

standard with a highly reproducible measure.

Aside from the clarity of its use as an enforcement tool, the APA standard is also familiar to industry. Not only does it reflect the work of a voluntary standard development organization in which industry members participated, it has been incorporated by reference into the Department of Transportation's regulations for the shipment of fireworks.<sup>8</sup> Under this interpretation, CPSC will be testing fireworks devices in line with the APA standard when determining which devices are intended to produce an audible effect.

#### B. Interpretive Rule

For the foregoing reasons, the Commission proposes to interpret the phrase "Fireworks devices intended to produce audible effects" in a manner consistent with the APA voluntary standard and DOT regulations. Under this interpretation, the Commission will consider the presence in the burst (or break) charge of a fireworks device of metallic powder less than 100 mesh in particle size to mean that the device is intended to produce an audible effect. Likewise, if the device lacks such metallic powder, staff will consider it as not intended to produce an audible effect. This change, as noted above, will not alter the rule or any party's obligations under it in any way, but it will allow the Commission to enforce that rule more efficiently.

#### C. Request for Comment

The Commission requests comments on all aspects of the proposed interpretation. In particular, given the handmade nature of these products, the Commission requests comments on whether there should be an allowance for contamination at a level that would not pose an injury hazard to fireworks users or bystanders. We seek comments to determine whether we can exercise some flexibility in enforcement. We would not be setting an enforceable contamination allowance but, in an enforcement proceeding, we may consider allowing some contamination if we receive information supporting the position that inadvertent low level contamination by these metals can occur in the manufacturing process.

If so, please provide the CPSC information and data regarding what an appropriate allowance should be.

Dated: August 26, 2016.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 4

**RIN 3038-AE47**

### Commodity Pool Operator Annual Report

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On August 5, 2016, the Commodity Futures Trading Commission (Commission or CFTC) published in the **Federal Register** a notice of proposed rulemaking (Proposal) to amend certain of its regulations applicable to the Annual Report that each person registered or required to be registered as a commodity pool operator (CPO) must distribute for each commodity pool that it operates. As is explained below, the Commission is extending for two weeks the comment period for the Proposal.

**DATES:** The comment period for the Proposal published on August 5, 2016, at 81 FR 51828, is extended until September 20, 2016.

**ADDRESSES:** You may submit comments, identified by RIN 3038-AE47 and "Commodity Pool Operator Annual Report," by any of the following methods:

- **CFTC Web site:** <http://comments.cftc.gov>. Follow the instructions for submitting comments through the Comments Online process on the Web site.
- **Mail:** Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- **Hand Delivery/Courier:** Same as Mail, above.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments. Please submit your comments using only one of these methods.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to [www.cftc.gov](http://www.cftc.gov). You should submit only information that

you wish to make available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Commission Regulation 145.9.<sup>1</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse, or remove any or all of a submission from [www.cftc.gov](http://www.cftc.gov) that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

**FOR FURTHER INFORMATION CONTACT:** Christopher W. Cummings, Special Counsel, 202-418-5445, [ccummings@cftc.gov](mailto:ccummings@cftc.gov) or Barbara S. Gold, Associate Director, 202-418-5441, [bgold@cftc.gov](mailto:bgold@cftc.gov), Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:** The Proposal concerns certain provisions of the Annual Report that registered CPOs are required to distribute and submit under Regulation 4.22. Among other things, it would amend these provisions: To permit the use of additional alternative generally accepted accounting principles, standards or practices; to provide for an exemption from the Annual Report audit requirement where the first fiscal year of a pool consists of a period of three months or less from the date of formation of the pool; and to clarify that a CPO must distribute and submit an audited Annual Report at least once during the life of the pool. The comment period for the Proposal is due to expire on September 6, 2016.

