

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

RIN 0503-AA59

#### Designation of First Assistants

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends the existing delegations of authority to provide for the designation of First Assistants to positions to which appointment is required to be made by the President with the advice and consent of the Senate.

**DATES:** Effective July 15, 2016.

**FOR FURTHER INFORMATION CONTACT:** Melissa McClellan, Office of the General Counsel, USDA, 3311-South Bldg., 1400 Independence Avenue SW., Washington, DC 20250, (202) 720-9425, [melissa.mcclellan@usda.gov](mailto:melissa.mcclellan@usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 3345 of title 5, United States Code, provides that when an officer of an Executive agency whose appointment is required to be made by the President with the advice and consent of the Senate dies, resigns, or is otherwise unable to perform the functions and duties of the office, the first assistant to the office of such officer ("First Assistant") may perform temporarily the functions and duties of the office in an acting capacity. This rule authorizes the Secretary to establish a First Assistant to each office within the Department of Agriculture to which appointment is required to be made by the President with the advice and consent of the Senate ("PAS office").

If there is a principal deputy position to the PAS office, the principal deputy position is the First Assistant. If there is no position with the title "principal deputy," but there is one, and only one,

deputy position to the PAS office, that deputy position is the First Assistant. If there is more than one deputy position to the PAS office, and the delegations of authority by the Secretary published in part 2 of title 7 of the CFR establish which deputy has the authority to perform all the duties and exercise all the powers of the PAS office, then that deputy delegated such authority is the First Assistant.

If there is no position or deputy that qualifies as a First Assistant under these tests, then the Secretary may designate in writing a First Assistant position to the PAS office, with the exception of the Inspector General.

#### Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, 7 CFR part 2 is amended as follows:

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

**Authority:** 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949-1953 Comp., p. 1024.

■ 2. Add § 2.6 to subpart B to read as follows:

#### § 2.6 Designation of first assistants.

(a) Every office within the Department to which appointment is required to be

made by the President with the advice and consent of the Senate ("PAS Office") may have a First Assistant within the meaning of 5 U.S.C. 3345-3349d.

(1) Where there is a position of principal deputy to the PAS Office, the principal deputy shall be the First Assistant.

(2) Where there is only one deputy position to the PAS Office, the official in that position shall be the First Assistant.

(3) Where there is more than one deputy position to the PAS Office, and this part establishes which deputy is delegated the authority to perform all the duties and exercise all the powers of the PAS Office during the absence or unavailability of the PAS official, the deputy delegated such authority shall be the First Assistant.

(4) Where neither paragraph (a)(1), (2), nor (3) of this section is applicable to the PAS Office, except as provided in paragraph (b) of this section, the Secretary may designate in writing the First Assistant position.

(b) The Inspector General of the Department shall determine any arrangements for the temporary performance of the functions and duties of the Inspector General when that office is vacant.

**Thomas J. Vilsack,**

*Secretary of Agriculture.*

[FR Doc. 2016-16599 Filed 7-14-16; 8:45 am]

**BILLING CODE 3410-90-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 171

[NRC-2008-0664]

RIN 3150-AI54

#### Variable Annual Fee Structure for Small Modular Reactors; Corrections

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published a final rule in the **Federal Register** on May 24, 2016, amending its licensing, inspection, and annual fee regulations to establish a variable annual fee

structure for light-water small modular reactors. The final rule contained a grammatical error in a definition, an incorrect reference format, and an incomplete signature date. This document corrects the final rule by revising the sections that contain these errors and completing the signature date.

**DATES:** This rule is effective on July 15, 2016.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0664 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-2008-0664. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto: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](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (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:** Michele Kaplan, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-5256, email: [Michele.Kaplan@nrc.gov](mailto:Michele.Kaplan@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC published a final rule in the **Federal Register** on May 24, 2016 (81 FR 32617), effective June 23, 2016, amending its licensing, inspection, and annual fee regulations in parts 170 and 171 of title 10 of the *Code of Federal Regulations* to establish a variable annual fee structure for light-water small modular reactors. The final rule contained a grammatical

error in the definition of *variable rate* that was added to § 171.5, "Definitions," and an incorrect reference format in a paragraph that was added to § 171.15, "Annual fees: Reactor licenses and independent spent fuel storage licenses." The final rule also included an incomplete signature date for the rule. This document corrects the final rule by revising the definition for *variable rate*, revising the reference format in § 171.15(e)(1), and correcting the signature date for the final rule.

### Rulemaking Procedure

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on the amendments because they will have no substantive impact and are of a minor and administrative nature dealing with corrections to certain CFR sections related only to management, organization, procedure, and practice. Specifically, these amendments are to correct grammatical errors and to revise cross-references to comply with the Office of the Federal Register's Document Drafting Handbook. These amendments do not require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC. Furthermore, for the reasons stated above, the NRC finds, pursuant to 5 U.S.C. 553(d)(3), that good cause exists to make this rule effective upon publication of this notice.

### Correction to the Signature Date

In FR Doc. 2016-11975 appearing on page 32617 in the **Federal Register** of Tuesday, May 24, 2016, the following correction to the signature date is made:

1. On page 32628, in the first column, the signature date is corrected to read as follows: Dated at Rockville, Maryland, this 6th day of May, 2016.

### List of Subjects in 10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553,

the NRC is adopting the following correcting amendments to 10 CFR part 171:

### PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 1. The authority citation for part 171 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2214; 44 U.S.C. 3504 note.

