

excluded person participate in a covered transaction, as provided in the OMB guidance at 2 CFR 180.135. If any designated official grants an exception, the exception must be in writing and state the reason(s) for deviating from the government-wide policy in Executive Order 12549.

Subpart B—Covered Transactions

§ 2998.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the Department of Labor under a covered non-procurement transaction. This extends the coverage of the Department of Labor non-procurement suspension and debarment requirements to all lower tiers of subcontracts under covered non-procurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in the appendix to 2 CFR part 180).

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2998.332 What requirements must I pass down to persons at lower tiers with whom I intend to do business?

You, as a participant, must include a term or condition in lower-tier transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2998.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, and supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subparts E through J—[Reserved]

Title 29—Labor

PART 95—[AMENDED]

■ 2. The authority citation for part 95 continues to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A–110, as amended, as codified at 2 CFR part 215.

§ 95.2 [Amended]

■ 3. Section 95.2 is amended in paragraph (mm) by revising the first citation “29 CFR part 98” to read “2 CFR part 2998” and revising the second citation “29 CFR part 98, subpart D” to read “29 CFR part 98”.

§ 95.13 [Amended]

■ 4. Section 95.13 is amended by revising the citation “29 CFR part 98” to read “2 CFR part 2998”.

§ 95.44 [Amended]

■ 5. Section 95.44 is amended in paragraph (d) by revising the citation “29 CFR part 98” to read “2 CFR part 2998”.

§ 95.62 [Amended]

■ 6. Section 95.62 is amended in paragraph (d) by revising the citation “29 CFR part 98” to read “2 CFR part 2998”.

Appendix A to Part 95—[Amended]

■ 7. Appendix A to part 95 is amended in paragraph 7 by removing the citation “29 CFR part 98” and adding in its place the citation to read “2 CFR part 2998”.

PART 98—[REMOVED]

■ 8. Remove part 98.

[FR Doc. 2016–10014 Filed 4–28–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4031; Directorate Identifier 2014–SW–072–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2013–15–

03 for Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters with a single hydraulic system and a certain hydraulic pump drive assembly installed. AD 2013–15–03 requires inspecting the hydraulic pump drive bearing (bearing) for leaks, rust, overheating, and condition. This proposed AD would add a requirement to grease the bearing and inspect for bronze particles in the grease, as well as change the inspection and inspection intervals of the bearing until it is replaced with an improved bearing. These proposed actions are intended to prevent hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of helicopter control.

DATES: We must receive comments on this proposed AD by June 28, 2016.

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

- **Federal eRulemaking Docket:** Go to <http://www.regulations.gov>. Follow the online instructions for sending your comments electronically.
- **Fax:** 202–493–2251.
- **Mail:** Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- **Hand Delivery:** Deliver to the “Mail” address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2015–4031; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) ADs, the economic 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 service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at <http://www.airbushelicopters.com/techpub>. You may review service information at the FAA, Office of the Regional Counsel,

Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email matt.wilbanks@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On July 11, 2013, we issued AD 2013-15-03, Amendment 39-17519 (78 FR 44422, July 24, 2013) for Eurocopter France (now Airbus Helicopters) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters. AD 2013-15-03 requires visually inspecting the bearing for leaks, rust, overheating, and condition and manually rotating the bearing and inspecting for friction points, brinelling, and noise. If any of these conditions exist, AD 2013-15-03 requires replacing the hydraulic pump drive assembly. AD 2013-15-03 was prompted by six reports of hydraulic pump drive belt failure caused by bearing seizures. These actions are intended to prevent hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of helicopter control.

AD 2013-15-03 was prompted by AD No. 2013-0044-E, dated February 27, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, and non-FAA type-certificated Model AS350BB helicopters. EASA advised of hydraulic pump drive belt failures caused by seizure of the bearing. EASA stated that this condition, for helicopters with a single hydraulic system, could lead to loss of hydraulic servo assistance and an increase in pilot workload to the point that the helicopter needs to land as soon as possible. AD No. 2013-0044-E consequently required repetitive inspections of the hydraulic pump drive belt and bearing and, if required, replacing the hydraulic pump drive assembly.

Actions Since AD 2013-15-03 Was Issued

Since we issued AD 2013-15-03 (78 FR 44422, July 24, 2013), EASA superseded AD No. 2013-0044-E with AD No. 2013-0284-E, dated December 2, 2013, which added a new greasing procedure and changed the inspection, reduced the inspection intervals, and required marking the pump support assemblies after corrective action or replacing the pump support assemblies as terminating action. EASA AD No. 2013-0284-E advised that the hydraulic pump drive failure was caused by accidental indentation of the raceways from incorrect fitting of the bearing. Airbus Helicopters then introduced a new bearing, part number (P/N) 704A33651269, to replace bearing P/N 704A33651243. This replacement corrects the unsafe condition as it has a reduced pre-loading value, which significantly improves its reliability. EASA consequently revised AD No. 2013-0284-E with AD No. 2013-0284R1, dated July 25, 2014, to exclude helicopters that had replaced the bearing with bearing P/N 704A33651269.

Because new cases of hydraulic pump drive bearing seizures continued to be reported on bearing P/N 704A33651243, EASA superseded AD No. 2013-0284R1 with EASA AD No. 2014-0233, dated October 23, 2014, to retain the inspections and require replacement of bearing P/N 704A33651243 with bearing P/N 704A33651269. Installation of the new bearing constitutes terminating action for the repetitive inspections.