By letter dated August 26, 2016, the Managed Funds Association (MFA), a membership organization representing many persons who would be affected by the Proposal, requested a two-week extension of the comment period for the Proposal, such that, as extended, the comment period would expire on September 20, 2016. In support of its request, MFA explained that it is drafting comments in response to the

<sup>1</sup> 17 CFR 145.9 (2016). The Commission's regulations are found at 17 CFR Ch. I (2016). They are accessible through the Commission's Web site.

<sup>8</sup> 49 CFR 173.65.

Commission's request for comments on the Proposal and, in this regard, is seeking to provide comments representative of the views of its membership. MFA further explained that it is finding it challenging to ensure that its members have adequate time to review comments for submission by September 6, 2016, in light of previously scheduled family-related commitments which find them out-of-office during the last two weeks of August.

In light of the foregoing, and in response to the MFA request, by this **Federal Register** release the Commission is extending the comment period for the Proposal for two weeks, until September 20, 2016.

Issued in Washington, DC, on August 30, 2016, by the Commission.

**Christopher J. Kirkpatrick**,  
*Secretary of the Commission.*

#### Appendix to Commodity Pool Operator Annual Report—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Bowen and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2016-21153 Filed 9-2-16; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2016-0500]

RIN 1625-AA08

#### Special Local Regulation; Little Annessex River and Somers Cove, Crisfield, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its proposed rule concerning amendments to the regattas and marine parades regulations. The rulemaking was initiated to establish special local regulations during the swim segment of the "Crisfield CrabMan Triathlon," a marine event to be held on the waters of the Little Annessex River and Somers Cove in Somerset County at Crisfield, MD on September 17, 2016. The Coast Guard was notified on July 25, 2016 that the event had been cancelled.

**DATES:** The proposed rule is withdrawn on September 6, 2016.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection using the Federal eRulemaking Portal at <http://www.regulations.gov> and can be viewed by following that Web site's instructions.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call or email Mr. Ronald Houck, Waterways Management Division, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410-576-2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 27, 2016, we published a notice of proposed rulemaking entitled "Special Local Regulation; Little Annessex River and Somers Cove, Crisfield, MD" in the **Federal Register** (81 FR 17774). The rulemaking concerned the Coast Guard's proposal to establish temporary special local regulations on specified waters of Little Annessex River and Somers Cove at Crisfield, MD, effective from 5:30 a.m. on September 17, 2016 until 10 a.m. on September 18, 2016. The regulated area included all navigable waters of the Little Annessex River and Somers Cove, from shoreline to shoreline, bounded to the north by a line drawn from the eastern shoreline of Janes Island at latitude 37°58'39" N., longitude 075°52'05" W., and thence eastward to the Crisfield City Dock at latitude 37°58'39" N., longitude 075°51'50" W., and bounded to the south by a line drawn from Long Point on Janes Island at latitude 37°58'12" N., longitude 075°52'42" W., and thence eastward to Hammock Point at latitude 37°57'58" N., longitude 075°51'58" W., located at Crisfield, MD. The regulations were needed to temporarily restrict vessel traffic during the event to provide for the safety of participants, spectators and other transiting vessels.

##### Withdrawal

The Coast Guard is withdrawing this rulemaking because the event has been cancelled.

##### Authority

We issue this notice of withdrawal under the authority of 33 U.S.C. 1233.

Dated: August 24, 2016.

**Lonnie P. Harrison, Jr.**,

*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2016-21173 Filed 9-2-16; 8:45 am]

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## DEPARTMENT OF EDUCATION

### 34 CFR Part 200

RIN 1810-AB33

[Docket ID ED-2016-OESE-0056]

#### Title I—Improving the Academic Achievement of the Disadvantaged—Supplement Not Supplant

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to establish regulations governing programs administered under title I, part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). These proposed regulations are needed to implement recent changes made by the ESSA to the supplement not supplant requirement of title I, part A of the ESEA. Unless otherwise specified, references to the ESEA mean the ESEA, as amended by the ESSA.

**DATES:** We must receive your comments on or before November 7, 2016.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How to use *Regulations.gov*."

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to James Butler, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W246, Washington, DC 20202.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.