

and a 30-day delay in the rule's effective date. Because this minor amendment is strictly technical in nature, providing notice and comment and delaying the effective date are unnecessary.

Moreover, in clarifying the meaning of "employee," this rule is an interpretative rule and thus exempt from notice and comment and a delay in effective date pursuant to 5 U.S.C. 553(b) and 553(d)(2), respectively. Finally, this rule recognizes exemptions, which exempts the rule from the 30-day delayed effective date pursuant to 5 U.S.C. 553(d)(1). Nonetheless, this interim final rule provides a 60-day comment period for agencies and the public. The Office of Government Ethics will review any comments received during the comment period and consider any modifications to this rule that appear warranted.

#### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this interim final rule would not have a significant economic impact on a substantial number of small entities because it primarily affects covered employees.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

#### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this interim final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

#### *Congressional Review Act*

The Office of Government Ethics has determined that this rulemaking involves a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will, before the interim final rule takes effect, submit a report thereon to the U.S. Senate, House of Representatives and General Accounting Office in accordance with that law.

#### *Executive Order 12866*

In promulgating this rule amendment, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of

regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. The Office of Management and Budget has determined that this technical rule amendment is not "significant" under Executive Order 12866.

#### *Executive Order 12988*

As Director of the Office of Government Ethics, I have reviewed this interim final rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

#### **List of Subjects in 5 CFR Part 2640**

Conflict of interests, Government employees.

Approved: August 30, 2016.

**Walter M. Shaub, Jr.,**

*Director, Office of Government Ethics.*

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics amends 5 CFR part 2640 as follows:

#### **PART 2640—INTERPRETATION, EXEMPTIONS AND WAIVER GUIDANCE CONCERNING 18 U.S.C. 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)**

- 1. The authority citation for part 2640 continues to read as follows:

**Authority:** 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 208; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

- 2. Revise the first sentence of § 2640.102(b) to read as follows:

#### **§ 2640.102 Definitions.**

\* \* \* \* \*

(b) *Employee* means an officer or employee of the executive branch of the United States, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, an officer or employee of the District of Columbia, or any other individual subject to requirements of 18 U.S.C. 208. \* \* \*

\* \* \* \* \*

[FR Doc. 2016–21293 Filed 9–2–16; 8:45 am]

**BILLING CODE 6345–03–P**

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 171**

[NRC–2015–0223]

**RIN 3150–AJ66**

### **Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016; Correction**

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) published a final rule amending regulations that became effective August 23, 2016. The fiscal year (FY) 2016 final fee rule, published June 24, 2016, amended the licensing, inspection, special project, and annual fees charged to NRC applicants and licensees. This document corrects the annual fee for materials licensees in the category "Nuclear laundries" from the FY 2016 rate of \$0 to the FY 2015 rate of \$40,100. This correction allows Agreement States to continue to collect fees in this fee category.

**DATES:** *Effective Date:* September 6, 2016.

**ADDRESSES:** Please refer to Docket ID NRC–2015–0223 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–2015–0223. 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).

- *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*.

**SUPPLEMENTARY INFORMATION:** The NRC published a final rule amending regulations that became effective August 23, 2016. The FY 2016 final fee rule, published June 24, 2016 (81 FR 41171), amended the licensing, inspection, special project, and annual fees charged to NRC applicants and licensees.

Fee category 6.A. under § 171.16(d) includes fees for licenses for the commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218]. Because the NRC has no licensees in this category, the final rule inadvertently set the fee amount at \$0. However, there are several Agreement States with licensees in this category. Agreement States that regulate nuclear laundries incorporate by reference the NRC fee schedule into their own regulations to establish their fees. To establish a fee for nuclear laundries in the absence of an NRC fee amount, the Agreement States would need to initiate a rulemaking, a timely and costly solution to fix the NRC's administrative oversight. Therefore, the NRC is correcting this oversight and changing the annual fee for fee category 6.A. for materials licensees from the FY 2016 rate of \$0 to the FY 2015 rate of \$40,100. This correction will have no material impact on the fees paid by NRC licensees for services; it will, however, allow Agreement States to continue to

set and collect fees for regulated services in the equivalent fee category.

