriate action using our available resources.

Digitaria pauciflora, Chamaesyce deltoidea ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* remained on the candidate list from 2001 to 2004 (66 FR 54808, October 30, 2001; 67 FR 40657, June 13, 2002; 69 FR 24876, May 4, 2004). *Sideroxylon reclinatum* ssp. *austrofloridense* was first recognized May 4, 2004, and was assigned an LPN of 12 (69 FR 24876, May 4, 2004). We published a finding for *Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* in the 2005 CNOR on May 11, 2005 (70 FR 24870), in response to a petition received on May 11, 2004.

All four species remained candidates from 2005 to 2015 (70 FR 24870, May 11, 2005; 71 FR 53756, September 12, 2006; 73 FR 75176, December 10, 2008; 74 FR 57804, November 9, 2009; 75 FR 69222, November 10, 2010; 76 FR 66370, October 26, 2011; 77 FR 69994, November 21, 2012; 78 FR 70104, November 22, 2013; 79 FR 72450, December 5, 2014; 80 FR 80584, December 24, 2015).

On September 9, 2011, the Service entered into two settlement agreements regarding species on the candidate list at that time (Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)). This proposed listing rule fulfills the requirements of those settlement agreements for the 4 plant species.

Background

It is our intent to discuss below only those topics directly relevant to the listing of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* as threatened species and *Dalea carthagenensis* var. *floridana* as an endangered species in this proposed rule.

Sideroxylon reclinatum ssp. austrofloridense (Everglades bully)

Species Description

Corogin and Judd (2014, pp. 410–412) provide a detailed description of *Sideroxylon reclinatum* ssp. *austrofloridense.* The plant is a single- to many-stemmed shrub, 3–6 feet (ft) (1–2 meters (m)) tall. The branches are smooth, slightly bent, and somewhat spiny. The leaves are thin, oval-shaped, 0.8–2 inches (in) (2–5 centimeters (cm)) long, evergreen, lance-shaped, and fuzzy on their undersides. The flowers are in axillary cymes (Long and Lakela 1971, p. 679).

Sideroxylon reclinatum ssp. *austrofloridense* is distinguished from the similar subspecies *S. reclinatum* ssp. *reclinatum* in Florida by its leaves, which are persistently pubescent (fuzzy) on their undersides, rather than smooth or pubescent only along the leaf midvein (Wunderlin and Hansen 2003, p. 603). Corogin and Judd (2014, p. 404) indicated the two subspecies are most reliably distinguished by differences in the micromorphology of the leaf epidermis, and by the extent of

distribution of *S. r.* ssp. *austrofloridense,* which is limited to extreme southern peninsular Florida.

Taxonomy

The genus *Sideroxylon* is represented by eight species in Florida. All of these species were previously assigned to the genus *Bumelia. Sideroxylon reclinatum,* the Florida bully, is represented by three subspecies that range nearly throughout Florida and into neighboring States. The Everglades subspecies was first recognized by Whetstone (1985, pp. 544–547) as *Bumelia reclinata* var. *austrofloridense,* then transferred to the genus *Sideroxylon* (Kartesz and Gandhi 1990, pp. 421–427). Kartesz and Gandhi (1990, pp. 421–427) made *Sideroxylon reclinatum* ssp. *austrofloridense* a subspecies rather than a variety; however, in plant nomenclature, the ranks of variety and subspecies are interchangeable. *Sideroxylon reclinatum* ssp. *austrofloridense* is used in the current treatment of the Florida flora (Wunderlin and Hansen 2016, p. 1).

The Integrated Taxonomic Information System (2016, p. 1) indicates that the taxonomic standing for *Sideroxylon reclinatum* ssp. *austrofloridense* (Whetstone) Kartesz and Gandhi is accepted. The online Atlas of Florida Vascular Plants (Wunderlin and Hansen 2016, p. 1) uses the name *S. reclinatum* ssp. *austrofloridense* (Whetstone), as does NatureServe (2016, p. 1).

Corogin and Judd (2014, p. 408) indicate that *Sideroxylon reclinatum* subsp. *austrofloridense* is differentiated from *S. reclinatum* subsp. *reclinatum* by a set of distinct characters at the micromorphological level.

The two taxa are also separated eco-geographically. *Sideroxylon reclinatum* subsp. *austrofloridense* is a narrow endemic, restricted to pine rockland and marl prairie habitats in a well-defined area of extreme southeastern peninsular Florida. Conversely, *Sideroxylon reclinatum* subsp. *reclinatum* is more wide-ranging, occurring coastally from southern Georgia west to Louisiana, and throughout Florida as far south as Broward County in the east, and Collier and Monroe Counties in the west. The only place where plants of both species overlap is within Big Cypress National Preserve (BCNP), at the western fringe of Everglades bully's range (Corrogin and Judd 2014, p. 409).

Climate

The climate of south Florida where *Sideroxylon reclinatum* ssp. *austrofloridense* occurs is classified as tropical savanna and is characterized by distinct wet and dry seasons and a monthly mean temperature above 18 degrees Celsius (°C) (64.4 degrees Fahrenheit (°F)) in every month of the year (Gabler *et al.* 1994, p. 211). Freezes can occur in the winter months, but are infrequent. Rainfall in the area where *Sideroxylon reclinatum* ssp. *austrofloridense* occurs varies from an annual average of 153–165 cm (60–65 in) in the northern portion of the Miami Rock Ridge to an average of 140–153 cm (55–60 in) in the southern portion. Approximately 75 percent of yearly rainfall occurs during the wet season from June through September (Snyder *et al.* 1990, p. 238).

Habitat

Sideroxylon reclinatum ssp. *austrofloridense* grows in pine rockland habitat, marl prairie habitat, and within the ecotone between both habitats (Gann *et al.* 2006, p. 12; Bradley *et al.* 2013, p. 4, Gann 2015, p. 31). These habitats are maintained by regular fire, and are prone, particularly marl prairie, to annual flooding for several months during the wet season (Gann *et al.* 2006, p. 13; Bradley *et al.* 2013, p. 4). *Sideroxylon reclinatum* ssp. *austrofloridense* also grows on the sunny edges of rockland hammock habitat (Gann 2015, p. 412), which is fire-resistant. Historically, fire served to maintain the boundary between pine rockland and rockland hammock by eliminating the encroachment of hardwoods into pine rocklands. Absent natural or prescribed fire, many pine rocklands have succeeded to rockland hammock (FNAI 2010, p. 25). Canopy cover on the interior of rockland hammock is too dense to support herbs and smaller shrub species, such as *S. r.* ssp. *austrofloridense,* that require more sunlight.

Pine Rockland

Pine rockland is characterized by an open canopy of South Florida slash pine (*Pinus elliottii* var. *densa*) with a patchy understory of tropical and temperate shrubs and palms and a rich herbaceous layer of mostly perennial species including numerous species endemic to South Florida. Outcrops of weathered oolitic (small rounded particles or grains) limestone, known locally as pinnacle rock, are common, and solution holes may be present. This subtropical, pyrogenic flatland can be mesic or xeric depending on landscape position and associated natural communities (Florida Natural Areas Inventory (FNAI) 2010, p. 61).

Pine rockland has an open canopy of South Florida slash pine, generally with multiple age classes. The diverse, open shrub and subcanopy layer is composed of more than 100 species of palms and hardwoods, most derived from the tropical flora of the West Indies (FNAI 2010, p. 61). Many of these species vary in height depending on fire frequency, getting taller with time since fire. These include saw palmetto (*Serenoa repens*), cabbage palm (*Sabal palmetto*), silver palm (*Coccothrinax argentata*), brittle thatch palm (*Thrinax morrisii*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea punctata*), poisonwood (*Metopium toxiferum*), locustberry (*Byrsonima lucida*), varnishleaf (*Dodonaea viscosa*), tetrazygia (*Tetrazygia bicolor*), rough velvetseed (*Guettarda scabra*), marlberry (*Ardisia escallonioides*), mangrove berry (*Psidium longipes*), willow bustic (*Sideroxylon salicifolium*), and winged sumac (*Rhus copallinum*). Short-statured shrubs include running oak (*Quercus elliottii*), white indigoberry (*Randia aculeata*), Christmas berry (*Crossopetalum ilicifolium*), redgal (*Morinda royoc*), and snowberry (*Chiococca alba*).

Grasses, forbs, and ferns make up a diverse herbaceous layer ranging from mostly continuous in areas with more soil development and little exposed rock to sparse where more extensive outcroppings of rock occur. Typical herbaceous species include bluestems (*Andropogon* spp., *Schizachyrium gracile, S. rhizomatum,* and *S. sanguineum*), arrowleaf threeawn (*Aristida purpurascens*), lopsided indiangrass (*Sorghastrum secundum*), hairawn muhly (*Muhlenbergia capillaris*), Florida white-top sedge (*Rhynchospora floridensis*), pineland noseburn (*Tragia saxicola*), devil's potato (*Echites umbellata*), pineland croton, several species of sandmats (*Chamaesyce* spp.), partridge pea (*Chamaecrista fasciculata*), coontie (*Zamia pumila*), maidenhair pineland fern (*Anemia adiantifolia*), Bahama brake (*Pteris bahamensis*), and lacy bracken (*Pteridium aquilinum* var. *caudatum*) (FNAI 2010, p. 62).

Pine rockland occurs on relatively flat, moderately to well drained terrain from 2 to 7 m (6.5 to 23 ft) above sea level (FNAI 2010, p. 62). The oolitic limestone is at or very near the surface, and there is very little soil development. Soils are generally composed of small accumulations of nutrient-poor sand, marl, clayey loam, and organic debris in depressions and crevices in the rock surface. Organic acids occasionally dissolve the surface limestone causing collapsed depressions in the surface rock called solution holes (FNAI 2010, p. 62). Drainage varies according to the porosity of the limestone substrate, but is generally rapid. Consequently, most

sites are wet for only short periods following heavy rains. During the rainy season, however, some sites may be shallowly inundated by slow-flowing surface water for up to 60 days each year (FNAI 2010, p. 62).

Pine rockland is maintained by regular fire, and susceptible to other natural disturbances such as hurricanes, frost events, and sea-level rise (Ross *et al.* 1994, pp. 144–156). Fires historically burned on an interval of approximately every 3 to 7 years (FNAI 2010, p. 63) and were typically started by lightning strikes during the frequent summer thunderstorms (FNAI 2010, p. 63).

Presently, prescribed fire must be periodically introduced into pine rocklands to sustain community structure, prevent invasion by woody species, maintain high herbaceous diversity (Loope and Dunevitz 1981, pp. 5–6; FNAI 2010, p. 63), and prevent succession to rockland hammock. The amount of woody understory growth is directly related to the length of time since the last fire. Herbaceous diversity declines with time since last fire. The ecotone between pine rockland and rockland hammock is abrupt when regular fire is present in the system. However when fire is removed, the ecotone becomes more gradual and subtle as hammock hardwoods encroach into the pineland (FNAI 2010, p. 63).

Marl Prairie

Marl prairie is a sparsely vegetated, grass-dominated community found on marl substrates in South Florida. Marls are fine white calcareous muds formed from calcite precipitated by a mixture of green algae, blue green algae, and diatoms, known as periphyton. It is seasonally inundated (2 to 4 months) to a shallow depth averaging about 20 cm (8 in). Marl prairie is a diverse community, which may contain more than 100 species. Most of the marl prairie plant species contribute little cover and more than 90 percent of the cover is contributed by only two or three dominant species in any given area (FNAI 2010, p. 107). Dominants may include one or more of the following: Gulf hairawn muhly (*Muhlenbergia sericea*), spreading beaksedge (*Rhynchospora divergens*), Florida little bluestem (*Schizachyrium rhizomatum*), black bogrush (*Schoenus nigricans*), Elliott's lovegrass (*Eragrostis elliottii*), sand cordgrass (*Spartina bakeri*), and a short form of sawgrass (*Cladium jamaicense*) (Porter, Jr. 1967, pp. 937–942; FNAI 2010, p. 107). (Taxonomy of *Schizachyrium* and *Muhlenbergia* follows treatments in Flora of North America (2007)). Other characteristic species include southern beaksedge (*Rhynchospora microcarpa*), bluejoint panicum (*Panicum tenerum*), Gulfdune paspalum (*Paspalum monostachyum*), rosy camphorweed (*Pluchea rosea*), starrush whitetop (*Rhynchospora colorata*), alligator lily (*Hymenocallis palmeri*), arrowfeather threeawn (*Aristida purpurascens*), and narrowleaf yellowtops (*Flaveria linearis*) (Porter, Jr. 1967, pp. 937–942; FNAI 2010, p. 107).

Marl prairie depends on a short hydroperiod of 2 to 4 months. Longer hydroperiods favor the development of peat and the dominance of sawgrass; shorter hydroperiods permit the invasion of woody species.

Marl prairie normally dries out during the winter and is subject to fires at the end of the dry season; the most acres naturally burn in May (FNAI 2010, p. 108). Fires at this time (in contrast to dormant season fires) stimulate flowering of the dominant grasses (Main and Barry 2002, pp. 430–434). The herbaceous species recover rapidly from fire, and biomass reaches pre-fire levels at the end of 2 years. For the first 2 years after fire, this community will burn only patchily, if at all (FNAI 2010, p. 108). Reasons for the presence of dwarf cypress in some marl prairies and not others are unknown (FNAI 2010, p. 108). Wade *et al.* (1980, pp. 67–79) estimated dwarf cypress stands in marl prairie burn about once a decade due to low fire-carrying capacity of their sparse understory.

Historical Range

All known historical and current records for *Sideroxylon reclinatum* ssp. *austrofloridense* are summarized in table 1. The historical range of *S. reclinatum* ssp. *austrofloridense* is limited to Collier, Miami-Dade, and Monroe Counties, Florida. In Miami-Dade County, the plant was known from central and southern Miami-Dade County along the Miami Rock Ridge, which extends from Long Pine Key in the Everglades northward through urban Miami to the Miami River. In Monroe County, the plant was known from BCNP on the mainland, and was collected as far south as Key Largo, in the Florida Keys. In Collier County, the species has been recorded only within BCNP. This area constitutes a historical range of approximately 42 miles (mi) (66 kilometers (km)) (Gann *et al.* 2002, p. 526; Corogin and Judd 2014, p. 412).

Current Range, Population Estimates, and Status

The current range of *Sideroxylon reclinatum* ssp. *austrofloridense* is BCNP, the Long Pine Key region of Everglades National Park (ENP), and pine rocklands adjacent to ENP (Hodges and Bradley 2006, p. 42; Gann *et al.* 2006, p. 11; K. Bradley, pers. comm. 2007; J. Possley, pers. comm. 2011a; 2011b; J. Sadle, pers. comm. 2011; Bradley *et al.* 2013, p. 4; Gann 2015, p. 30). The species is apparently extirpated from Key Largo. Hodges and Bradley (2006, p. 42) did not find *Sideroxylon reclinatum* ssp. *austrofloridense* in their surveys of pine rocklands on Key Largo, Big Pine Key, Cudjoe Key, and Lower Sugarloaf Key. This area constitutes a current range of approximately 42 mi (66 km) (Gann *et al.* 2002, p. 526; Corogin and Judd 2014, p. 412).

The largest population occurs at Long Pine Key in ENP (Hodges and Bradley 2006, p. 42; Gann *et al.* 2006, p. 11; Gann 2015, p. 9). The most recent information indicates that the baseline abundance estimate at Long Pine Key based on a $\log_{10}$ abundance estimate is 10,000–100,000 plants (Gann *et al.* 2006, pp. 9–11; Gann 2015, p. 29). Recent surveys of ENP have identified 14 occurrences of *Sideroxylon reclinatum* ssp. *austrofloridense* in Long Pine Key, expanding the known range in ENP (Gann 2015, p. 30).

In Miami-Dade County, outside ENP, pine rocklands tracts are orders of magnitude smaller and exist in a matrix of agricultural, commercial, and residential development. Possley and McSweeney (2005, p. 1) observed approximately 73 plants at Larry and Penny Thompson Park, within the Richmond Pine Rocklands. Possley (Fairchild Tropical Botanic Garden (FTBG), pers. comm. 2011a; 2011b) found extant populations at Quail Roost Pineland (two plants), Navy Well Pineland Preserve (four plants), and Sunny Palms Pinelands (two plants). The species had been observed in pine rocklands at Grant Hammock, and Pine Ridge Sanctuary (Bradley et al. 2013, p. 1). The species no longer occurs at the Nixon-Smiley Preserve.

Bradley et al. (2013, pp. 1–8) conducted surveys in the Gum Slough region of Lostmans Pines in BCNP and reported finding *Sideroxylon reclinatum* ssp. *austrofloridense* to have limited distribution within the study area. Seventeen plants were counted within pine rockland plots that were associated with marl prairie habitats (Bradley *et al.* 2013, p. 4).

