

have access to special nuclear material. Not knowing this information could cause harm to the public and national security.

Dated at Rockville, Maryland, this 23rd of August, 2016.

For the Nuclear Regulatory Commission.

**David Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2016-20564 Filed 8-26-16; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2015-0257]

### Information Collection: NRC Form 277, Request for Visit

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "NRC Form 277, Request for Visit."

**DATES:** Submit comments by September 28, 2016.

**ADDRESSES:** Submit comments directly to the OMB reviewer at: Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150-0051), NEOB-10202, Office of Management and Budget, Washington, DC 20503; telephone: 202-395-7315, email: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [INFOCOLLECTS.Resource@nrc.gov](mailto:INFOCOLLECTS.Resource@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC-2015-0257 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-2015-0257.
- *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 supporting statement is available in ADAMS under Accession No. ML16200A112.

- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [INFOCOLLECTS.Resource@nrc.gov](mailto:INFOCOLLECTS.Resource@nrc.gov).

##### B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

#### II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "NRC Form 277, Request for Visit." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it

displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 31, 2016, (81 FR 18650).

1. *The title of the information collection:* NRC Form 277, Request for Visit.
2. *OMB approval number:* 3150-0051.
3. *Type of submission:* Extension.
4. *The form number if applicable:* NRC Form 277.
5. *How often the collection is required or requested:* As needed.
6. *Who will be required or asked to respond:* Licensees and NRC contractors.
7. *The estimated number of annual responses:* 60.
8. *The estimated number of annual respondents:* 60.
9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 10 hours.

10. *Abstract:* NRC Form 277 is completed by NRC contractors and licensees who have been granted an NRC access authorization and require verification of that access authorization and need-to-know due to (1) a visit to NRC (2) a visit to other contractors/licensees or government agencies in which access to classified information will be involved or (3) unescorted area access is desired.

Dated at Rockville, Maryland, this 23rd day of August, 2016.

For the Nuclear Regulatory Commission.

**David Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2016-20562 Filed 8-26-16; 8:45 am]

**BILLING CODE 7590-01-P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

*Summary:* In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and purpose of information collection:* Vocational Report; OMB 3220-0141.

Section 2 of the Railroad Retirement Act (RRA) provides for payment of disability annuities to qualified employees and widow(ers). The establishment of permanent disability for work in the applicant's "regular occupation" or for work in any regular employment is prescribed in 20 CFR 220.12 and 220.13 respectively.

The RRB utilizes Form G-251, *Vocational Report*, to obtain an applicant's work history. This information is used by the RRB to determine the effect of a disability on an applicant's ability to work. Form G-251 is designed for use with the RRB's disability benefit application forms and is provided to all applicants for employee disability annuities and to those applicants for a widow(er)'s disability annuity who indicate that they have been employed at some time.

The RRB recently received short-term approval of a Request for Emergency Clearance from the Office of Management and Budget for this information collection. In response to that request the RRB received comments from 3 railroad labor organizations commenting on the RRB's action. The comments centered on the collection of information associated with the following items:

- Item 12, "Describe the essential duties of the position": Comments received preferred the use of the term "basic" rather than "essential" stating the use of "essential" duties "is subjective, and could mislead an employee to inadvertently fail to list something that may be significant to the Board's examiner."
- Item 13, "Describe the environmental conditions that the

position exposes you to": Comments received preferred the use of the term "hazards" rather than "conditions" stating that the use of the term "conditions" may lead the employee respondent and the RRB claim examiners to different conclusions simply by changing the terms used, *i.e.*, "a hazard explains a present danger, or more importantly, a risk to the employee's life, health or safety. A condition, on the other hand, could be anything that either carries risk with it or is benign in nature."

- Item 14, "Indicate below the kind and amount of physical activity this job involved during a typical 8-hour workday": Comments received stated that many railroad operating employees do not have a routine day or typical work day and that the question does not adequately provide for employees "who are subject to duty periods of 12 hours."

- Item 15, "Has your employer made permanent adjustments to this job to accommodate you": Comments ranged from the question "asks an employee to speculate on the kind of accommodations an employer has made to accommodate them" to "employees may receive informal or temporary accommodations that do not rise to the level of a permanent accommodation." Additional comments expressed concern that RRB examiners may interpret non-permanent accommodations as an indicator that an employee may not have a disability.