**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 this amendment. This amendment is needed to correct an inadvertent error by the NRC, which removed the fee amount for nuclear laundries. The NRC incorrectly believed that there would be no consequences to removing the fee amount because there are no NRC-regulated nuclear laundries for which the NRC must collect fees. However, the NRC did not realize that many Agreement States regulating nuclear laundries base their fees upon the NRC-prescribed amount. Removal of the NRC fee would have the unforeseen and unintended adverse consequence of preventing those Agreement States from collecting fees from nuclear laundries regulated by those Agreement States. This rulemaking merely restores the previously prescribed fee for NRC-regulated nuclear laundries. The sole purpose of this rulemaking is to allow those Agreement States that base their fees on the NRC-prescribed amount to collect fees from nuclear laundries regulated by those Agreement States. As set forth earlier, this action has no effect on NRC-regulated entities because there are no NRC-regulated nuclear laundries. For these reasons, 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.

**List of Subjects in 10 CFR Part 171**

Annual charges, Approvals, Byproduct material, Holders of certificates, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Registrations, 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 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 § 171.16, paragraph (d), revise fee category 6.A. of the table to read as follows:

**§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.**

\* \* \* \* \*  
(d) \* \* \*

**SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC**

[See footnotes at end of table]

Category of materials licenses	Annual fees <sup>1 2 3</sup>
* * * * *	
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material [Program Code(s): 03218] .....	\$40,100
* * * * *	

<sup>1</sup> Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1, 2015, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

<sup>2</sup> Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

<sup>3</sup> Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

\* \* \* \* \*

Dated at Rockville, Maryland, this 30th day of August, 2016.

For the Nuclear Regulatory Commission.

**Cindy Bladey,**

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

[FR Doc. 2016-21270 Filed 9-2-16; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-8989; Directorate Identifier 2016-CE-025-AD; Amendment 39-18641; AD 2016-17-04 R1]

**RIN 2120-AA64**

#### Airworthiness Directives; All Hot Air Balloons

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are revising Airworthiness Directive (AD) 2016-17-04, which applies to all hot air balloons equipped with BALÓNY KUBÍČEK spol. s r.o. Model Kubíček burners. Both the original and revised AD result from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. This AD action revises AD 2016-17-04 to eliminate certain unnecessary documentation requirements.

**DATES:** This AD is effective on September 6, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 29, 2016 (81 FR 57449, August 23, 2016).

We must receive comments on this AD by October 21, 2016.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact BALÓNY KUBÍČEK spol. s r. o., Jarní 2a, 614 00 Brno, Czech Republic, telephone: +420 545 422 620; fax: +420 545 422 621; email: [info@kubicekballoons.cz](mailto:info@kubicekballoons.cz); Internet: <http://www.kubicekballoons.eu>. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available on the Internet at <http://www.regulations.gov> by searching for locating Docket No. FAA-2016-8989.

#### 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-2016-8989; 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 street address for the Docket 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:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4123; fax: (816) 329-4090; email: [karl.schletzbaum@faa.gov](mailto:karl.schletzbaum@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On August 16, 2016, we issued AD 2016-17-04, Amendment 39-18617 (81 FR 57449, August 23, 2016). That AD required actions intended to address an unsafe condition on all hot air balloons equipped with a Kubíček burner and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. That MCAI states:

Three propane leaks were reported in the recent past on a burner manufactured by Balóny Kubíček spol. s r.o., equipped with the fuel hoses made of hose material "EGEFLEX".

This condition, if not detected and corrected, could result in a fire, damaging the balloon and its envelope, ultimately leading to an emergency landing, with consequent injury to balloon occupants and persons on the ground.

To address this potential unsafe condition, Balóny Kubíček spol. s r.o. (the hose assemblies' manufacturer) published Service Bulletin (SB) N° BB/50, BB-S/11, AB24 rev. 1, which provides instructions for replacement of the affected fuel hoses with an improved part. As the affected burner and related fuel hoses can easily be installed on other hot air balloons, this AD applies to all possibly affected type designs.

For the reasons described above, this AD required identification and replacement of the affected fuel hoses.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-8989.

Since we issued AD 2016-17-04, Amendment 39-18617 (81 FR 57449, August 23, 2016), we have determined that the AD should be revised to eliminate the unnecessary need to document the AD by logbook entry when the hot air balloon does not have fuel hoses made of "EGEFLEX" material. Therefore, the FAA determined that the inspection required should be eliminated and the applicability should be narrowed to only include those balloons that have both the Kubíček burner and fuel hoses made of "EGEFLEX" material installed.

#### Related Service Information Under 14 CFR Part 51

BALÓNY KUBÍČEK spol. s r.o. has issued Service Bulletin No. BB/50, BB-S/11, AB24 rev.1, dated May 12, 2016. The service information describes procedures for replacing all fuel hoses on burners that are made of "EGEFLEX" material. 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 of this AD.

#### FAA's Determination and Requirements of This 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of