TABLE 1—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF *Sideroxylon Reclinatum* SSP. *Austrofloridense*

Population	Ownership	Most recent population estimate (Year)	Status	Trend
Everglades National Park	National Park Service	10,000– 100,000 (2013)	Extant	Increasing.
Big Cypress National Preserve.	National Park Service	17 (2013)	Extant	Insufficient data.
Larry Penny Thompson Park	Miami-Dade County	73 (2005)	Extant	Insufficient data.
Nixon-Smiley Preserve	Miami-Dade County	0 (Unknown)	Extirpated	
Navy Wells Pineland Preserve.	Miami-Dade County	4 (2011)	Extant	Insufficient data.
Sunny Palms Pineland	Miami-Dade County	2 (2011)	Extant	Insufficient data.
Pine Ridge Sanctuary	Private	Unknown	Extant	Insufficient data.
Lucille Hammock	Miami-Dade County	11–100 (2007)	Extant	Insufficient data.
South Dade Wetlands	Miami-Dade County	Unknown (2007)	Extant	Insufficient data.
Natural Forest Community #P–300.	Private	2–10 (2007)	Extant	Insufficient data.
Natural Forest Community #P–310.	Private	11–100 (2007)	Extant	Insufficient data.
Quail Roost Pineland	Miami-Dade County	2 (2011)	Extant	Insufficient data.
Grant Hammock	Unknown	Unknown (Unknown)	Extirpated	
Key Largo	Unknown	No estimate (1948)	Extirpated	

Biology

Life History and Reproduction

Little is known about the life history of *Sideroxylon reclinatum* ssp. *austrofloridense,* including pollination biology, seed production, and dispersal (Gann 2015, p. 31). Reproduction is sexual, with new plants generated from seeds. The species produces flowers from April to May, and fruit ripen from June to July (Corogin and Judd 2014, pp. 410–412). The plants can stand partial inundation with fresh water for a portion of the year, but do not tolerate salinity.

Fire Ecology and Demography

There have been no detailed studies of *Sideroxylon reclinatum* ssp. *austrofloridense* relationship towards fire; however, periodic fire is extremely important to maintaining habitat for this species (Corogin and Judd 2014, p. 414). Therefore, historical declines have been partially attributed to habitat loss from fire suppression or inadequate fire management (ENP 2014, p. 173).

Digitaria pauciflora (Florida pineland crabgrass)

Species Description

Digitaria pauciflora is a small perennial clump-grass, appearing blue-green to gray with reddish-brown stems, typically 0.5–1 m (1.5–3 ft) tall (Small 1933, p. 51). The leaves form a subtle zig-zag pattern as the leaf blades come off the stem at an angle. The leaf blades are 7–18 cm (2.8–7.1) in) long, 1.0–2.2 mm (0.04–0.08 in) wide, and number 2–8 per stem. Both the lower and upper surface and stems are hairy but become glabrous (smooth or hairless) with age. The nodes are mostly glabrous, the sheath auricles (an ear-like projection at the base of the leaf) are 1.5 mm (0.06 in) long, and the sheaths are hairy but becoming glabrous with age. The ligule (a small bract located at the leaf-stem junction) is 1.5–2.0 mm (0.06–0.08 in) long. The flowers are dull green, very small, and are borne on wispy spikes on the ends of the leafy stems, with usually only a few flower clusters forming per clump of grass. The lemma (a tiny bract adjacent to the flower) of upper floret (flower) is purple. Stolons (aboveground horizontal stems) are not present, but the plant produces rhizomes (belowground horizontal stems) that allow for vegetative spread (Webster and Hatch, 1990, pp. 161–162). *Digitaria pauciflora* is known to reproduce sexually (Bradley and Gann 1999, p. 50), with fruit production in the fall (Wendelberger and Maschinski 2006, p. 3).

Taxonomy

Digitaria pauciflora was first described in 1928 based on specimens collected in 1903 (Bradley and Gann 1999, p. 49). Small (1933, pp. 50–51) later placed it in the genus *Syntherisma.* Subsequent authors (Hitchcock 1935, p. 561; Webster & Hatch 1990, p. 161; Wunderlin 1998) have retained it in the genus *Digitaria* (Bradley and Gann 1999, p. 49).

The online Atlas of Florida Vascular Plants uses the name *Digitaria pauciflora* (Wunderlin and Hansen 2016, p. 1), the Integrated Taxonomic System (ITIS 2016, p. 1), NatureServe (2016, p. 1), and the Florida Department of Agriculture and Consumer Services (FDACS) (Coile and Garland 2003, p. 19) indicates that its taxonomic status is accepted. We have carefully reviewed all taxonomic data to determine that *Digitaria pauciflora* is a valid taxon. The only synonym is *Syntherisma pauciflora* (Hitchcock) Hitchcock ex Small (ITIS 2016, p. 1).

Climate

The climate of south Florida where *Digitaria pauciflora* occurs is classified as tropical savanna, as described above for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Habitat

Digitaria pauciflora occurs predominantly within the seasonally flooded ecotone between pine rockland and marl prairie, although the species may overlap somewhat into both habitats (Bradley and Gann 1999, p. 49; Fellows *et al.* 2002, p. 79). Plants can withstand inundation with fresh water for one to several months each year (ENP 2014, p. 172). These habitats are maintained by regular fire, and are prone, particularly marl prairie, to annual flooding for several months during the wet season (Gann *et al.* 2006, p. 13). Pine rocklands and marl prairies are described in detail above for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Historical Range

All known historical and current records for *Digitaria pauciflora* are summarized in table 2. The historical range of *D. pauciflora* consists of central and southern Miami-Dade County along the Miami Rock Ridge, from the

southern Miami to Long Pine Key region of ENP, a range of approximately 42 mi (67.6 km) (Bradley and Gann 1999, p. 49). Specimens of *D. pauciflora* were collected early in the twentieth century throughout Miami-Dade County.

D. pauciflora was absent from collections from 1939 until 1973, when it was rediscoverd at Long Pine Key in Everglades National Park (Bradley and Gann 1999, p. 49). *D. pauciflora* has subsequently been encountered consistently within Long Pine Key (Bradley and Gann 1999, p. 49).

A single *Digitaria pauciflora* plant was discovered in 1995 within marl prairie habitat at the Martinez Pinelands in the Richmond Pine Rocklands, an area of Miami-Dade County that retains the largest contiguous areas of pine rockland habitat outside of the Everglades. However, this plant has since disappeared (Herndon 1998, p. 88; Bradley and Gann 1999, p. 49; Gann 2015, p. 142). Three other historical occurrences in Miami-Dade County have been documented: (1) a site between Cutler and Longview Camp (last observed in 1903); (2) Jenkins Homestead (date unspecified); and (3) South Miami (last observed in 1939) (K. Bradley, pers. comm. 2007); however, little is known regarding the status of these populations. The species was not found during a 2-year project to survey and map rare and exotic plants along Florida Department of Transportation (FDOT) right-of-ways within Miami-Dade and Monroe Counties (Gordon *et al.* 2007, pp. 1, 38).

Current Range, Population Estimates, and Status

The current range of *Digitaria pauciflora* includes ENP and BCNP (Bradley and Gann 1999, p. 49; Gann *et al.* 2006, p. 3; Bradley, pers. comm. 2005a; Gann 2015, p. 142). Ongoing surveys suggest the species occurs throughout Long Pine Key of ENP (Gann *et al.* 2006, p. 7; 2015, p. 144; Gann 2015, p. 144) and is much wider-ranging than previously known in ENP. Joyce Maschinski (FTBG, pers. comm. 2007) characterized the populations within ENP as abundant.

In 2002, Bradley *et al.* (2013, p. 2) discovered *Digitaria pauciflora* within the Lostmans Pines region of BCNP in Monroe County. This discovery represented the first known *D. pauciflora* occurrence outside Miami-Dade County (FNAI 2007, p. 191). The species is widely distributed within Lostmans Pines (Bradley *et al.* 2013, pp. 1–8). Subsequent surveys for the species within BCNP have documented up to nine occurrences, some of which contain an estimated 500–600 plants (Maschinski *et al.* 2003, p. 141). Bradley *et al.* (2013, pp. 1–8) conducted surveys in the Gum Slough region of Lostmans Pines and indicated that the species is widely distributed within the study area. A total of 2,365 plants was counted within pineland and sawgrass based survey plots (Bradley *et al.* 2013, pp. 3–4). The range-wide population estimate for *D. pauciflora* is 1,000–10,000 individuals at Long Pine Key (Gann 2015, p. 142) and >10,000 individuals within BCNP (K. Bradley, pers. comm. 2007). Large-scale stochastic events such as wildfire and flooding can drastically reduce the size of *D. pauciflora* populations. For example, in the spring months of 2016, wildfires in areas occupied by *D. pauciflora* likely reduced populations in ENP. The populations will likely rebound; however, regeneration could be severely hampered, based on the amount and duration of flooding during the region's late summer storm season. While *Digitaria pauciflora* populations remain abundant within ENP and BCNP, these areas represent only half of the species' historical range (Bradley and Gann 1999, p. 25; Gann 2015, p. 167). While *D. pauciflora* was known to occur throughout Miami-Dade County, all other populations are likely extirpated.

TABLE 2—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF *Digitaria Pauciflora*

Population	Ownership	Most recent population estimate	Status	Trend
Everglades National Park	National Park Service	1,000–10,000 (2007)	Extant	Stable.
Big Cypress National Preserve	National Park Service	>10,000 (2007)	Extant	Stable.
Martinez Pineland	Miami-Dade County	0 (1999)	Extirpated.	
Cutler and Longview Camp	Unknown	Unknown (1903)	Extirpated.	
Jenkins Homestead	Unknown	Unknown (date unspecified)	Extirpated.	
South Miami	Unknown	Unknown (1939)	Extirpated.	

Biology

Life History and Reproduction

Little is known about the life history of *Digitaria pauciflora,* including pollination biology, seed production, and dispersal. Reproduction is sexual, with new plants generated from seeds (Bradley and Gann, 1999, p. 53). The species produces flowers from summer to late fall on both new and older growth; some plants have been observed to finish seeding as late as December (Fellows *et al.* 2002, p. 2; Gann 2015, p. 172). Plants can also spread clonally via rhizomes (Webster and Hatch, 1990, pp. 161–162). The plants can stand partial inundation with fresh water for a portion of the year, but do not tolerate salinity.

Fire Ecology and Demography

Digitaria pauciflora population demographics and longevity have not been studied (Bradley and Gann, 1999, p. 53; Fellows *et al.* 2002, p. 2). There have been no studies of the plant's relationship to fire; however, periodic fire is extremely important to maintaining habitat for this species (Bradley and Gann, 1999, p. 53; ENP 2014, p. 226). Therefore, historical declines have been partially attributed to habitat loss from fire suppression or inadequate fire management. Gann (2015, p. 142) indicates that the species shows patch dynamics, colonizing new areas and undergoing local extinctions with high rates of turnover. Plants with 'flashy' or 'boom and bust' demographic patterns are more susceptible to stochastic extinction events. ENP has burned populations of *D. pauciflora* during the wet and dry season, and both appear suitable to maintain populations of the plant (ENP 2014, p. 226).

Chamaesyce deltoidea spp. pinetorum (pineland sandmat)

Species Description

Chamaesyce deltoidea ssp. *pinetorum* is an ascending to erect perennial herb. The stems are villous (hairy), and often reddish. The leaf blades range from kidney-shaped or triangle-shaped and elliptic to oval. The involucres (a cup-like structure enclosing the flowers) are 1 mm long, and pubescent, and possess green, even-edged glands with very narrow appendages. The fruit is a 2-mm broad, pubescent capsule. The seeds are 1 mm long, transversely wrinkled, and yellowish in color (Small 1933, p. 795).

C. deltoidea ssp. *pinetorum* is known to reproduce sexually (Bradley and Gann 1999, p. 25). Fruit production is year-round, with a peak in the fall (Wendelberger and Maschinski 2006, p. 2).

Taxonomy

Chamaesyce deltoidea ssp. *pinetorum* was first described by Small in 1905, based on specimens collected in eastern Miami-Dade County (Small 1905, pp. 429–430). Initially, Small referred to these specimens as *C. pinetorum* but recognized that it was closely related to *Chamaesyce deltoidea.* Herndon (1993, pp. 38–51) included *C. pinetorum* within the *C. deltoidea* complex, which is composed of three other taxa, two occurring further north on the Miami Rock Ridge, and one occurring on Big Pine Key in the lower Florida Keys (Monroe County). The three taxa on the Miami Rock Ridge have distinct, but adjacent ranges. Subsequently, Herndon (1993, pp. 38–51) has placed all four taxa at the same taxonomic level, treating each as a distinct subspecies under *Chamaesyce deltoidea* (*C. deltoidea* ssp. *pinetorum; C. deltoidea* ssp. *serpyllum, C. deltoidea* ssp. *adhaerens; C. deltoidea* ssp. *deltoidea*). *Chamaesyce deltoidea* ssp. *deltoidea* and *C. deltoidea* ssp. *adhaerens* occur north of known *C. deltoidea* ssp. *pinetorum* populations, while *Chamaesyce deltoidea* ssp. *serpyllum* is endemic to Big Pine Key. Wunderlin and Hansen (2016, p. 1) follow Herndon's treatment in using *C. deltoidea* ssp. *pinetorum.* Some modern authors place the genus *Chamaesyce* into the genus *Euphorbia sensu lato* (Yang and Berry 2011, pp. 1486–1503). Gann (2015, p. 168) indicates that if the pineland sandmat is placed into the genus *Euphorbia,* the correct name is *Euphorbia deltoidea* ssp. *pinetorum.*

The online Atlas of Florida Vascular Plants uses the name *Chamaesyce deltoidea* ssp. *pinetorum* (Small) Herndon (Wunderlin and Hansen 2016, p. 1). NatureServe (2016, p. 1) and FDACS (Coile and Garland 2003, p. 11) indicate that *C. deltoidea* ssp. *pinetorum* is accepted. However, the Integrated Taxonomic System (ITIS 2016, p. 1) accepts *Euphorbia deltoidea* ssp. *pinetorum* as the scientific name for the species (Gann 2015, p. 168). We have carefully reviewed all taxonomic data and have determined that *C. deltoidea* ssp. *pinetorum* is a valid taxon.

Climate

The climate of south Florida where *Chamaesyce deltoidea* ssp. *pinetorum* occurs is classified as tropical savanna, as described above for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Habitat

Chamaesyce deltoidea ssp. *pinetorum* occurs in pine rocklands (Bradley and Gann 1999, p. 24). Pine rocklands are maintained by regular fire, and are prone to annual flooding for several months during the wet season (Gann *et al.* 2006, p. 13). However, Gann (2015, p. 169), indicates that *C. deltoidea* ssp. *pinetorum* generally occurs in higher elevation pine rocklands at Long Pine Key in ENP, in areas rarely subject to flooding. Pine rockland habitat is described in detail above in the Habitat section for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Historical Range

All known historical and current records for *Chamaesyce deltoidea* ssp. *pinetorum* are summarized in table 3. *Chamaesyce deltoidea* ssp. *pinetorum* occurred historically only within the southern portion of the Miami Rock Ridge, from the Richmond Pine Rocklands of southern Miami to the Long Pine Key region of Everglades National Park, a range of approximately 42 mi (67.6 km) (Bradley and Gann 1999, p. 24). *C. deltoidea* ssp. *pinetorum* has been encountered consistently within Long Pine Key, as well as in several County-owned conservation lands adjacent to the ENP (Gann 2015, p. 167).

Current Range, Population Estimates, and Status

The current range of *Chamaesyce deltoidea* ssp. *pinetorum* is similar to the historical range, although 98 percent of the pine rocklands (the species' only habitat) outside of the ENP has been lost to development (Kernan and Bradley 1996, p. 2). The total population size of *Chamaesyce deltoidea* ssp. *pinetorum* is estimated to be between 14,500–146,000 individuals, with the majority of the population occurring on Long Pine Key (Bradley and Gann 1999, p. 25; Gann 2015, p. 167). However, while *Chamaesyce deltoidea* ssp. *pinetorum* is most abundant within ENP, pine rockland fragments outside of the Everglades represent about half the species' extant range (Bradley and Gann 1999, p. 25; Bradley pers. comm. 2007; Gann 2015, p. 167). Elsewhere in Miami-Dade County, a 2011 survey of the privately owned Pine Ridge Sanctuary confirmed the plant remains at this site (FNAI 2011, p. 5). A recent survey of Larry and Penny Thompson Park located no individuals (J. Possley, FTBG, pers. comm. 2011c).

TABLE 3—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF CHAMAESYCE DELTOIDEA SSP. PINETORUM

Population	Ownderhip	Most recent population estimate	Status	Trend
Everglades National Park	National Park Service	10,000–100,000 (2011)	Extant	Increasing.
Florida City Pineland	Miami-Dade County	100–1,000 (2007)	Extant	Increasing.
Navy Wells	Miami-Dade County	1,000–10,000 (2007)	Extant	Insufficient data.
Navy Wells #2	Miami-Dade County	100–1,000 (2007)	Extant	Insufficient data.
Navy Wells #39	Miami-Dade County	1,000–10,000 (2007)	Extant	Insufficient data.
Palm Drive Pineland	Miami-Dade County	10–100 (2007)	Extant	Insufficient data.
Pine Ridge Sanctuary	Private	10–100 (2011)	Extant	Insufficient data.
Rock Pit #39	Miami-Dade County	11–1,000 (2007)	Extant	Insufficient data.
Seminole Wayside Park	Miami-Dade County	100–1,000 (2007)	Extant	Insufficient data.
Fuchs Hammock Addition	Miami-Dade County	11–100 (2007)	Extant	Insufficient data.
Sunny Palms Pineland	Miami-Dade County	100–1,000 (2007)	Extant	Insufficient data.
Larry and Penny Thompson Park.	Miami-Dade County	0 (2011)	Extirpated	Insufficient data.
John Kunkel Small Pineland	Institute for Regional Conservation.	Present (2006)	Extant	Insufficient data.
Natural Forest Community [NFC] #P330.	Private	11–100 (2007)	Extant	Insufficient data.

TABLE 3—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF CHAMAESYCE DELTOIDEA SSP. PINETORUM—Continued

Population	Ownderhip	Most recent population estimate	Status	Trend
Natural Forest Community #P338.	Private	1,001–10,000 (2007)	Extant	Insufficient data.
Natural Forest Community #P339.	Private	11–100 (2007)	Extant	Insufficient data.
Natural Forest Community #P347.	Private	11–100 (2007)	Extant	Insufficient data.
Natural Forest Community #P411.	Private	101–1,000 (2007)	Extant	Insufficient data.
Natural Forest Community #P413.	Private	11–100 (2007)	Extant	Insufficient data.
Natural Forest Community #P416.	Private	11–100 (2007)	Extant	Insufficient data.
Natural Forest Community #P445.	Private	1,001–10,000 (2007)	Extant	Insufficient data.