RRB staff responded to the railroad labor organizations' comments, specifically with regard to:

- Item 12: Whereas it was acknowledged that the use of either term "essential" or "basic" can be subjective, the RRB decided to use the term "essential" to address any allegations that the RRB awards disability benefits to individuals if they are incapable of performing a simple non-essential task. If a duty is unintentionally omitted, the RRB believes the information requested in subsequent questions 13 and 14 will

capture that information. Lastly, the RRB assured commenters that the appropriate legal standard will be applied when adjudicating a disability application.

- Item 13: Use of the term "conditions" provides an RRB claims examiner with all the environmental conditions that an applicant is exposed to, not just the environmental hazards. It is intended to be inclusive and capture the essence of all experiences at work, whether they are hazardous or benign in nature.

- Item 14: The purpose of the question is to provide the RRB examiner with an understanding of the types of physical activities required in the performance of the applicant's jobs. The RRB uses 8 hours as the typical work schedule to estimate the hours worked daily by an employee. However, the instructions to Item 14 provide the employee the option to check the exact number of hours worked daily.

- Item 15: A work accommodation can be relevant in determining whether an individual is disabled. The RRB determined, consistent with RRB Legal Opinion 98-15, that accommodations are to be taken into consideration if they are essential to the performance of the employee's particular occupation and only if the accommodated job was performed consistently for at least 5 years. Item 15, allows the RRB to gather specific information about whether accommodations provided should be considered in accordance with Legal Opinion 98-15. Applicants are not asked to speculate about accommodations, but to provide information about accommodations actually put into effect.

After a careful and thorough evaluation of the comments received, the RRB is now moving forward with a standard renewal of the information collection. No changes are proposed to Form G-251. Completion is required to obtain or retain a benefit. One response is requested of each respondent.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-251 (with assistance) .....	5,730	40	3,820
G-251 (without assistance) .....	270	50	225
Total .....	6,000	.....	4,045

*Additional Information or Comments:* To request more information or to obtain a copy of the information

collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751-4981 or

[Dana.Hickman@RRB.GOV](mailto:Dana.Hickman@RRB.GOV). Comments regarding the information collection should be addressed to Charles

Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or emailed to [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV). Written comments should be received within 60 days of this notice.

**Charles Mierzwa,**

*Chief of Information Resources Management.*

[FR Doc. 2016-20675 Filed 8-26-16; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736

Extension: Regulation S  
SEC File No. 270-315, OMB Control No. 3235-0357

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation S (17 CFR 230.901 through 230.905) sets forth rules governing offers and sales of securities made outside the United States without registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Regulation S clarifies the extent to which Section 5 of the Securities Act applies to offers and sales of securities outside of the United States. Regulation S is assigned one burden hour for administrative convenience.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: August 23, 2016.

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2016-20570 Filed 8-26-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-78643; File No. SR-BatsBZX-2016-34]

### Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change to BZX Rule 14.11(i), Managed Fund Shares, To List and Trade Shares of the ProShares Crude Oil Strategy ETF

August 23, 2016.

On July 1, 2016, Bats BZX Exchange, Inc. ("BZX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the ProShares Crude Oil Strategy ETF, a series of ProShares Trust, under Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on July 21, 2016.<sup>3</sup> The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 78346 (July 15, 2016), 81 FR 47475.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates October 19, 2016, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-BatsBZX-2016-34).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2016-20574 Filed 8-26-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-78642; File No. SR-NASDAQ-2016-071]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the First Trust CEF Income Opportunity ETF and the First Trust Municipal CEF Income Opportunity ETF

August 23, 2016.

#### I. Introduction

On May 10, 2016, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares ("Shares") of the First Trust CEF Income Opportunity ETF ("CEF Income Opportunity Fund") and First Trust Municipal CEF Income Opportunity ETF ("Municipal CEF Income Opportunity Fund" and collectively, "Funds") under Nasdaq Rule 5735. On May 20, 2016, the Exchange submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission published notice of the proposed rule change, as

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Amendment No. 1 is available at <https://www.sec.gov/comments/sr-nasdaq-2016-71/nasdaq2016071-2.pdf>.