■ 2. In § 171.5, revise the definition of *variable rate* to read as follows:

#### § 171.5 Definitions.

\* \* \* \* \*

*Variable rate* means a per-MWt fee factor applied to all bundled units on site with a licensed thermal power rating less than or equal to 2,000 MWt. For the first bundled unit on a site with a licensed thermal power rating greater than 250 MWt and less than or equal to 2,000 MWt, the variable rate is based on the difference between the maximum fee and the minimum fee, divided by 1,750 MWt (the variable fee licensed thermal rating range). For additional bundled units with a licensed thermal power rating less than or equal to 2,000 MWt, the variable rate is based on the maximum fee divided by 2,000 MWt.

■ 3. In § 171.15, revise paragraph (e)(1) to read as follows:

#### § 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.

\* \* \* \* \*

(e)(1) Each person holding an operating license for an SMR issued under 10 CFR part 50 or a combined license issued under 10 CFR part 52 after the Commission has made the finding under 10 CFR 52.103(g), shall pay the annual fee for all licenses held for an SMR site. The annual fee will be determined using the cumulative licensed thermal power rating of all SMR units and the bundled unit concept, during the fiscal year in which the fee is due. For a given site, the use of the bundled unit concept is independent of the number of SMR plants, the number of SMR licenses issued, or the sequencing of the SMR licenses that have been issued.

\* \* \* \* \*

Dated at Rockville, Maryland, this 8th day of July 2016.

For the Nuclear Regulatory Commission.

**Theresa Barczy,**

*Acting Branch Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 2016–16659 Filed 7–14–16; 8:45 am]

BILLING CODE 7590–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. FAA–2016–3462; Notice No. 23–275–SC]

#### Special Conditions: Cirrus Design Corporation, Model SF50; Whole Airplane Parachute Recovery System

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Cirrus Design Corporation (Cirrus), model SF50 airplane. This airplane will have a novel or unusual design feature(s) associated with a whole airplane parachute recovery system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** These special conditions are effective August 15, 2016 and are applicable on July 6, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bob Stegeman, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust; Kansas City, Missouri 64106; telephone (816) 329–4140; facsimile (816) 329–4090.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 9, 2008, Cirrus Design Corporation applied for a type certificate for their new SF50 airplane. The SF50 is a seven seat (five adults and two children), pressurized, retractable gear, carbon composite, single engine jet airplane. The airplane will have a Maximum Take-Off Weight of 6,000 pounds, a Maximum Operating Speed of 250 Knots Calibrated Airspeed (KCAS), and a Maximum Operating Altitude of 28,000 feet.

Cirrus intends to install a whole airplane ballistic parachute system (BPS) called the Cirrus Airframe Parachute System (CAPS). This installation couples the BPS with the automatic flight controls. The CAPS will be installed as standard equipment on the SF50 airplane. Unlike the SR20 and SR22 airplanes CAPS, the SF50 CAPS is a supplemental system and no credit for the system will be used to meet part 23 requirements. The SF50 CAPS design will require some performance enhancements over existing technology used in other BPS.

The system will consist of the recovery parachute, activation and deployment systems, and autopilot functions. The SF50 CAPS will be designed for a higher gross weight, maximum activation speed, and maximum operating altitude.

Whole airplane parachute recovery systems are intended to save the lives of the occupants in life-threatening situations for which normal emergency procedures have been exhausted. Potential emergencies include, but are not limited to—loss of power or thrust; loss of airplane control; pilot disorientation; pilot incapacitation with a passenger on board; mechanical or structural failure; icing; and accidents resulting from pilot negligence or error. The recovery system should prioritize protection from most probable hazards, but it is not reasonable to expect it to protect occupants from every possible situation.

This technology, which was originally developed for ultralight and experimental aircraft, was first approved for general aviation airplanes with a Supplemental Type Certificate for the Cessna model 150/152 airplanes. The FAA issued special conditions for these airplanes to incorporate ballistic recovery systems on October 22, 1987 (Special Condition No. 23–ACE–33; Ballistic Recovery System, Inc., Modified Cessna 150/A150 Series Airplanes and 152/A152 Model Airplanes to Incorporate the GARD–150 System; Docket No. 037CE) (FR Doc. 87–26420, November 11, 1987). These special conditions were later modified for the other general aviation airplanes (Special Condition No. 23–ACE–76; Ballistic Recovery Systems, Modified for Small General Aviation Airplanes; Docket No. 118CE) (FR Doc. 94–16233, August 5, 1994), including the Cirrus Design Corporation SR20 airplanes (Special Condition No. 23–ACE–88, Ballistic Recovery Systems Cirrus SR20 Installation, Docket No. 136CE) (FR Doc. 97–27504, October 15, 1997).

The previously FAA-approved BPS consists of a parachute packed in a

compartment within the airframe. A solid propellant rocket motor, adjacent to the parachute pack, extracts the parachute. A mechanical pull handle mounted within reach of the pilot and copilot or passenger activates the system. At least two separate independent actions are necessary to activate the system.

In addition to a normal BPS, the SF50 CAPS system will incorporate an airbag to assist deployment and a system for sequencing deployment and interfacing with the airplane's avionics. The avionics interface is intended to bring the airplane within a valid deployment envelope speed (67–160 KCAS).

The SF50 CAPS is a non-required system that differs from other BPS in that it will interact with the flight control system and other airplane systems. The baseline special conditions must incorporate the required level of safety for the normal BPS as well as the aspect that interfaces with the airplane. Since it is a non required system, additional latitude exists to evaluate and substantiate the system so it will present no additional hazards.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, Cirrus Design Corporation must show that the SF50 meets the applicable provisions of part 23, as amended by amendments 23–1 through 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the SF50 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the SF50 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the “Noise Control Act of 1972.”

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.