Biology

Life History and Reproduction

Little is known about the life history of *Chamaesyce deltoidea* ssp. *pinetorum.* Reproduction is sexual, but little is known about the reproductive biology and ecology of the species (Bradley and Gann 1999, p. 25; Gann 2015, p. 167). Herndon (1998, pp. 13–14) studied the life history and population trends of *C. deltoidea* ssp. *pinetorum* and found up to 88 percent of plants survived more than 3 years, showing that it is a somewhat long-lived taxon. Herndon (1998, pp. 13–14) hypothesized that some of the plants that had been recorded as dead may have instead been in a cryptic phase (Gann 2015, p. 167). The extensive root system of *C. deltoidea* ssp. *pinetorum* also suggests that it is a long-lived plant (Maschinski *et al.* 2003, p. 179). Pollinators are unknown; other species of *Chamaesyce* are completely reliant on insects for pollination and seed production, while others are self-pollinating (Maschinski *et al.* 2003, p. 179; Gann 2015, p. 168). Pollinators may include bees, flies, ants, and wasps (Ehrenfeld 1979, p. 95; Gann 2015, p. 168). Dispersal is unknown for *Chamaesyce deltoidea* ssp. *pinetorum;* however, many seed capsules in similar *Chamaesyce* species are explosively dehiscent, a form of dispersal that flings seeds far from the parent plant (Maschinski *et al.,* p. 179; Gann 2015, p. 168). This species is known to flower and fruit year round (Wendelberger and Maschinski 2006, p. 2). Peaks in fruiting for *C. deltoidea* ssp. *pinetorum* occur in the fall and are stimulated by fire (Wendelberger and Maschinski 2006, p. 2). The plants can stand partial inundation with fresh water for a portion of the year, but do not tolerate salinity.

Fire Ecology and Demography

There have been no studies of *Chamaesyce deltoidea* ssp. *pinetorum* population demographics. However, the species is not shade tolerant, and it requires periodic low-intensity fires to reduce competition by woody species to maintain habitat for this species (Bradley and Gann, 1999, p. 26; ENP 2014, p. 170). Therefore, historical declines have been partially attributed to habitat loss from fire suppression or inadequate fire management.

Dalea carthagenensis var. floridana (Florida prairie-clover)

Species Description

Dalea carthagenensis var. *floridana* is a short-lived (less than 7 years) perennial shrub 2.6–9.8 ft (0.8–3.0 m) tall with a light-brown woody stem and non-woody, light-brown or reddish branches. The leaves are composed of 9–15 oval, gland-tipped leaflets, and are gland-dotted on the underside. The flowers are in small loose heads at ends of hairy, glandular stalks, less than 0.4 in long. The flower color is white and maroon; each of the petals is different lengths and shapes. The fruit is a small one-seeded pod, mostly enclosed by the hairy, gland-dotted calyx (bracts at base of each flower) (adapted from Long and Lakela 1971, p. 478; Bradley and Gann 1999, p. 42; Maschinski *et al.* 2014, p. 44).

Taxonomy

Chapman (1886, p. 102) was the first to report this taxon in Florida, calling it the tropical *Dalea domingensis,* based on specimens collected on Key Biscayne. Small (1913, p. 89) accepted this characterization but included the taxon in the genus *Parosela,* making the plant *P. domingensis.* Rydberg (1920, p. x) renamed the plant, calling it *Parosela floridana,* and this name was retained by Small (1933, pp. 694–695). Clausen (1946a, p. 85) reviewed the taxonomy of Florida and West Indian *Dalea* and considered them all to be the same species. Clausen (1946a, p. 85) also found that the name *D. domingensis* was a homonym of *D. emphysodes,* and published the name *D. emphysodes* ssp. *domingensis.* Clausen (1946b, p. 572) later discovered that his use of the name *D. emphysodes* was in error, and renamed the plants *D. carthagenensis* ssp. *domingensis.* Long and Lakela (1971, p. 478) accepted this usage. Barneby (1977), in a monograph of the genus, also found that Florida plants were distinct from West Indian plants, citing differences in leaf characters, naming the Florida species *D. carthagenensis* var. *floridana.* Wunderlin (1998) has followed this treatment.

The Integrated Taxonomic Information System (2016, p. 1) indicates that the taxonomic standing for *Dalea carthagenensis* var. *floridana* (Rydb.) Barneby is accepted. The online Atlas of Florida Vascular Plants (Wunderlin and Hansen 2016, p. 1) uses the name *D. carthagenensis* var. *floridana,* as does NatureServe (2016, p. 1). FDACS uses the name *Dalea carthagenensis* and notes that *D. carthagenensis* var. *floridana* is endemic (Coile and Garland 2003, p. 17). In summary, there is consensus that *D. carthagenensis* var. *floridana* is a distinct taxon. We have carefully reviewed the available taxonomic information to reach the conclusion that *D. carthagenensis* var. *floridana* is a valid taxon.

Climate

The climate of south Florida where *Dalea carthagenensis* var. *floridana* occurs is classified as tropical savanna

as described above for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Habitat

Dalea carthagenensis var. *floridana* grows in pine rockland, rockland hammock, marl prairie, coastal berm, and in the ecotones between these habitats (Bradley and Gann 1999, p. 43). The species may also occur along roadsides within these habitats (Gann *et al.* 2006, p. 10). Pine rockland and marl prairie habitat are described in detail above in the Habitat section for *Sideroxylon reclinatum* ssp. *austrofloridense.*

Roadsides

Roadsides are a potentially important habitat for *Dalea carthagenensis* var. *floridana* (Bradley and Gann 1999, p. 43). Where endemics such as *D. carthagenensis* var. *floridana* are found on shoulders, the ground cover is dominated mostly by native herbs and grasses where exotic lawn grasses have not been planted. Maintaining the roadsides in this condition through regular mowing, without planting sod, should continue to provide suitable habitat for *Dalea carthagenensis* var. *floridana* (Bradley 2006, p. 37).

Rockland Hammock

Rockland hammock is a species-rich tropical hardwood forest on upland sites in areas where limestone is very near the surface and often exposed. The forest floor is largely covered by leaf litter with varying amounts of exposed limestone and has few herbaceous species. Rockland hammocks typically have larger, more mature trees in the interior, while the margins can be almost impenetrable in places with dense growth of smaller shrubs, trees, and vines. Typical canopy and subcanopy species include *Bursera simaruba, Lysiloma latisiliquum* (false tamarind), *Coccoloba diversifolia* (pigeon plum), *Sideroxylon foetidissimum* (false mastic), *Ficus aurea* (strangler fig), *Piscidia piscipula* (Jamaican dogwood), *Ocotea coriacea* (lancewood), *Drypetes diversifolia, Simarouba glauca* (paradisetree), *Sideroxylon salicifolium* (willow bustic), *Krugiodendron ferreum* (black ironwood), *Exothea paniculata* (inkwood), *Metopium toxiferum,* and *Swietenia mahagoni* (West Indies mahogany). Mature hammocks may be open beneath a tall, well-defined canopy and subcanopy. More commonly, in less mature or disturbed hammocks, dense woody vegetation of varying heights from canopy to short shrubs is often present. Species that generally make up the shrub layers within rockland hammock include several species of *Eugenia* (stoppers), *Thrinax morrisii* and *T. radiata* (thatch palms), *Amyris elemifera* (sea torchwood), *Ardisia escallonioides* (marlberry), *Psychotria nervosa* (wild coffee), *Chrysophyllum oliviforme* (satinleaf), *Sabal palmetto* (cabbage palm), *Guaiacum sanctum* (lignum-vitae), *Ximenia americana* (tallow wood), *Colubrina elliptica* (soldierwood), *Pithecellobium unguis-cati* (cat claw blackbead) and *Pithecellobium keyense* (Florida keys blackbead), *Coccoloba uvifera* (sea grape), and *Colubrina arborescens* (greenheart). Vines can be common and include *Toxicodendron radicans* (eastern poison ivy), *Smilax auriculata* (earleaf greenbrier), *Smilax havanensis* (Everglades greenbrier), *Parthenocissus quinquefolia* (Virginia creeper), *Hippocratea volubilis* (medicine vine), and *Morinda royoc* (redgal). The typically sparse, short shrub layer may include *Zamia pumila* (coontie) and *Acanthocereus tetragonus* (triangle cactus). Herbaceous species are occasionally present and generally sparse in coverage. Characteristic species include *Lasiacis divaricata* (smallcane), *Oplismenus hirtellus* (basketgrass), and many species of ferns (FNAI 2010, p. 24).

Rockland hammock occurs on a thin layer of highly organic soil covering limestone on high ground that does not regularly flood, but it is often dependent upon a high water table to keep humidity levels high. Rockland hammocks are frequently located near wetlands; in the Everglades they can occur on organic matter that accumulates on top of the underlying limestone (FNAI 2010, p. 25).

Rockland hammock is susceptible to fire, frost, canopy disruption, and ground water reduction. Rockland hammock can be the advanced successional stage of pine rockland, especially in cases where rockland hammock is adjacent to pine rockland. In such cases, when fire is excluded from pine rockland for 15 to 25 years, it can succeed to rockland hammock vegetation. Historically, rockland hammocks in south Florida evolved with fire in the landscape. Fire most often extinguished near the edges when it encountered the hammock's moist microclimate and litter layer. However, rockland hammocks are susceptible to damage from fire during extreme drought or when the water table is lowered. In these cases, fire can cause tree mortality and consume the organic soil layer (FNAI 2010, p. 25).

Rockland hammocks are also sensitive to the strong winds and storm surge associated with infrequent hurricanes. Canopy damage often occurs, which causes a change in the microclimate of the hammock. Decreased relative humidity and drier soils can leave rockland hammocks more susceptible to fire. Rockland hammock can transition into glades marsh, mangrove swamp, salt marsh, coastal rock barren, pine rockland, maritime hammock, or marl prairie (FNAI 2010, p. 26).

The sparsely vegetated edges or interior portions laid open by canopy disruption are the areas of rockland hammock that have light levels sufficient to support *Dalea carthagenensis* var. *floridana.* However, the dynamic nature of the habitat means that areas not currently open may become open in the future as a result of canopy disruption from hurricanes, while areas currently open may develop more dense canopy over time, eventually rendering that portion of the hammock unsuitable for *Dalea carthagenensis* var. *floridana.*

Coastal Berm

Coastal berms are landscape features found along low-energy coastlines in south Florida and the Florida Keys. Coastal berm is a short forest or shrub thicket found on long, narrow, storm-deposited ridges of loose sediment formed by a mixture of coarse shell fragments, pieces of coralline algae, and other coastal debris. These ridges parallel the shore and may be found on the seaward edge or landward edge of the mangroves or farther inland depending on the height of the storm surge that formed them. They range in height from 0.30 to 3.05 m (1 to 10 ft). Structure and composition of the vegetation is variable depending on height and time since the last storm event. The most stable berms may share some tree species with rockland hammocks, but generally have a greater proportion of shrubs and herbs. Tree species may include *Bursera simaruba* (gumbo limbo), *Coccoloba uvifera* (seagrape), *Coccothrinax argentata* (silver palm), *Guapira discolor* (blolly), *Drypetes diversifolia* (milkbark), *Genipa clusiifolia* (seven year apple), and *Metopium toxiferum* (poisonwood). Characteristic tall shrub and short tree species include *Eugenia foetida* (Spanish stopper), *Ximenia americana* (hog plum), *Randia aculeata* (white indigoberry), *Pithecellobium keyense* (Florida Keys blackbead), and *Sideroxylon celastrinum* (saffron plum). Short shrubs and herbs include *Hymenocallis latifolia* (perfumed spiderlily), *Capparis flexuosa* (bayleaf capertree), *Lantana involucrata* (buttonsage), and *Rivina humilis*

(rougeplant). More seaward berms or those more recently affected by storm deposition may support a suite of plants similar to beaches, including shoreline *Sesuvium portulacastrum* (sea purslane), *Distichlis spicata* (saltgrass), and *Sporobolus virginicus* (seashore dropseed), or scattered to dense shrub thickets with *Conocarpus erectus* (buttonwood), stunted *Avicennia germinans* (black mangrove), *Rhizophora mangle* (red mangrove), *Laguncularia racemosa* (white mangrove), *Suriana maritima* (bay cedar), *Manilkara jaimiqui* (wild dilly), *Jacquinia keyensis* (joewood), and *Borrichia frutescens* (bushy seaside oxeye) (Florida Natural Areas Inventory (FNAI) 2010a, p. 1).

Coastal berms are deposited by storm waves along low-energy coasts. Their distance inland depends on the height of the storm surge. Tall berms may be the product of repeated storm deposition. Coastal berms that are deposited far enough inland and remain long-undisturbed may in time succeed to hammock. This is a structurally variable community that may appear in various stages of succession following storm disturbance, from scattered herbaceous beach-colonizing plants to a dense stand of tall shrubs (FNAI 2010a, p. 2).

Historical Range

All known historical and current records for *Dalea carthagenensis* var. *floridana* are summarized in table 4. The historical range of *D. carthagenensis* var. *floridana* includes Miami-Dade, Monroe, Collier, and Palm Beach Counties (Gann *et al.* 2015, pp. 25–26). There have been no reports of this plant from Palm Beach County since 1918 (Bradley and Gann 1999, p. 42). In Miami-Dade County, the species has been extirpated from a number of historical locations, including Castellow Hammock, ENP, the Coral Gables area, pinelands south of the Miami River, and Cox Hammock (Bradley and Gann 1999, pp. 42–43; Maschinski *et al.* 2014, p. 39). Gann *et al.* (2002, pp. 408–411) accounted for essentially every herbarium specimen and reliable sighting. Gann (2015, pp. 25–26) did not find *D. carthagenensis* var. *floridana* in ENP, and it is presumed to be extirpated at this location. One of the previous records at ENP was originally misidentified and has recently been confirmed as a specimen of *Aeschynomene pratensis* (J. Sadle, NPS, pers. comm. 2014). The other ENP herbarium specimen was correctly identified, but the plant is currently considered to be extirpated from the historical location (J. Sadle, NPS, pers. comm. 2014).

Current Range, Population Estimates, and Status

The current range of *Dalea carthagenensis* var. *floridana* includes BCNP (Monroe and Collier Counties), three Miami-Dade County conservation areas, and three unprotected lands within the Cutler Bay region of Miami-Dade County (Maschinski *et al.* 2014, p. 39)

In 1999, *Dalea carthagenensis* var. *floridana* was rediscovered within BCNP (Bradley and Gann 1999, p. 42). Maschinski *et al.* (2014, p. 31) subsequently surveyed the four extant populations on BCNP, finding them at two locations. An area north of Oasis Visitor Center contained 236 plants (of various ages) and represents the largest extant population within BCNP. The second extant population was in the Pinecrest region (along Loop Road) of BCNP, an historic location within the Park; however, only 17 plants were encountered. The species was not found at 11-Mile Road, or at a second location along Loop Road during the surveys.

Maschinski *et al.* (2014, pp. 31–34) have extensively surveyed extant *Dalea carthagenensis* var. *floridana* populations at Charles Deering Estate, R. Hardy Matheson Preserve, and Crandon Park within Miami-Dade County over the past decade.

During 2003 to 2007, the population at Charles Deering Estate ranged from between 50 and 80 individuals, with the number of seedlings ranging from 3 to 54. However, beginning in 2008, Maschinski *et al.* (2014, p. 33) have documented pulses in seedling establishment. In 2010, the total population size (seedlings and woody plants) was 356 individuals. The majority of these were seedlings and basal re-sprouts from a fire that affected approximately one-third of the population (Maschinski *et al.* 2010, p. 24). A 2014 survey found 347 plants, suggesting the population remains stable (Maschinski *et al.* 2015, p. 30).

The population at R. Hardy Matheson Preserve had declined from 31 plants in 2004 to just 1 woody plant and 3 seedlings in 2008. However, the population increased to 330 and 200 seedlings in 2009 and 2010, respectively. The most recent surveys indicated stable populations of 98 and 307 individuals, in 2014 and 2015, respectively (Maschinski *et al.* 2010, p. 30; 2014, p. 34).

In 2003, *Dalea carthagenensis* var. *floridana* was discovered within coastal uplands at Crandon Park for the first time since 1966 (Maschinski *et al.* 2010, p. 28). The population at Crandon Park appears to be stable; however, it is highly localized to a small area of approximately 145 m^2 (Possley and Maschinski 2009, p. 10). During 2007, FTBG initiated a demographic study of the species. Sampling plots found 200 plants of various sizes, resulting in a population estimate of 966 plants at the site (J. Maschinski, pers. comm. 2007; Possley and Maschinski 2009, p. 10). Subsequent surveys have shown the population to vary considerably, possibly due to a short lifespan or plant dormancy (Possley and Maschinski 2009, p. 10). Surveys at Crandon Park identified 288 and 168 individuals, in 2014 and 2015, respectively (Maschinski *et al.* 2015, p. 32). Additional known populations within Miami-Dade County are summarized in table 4.

TABLE 4—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF DALEA CARTHAGENENSIS VAR. FLORIDANA

Population	Ownership	Most recent population estimate	Status	Trend
Everglades National Park	National Park Service		Extirpated (1964).	
Big Cypress National Preserve, North of Oasis Visitor Center.	National Park Service	236 (2013)	Extant	Insufficient data.
Big Cypress National Preserve, 11-Mile Road.	National Park Service	0 (2013)	Extirpated (2014)	Insufficient data.
Big Cypress National Preserve, Pinecrest.	National Park Service	17 (2013)	Extant	Insufficient data.
Charles Deering Estate	Miami-Dade County	347 (2014)	Extant	Stable.

TABLE 4—SUMMARY OF THE STATUS AND TRENDS OF THE KNOWN OCCURRENCES OF DALEA CARTHAGENENSIS VAR. FLORIDANA—Continued

Population	Ownership	Most recent population estimate	Status	Trend
Virginia Key (reintroduction)	City of Miami	4 (2010)	Extant	Insufficient data.
R. Hardy Matheson Preserve.	Miami-Dade County	307 (2015)	Extant	Stable.
Crandon Park	Miami-Dade County	168 (2015)	Extant	Stable.
Strawberry Fields Hammock (next to Natural Forest Community).	Private	17 (2014)	Extant	Insufficient data.
HRS, Inc.	Private	21 (2014)	Extant	Insufficient data.
Florida Power and Light property.	Florida Power and Light	2–10 (2007)	Extant	Insufficient data.
Coral Gables area	Private		Extirpated (1967).	
Cox Hammock	Private		Extirpated (1930).	
Castellow Hammock Preserve.	Miami-Dade County		Extirpated (1975).	
Pineland South of Miami River.	Unknown	Unknown	Unknown.	
Palm Beach County	Private		Extirpated (1918).	

Biology

Life History and Reproduction

Dalea carthagenensis var. *floridana* appears to be a short-lived (less than 7 years) perennial with a persistent seed bank (Maschinski *et al.* 2014, p. 45). The species produces flowers from October to March, and fruit ripen from November to April. The seed maturation period is January to May, with a peak in February and March. Larger plants can produce more than 500 seeds. Seedling recruitment varies widely from year to year, with lower recruitment in drier years. Seedlings and juveniles experience rapid growth in their first 2 years (Maschinski *et al.* 2014, p. 45). The plants can stand partial inundation with fresh water for a portion of the year, but do not tolerate salinity.

Maschinski *et al.* (2014, p. 41) used ongoing survey data from the Crandon Park population to conduct a preliminary population viability analysis (PVA). The population at Crandon Park declined by 33 percent from 2007 to 2009. High seedling recruitment increased numbers in 2010, which stabilized the population until 2014, when a pulse of high recruitment occurred. The demographic study indicated that 3 years had declining population growth and 4 years were stable or increasing, a cyclic pattern characteristic of short-lived species. The PVA indicated that the external cues (temperature and soil moisture) required to break dormancy positively influenced *Dalea carthagenensis* var. *floridana* population dynamics. However, if coupled with seedling mortality, serious population decline resulted. Low winter temperature coupled with average rainfall resulted in high seedling recruitment and good seedling survival; however, if high rainfall followed cold winter temperatures, as was noted for winter 2010, seedling mortality was high (Maschinski *et al.* 2014, p. 41).

Fire Ecology and Demography

There have been no studies of *Dalea carthagenensis* var. *floridana* relationship to fire; however, periodic fire is extremely important to maintaining habitat for this species (Maschinski *et al.* 2014, p. 47). Therefore, historical declines have been partially attributed to habitat loss from fire suppression or inadequate fire management.

Summary of Biological Status and Threats

The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence. In this section, we summarize the biological condition of each of the plant species and its resources, and the influences on such, to assess the species' overall viability and the risks to that viability.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Sideroxylon reclinatum ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* have experienced substantial destruction, modification, and curtailment of their habitat and range (see Background, above). Specific threats to these plants included in this factor include habitat loss, fragmentation, and modification caused by development (*i.e.,* conversion to both urban and agricultural land uses) and inadequate fire management. Each of these threats and its specific effects on these plants are discussed in detail below.

Human Population Growth, Development, and Agricultural Conversion

The modification and destruction of the habitats that support *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* has been extreme in most areas of Miami-Dade and Monroe Counties, thereby reducing the plants' current range and abundance in Florida. The pine rockland community of south Florida, in which these species primarily occur, is critically imperiled locally and globally (FNAI 2010, p. 62). Destruction of pine rocklands and rockland hammocks has occurred since the beginning of the 1900s. Extensive land-clearing for human population growth, development, and agriculture in Miami-Dade and Monroe Counties has altered, degraded, or destroyed thousands of acres of these once-abundant ecosystems.

In Miami-Dade County, development and agriculture have reduced pine rockland habitat by 90 percent in mainland south Florida. Pine rockland habitat in Miami-Dade County, including ENP, was reduced to about 11 percent of its natural extent, from approximately 74,000 ha (183,000 ac) in the early 1900s, to only 8,140 ha (20,100 ac) in 1996 (Kernan and Bradley 1996, p. 2). The largest remaining intact pine rockland (approximately 2,313 ha (5,716

ac)) is Long Pine Key in ENP. Outside of ENP, only about 1 percent of the pine rocklands on the Miami Rock Ridge have escaped clearing, and much of what is left are small remnants scattered throughout the Miami metropolitan area, isolated from other natural areas (Herndon 1998, p. 1). Habitat loss continues to occur in these plants' range, and most remaining suitable habitat has been negatively altered through human activity (illegal clearing, dumping), preclusion of fire, and introduction of nonnative species.

Significant remaining pine rockland habitat occurs on private lands and publicly owned lands that are not dedicated to or managed for conservation. Species occurrences and suitable habitat remaining on these lands are threatened by habitat loss and degradation, and threats are expected to accelerate with increased development. The human population within Miami-Dade County is currently greater than 2.4 million people, and the population is expected to grow to more than 4 million by 2060, an annual increase of roughly 30,000 people (Zwick and Carr 2006, p. 20). Some of the known populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* occur on public conservation lands. Miami-Dade County has developed a network of publicly owned conservation lands within Miami-Dade County, but prescribed fire is lacking at many of these sites. ENP and BCNP actively manage their respective pine rockland habitat with prescribed fire (tables 1–4). However, any extant populations of these plants or suitable habitat that may occur on non-conservation public or private land, such as within the Richmond Pine Rocklands, are vulnerable to habitat loss directly from development or indirectly by lack of management.

The marl prairie habitat that also supports *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* has similarly been destroyed by the rapid development of Miami-Dade and Monroe Counties. At least some of the occurrences reported from this habitat may be the result of colonization that occurred after the habitat was artificially dried-out due to local or regional drainage. Marl prairie on non-conservation public or private land remains vulnerable to development, which could lead to the loss of populations of the species.

Sideroxylon reclinatum ssp. *austrofloridense* occurs in numerous pine rocklands outside of ENP within Miami-Dade County, most of which are impacted be some degree by development. Two privately owned sites in Miami-Dade County supporting *Sideroxylon reclinatum* ssp. *austrofloridense* are vulnerable to habitat loss from development. Eight sites that support the species are public land, which provides for some management and protection. However, one population on public land, the county-owned Nixon-Smiley Preserve, is extirpated due to inadequate management.

Both extant populations of *Digitaria pauciflora* are located at ENP and BCNP, which are public lands managed for conservation. However, *D. pauciflora* is extirpated from four sites outside ENP and BCNP, which comprise half of the species' historical range (Bradley and Gann 1999, p. 25; Gann 2015, p. 167). Outside the protected lands of ENP and BCNP, *Digitaria pauciflora* occurred throughout Miami-Dade County, including as recently as 1995 within the pine rockland and marl prairie habitats of the Martinez Pineland. Martinez Pineland is adjacent to several other remnant pine rocklands that form the largest contiguous area of pine rockland habitat in Miami-Dade County. However, *D. pauciflora* has since disappeared (Herndon 1998, p. 88; Bradley and Gann 1999, p. 49) from Martinez Pineland, and plans are being reviewed for development of private portions (see discussion of Richmond Pine Rocklands, below). Gordon *et al.* (2007, pp. 1, 38) did not document other extant *D. pauciflora* populations during surveys to map rare and exotic plants along FDOT right-of-ways within Miami-Dade and Monroe Counties. Three other historical occurrences in Miami-Dade County had been documented; however, no population estimates were made prior to these areas being destroyed by habitat loss.

Eight populations of *Chamaesyce deltoidea* ssp. *pinetorum* located on private land are vulnerable to habitat loss due to development. Ten extant populations occur on public land and are largely protected from development. A historical population of *Chamaesyce deltoidea* ssp. *pinetorum* within Larry and Penny Thompson Park (also part of the Richmond Pine Rocklands) has been extirpated due to lack of prescribed fire (J. Possley, FTBG, pers. comm. 2011).

Dalea carthagenensis var. *floridana* has been extirpated from a number of historical locations within Miami-Dade County, including ENP for unknown reasons, and by development at Castellow Hammock, in the Coral Gables area, the pinelands south of the Miami River, and Cox Hammock (Bradley and Gann 1999, pp. 42–43; Maschinski *et al.* 2014, p. 39). In addition, there have been no reports of this species from Palm Beach County since 1918, and this area is now densely developed (Bradley and Gann 1999, p. 42). Six populations occur on public lands and are protected from development. Three extant populations occur on private land and are vulnerable to habitat loss from development.

Currently, there are plans to develop 55 ha (137 ac) of the largest remaining parcel of pine rockland habitat in Miami-Dade County, the Richmond Pine Rocklands, with a shopping center and residential construction (Ram 2014, p. 2). Bradley and Gann (1999, p. 4) called the 345-ha (853-ac) Richmond Pine Rocklands, ''the largest and most important area of pine rockland in Miami-Dade County outside of Everglades National Park.'' Although both *Digitaria pauciflora* and *Chamaesyce deltoidea* ssp. *pinetorum* have been extirpated from Richmond Pine Rocklands, populations of *Sideroxylon reclinatum* ssp. *Austrofloridense,* along with numerous other federally listed species, still occur there.

The Miami-Dade County Department of Environmental Resources Management has completed a management plan for portions of the Richmond Pine Rocklands under a grant from the Service and is leading the restoration and management of the Richmond Pine Rocklands (Bradley and Gann 1999, p. 4). The developer has proposed to enter into a Habitat Conservation Plan in conjunction with their plans to develop their portion of the site and was required by Miami-Dade County Natural Forest Community (NFC) regulations to set aside and manage 17 ha (43 ac) of pine rockland and associated habitats. A second project that would result in the loss of pine rockland habitat has been proposed for the Richmond Pine Rocklands. It includes expanding the Miami Zoo complex to develop an amusement park and commercial entities. These development projects will result in the loss of pine rockland habitat that maintains a population of *Sideroxylon reclinatum* ssp. *austrofloridense* as well as several federally listed species, and may preclude future recovery options for the four plants (such as compromising the land managers ability to burn within Richmond Pine Rocklands).

Habitat Fragmentation

The remaining pine rocklands in the Miami metropolitan area are severely

fragmented and isolated from each other. Habitat fragmentation reduces the size of plant populations, and increases spatial isolation of remnants. Barrios *et al.* (2011, p. 1062) investigated the effects of fragmentation on a threatened pine rockland plant, *Angadenia berteroi* (pineland golden trumpet), and found that abundance and fragment size were positively related. Possley *et al.* (2008, p. 385) studied the effects of fragment size on species composition in south Florida pine rocklands, and found that plant species richness and fragment size were positively correlated (although some small fragments supported nearly as many species as the largest fragment). Composition of fragmented habitat typically differs from that of intact forests, as isolation and edge effects increase leading to increased abundance of disturbance-adapted species (weedy species, nonnative invasive species) and lower rates of pollination and propagule dispersal (Laurence and Bierregaard 1997, pp. 347–350.; Noss and Csuti 1997, pp. 284–299).

The degree to which fragmentation threatens the dispersal abilities of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* is unknown. In the historical landscape, where pine rockland occurred within a mosaic of wetlands, water may have acted as a dispersal vector for all pine rockland seeds. In the current fragmented landscape, this type of dispersal would no longer be possible for any of the Miami-Dade populations, because they exist in isolated habitat patches surrounded by miles of unsuitable habitat (agriculture and urban development) on every side. While additional dispersal vectors may include animals and (in certain locations) mowing equipment, it is likely that fragmentation has effectively reduced these plants' ability to disperse.

While pollination research has not been conducted for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana,* research regarding other species and ecosystems provides valuable information regarding potential effects of fragmentation to these plants. Effects of fragmentation may include changes to the pollinator community as a result of limitation of pollinator-required resources (*e.g.,* reduced availability of rendezvous plants, nesting and roosting sites, and nectar/pollen); these changes may include changes to pollinator community composition, species abundance and diversity, and pollinator behavior (Rathcke and Jules 1993, pp. 273–275; Kremen and Ricketts 2000, p. 1227; Harris and Johnson 2004, pp. 30–33). As a result, plants in fragmented habitats may experience lower visitation rates, which in turn may result in reduced seed production of the pollinated plant (which may lead to reduced seedling recruitment), reduced pollen dispersal, increased inbreeding, reduced genetic variability, and ultimately reduced population viability (Rathcke and Jules 1993, p. 275; Goverde *et al.* 2002, pp. 297–298; Harris and Johnson 2004, pp. 33–34).

The effects of fragmentation on fire go beyond edge effects and include reduced likelihood and extent of fires, and altered behavior and characteristics (*e.g.,* intensity) of those fires that do occur. Habitat fragmentation encourages the suppression of naturally occurring fires, and has prevented fire from moving across the landscape in a natural way, resulting in an increased amount of habitat suffering from these negative impacts. High fragmentation of small habitat patches within an urban matrix discourages the use of prescribed fire as well due to logistical difficulties (see Fire Management, below).

Forest fragments in urban settings are also subject to increased likelihood of certain types of human-related disturbance, such as the dumping of trash (Chavez and Tynon 2000, p. 405) and illegal clearing. The many effects of habitat fragmentation may work in concert to threaten the local persistence of a species, especially of small populations (see discussion below); when a species' range of occurrence is limited, as with these four plants, threats to local persistence increase extinction risk.

Fire Management

One of the primary threats to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* is habitat modification and degradation through inadequate fire management, which includes both the lack of prescribed fire and suppression of natural fires. Where the term ''fire-suppressed'' is used below, it describes degraded pine rockland conditions resulting from a lack of adequate fire (natural or prescribed) in the landscape. Historically, frequent (approximately twice per decade), lightning-induced fires were a vital component in maintaining native vegetation and ecosystem functioning within south Florida pine rocklands (see Status Assessment, above). A period of just 10 years without fire may result in a marked decrease in the number of herbaceous species due to the effects of shading and litter accumulation (FNAI 2010, p. 63). Exclusion of fire for approximately 25 years will likely result in gradual hammock development over that time period, leaving a system that is very fire resistant if additional pre-fire management (*e.g.,* mechanical hardwood removal) is not undertaken.

Today, natural fires are unlikely to occur or are likely to be suppressed in the remaining, highly fragmented pine rockland habitat. The suppression of natural fires has reduced the size of the areas that burn, and habitat fragmentation has prevented fire from moving across the landscape in a natural way. Without fire, successional climax from pine rockland to rockland hammock takes 10 to 25 years, and displacement of native species by invasive nonnative plants often occurs. All occurrences of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are affected by some degree of inadequate fire management, with the primary threat being shading by hardwoods (Bradley and Gann 1999, p. 15; Bradley and Gann 2005, page numbers not applicable). Shading may also be caused by a fire-suppressed (and, in some cases, planted) pine canopy that has evaded the natural thinning effects that fire has on seedlings and smaller trees. Gann (2013, pers. comm.) indicates this is also a threat to pine rockland habitat on the Miami Rock Ridge. Understory plants such as *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are shaded out after just 10 years without fire, by hardwoods and nonnatives alike.

Whether the dense canopy is composed of pine, hardwoods, nonnatives, or a combination, seed germination and establishment are inhibited in fire-suppressed habitat due to accumulated leaf litter, which also changes soil moisture and nutrient availability (Hiers *et al.* 2007, pp. 811–812). This alteration to microhabitat can also inhibit seedling establishment as well as negatively influence flower and fruit production (Wendelberger and Maschinski 2009, pp. 849–851), thereby reducing sexual reproduction in fire-adapted species such as *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* (Geiger 2002, pp. 78–79, 81–83).

After an extended period of inadequate fire management in pine rocklands, it becomes necessary to control invading native hardwoods mechanically, since excess growth of native hardwoods would result in a hot fire, which can cause mortality of pines and destroys the rootstocks and seed banks of other native plants. Mechanical treatments cannot entirely replace fire because pine trees, understory shrubs, grasses, and herbs all contribute to an ever-increasing layer of leaf litter, covering herbs and preventing germination, as discussed above. Leaf litter will continue to accumulate even if hardwoods are removed mechanically. In addition, the ashes left by fires provide important post-fire nutrient cycling, which is not provided via mechanical removal.

The impacts of fire on *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are not entirely understood. Fire is critical in maintaining the open understory and species diversity in pine rocklands and marl prairies where these species occur, as well as to reduce populations of nonnative plant species. Fire maintains the ecotone (transition) between saw grass marsh, pine rockland, and rockland hammock habitats where *S. reclinatum* ssp. *austrofloridense* grows.

Some natural mortality of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* may occur from fire, especially more intense fires. *S. reclinatum* ssp. *austrofloridense* and *C. deltoidea* ssp. *pinetorum* grow in wet marl soils and soil deposits within cracks in the limestone bedrock, which provides protection to the roots and allows plants to resprout following fire. *C. deltoidea* ssp. *pinetorum,* in particular, possesses a well-developed rootstock that is protected from fire (ENP 2014, p. 203). Herndon (1998, p. 28) pointed out that the life history of *C. deltoidea* ssp. *pinetorum* includes a cryptic stage, making interpretation of mortality of aboveground parts difficult.

Currently, limited information is available on differences in mortality or long-term population impacts of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* resulting from wet or dry season burns. Indirect evidence suggests that burning in either season is suitable to maintain populations of *S. reclinatum* ssp. *austrofloridense, D. pauciflora,* and *C. deltoidea* ssp. *pinetorum* in pine rocklands. Prescribed fire in ENP was originally conducted during the dry season. Fire management was gradually shifted to wet-season burning in an effort to better mimic natural lightning-ignited fire patterns. As a result, pinelands and marl prairies in ENP where *S. reclinatum* ssp. *austrofloridense, D. pauciflora,* and *C. deltoidea* ssp. *pinetorum* occur have been burned in both the wet season and dry season. Long-term maintenance of populations in those areas indicates that either practice will sustain populations of these species.

Federal (Service, NPS), State (Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FWC), and County (Miami-Dade DERM) land managers, and nonprofit organizations (Institute for Regional Conservation (IRC)) implement prescribed fire on public and private lands within the ranges of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.* While management of some County conservation lands includes regular burning, other lands remain severely fire-suppressed. Even in areas under active management, some portions are typically fire-suppressed. Nevertheless, all of these sites retain a contingent of native species and a seedbank capable of responding to fire.

While ENP, BCNP, and various Miami-Dade County conservation lands (*e.g.,* Navy Wells Pineland Preserve) each attempt to administer prescribed burns, the threat of inadequate fire management still remains. The pine rocklands in the Long Pine Key region of ENP remained largely fire-suppressed for the past decade as the Park updated its fire management plan. Although prescribed fire was returned to Long Pine Key in early 2016, many areas retained substantial amounts of unburned understory vegetation. As a result, despite reintroduction of a fire regime, several large-scale wildfires ignited during the spring months of 2016, which burned up to 50 percent of the pine rocklands in Long Pine Key. Ultimately, this combination of prescribed burns and natural fires (if not too hot or lasting too long) is likely to improve conditions for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* populations within ENP. For example, at 3 to 6 months post-burn, these species appear to be recolonizing burned areas (Sadle, pers. comm. 2016; Salvato, pers. obs. 2016). However, this chain of events also demonstrated the threat that prolonged or insufficient fire management may pose to local populations of an imperiled species, even on public conservation lands.

Implementation of a prescribed fire program in Miami-Dade County has been hampered by a shortage of resources, and by logistical difficulties and public concern related to burning next to residential areas. Many homes have been built in a mosaic of pine rockland, so the use of prescribed fire in many places has become complicated because of potential danger to structures and smoke generated from the burns. Nonprofit organizations such as IRC have similar difficulties in conducting prescribed burns due to difficulties with permitting and obtaining the necessary permissions as well as hazard insurance limitations (Gann 2013, pers. comm.). Few private landowners have the means and/or desire to implement prescribed fire on their property, and doing so in a fragmented urban environment is logistically difficult and may be costly. One of the few privately owned pine rocklands that is successfully managed with prescribed burning is Pine Ridge Sanctuary, located in a more agricultural (less urban) matrix of Miami-Dade, which was last burned in November 2010 (Glancy 2013, pers. comm.) and retains populations of both *Sideroxylon reclinatum* ssp. *austrofloridense* and *Chamaesyce deltoidea* ssp. *pinetorum.* Similarly, extant populations of *Dalea carthagenensis* var. *floridana* within the privately owned Charles Deering Estate and County-owned Crandon Park, are managed with fire.

Conservation Efforts To Reduce the Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

Miami-Dade County Environmentally Endangered Lands Covenant Program

In 1979, Miami-Dade County enacted the Environmentally Endangered Lands (EEL) Covenant Program, which reduces taxes for private landowners of natural forest communities (NFCs; pine rocklands and tropical hardwood hammocks) who agree not to develop their property and manage it for a period of 10 years, with the option to renew for additional 10-year periods (Service 1999, p. 3–177). Although these temporary conservation easements provide valuable protection for their duration, they are not considered under Factor D, below, because they are voluntary agreements and not regulatory in nature. Miami-Dade County currently has approximately 59 pine rockland properties enrolled in this program,

preserving 69.4 ha (172 ac) of pine rockland habitat (Johnson 2012, pers. comm.). The program also has approximately 21 rockland hammocks properties enrolled in this program, preserving 20.64 ha (51 ac) of rockland hammock habitat (Joyner 2013b, pers. comm.). The vast majority of these properties are small, and many are in need of habitat management such as prescribed fire and removal of nonnative invasive plants. Thus, while EEL covenant lands have the potential to provide valuable habitat for these plants and reduce threats in the near term, the actual effect of these conservation lands is largely determined by whether individual land owners follow prescribed EEL management plans and NFC regulations (see Local under Factor D).

Fee Title Properties

In 1990, Miami-Dade County voters approved a 2-year property tax to fund the acquisition, protection, and maintenance of natural areas by the EEL Program. The EEL Program purchases and manages natural lands for preservation. Land uses deemed incompatible with the protection of the natural resources are prohibited by current regulations; however, the County Commission ultimately controls what may happen with any County property, and land use changes may occur over time (Gil 2013, pers. comm.). To date, the Miami-Dade County EEL Program has acquired a total of approximately 313 ha (775 ac) of pine rockland, and 95 ha (236 ac) of rockland hammocks (Guerra 2015 pers. comm.; Gil 2013, pers. comm.). The EEL Program also manages approximately 314 ha (777 ac) of pine rocklands and 639 ha (1,578 ac) of rockland hammocks owned by the Miami-Dade County Parks, Recreation and Open Spaces Department, including some of the largest remaining areas of pine rockland habitat on the Miami Rock Ridge outside of ENP (*e.g.,* Larry and Penny Thompson Park, Zoo Miami pinelands, and Navy Wells Pineland Preserve), and some of the largest remaining areas of rockland hammocks (*e.g.,* Matheson Hammock Park, Castellow Hammock Park, and Deering Estate Park and Preserves).

Conservation efforts in Miami's EEL Preserves have been under way for many years. In Miami-Dade County, conservation lands are and have been monitored by FTBG and IRC, in coordination with the EEL Program, to assess habitat status and determine any changes that may pose a threat to or alter the abundance of these species. Impacts to habitat via nonnative species and natural stochastic events are monitored and actively managed in areas where the taxon is known to occur. These programs are long term and ongoing in Miami-Dade County; however, programs are limited by the availability of annual funding. In particular, fire management remains inadequate at many sites.

Since 2005, the Service has funded IRC to facilitate restoration and management of privately owned pine rockland habitats in Miami-Dade County. These programs included prescribed burns, nonnative plant control, light debris removal, hardwood management, reintroduction of pines where needed, and development of management plans. One of these programs, called the Pine Rockland Initiative, includes 10-year cooperative agreements between participating landowners and the Service/IRC to ensure restored areas will be managed appropriately during that time. Although most of these objectives have been achieved, IRC has not been able to conduct the desired prescribed burns, due to logistical difficulties as discussed above (see Fire Management).

Connect To Protect Program

FTBG, with the support of various Federal, State, local, and nonprofit organizations, has established the ''Connect to Protect Network.'' The objective of this program is to encourage widespread participation of citizens to create corridors of healthy pine rocklands by planting stepping stone gardens and rights-of-way with native pine rockland species, and restoring isolated pine rockland fragments. By doing this, FTBG hopes to increase the probability that pollination and seed dispersal vectors can find and transport seeds and pollen across developed areas that separate pine rockland fragments to improve gene flow between fragmented plant populations and increase the likelihood that these plants will persist over the long term. Although these projects may serve as valuable components toward the conservation of pine rockland species and habitat, they are dependent on continual funding, as well as participation from private landowners, both of which may vary through time.

National Park Service Lands

The NPS General Management Plans (GMPs) for ENP (NPS 2015) and BCNP (BCNP 2008) serve to protect, restore, and maintain natural and cultural resources at the ecosystem level. Although these GMPs are not regulatory, and their implementation is not mandatory, they do include conservation measures for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana.*

Summary of Factor A

We have identified a number of threats to the habitat of the *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* that have operated in the past, are impacting these species now, and will continue to impact them in the future. Habitat loss, fragmentation, and degradation and associated pressures from increased human population are major threats; these threats are expected to continue, placing these plants at greater risk. *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* may be impacted when pine rocklands are converted to other uses or when lack of fire causes the conversion to hardwood hammocks or other unsuitable habitats.

On public lands, including Service, NPS, and Miami-Dade County-owned lands, implementation of prescribed fire has not been sufficient because of legal constraints (permitting requirements) and inadequate funding. Any populations of these four plants found on private property could be destroyed due to lack of protection. Although efforts are being made to conserve natural areas and apply prescribed fire, most pine rocklands remain in poor fire condition, and the long-term effects of large-scale and wide-ranging habitat modification, destruction, and curtailment will last into the future, while ongoing habitat loss due to population growth, development, and agricultural conversion continues to pose a threat to these species outside of conservation lands.

Therefore, based on the best information available, we have determined that the threats to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* from habitat destruction, modification, or curtailment are occurring throughout the entire range of these species and are expected to continue into the future.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The best available data do not indicate that overutilization for commercial, recreational, scientific, or

educational purposes are a threat to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana.* Threats to these plants related to other aspects of recreation and similar human activities (*i.e.,* not related to overutilization) are discussed in Factor E.

Factor C. Disease or Predation

No diseases or incidences of predation have been reported for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana.*

Factor D. The Inadequacy of Existing Regulatory Mechanisms

Under this factor, we examine whether threats to these plants that are discussed under the other factors are continuing due to an inadequacy of an existing regulatory mechanism. Section 4(b)(1)(A) of the Act requires the Service to take into account ''those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species. . . .'' In relation to Factor D, we interpret this language to require the Service to consider relevant Federal, State, and tribal laws, regulations, and other such mechanisms that may minimize any of the threats we describe in threat analyses under the other four factors, or otherwise enhance conservation of the species. We give strongest weight to statutes and their implementing regulations and to management direction that stems from those laws and regulations. An example would be State governmental actions enforced under a State statute or constitution or Federal action under statute.

Having evaluated the impact of the threats as mitigated by any such conservation efforts, we analyze under Factor D the extent to which existing regulatory mechanisms address the specific threats to the species. Regulatory mechanisms, if they exist, may reduce or eliminate the impacts from one or more identified threats. In this section, we review existing Federal, State, and local regulatory mechanisms to determine whether they effectively reduce or remove threats to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.*

Federal

Populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* within the Everglades and ENP and BCNP are protected by NPS regulations at 36 CFR 2.1, which prohibit visitors from harming or removing plants, listed or otherwise, from ENP or BCNP. However, the regulation does not address actions taken by NPS that cause mortality, or habitat loss or modification. NPS regulations do not require the application of prescribed fire or voluntary recovery actions for listed species.

In addition to occurring on ENP and BCNP, *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* may occur (we do not have recent surveys) on Federal lands within the Richmond Pine Rocklands, including lands owned by the U.S. Coast Guard and the National Oceanic and Atmospheric Association (NOAA; small portion of Martinez Pineland). There are no Federal protections for candidate species, including these four plants, on these properties. Otherwise, these plants occur primarily on State, County, or private land (Tables 1–4), and development of these areas will likely require no Federal permit or other authorization. Therefore, projects that affect them are usually not analyzed under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

State

Sideroxylon reclinatum ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are listed on the Sate of Florida's Regulated Plant Index as endangered under Chapter 5B–40, Florida Administrative Code. This listing provides little or no habitat protection beyond the State's Development of Regional Impact process, which discloses impacts from projects, but provides no regulatory protection for State-listed plants on private lands.

Florida Statutes 581.185 sections (3)(a) and (b) prohibit any person from willfully destroying or harvesting any species listed as endangered or threatened on the Index, or growing such a plant on the private land of another, or on any public land, without first obtaining the written permission of the landowner and a permit from the Florida Department of Plant Industry. The statute further provides that any person willfully destroying or harvesting; transporting, carrying, or conveying on any public road or highway; or selling or offering for sale any plant listed in the Index as endangered must have a permit from the State at all times when engaged in any such activities.

However, subsections (8)(a) and (b) of the statute waive State regulation for certain classes of activities for all species on the Regulated Plant Index, including the clearing or removal of regulated plants for agricultural, forestry, mining, construction (residential, commercial, or infrastructure), and fire-control activities by a private landowner or his or her agent. On the other hand, section (10) of the statute provides for consultation similar to section 7 of the Federal Act for listed species by requiring the Department of Transportation to notify the FDACS and the Endangered Plant Advisory Council of planned highway construction at the time bids are first advertised, to facilitate evaluation of the project for listed plant populations, and to ''provide for the appropriate disposal of such plants'' (*i.e.,* transplanting).

Local

In 1984, Section 24–49 of the Code of Miami-Dade County established regulation of County-designated NFCs, which include both pine rocklands and tropical hardwood hammocks. These regulations were placed on specific properties throughout the county by an act of the Board of County Commissioners in an effort to protect environmentally sensitive forest lands. The Miami-Dade County Department of Regulatory and Economic Resources has regulatory authority over NFCs and is charged with enforcing regulations that provide partial protection on the Miami Rock Ridge. Miami-Dade Code typically allows up to 20 percent of a pine rockland designated as NFC to be developed, and requires that the remaining 80 percent be placed under a perpetual covenant. In certain circumstances, where the landowner can demonstrate that limiting development to 20 percent does not allow for ''reasonable use'' of the property, additional development may be approved. NFC landowners are also required to obtain an NFC permit for any work, including removal of nonnatives within the boundaries of the NFC on their property. The NFC program is responsible for ensuring that NFC permits are issued in accordance with the limitations and requirements of the code and that appropriate NFC preserves are established and maintained in conjunction with the issuance of an NFC permit. The NFC program currently regulates

approximately 600 pine rockland or pine rockland/hammock properties, comprising approximately 1,200 ha (3,000 ac) of habitat (Joyner 2013a, pers. comm.).

Although the NFC program is designed to protect rare and important upland (non-wetlands) habitats in south Florida, this regulatory strategy has limitations. For example, in certain circumstances where landowners can demonstrate that limiting development to 20 percent does not allow for ''reasonable use'' of the property, additional development may be approved. Furthermore, Miami-Dade County Code provides for up to 100 percent of the NFC to be developed on a parcel in limited circumstances for parcels less than 2.02 ha (5 ac) in size and requires coordination with the landowner only if the landowner plans to develop property or perform work within the NFC designated area. As such, the majority of the existing private forested NFC parcels consists of isolated fragments, without management obligations or preserve designation, as development has not been proposed at a level that would trigger the NFC regulatory requirements. Often, nonnative vegetation over time begins to dominate and degrade the undeveloped and unmanaged NFC landscape until it no longer meets the legal threshold of an NFC, which requires the land to be dominated by native vegetation. When development of such degraded NFCs is proposed, Miami-Dade County Code requires delisting of the degraded areas as part of the development process. Property previously designated as NFC is removed from the list even before development is initiated because of the abundance of nonnative species, making it no longer considered to be jurisdictional or subject to the NFC protection requirements of Miami-Dade County Code (Grossenbacher 2013, pers. comm.).

Summary of Factor D

Currently, *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are found on Federal, State, and County lands; however, there is no regulatory mechanism in place that provides substantive protection of actual habitat or of potentially suitable habitat at this time. NPS regulations provide some protection at ENP and BCNP sites, whichprotect the largest and best managed populations. State regulations provide protection against trade, but allow private landowners or their agents to clear or remove species on the Florida Regulated Plant Index. State Park regulations provide protection for plants within Florida State Parks. The NFC program in Miami is designed to protect rare and important upland (non-wetlands) habitats in south Florida; however, this regulatory strategy has several limitations (as described above) that reduce its ability to protect *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana* and their habitats.

Although most populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are afforded some level of protection because they are on public conservation lands, existing regulatory mechanisms have not led to a sufficient reduction of threats posed to these plants by a wide array of sources (see discussions under Factors A and E).

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

Other natural or manmade factors affect *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* to varying degrees, including the spread of nonnative invasive plants, potentially incompatible management practices (such as mowing and herbicide use), direct impacts to plants from recreation and other human activities, small population size and isolation, climate change, and the related risks from environmental stochasticity (extreme weather) on small populations. Each of these threats and its specific effect on these species are discussed in detail below.

Nonnative Plant Species

Nonnative invasive plants compete with native plants for space, light, water, and nutrients, and make habitat conditions unsuitable for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana,* which prefer open conditions. Bradley and Gann (1999, pp. 13, 71–72) indicated that the control of nonnative plants is one of the most important conservation actions for the four plants and a critical part of habitat maintenance.

Nonnative plants have significantly affected pine rocklands, and negatively impact all occurrences of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* to some degree (Bradley 2006, pp. 25–26; Bradley and Gann 1999, pp. 18–19; Bradley and Saha 2009, p. 25; Bradley and van der Heiden 2013, pp. 12–16). As a result of human activities, at least 277 taxa of nonnative plants have invaded pine rocklands throughout south Florida (Service 1999, p. 3–175). *Schinus terebinthifolius* (Brazilian pepper) and *Neyraudia neyraudiana* (Burma reed) affect these species (Bradley and Gann 1999, pp. 13, 72). Brazilian pepper, a nonnative tree, is the most widespread and one of the most invasive species. It forms dense thickets of tangled, woody stems that completely shade out and displace native vegetation (Loflin 1991, p. 19; Langeland and Craddock Burks 1998, p. 54). *Lygodium microphyllum* (Old World climbing fern) is also a serious threat throughout south Florida.

Nonnative plants in pine rocklands can also affect the characteristics of a fire when it does occur. Historically, pine rocklands had an open, low understory where natural fires remained patchy with low temperature intensity. *S.* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana* thrive under this fire regime. However, dense infestations of *Neyraudia neyraudiana* and *Schinus terebinthifolius* cause higher fire temperatures and longer burning periods.

These nonnative species occur throughout the ranges of the four plants. In ENP and BCNP, invasives tend to be fewer due to the insularity of these sites and the NPS's control programs. Nevertheless, most areas require annual treatments to remove incipient invasions. Management of nonnative invasive plants in pine rocklands in Miami-Dade County is further complicated because the vast majority of pine rocklands are small, fragmented areas bordered by urban development. Areas near managed pine rockland that contain nonnative species can act as a seed source of nonnatives allowing them to continue to invade the surrounding pine rockland (Bradley and Gann 1999, p. 13).

Nonnative plant species are also a concern on private lands, where often they are not controlled due to associated costs, lack of interest, or lack of knowledge of detrimental impacts to the ecosystem. Undiscovered populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* on private lands could certainly be at risk. Overall, active management is necessary to control for nonnative

species and to protect unique and rare habitats where these plants occur (Snyder *et al.* 1990, p. 273).

Mowing

While no studies have investigated the effect of mowing on *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana,* research has been conducted on the federally endangered *Linum carteri* var. *carteri* (which also occurs in pine rocklands). The study found significantly higher densities of plants at the mown sites where competition with other plants is decreased (Maschinski *et al.* 2007, p. 56). However, plants growing on mown sites were shorter, which may affect fruiting magnitude. While mowing did not usually kill adult plants, it could delay reproduction if it occurred prior to plants reaching reproductive status (Maschinski *et al.* 2007, pp. 56–57). If such mowing occurs repeatedly, reproduction of those plants would be entirely eliminated. Maschinski *et al.* (2008, p. 28) recommended adjusting the timing of mowing to occur at least 3 weeks after flowering is observed to allow a higher probability of adults setting fruit prior to the mowing event. With flexibility and proper instructions to land managers and ground crews, mowing practices could be implemented in such a way as to scatter seeds and reduce competition with little effect on population reproductive output for the year (Maschinski *et al.* 2008, p. 28). The exact impacts of mowing also depend on the timing of rainfall prior to and following mowing, and the numbers of plants in the population that have reached a reproductive state.

Recreation and Other Human Activities

Recreational use of off-road vehicles (ORV) is a threat to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Dalea carthagenensis* var. *floridana* occurrences within BCNP (K. Bradley *et al.* 2013, p. 3). Operators frequently veer off established trails, and plants can be harmed or destroyed (Bradley and Gann 1999, p. 43). BCNP manages ORV access using a permit system, regulations, and designated trails. However, there are over 1,000 miles of ORV trails in BCNP, and only one enforcement officer (Pernas pers. comm., 2016), making enforcement of designated ORV trails a challenge. Current aerial imagery from the Lostman's Pine area of BCNP, where *Digitaria pauciflora* occurs, shows a criss-cross pattern of multiple ORV trails through the area. The Service is working with BCNP to determine the extent to which ORVs are affecting all three species at this site, particularly *D. pauciflora,* since it is one of only two sites where the species is known to exist. Damage from ORV use has also been documented for *Dalea carthagenensis* var. *floridana* within the Charles Deering Estate (J. Possley, pers. comm. 2008, 2009).

Dalea carthagenensis var. *floridana* at the R. Hardy Matheson Preserve is also impacted by illegal mountain biking (Bradley and Gann 1999, pp. 43–45). In the past, this pineland fragment was heavily used by mountain bikers. In response Miami-Dade County has erected fencing to protect this site, which appears to have reduced this threat (Bradley and Gann 1999, p. 43).

Effects of Small Population Size and Isolation

Endemic species whose populations exhibit a high degree of isolation are extremely susceptible to extinction from both random and nonrandom catastrophic natural or human-caused events. Species that are restricted to geographically limited areas are inherently more vulnerable to extinction than widespread species because of the increased risk of genetic bottlenecks, random demographic fluctuations, effects of climate change, and localized catastrophes such as hurricanes and disease outbreaks (Mangel and Tier 1994, p. 607; Pimm *et al.* 1988, p. 757). These problems are further magnified when populations are few and restricted to a very small geographic area, and when the number of individuals is very small. Populations with these characteristics face an increased likelihood of stochastic extinction due to changes in demography, the environment, genetics, or other factors (Gilpin and Soule 1986, pp. 24–34).

Small, isolated populations, such as those in fragmented habitat, often exhibit reduced levels of genetic variability, although the ultimate effect of these changes is dependent on a plant's specific life history, reproductive system, and interaction with pollinators and dispersal vectors (which may themselves be affected by fragmentation) (Young *et al.* 1996, p. 413). While research results clearly indicate that isolation/fragmentation has population genetic consequences for plants, consequences are varied and for some species there may be a ''fragmentation threshold'' below which genetic variation is not lost (Young *et al.* 1996, p. 416). No such studies have been conducted for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana,* so whether these plants exhibit such a threshold is not known.

Reduced genetic variability generally diminishes a species' capacity to adapt and respond to environmental changes, thereby decreasing the probability of long-term persistence (*e.g.,* Barrett and Kohn 1991, p. 4; Newman and Pilson 1997, p. 361). Very small plant populations may experience reduced reproductive vigor due to ineffective pollination or inbreeding depression. Isolated individuals have difficulty achieving natural pollen exchange, which limits the production of viable seed. The problems associated with small population size and vulnerability to random demographic fluctuations or natural catastrophes are further magnified by synergistic (interaction of two or more components) effects with other threats, such as those discussed above (Factors A and C). Tables 1, 2, 3, and 4 above list the population sizes and the geographic ranges for *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana.* For example, table 2 lists *Digitaria pauciflora* as having 2 extant populations (ENP and BCNP), one estimated at 1,000–10,000 plants and the other with greater than 10,000 plants. The Service does not consider these as small populations; however, a large wildfire or severe flooding could be catastrophic. As shown in 2016, *D. pauciflora* was impacted by fire in ENP and flooding in ENP and BCNP, proving that the small geographic extent of the existing populations is not sufficient to eliminate the risk posed by large-scale disturbances.

Effects of Climate Change

Climatic changes, including sea level rise (SLR), are major threats to the flora of south Florida, including *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana.* Our analyses under the Act include consideration of ongoing and projected changes in climate. With regard to our analysis for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana,* downscaled projections suggest that SLR is the largest climate-driven challenge to low-lying coastal areas in the subtropical ecoregion of southern Florida (U.S. Climate Change Science Program (USCCSP) 2008, pp. 5–31, 5–32).

The long-term record at Key West shows that sea level rose on average 0.229 cm (0.090 in) annually between 1913 and 2013 (NOAA 2013, p. 1). This equates to approximately 22.9 cm (9.02 in) over the last 100 years. IPCC (2008, p. 28) emphasized it is very likely that the average rate of SLR during the 21st century will exceed the historical rate. Heat trapped by greenhouse gases causes atmospheric warming, but the ocean is a vast heat sink where most of the increased heat energy is stored. As the water increases in temperature, its volume expands. Due to the thermal dynamic properties of water, as projected temperatures increase, so does the volume of the ocean, and the rate of expansion. As a result, most models show a dramatic increase in the rate of SLR rise by mid-century. The IPCC Special Report on Emission Scenarios (2000, entire) presented a range of scenarios based on the computed amount of change in the climate system due to various potential amounts of anthropogenic greenhouse gases and aerosols in 2100. Each scenario describes a future world with varying levels of atmospheric pollution leading to corresponding levels of global warming and corresponding levels of SLR. The IPCC Synthesis Report (2007, entire) provided an integrated view of climate change and presented updated projections of future climate change and related impacts under different scenarios.

Subsequent to the 2007 IPCC Report, the scientific community has continued to model SLR. Recent peer-reviewed publications indicate a movement toward increased acceleration of SLR. Observed SLR rates are already trending along the higher end of the 2007 IPCC estimates, and it is now widely held that SLR will exceed the levels projected by the IPCC (Rahmstorf *et al.* 2012, p. 1; Grinsted *et al.* 2010, p. 470). Taken together, these studies support the use of higher end estimates now prevalent in the scientific literature. Recent studies have estimated global mean SLR of 1–2 m (3.3–6.6 ft) by 2100 as follows: 0.75–1.90 m (2.5–6.2 ft; Vermeer and Rahmstorf 2009, p. 21530), 0.8–2.0 m (2.6–6.6 ft; Pfeffer *et al.* 2008, p. 1342), 0.9–1.3 m (3.0–4.3 ft; Grinsted *et al.* 2010, pp. 469–470), 0.6–1.6 m (2.0–5.2 ft; Jevrejeva *et al.* 2010, p. 4), and 0.5–1.40 m (1.6–4.6 ft; National Resource Council 2012, p. 2).

Other processes expected to be affected by projected warming include temperatures, rainfall (amount, seasonal timing, and distribution), and storms (frequency and intensity) (discussed more specifically under Environmental Stochasticity, below). The Massachusetts Institute of Technology (MIT) modeled several scenarios combining various levels of SLR, temperature change, and precipitation differences with human population growth, policy assumptions, and conservation funding changes (see Alternative Future Landscape Models, below). All of the scenarios, from small climate change shifts to major changes, indicate significant effects on coastal Miami-Dade County.

Decades prior to inundation, pine rocklands are likely to undergo vegetation shifts related to climate change, triggered by changes to hydrology (wetter), salinity (higher) and increasing vulnerability to storm surge (pulse events causing massive erosion and salinization of soils) (Saha *et al.*2011, p. 82). Hydrology has a strong influence on plant distribution in these and other coastal areas (IPCC 2008, p. 57). Such communities typically grade from saltwater to brackish to freshwater species. From the 1930s to 1950s, increased salinity of coastal waters contributed to the decline of cabbage palm forests in southwest Florida (Williams *et al.* 1999, pp. 2056–2059), expansion of mangroves into adjacent marshes in the Everglades (Ross *et al.* 2000, pp. 101, 111), and loss of pine rockland in the Keys (Ross *et al.* 1994, pp. 144, 151–155). In one Florida Keys pine rockland with an average elevation of 0.89 m (2.9 ft), Ross *et al.* (1994, pp. 149–152) observed an approximately 65 percent reduction in an area occupied by South Florida slash pine over a 70-year period, with pine mortality and subsequent increased proportions of halophytic (salt-loving) plants occurring earlier at the lower elevations. During this same time span, local sea level had risen by 15 cm (6.0 in), and Ross *et al.* (1994, p. 152) found evidence of groundwater and soil water salinization.

Extrapolating this situation to pine rocklands on the mainland is not straightforward, but indications are that similar changes to species composition could arise if current projections of SLR occur and freshwater inputs are not sufficient to prevent salinization. Furthermore, Ross *et al.* (2009, pp. 471–478) suggested that interactions between SLR and pulse disturbances (*e.g.,* storm surges) can cause vegetation to change sooner than projected based on sea level alone. Alexander (1953, pp. 133–138) attributed the demise of pinelands on northern Key Largo to salinization of the groundwater in response to SLR. Patterns of human development will also likely be significant factors influencing whether natural communities can move and persist (IPCC 2008, p. 57; USCCSP 2008, p. 7–6).

The Science and Technology Committee of the Miami-Dade County Climate Change Task Force (Wanless *et al.* 2008, p. 1) recognized that significant SLR is a very real threat to the near future for Miami-Dade County. In a January 2008 statement, the committee warned that sea level is expected to rise at least 0.9–1.5 m (3–5 ft) within this century (Wanless *et al.* 2008, p. 3). With a 0.9–1.2 m (3–4 ft) rise in sea level (above baseline) in Miami-Dade County, spring high tides would be at about 6 to 7 ft; freshwater resources would be gone; the Everglades would be inundated on the west side of Miami-Dade County; the barrier islands would be largely inundated; storm surges would be devastating; landfill sites would be exposed to erosion contaminating marine and coastal environments. Freshwater and coastal mangrove wetlands will not keep up with or offset SLR of 2 ft per century or greater. With a 5-ft rise (spring tides at nearly +8 ft), the land area of Miami-Dade County will be extremely diminished (Wanless *et al.* 2008, pp. 3–4).

Drier conditions and increased variability in precipitation associated with climate change are expected to hamper successful regeneration of forests and cause shifts in vegetation types through time (Wear and Greis 2012, p. 39). Although this issue has not been well studied, existing pine rocklands have probably been affected by reductions in the mean water table. Climate changes are also forecasted to extend fire seasons and the frequency of large fire events throughout the Coastal Plain (Wear and Greis 2012, p. 43). These factors will likely cause an increase in wildfires and exacerbate complications related to prescribed burning (*i.e.,* less predictability related to rainfall, fuel moisture, and winds) or other management needed to restore and maintain habitat for the four plants. While restoring fire to pine rocklands is essential to the long-term viability of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* populations, increases in the scale, frequency, or severity of wildfires could have negative effects on these plants considering their general vulnerability due to small population size, restricted range, few occurrences, and relative isolation. Big, hot wildfires can destroy essential habitat features of pine rockland habitat. In addition, hot burns with long residence times (which are more likely under wildfire conditions)

can also sterilize the soil seed bank and cause a demographic crash in plant populations.

Alternative Future Landscape Models

To accommodate the large uncertainty in SLR projections, researchers must estimate effects from a range of scenarios. Various model scenarios developed at MIT and GeoAdaptive Inc. have projected possible trajectories of future transformation of the south Florida landscape by 2060 based upon four main drivers: climate change, shifts in planning approaches and regulations, human population change, and variations in financial resources for conservation. The scenarios do not account for temperature, precipitation, or species habitat shifts due to climate change, and no storm surge effects are considered. The current MIT scenarios range from an SLR of 0.09–1.0 m (0.3–3.3 ft) by 2060 (Vargas-Moreno and Flaxman 2010, pp. 1–6).

Based on the most recent estimates of anticipated SLR, the upward trend in recent projections toward the higher range of earlier SLR estimates (discussed above), and the data available to us at this time, we evaluated potential effects of SLR using the current ''high'' range MIT scenario as well as comparing elevations of remaining pine rockland fragments and extant and historical occurrences of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.* The ''high'' range (or ''worst case'') MIT scenario assumes high SLR (1 m (3.3 ft) by 2060), low financial resources, a ''business as usual'' approach to planning, and a doubling of human population.

The rate of SLR will increase as time passes. This is due to atmospheric and ocean warming and the thermal expansion properties of water. In SLR models the rate of sea level rise is projected to increase dramatically around mid-century.

Most populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* occur at elevations less than 2 m (6.6 ft) above sea level, making these species highly susceptible to increased storm surges and related impacts associated with SLR. Areas of the Miami Rock Ridge in Miami-Dade County (located to the east of ENP and BCNP) are higher elevation (maximum of 7 m [22 ft] above sea level) than those in BCNP (FNAI 2010, p. 62). However, plant communities along South Florida's low-lying coasts are organized along a mild gradient in elevation, transitioning from mangroves at sea level to salinity-intolerant interior habitats, including pine rocklands and hardwood hammocks within an elevation change of 2 m (6.5 ft) above sea level. As a result, a rise of 1 m (3.3 ft) in sea level is expected to render coastal systems susceptible to increased erosion and cause these areas to transition from upland forest habitats to saline wetland habitats.

Prior to the onset of sustained inundation, there will be irreversible changes in vegetation composition within these habitats. Shifts in habitat toward hydric and saline ecosystems may occur decades in advance of full inundation, rendering the habitat unsuitable for salt-intolerant species including *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana* (Saha *et al.*2011, p. 82). As interior habitats become more saline there will be a reduction in freshwater inflows to the estuarine portions of ENP and BCNP, accelerating losses in salinity-intolerant coastal plant communities (Saha *et al.* 2011, p. 105), such as *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* or *D. carthagenensis* var. *floridana.*

Actual impacts may be greater or less than anticipated based upon the high variability of factors involved (*e.g.,* SLR, human population growth) and assumptions made, but based on the current ''high'' range MIT scenario, pine rocklands, marl prairies and associated habitats along the coast in central and southern Miami-Dade County would become inundated. The ''new'' sea level would occur at the southern end of the Miami Rock Ridge (the eastern edge of the Everglades). However, in decades prior to the fully anticipated sea level rise, changes in the water table and increased soil salinity from partial inundation and storm surge will result in vegetation shifts within BCNP, ENP, and conservation lands on the southern Miami Rock Ridge. Inundation will result in pine rocklands gaining increased marl prairie characteristics. Marl prairies, in turn, will transition to sawgrass or more hydric conditions, due to increased inundation.

As a result, species such as *Digitaria pauciflora* and *Sideroxylon reclinatum* ssp. *austrofloridense,* which are most abundant within the ecotone between pine rocklands and marl prairies, will gradually decline as these habitat types merge and eventually disappear. Under this scenario, by 2060, all extant populations of *Digitaria pauciflora,* as well as the largest populations of *Sideroxylon reclinatum* ssp. *austrofloridense* and *Dalea carthagenensis* var. *floridana,* would likely be lost or significantly impacted by shifts in vegetation communities. Populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* would likely remain only at the highest elevations along the Miami Rock Ridge. In addition, many existing pine rockland fragments are projected to be developed for housing as the human population grows and adjusts to changing sea levels under this scenario.

Further or Additional Impacts Expected Beyond 2060

Further direct losses to extant populations of all four plants are expected due to habitat loss and modification from SLR through 2100. We analyzed existing sites that support populations of the four plants using the National Oceanic and Atmospheric Administration (NOAA) Sea Level Rise and Coastal Impacts viewer. Below we discuss general implications of sea level rise within the range of projections discussed above on the current distribution of these species. The NOAA tool uses 1-foot increments. Our analysis is based on 0.91 m (3 ft) and 1.8 m (6 ft) of SLR.

Based on a higher SLR of 1.8 m (6 ft), as projected by NOAA, much larger portions of urban Miami-Dade County, including conservation areas, such as Navy Wells Pineland Preserve, will be inundated by 2100. Under such a 1.8-meter SLR projection, both extant populations of *D. pauciflora* in ENP and BCNP would be almost entirely inundated by 2100, and the species will be extinct. Several extant occurrences of *Sideroxylon reclinatum* ssp. *austrofloridense, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* would also be lost. The western part of urban Miami-Dade County would also be inundated (barring creation of sea walls or other barriers), creating a virtual island of the Miami Rock Ridge.

Following a 1.8-m (6-ft) rise in sea level, approximately 75 percent of presently extant pine rocklands on the Miami Rock Ridge would still remain above sea level. However, an unknown percentage of remaining pine rockland fragments would be negatively impacted by water table and soil salinization, which would be further exacerbated due to isolation from mainland fresh water flows.

Projections of SLR above 1.8 m (6 ft) indicate that very little pine rockland would remain, with the vast majority either being inundated or experiencing

vegetation shifts, resulting in the extirpation of all known populations of *Digitaria pauciflora, Sideroxylon reclinatum* ssp. *austrofloridense, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.*

Environmental Stochasticity

Endemic species whose populations exhibit a high degree of isolation and narrow geographic distribution, such as *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana,* are extremely susceptible to extinction from both random and nonrandom catastrophic natural or human-caused events. Small populations of species, without positive growth rates, are considered to have a high extinction risk from site-specific demographic and environmental stochasticity (Lande 1993, pp. 911–927).

The climate of southern Florida is driven by a combination of local, regional, and global events, regimes, and oscillations. There are three main ''seasons'': (1) the wet season, which is hot, rainy, and humid from June through October; (2) the official hurricane season that extends one month beyond the wet season (June 1 through November 30), with peak season being August and September; and (3) the dry season, which is drier and cooler, from November through May. In the dry season, periodic surges of cool and dry continental air masses influence the weather with short-duration rain events followed by long periods of dry weather.

Florida is considered the most vulnerable State in the United States to hurricanes and tropical storms (Florida Climate Center, *http://coaps.fsu.edu/climate_center*). Based on data gathered from 1856 to 2008, Klotzbach and Gray (2009, p. 28) calculated the climatological probabilities for each State being impacted by a hurricane or major hurricane in all years over the 152-year timespan. Of the coastal States analyzed, Florida had the highest climatological probabilities, with a 51 percent probability of a hurricane (Category 1 or 2) and a 21 percent probability of a major hurricane (Category 3 or higher). From 1856 to 2015, Florida actually experienced 109 hurricanes and 36 major hurricanes. While not every hurricane will pass over south Florida, given the low population sizes and restricted ranges of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* within locations prone to storm influences, these species are at substantial risk from hurricanes, storm surges, and other extreme weather. Depending on the location and intensity of a hurricane or other severe weather event, it is possible that the plants could become extirpated or extinct.

Hurricanes, storm surge, and extreme high tide events are natural events that can negatively impact these four plants. Hurricanes and tropical storms can modify habitat (*e.g.,* through storm surge) and have the potential to destroy entire populations, physically washing them away or leaving soil too saline for them to persist. Climate change may lead to increased frequency and duration of severe storms (Golladay *et al.* 2004, p. 504; McLaughlin *et al.* 2002, p. 6074; Cook *et al.* 2004, p. 1015). *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana* experienced these disturbances historically, but had the benefit of more abundant and contiguous habitat to buffer them from extirpations. With most of the historical habitat having been destroyed or modified, the few remaining populations of these species could face local extirpations due to stochastic events.

Other processes to be affected by climate change, related to environmental stochasticity, include temperatures, rainfall (amount, seasonal timing, and distribution), and storms (frequency and intensity). Temperatures are projected to rise from 2–5 °C (3.6–9 °F) for North America by the end of this century (IPCC 2007, pp. 7–9, 13). These factors will likely cause an increase in wildfires and exacerbate complications related to prescribed burning or other management needed to restore and maintain habitat for the four plants. Based upon modeling, Atlantic hurricane and tropical storm frequencies are expected to decrease (Knutson *et al.* 2008, pp. 1–21). By 2100, there should be a 10–30 percent decrease in hurricane frequency. Hurricane frequency is expected to drop due to more wind shear impeding initial hurricane development. However, hurricane winds are expected to increase by 5–10 percent, which will increase storm surge heights. This is due to more hurricane energy being available for intense hurricanes. In addition to climate change, weather variables are extremely influenced by other natural cycles, such as El Niño Southern Oscillation with a frequency of every 4–7 years, solar cycle (every 11 years), and the Atlantic Multi-decadal Oscillation. All of these cycles influence changes in Floridian weather. The exact magnitude, direction, and distribution of all of these changes at the regional level are difficult to project.

Freezing Temperatures

Occasional freezing temperatures that occur in south Florida pose a risk to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana,* causing damage or death to individual plants. Under normal circumstances, occasional freezing temperatures would not result in a significant impact to populations of these plants; however, the small size of some populations means the loss from freezing events of even a few individuals can reduce the viability of the population.

Hydrology and Everglades Restoration

Hydrology is a key ecosystem component that affects rare plant distributions and their viability (Gann *et al.* 2006, p. 4). Historically, sheet flow from Shark River Slough and Taylor Slough did not reach the upland portions of Long Pine Key, but during the wet season increased surface water flow in sloughs generated a rise in ground water across the region (Gann *et al.* 2006, p. 4). Water flow through Long Pine Key was originally concentrated in marl prairies, traversing in a north-south direction; however, construction of the main ENP road dissected Long Pine Key in an east-west direction, thereby impeding sheet flow across this area (Gann *et al.* 2006, p. 4). Water was either impounded to the north of the main ENP road or diverted around the southern portion of Long Pine Key through Taylor Slough and Shark River Slough (Gann *et al.* 2006, p. 4). As artificial drainage became more widespread, however, regional groundwater supplies declined.

While projects designed to restore the historical hydrology of the Everglades and other natural systems in southern Florida, including ENP and BCNP (collectively known as the Comprehensive Everglades Restoration Plan (CERP)), are beneficial to the Everglades ecosystem, some may produce collateral impacts to extant pine rockland, marl prairies, and associated habitats within the region through inundation or increased hydroperiods. The effects of changes in regional hydrology through restoration may have impacts on the four plant species and their habitats. Sadle (2012, pers. comm.) suggested various CERP projects (such as C–111 spreader canal; L–31N seepage barrier), specifically the operation of pumps and associated detention areas along the ENP

boundary, may influence (through excessive water discharges) select portions of eastern Long Pine Key. Increased and longer-duration hydroperiods within the pine rockland and marl prairie habitats where these species occur may lead to a reduction in the amount of suitable habitat, a potential reduction in the area occupied and a reduction in the number of individuals found in ENP and BCNP. It is unclear to what extent this may occur, if at all. In an effort to establish a baseline assessment of future hydrologic modifications, long-term monitoring transects and plots for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* were established in Long Pine Key between 2003 and 2008 (Gann 2015, p. 169).

Conservation Efforts To Reduce Other Natural or Manmade Factors Affecting Continued Existence

NPS, the Service, Miami-Dade County, and the State of Florida have ongoing nonnative plant management programs to reduce threats on public lands, as funding and resources allow. In Miami-Dade County, nonnative, invasive plant management is very active, with a goal to treat all publicly owned properties at least once a year and more often in many cases. IRC and FTBG conduct research and monitoring in various natural areas within Miami-Dade County and the Florida Keys for various endangered plant species and nonnative, invasive species. For the four plants, monitoring detects declines that lead to small population size, changes in habitat due to SLR, and declines due to stochastic events. For nonnatives, monitoring is an integral part of efforts to detect and control invasive plant and animal species.

Summary of Factor E

We have discussed threats from other natural or manmade factors including: nonnative invasive plants, management practices (such as mowing and herbicide use), recreation (including ORV use), effects from small population size and isolation, limited geographic range, and stochastic events including hurricanes, storm surges, and wildfires. Additionally, these plants are particularly vulnerable to the effects of climate change, including SLR, as changes in the water table, increased soil salinity from partial inundation, and storm surge will likely result in vegetation shifts in the decades prior to the fully anticipated sea level rise. Some of these threats (*e.g.,* nonnative species) may be reduced on public lands due to active programs by Federal, State, and County land managers. Many of the remaining populations of these plants are small and geographically isolated, and genetic variability is likely low, increasing the inherent risk due to overall low resilience of these plants. The threats act together to impact populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* or *Dalea carthagenensis* var. *floridana.*

Cumulative Effects of Threats

When two or more threats affect populations of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana,* the effects of those threats could interact or become compounded, producing a cumulative adverse effect that is greater than the impact of either threat alone. The most obvious cases in which cumulative adverse effects would be significant are those in which small populations (Factor E) are affected by threats that result in destruction or modification of habitat (Factor A), ORV damage (Factor E), or stochastic events, such as hurricanes, storm surges, wildfires (Factor E). The limited distributions and/or small population sizes of many populations of *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana* make them extremely susceptible to the detrimental effects of further habitat modification, degradation, and loss, as well as other anthropogenic threats. Mechanisms leading to the decline of *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana,* as discussed above, range from local (*e.g.,* agriculture) to regional (*e.g.,* development, fragmentation, nonnative species) to global influences (*e.g.,* effects of climate change, SLR). The synergistic effects of threats, such as impacts from hurricanes on a species with a limited distribution and small populations, make it difficult to predict population viability. While these stressors may act in isolation, it is more probable that many stressors are acting simultaneously (or in combination) on populations of *S. reclinatum* ssp. *austrofloridense, D. pauciflora, C. deltoidea* ssp. *pinetorum,* and *D. carthagenensis* var. *floridana,* making them more vulnerable.

Proposed Determination

We have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.*

Sideroxylon reclinatum ssp. austrofloridense

Nine of 11 extant populations are located on publicly owned conservation lands. This includes 10,000–100,000 plants at ENP, and a small population at BCNP, where prescribed fire implementation has improved, and nonnative plant control efforts are adequate to beneficially manage habitat for native species. In contrast, in the scattered small populations on Miami-Dade habitat fragments, representing half of the species' historical range, habitat management currently is not adequate due to the inability to conduct prescribed fire. Increasing temperatures and changes in precipitation patterns associated with climate change will likely cause an increase in wildfires and exacerbate complications related to prescribed burning or other management needed to restore and maintain habitat for the species. In the current, fragmented landscape, dispersal and genetic exchange for any of these smaller Miami-Dade populations is unlikely, because they exist in isolated habitat patches surrounded by miles of unsuitable habitat (agriculture and urban development). Two privately owned sites in Miami supporting extant populations are vulnerable to development. The largest populations (ENP and BCNP) are vulnerable to hydrologic changes related to Everglades restoration projects and SLR.

SLR projections suggest future inundation and modification to the majority of *Sideroxylon reclinatum* ssp. *austrofloridense* habitat in ENP and BCNP by 2060. Decades prior to inundation, however, pine rocklands, marl prairies, and associated habitats within ENP and BCNP will undergo habitat transitions toward wetter, salt-tolerant plant communities, hydrological changes, and increasing vulnerability to storm surge. Although the effects of SLR within urban Miami-Dade fragments may be less severe, these pine rocklands will, at a minimum, experience partial inundations and vegetation shifts. In addition, many existing Miami-Dade pine rockland fragments are projected to be developed for housing as the human population grows and adjusts to changing sea levels under this scenario.

Digitaria pauciflora

Only two of five historical *Digitaria pauciflora* locations are extant. They are located in BCNP (>10,000 plants) and

ENP (1,000–10,000 plants) on publicly owned conservation lands where habitat management (prescribed fire and nonnative plant control) is ongoing and includes addressing a backlog of long-unburned sites that could result in larger wildfires if burns are not implemented. In addition, although we do not have evidence of direct impacts, given the mapped overlap of ORV trails with *Digitaria pauciflora* locations, ORV use in BCNP has likely resulted in damage to *Digitaria pauciflora* plants and habitat. The scattered small populations that once occurred in Miami-Dade habitat fragments, representing the remainder of the species' historical range, are extirpated, and current habitat management does not allow for prescribed fire to be conducted on a consistent basis. Increasing temperatures and changes in precipitation patterns associated with climate change will likely cause an increase in wildfires and exacerbate complications related to prescribed burning or other management needed to restore and maintain habitat for the species.

Digitaria pauciflora previously occurred within the Richmond Pine Rocklands, an area that retains the largest remaining contiguous privately and publicly owned pine rocklands in Miami-Dade County, outside of ENP. In terms of restoring the species' historical range, the Richmond Pine Rocklands would serve as one of the most important sites in Miami-Dade County for recovery efforts (*i.e.,* reintroduction). The largest populations (ENP and BCNP) are vulnerable to hydrological changes related to Everglades restoration projects and SLR.

SLR projections suggest future partial inundation and modification to the majority of *D. pauciflora* habitat by 2060. Decades prior to inundation, however, pine rocklands, marl prairies, and associated habitats within ENP and BCNP will undergo habitat transitions toward wetter, salt-tolerant plant communities, hydrological changes, and increase in vulnerability to storm surge. Although the effects of SLR within urban Miami-Dade fragments may be less severe, these pine rocklands will, at a minimum, experience partial inundations and vegetation shifts. In addition, many existing Miami-Dade pine rockland fragments are projected to be developed for housing as the human population grows and adjusts to changing sea levels under this scenario.

Chamaesyce deltoidea ssp. pinetorum

Eleven of 20 extant populations are located on publicly owned conservation lands. This includes 10,000–100,000 plants at ENP and 1,000 plants at Navy Wells pineland, where habitat management (prescribed fire and nonnative plant control) is ongoing, and includes addressing a backlog of long-unburned sites that could result in larger wildfires if burns are not implemented. In contrast, in the scattered small populations on Miami-Dade habitat fragments, representing half of the species' historical range, current habitat management does not allow for prescribed fire to be conducted on a consistent basis. Increasing temperatures and changes in precipitation patterns associated with climate change will likely cause an increase in wildfires and exacerbate complications related to prescribed burning or other management needed to restore and maintain habitat for the species. In the current, fragmented landscape, dispersal and genetic exchange for any of these smaller Miami-Dade populations is unlikely, because they exist in isolated habitat patches surrounded by miles of unsuitable habitat (agriculture and urban development). Eight privately owned sites in Miami supporting extant populations are vulnerable to development, two of which support 1,000–10,000 plants each. The largest population (Long Pine Key, ENP) is vulnerable to hydrological changes related to Everglades restoration projects and SLR.

SLR projections suggest future inundation and modification to the majority of *Chamaesyce deltoidea* spp. *pinetorum* habitat by 2060. Decades prior to inundation, however, pine rocklands, marl prairies, and associated habitats within ENP and BCNP will undergo habitat transitions toward wetter, salt-tolerant plant communities, hydrological changes, and increasing vulnerability to storm surge. Although the effects of SLR within urban Miami-Dade fragments may be less severe, these pine rocklands will, at a minimum, experience partial inundations and vegetation shifts. In addition, many existing Miami-Dade pine rockland fragments are projected to be developed for housing as the human population grows and adjusts to changing sea levels under this scenario.

Dalea carthagenensis var. floridana

Six of 9 extant populations are located on publicly owned conservation lands. This total includes 253 plants at BCNP (Monroe County), where prescribed fire and nonnative plant control efforts are adequate to beneficially manage habitat for native species. The two other largest populations occur in Miami-Dade County and consist of 347 plants at Charles Deering Estate, and 307 plants at R. Hardy Matheson Preserve, where current habitat management does not allow for prescribed fire to be conducted on a consistent basis. Higher temperatures and changes in precipitation patterns associated with climate change will likely cause an increase in wildfires and exacerbate complications related to prescribed burning or other management needed to restore and maintain habitat for the species. In the current, fragmented landscape, dispersal and genetic exchange between Miami-Dade populations is unlikely, because they exist in isolated habitat patches surrounded by miles of unsuitable habitat (agriculture and urban development). Three privately owned sites in Miami supporting extant populations are vulnerable to development, two of which support 17 and 21 plants each. The population within BCNP is vulnerable to hydrological changes related to Everglades restoration projects and SLR.

Numerous populations of all plants have been extirpated from these species' historical ranges, and the primary threats of habitat destruction and modification resulting from human population growth and development, agricultural conversion, and inadequate fire management (Factor A); competition from nonnative, invasive species (Factor E); changes in climatic conditions, including SLR and changes in hydrology (Factor E); and natural stochastic events, including hurricanes, storm surges, and wildfires (Factor E) are threats for the existing populations. Existing regulatory mechanisms have not reduced or removed threats impacting the four plants from the other factors (see Factor D discussion). These threats are ongoing, rangewide, and expected to continue in the future. A significant percentage of populations of the four plants are relatively small and isolated from one another, and their ability to recolonize suitable habitat is unlikely without human intervention, if at all. The threats have had and will continue to have substantial adverse effects on *Sideroxlyon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* and their habitats. Although attempts are ongoing to alleviate or minimize some of these threats at certain locations, all populations appear to be impacted by one or more threats.

The Act defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as ''any species

which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' We find that *Dalea carthagenensis* var. *floridana* is presently in danger of extinction throughout its entire range due to the immediacy and severity of threats currently impacting the species. The risk of extinction is high because there are few (9) extant populations and the majority of the populations are small and isolated, and have limited to no potential for recolonization. Therefore, on the basis of the best available scientific and commercial information, we propose to list *Dalea carthagenensis* var. *floridana* as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act. We find that a threatened species status is not appropriate for this species because of the contracted range and small population size of *Dalea carthagenensis* var. *floridana* and because of the current magnitude and severity of the threats on the plant. Because the species is already in danger of extinction throughout its range, a threatened species status is not appropriate.

Sideroxlyon reclinatum ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* face threats similar to *Dalea carthagenensis* var. *floridana.* However, we find that endangered species status is not appropriate for these three species. While we have evidence of threats under Factors A and E affecting the species, large populations of these three species are protected and actively managed at ENP and BCNP (*Sideroxylon reclinatum* ssp. *austrofloridense,* ENP (10,000–100,000 plants); *Digitaria pauciflora,* BCNP (>10,000 plants), and ENP (1,000–10,000 plants); and *Chamaesyce deltoidea* ssp. *pinetorum* ENP (10,000–100,000 plants)). Short- and medium-term threats to these three species in these protected areas are being addressed. On the other hand, SLR is projected to have profound negative effects on the habitat of these plants in the foreseeable future. Therefore, based on the best available information, we find that *Sideroxlyon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* are likely to become endangered species within the foreseeable future throughout all or a significant portion of its range, and we propose to list these species as threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Significant Portion of the Range

Because we have determined that we are proposing to list *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora,* and *Chamaesyce deltoidea* ssp. *pinetorum* as threatened species and *Dalea carthagenensis* var. *floridana* as an endangered species throughout all of their ranges, no portion of their ranges can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Service's SPR Policy (79 FR 37578, July 1, 2014).

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for downlisting or delisting, and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. If these species are listed, a recovery outline, draft recovery plan, and the final recovery plan will be available on our Web site (*http://www.fws.gov/endangered*), or from our South Florida Ecological Service Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive-propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands. If these species are listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of Florida would be eligible for Federal funds to implement management actions that promote the protection or recovery of the four plants. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Although *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* are only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for these species. Additionally, we invite you to submit any new information on these plants whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing

this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within these species' habitat that may require conference or consultation or both as described in the preceding paragraph and include management and any other landscape-altering activities on Federal lands administered by the U.S. Fish and Wildlife Service, National Park Service, and Department of Defense; issuance of section 404 Clean Water Act permits by the Army Corps of Engineers; construction and management of gas pipeline and power line rights-of-way by the Federal Energy Regulatory Commission; construction and maintenance of roads or highways by the Federal Highway Administration; and disaster relief efforts conducted by the Federal Emergency Management Agency.

With respect to endangered plants, prohibitions outlined at 50 CFR 17.61 make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or to remove and reduce to possession any such plant species from areas under Federal jurisdiction. In addition, for endangered plants, the Act prohibits malicious damage or destruction of any such species on any area under Federal jurisdiction, and the removal, cutting, digging up, or damaging or destroying of any such species on any other area in knowing violation of any State law or regulation, or in the course of any violation of a State criminal trespass law. Exceptions to these prohibitions are outlined in 50 CFR 17.62.

With respect to threatened plants, the prohibitions outlined at 50 CFR 17.71 include all of the provisions in 50 CFR 17.61 that apply to endangered plants, with one exception: seeds of cultivated specimens of species treated as threatened shall be exempt from all provisions of 50 CFR 17.61, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container during the course of any activity otherwise subject to these regulations.

Preservation of native flora of Florida (Florida Statutes 581.185) sections (3)(a) and (b) provide limited protection to species listed in the State of Florida Regulated Plant Index including *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* as described under Factor D, *The Inadequacy of Existing Regulatory Mechanisms.* Federal listing increases protection for these plants by making violations of section 3 of the Florida Statute punishable as a Federal offense under section 9 of the Act. This provision provides increased protection from unauthorized collecting and vandalism for the plants on State and private lands, where they might not otherwise be protected by the Act, and increases the severity of the penalty for unauthorized collection, vandalism, or trade in these plants.

The Service acknowledges that it cannot fully address some of the natural threats facing *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* (*e.g.,* hurricanes, storm surge) or even some of the other significant, long-term threats (*e.g.,* climatic changes, SLR). However, through listing, we provide protection to the known populations and any new population of these plants that may be discovered (see discussion below). With listing, we can also influence Federal actions that may potentially impact this plant (see discussion below); this protection is especially valuable if these plants are found at additional locations.

We may issue permits to carry out otherwise prohibited activities involving endangered plants under certain circumstances. Regulations governing permits are codified at 50 CFR 17.62 and 17.72. With regard to endangered plants, the Service may issue a permit authorizing any activity otherwise prohibited by 50 CFR 17.61 and 17.72 for scientific purposes or for enhancing the propagation or survival of endangered plants.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of species proposed for listing. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Import any such species into, or export any such species from, the United States;

(2) Remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law;

(3) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(4) Sell or offer for sale in interstate or foreign commerce any such species;

(5) Introduce any nonnative wildlife or plant species to the State of Florida that competes with or preys upon *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana;*

(6) Release any unauthorized biological control agents that attack any life stage of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana;* or

(7) Engage in unauthorized manipulation or modification of the habitat of *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* on Federal lands.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Field Supervisor of the Service's South Florida Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**). Requests for copies of regulations regarding listed species and inquiries about prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Ecological Services Division, Endangered Species Permits, 1875 Century Boulevard, Atlanta, GA 30345 (Phone 404–679–7140; Fax 404–679–7081).

If *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,*

and *Dalea carthagenensis* var. *floridana* are listed under the Act, the State of Florida's Endangered Species Act (Florida Statutes 581.185) is automatically invoked, which would also prohibit take of these plants and encourage conservation by State government agencies. Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (Florida Statutes 581.185). Funds for these activities could be made available under section 6 of the Act (Cooperation with the States). Thus, the Federal protection afforded to these plants by listing them as threatened or endangered species would be reinforced and supplemented by protection under State law.

Activities that the Service believes could potentially harm these four plants include, but are not limited to:

(1) Actions that would significantly alter the hydrology or substrate, such as ditching or filling. Such activities may include, but are not limited to, road construction or maintenance, and residential, commercial, or recreational development.

(2) Actions that would significantly alter vegetation structure or composition, such as clearing vegetation for construction of residences, facilities, trails, and roads.

(3) Actions that would introduce nonnative species that would significantly alter vegetation structure or composition. Such activities may include, but are not limited to, residential and commercial development, and road construction.

(4) Application of herbicides, or release of contaminants, in areas where these plants occur. Such activities may include, but are not limited to, natural resource management, management of right of ways, residential and commercial development, and road construction.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Service's South Florida Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Critical Habitat

Section 3(5)(A) of the Act defines critical habitat as ''(i) the specific areas within the geographical area occupied by the species, at the time it is listed . . . on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 3(3) of the Act defines conservation as to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary.''

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary will designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist:

(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or

(2) Such designation of critical habitat would not be beneficial to the species.

There is currently no imminent threat of take attributed to collection or vandalism under Factor B for these species, and identification and mapping of critical habitat is not expected to initiate any such threat. Therefore, in the absence of finding that the designation of critical habitat would increase threats to a species, if there are any benefits to a critical habitat designation, a finding that designation is prudent is warranted. Here, the potential benefits of designation include: (1) Triggering consultation under section 7 of the Act, in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is unoccupied; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to these species.

Because we have determined that the designation of critical habitat will not likely increase the degree of threat to the species and may provide some measure of benefit, we determine that designation of critical habitat is prudent for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana.*

Our regulations (50 CFR 424.12(a)(2)) further state that critical habitat is not determinable when one or both of the following situations exists: (1) information sufficient to perform required analysis of the impacts of the designation is lacking; or (2) the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. On the basis of a review of available information, we find that critical habitat for *Sideroxylon reclinatum* ssp. *austrofloridense, Digitaria pauciflora, Chamaesyce deltoidea* ssp. *pinetorum,* and *Dalea carthagenensis* var. *floridana* is not determinable because the specific information sufficient to perform the required analysis of the impacts of the designation is currently lacking.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the proposed rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act, need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

No Native American tribes are affected by the proposed rule.

References Cited

A complete list of references cited in this rulemaking is available on the Internet at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2016–0090 and upon request from the South Florida Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the South Florida Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. In § 17.12(h) add entries for ''*Chamaesyce deltoidea* ssp. *pinetorum*'', ''*Dalea carthagenensis* var. *floridana*'', ''*Digitaria pauciflora*'', and ''*Sideroxylon reclinatum* ssp. *austrofloridense*'' to the List of Endangered and Threatened Plants in alphabetical order under Flowering Plants to read as set forth below:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
FLOWERING PLANTS				
* *	*	*	*	* *
Chamaesyce deltoidea ssp. *pinetorum*	Pineland sandmat	Wherever found	T	[***Federal Register*** *citation of the final rule*].
* *	*	*	*	* *
Dalea carthagenensis var. *floridana*	Florida prairie-clover	Wherever found	E	[***Federal Register*** *citation of the final rule*].
* *	*	*	*	* *
Digitaria pauciflora	Florida pineland crab-grass.	Wherever found	T	***Federal Register*** *citation of the final rule*].
* *	*	*	*	* *
Sideroxylon reclinatum ssp. *austrofloridense*	Everglades bully	Wherever found	T	[***Federal Register*** *citation of the final rule*].
* *	*	*	*	* *

Dated: September 29, 2016.

Stephen Guertin

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2016–24140 Filed 10–7–16; 8:45 am]

BILLING CODE 4333–15–P

FEDERAL REGISTER

Vol. 81 Tuesday,

No. 196 October 11, 2016

Part III

The President

Presidential Determination No. 2016–12 of September 27, 2016—Presidential Determination on Foreign Governments' Efforts Regarding Trafficking in Persons

Presidential Determination No. 2016–13 of September 28, 2016—Presidential Determination on Refugee Admissions for Fiscal Year 2017

Proclamation 9515—German-American Day, 2016

Federal Register
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Presidential Documents

Title 3—

The President

Presidential Determination No. 2016–12 of September 27, 2016

Presidential Determination on Foreign Governments' Efforts Regarding Trafficking in Persons

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (the ''Act'') (22 U.S.C. 7107), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of the Act, with respect to Equatorial Guinea, Iran, South Sudan, Sudan, Venezuela, and Zimbabwe not to provide certain non-humanitarian, non-trade-related assistance for those countries' governments for Fiscal Year (FY) 2017, until such governments comply with the minimum standards or make significant efforts to bring themselves into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(A)(ii) of the Act, with respect to Eritrea, North Korea, Russia, and Syria not to provide non-humanitarian, non-trade-related assistance or to allow funding for participation by officials or employees of those countries' governments in educational and cultural exchange programs for FY 2017, until such governments comply with the minimum standards or make significant efforts to bring themselves into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(B) of the Act to instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against and use best efforts to deny any loan or other utilization of the funds of the respective institution (other than for humanitarian assistance, for trade-related assistance, or for development assistance that directly addresses basic human needs, is not administered by the government of such country, and confers no benefit to that government) to Eritrea, Iran, North Korea, Russia, and Zimbabwe for FY 2017, until such governments comply with the minimum standards or makes significant efforts to bring themselves into compliance;

Determine, consistent with section 110(d)(4) of the Act, with respect to Algeria, Belarus, Belize, Burma, Burundi, the Central African Republic, Comoros, Djibouti, The Gambia, Guinea-Bissau, Haiti, Marshall Islands, Mauritania, Papua New Guinea, Suriname, Turkmenistan, and Uzbekistan that provision to these countries' governments of all programs, projects, or activities described in sections 110(d)(1)(A) and 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Equatorial Guinea, South Sudan, Sudan, Syria, and Venezuela, that assistance described in section 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Eritrea, Russia, and Syria, that a partial waiver to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Equatorial Guinea, that a partial waiver to allow assistance described in section 110(d)(1)(A)(i) of the Act to promote sustainable natural resource management and biodiversity and programs to advance energy access; and support the participation of government employees or officials in young leader exchanges and leadership programs would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to South Sudan, that a partial waiver to allow assistance and programs described in section 110(d)(1)(A)(i) of the Act, with the exception of Foreign Military Financing, Foreign Military Sales, and Excess Defense Articles, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to South Sudan, that a waiver to allow assistance to be provided pursuant to section 1208 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), to the extent that such programs would otherwise be restricted by the Act, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Sudan, that a partial waiver to allow assistance and programs described in section 110(d)(1)(A)(i) of the Act, with the exception of Foreign Military Financing, Foreign Military Sales, International Military Education and Training, Peacekeeping Operations, and Excess Defense Articles, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Venezuela, that a partial waiver to allow for assistance described in section 110(d)(1)(A)(i) of the Act to strengthen the democratic process in Venezuela and for participation by government officials and employees in foreign assistance-funded programs related to democracy and rule of law would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Zimbabwe, that a partial waiver to allow for assistance described in section 110(d)(1)(A)(i) of the Act to support programs that provide assistance for victims of trafficking in persons, promote biodiversity and wildlife protection, health, good governance, education, leadership, agriculture and food security, poverty reduction, livelihoods, family planning and reproductive health, macroeconomic growth, that would have a significant adverse effect on vulnerable populations if suspended, and allow for the participation of government employees or officials in young leader exchanges and leadership programs, would promote the purposes of the Act or is otherwise in the national interest of the United States;

And determine, consistent with section 110(d)(4) of the Act, with respect to Zimbabwe, that assistance described in section 110(d)(1)(B) of the Act, which:

(1) is a regional program, project, or activity under which the total benefit to Zimbabwe does not exceed 10 percent of the total value of such program, project, or activity;

(2) has as its primary objective the addressing of basic human needs, as defined by the Department of the Treasury with respect to other, existing legislative mandates concerning U.S. participation in the multilateral development banks;

(3) is complementary to or has similar policy objectives to programs being implemented bilaterally by the United States Government;

(4) has as its primary objective the improvement of Zimbabwe's legal system, including in areas that impact Zimbabwe's ability to investigate

and prosecute trafficking cases or otherwise improve implementation of its anti-trafficking policy, regulations, or legislation;

(5) is engaging a government, international organization, or civil society organization, and seeks as its primary objective(s) to: (a) increase efforts to investigate and prosecute trafficking in persons crimes; (b) increase protection for victims of trafficking through better screening, identification, rescue/removal, aftercare (shelter, counseling), training, and reintegration; or (c) expand prevention efforts through education and awareness campaigns highlighting the dangers of trafficking in persons or training and economic empowerment of populations clearly at risk of falling victim to trafficking; or

(6) is targeted macroeconomic assistance from the International Monetary Fund that strengthens the macroeconomic management capacity of Zimbabwe; would promote the purposes of the Act; or is otherwise in the national interest of the United States.

The certification required by section 110(e) of the Act is provided herewith.

You are hereby authorized and directed to submit this determination to the Congress, and to publish it in the *Federal Register.*

THE WHITE HOUSE,
Washington, September 27, 2016

[FR Doc. 2016–24734
Filed 10–7–16; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Presidential Determination No. 2016–13 of September 28, 2016

Presidential Determination on Refugee Admissions for Fiscal Year 2017

Memorandum for the Secretary of State

In accordance with section 207 of the Immigration and Nationality Act (the ''Act'') (8 U.S.C. 1157), and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 110,000 refugees to the United States during Fiscal Year (FY) 2017 is justified by humanitarian concerns or is otherwise in the national interest; provided that this number shall be understood as including persons admitted to the United States during FY 2017 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided that the number of admissions allocated to the East Asia region shall include persons admitted to the United States during FY 2017 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members):

Africa	35,000
East Asia	12,000
Europe and Central Asia	4,000
Latin America and the Caribbean	5,000
Near East and South Asia	40,000
Unallocated Reserve	14,000

The 14,000 unallocated refugee numbers shall be allocated to regional ceilings, as needed. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to use unallocated admissions in regions where the need for additional admissions arises.

Additionally, upon notification to the Judiciary Committees of the Congress, you are further authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred. Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2017, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. Persons in Cuba

b. Persons in Eurasia and the Baltics

c. Persons in Iraq

d. Persons in Honduras, Guatemala, and El Salvador

e. In exceptional circumstances, persons identified by a United States Embassy in any location

You are authorized and directed to publish this determination in the *Federal Register.*

THE WHITE HOUSE,
Washington, September 28, 2016

[FR Doc. 2016–24736
Filed 10–7–16; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Proclamation 9515 of October 5, 2016

German-American Day, 2016

By the President of the United States of America

A Proclamation

For centuries, German immigrants have ventured to American shores for the same reasons as so many others—to pursue new lives in a land of opportunity and forge brighter futures for themselves and their families. These immigrants and their descendants have changed the course of our history and paved our country's path of progress, and on German-American Day, we recognize their role in building a stronger and more prosperous Nation for all our people.

From those who were among our earliest settlers and farmers to today's innovative leaders in business and public service, German Americans have shaped every sector of our society. More Americans can trace their roots to Germany than to any other nation, and elements of German heritage are embedded deeply in our country's character. German Americans have, throughout our history, proven that our diversity is one of our greatest strengths, and that no matter where we come from, as Americans we are united by the ideal that we are all created equal.

Today, the alliance between the United States and Germany is one of the closest the world has ever known. Our cooperation in striving to protect the security and sustainability of our planet is guided by the enduring friendship between our citizens and the experiences and values that bind us together. On this occasion, let us honor the achievements of German Americans by renewing our devotion to beliefs borne out of common experience—by creating opportunity that lifts up not just the few but the many, and by affirming the inherent dignity and equality of every human being.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2016, as German-American Day. I encourage all Americans to learn more about the history of German Americans and reflect on the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

[FR Doc. 2016–24744
Filed 10–7–16; 11:15 am]
Billing code 3295–F7–P

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