FAA's Determination

These helicopters have been approved by the aviation authority of France and

are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin No. AS350-63.00.24, Revision 0, dated October 21, 2014 (ASB), for Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, and military Model AS350L1 helicopters with a single hydraulic system and a hydraulic pump drive assembly P/N 350A35-0132-00. The ASB calls for mandatory replacement of bearing P/N 704A33651243 with bearing P/N 704A33651269 and introduces a preventative maintenance operation for bearing P/N 704A33651243 until it is replaced.

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.

Proposed AD Requirements

This proposed AD would require for each bearing with less than 115 hours time-in-service (TIS), before accumulating 150 hours TIS, and for each bearing with 115 or more hours TIS, within 50 hours TIS, and for all helicopters thereafter at intervals not to exceed 150 hours TIS:

- Greasing the bearing, performing a test ground run, and then inspecting for bronze particles all grease that comes out of the bearing during the ground run and all grease around the bearing.
- If there are any bronze particles in the grease, before further flight, replacing the bearing with bearing P/N 704A33651269. This action would constitute terminating action for the inspections in this AD.

Within 600 hours TIS and thereafter at intervals not to exceed 600 hours TIS, this proposed AD also would require:

- Visually inspecting the bearing for bronze particles in the grease. If there are any bronze particles in the grease, before further flight, replacing the bearing with bearing P/N 704A33651269. This would constitute terminating action for the inspections in this proposed AD.
- Manually rotating the bearing and inspecting for a friction point,

brinelling, and a noise from the bearing. If there is a hard point, any brinelling, or any noise from the bearing, before further flight, replacing the bearing with an airworthy bearing.

Replacing bearing P/N 704A33651243 with bearing P/N 704A33651269, or replacing hydraulic pump drive assembly P/N 350A35-0132-00 with hydraulic pump drive assembly P/N 350A35-0132-01, would constitute terminating action for the inspections required by this proposed AD.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Airbus Helicopters Model AS350BB helicopters, and this proposed AD would not because the Model AS350BB has no FAA-issued type certificate. This proposed AD would apply to Model AS350D1 and AS350C helicopters, while the EASA AD does not.

Costs of Compliance

We estimate that this proposed AD would affect 729 helicopters of U.S. Registry and that labor costs average \$85 per work hour. Based on these estimates, we expect the following costs:

- Greasing and visually inspecting the bearing would require 1.5 work hours and no parts would be needed. We estimate a total cost of \$128 per helicopter and \$93,312 for the U.S. fleet per inspection cycle.
- Inspecting and manually rotating the bearing would require 2 work hours and no parts would be needed. We estimate a total cost of \$170 per helicopter and \$123,930 for the U.S. fleet per inspection cycle.
- Replacing the bearing would require 2 work hours and \$1,571 for parts, for a total cost of \$1,741 per helicopter and \$1,269,189 for the U.S. fleet.
- Replacing the hydraulic pump drive assembly would require 2 work hours and \$8,543 for parts, for a total cost of \$8,713 per helicopter and \$6,351,777 for the U.S. fleet.

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, 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 to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

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 removing Airworthiness Directive (AD) 2013-15-03, Amendment 39-17519 (78 FR 44422, July 24, 2013), and adding the following new AD:

Airbus Helicopters (Previously Eurocopter France): Docket No. FAA-2015-4031; Directorate Identifier 2014-SW-072-AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, and AS350D1 helicopters with a hydraulic pump drive bearing (bearing) part number (P/N) 704A33651243 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as seizure of the hydraulic pump drive pulley bearing. This condition could result in hydraulic pump drive belt failure, loss of hydraulic servo assistance, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013-15-03, Amendment 39-17519 (78 FR 44422, July 24, 2013).

(d) Comments Due Date

We must receive comments by June 28, 2016.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) For each bearing with less than 115 hours time-in-service (TIS), before accumulating 150 hours TIS, and for each bearing with 115 or more hours TIS, within 50 hours TIS, and for all helicopters thereafter at intervals not to exceed 150 hours TIS:

(i) Grease each bearing in accordance with the Accomplishment Instructions, paragraph 3.B.2.b., of Airbus Helicopters Alert Service Bulletin No. AS350-63.00.24, Revision 0, dated October 21, 2014 (ASB).

(ii) Perform a test ground run. Inspect all grease that comes out of the bearing during the ground run and all grease around the bearing for bronze particles.

(iii) If there are any bronze particles in the grease, before further flight, replace the bearing with bearing P/N 704A33651269. This constitutes terminating action for the inspections in this AD.

Note 1 to paragraph (f)(1)(iii) of this AD: Hydraulic pump drive assembly P/N 350A35-0132-01 is fitted with bearing P/N 704A33651269.

(2) Within 600 hours TIS and thereafter at intervals not to exceed 600 hours TIS:

(i) Visually inspect the bearing for bronze particles in the grease. If there are any bronze particles in the grease, before further flight, replace the bearing with bearing P/N 704A33651269. This constitutes terminating action for the inspections in this AD.

(ii) Manually rotate the bearing and inspect for a friction point, brinelling, and a noise from the bearing. If there is a hard point, any brinelling, or any noise from the bearing, before further flight, replace the bearing with bearing P/N 704A33651269.

(3) Replacing bearing P/N 704A33651243 with bearing P/N 704A33651269, or replacing hydraulic pump drive assembly P/N 350A35-0132-00 with hydraulic pump

drive assembly,
P/N 350A35-0132-01, constitutes
terminating action for the inspections
required by this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email 9-ASW-FTW-AMOC-Requests@faa.gov.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2014-0233, dated October 23, 2014. You may view the EASA AD on the Internet at <http://www.regulations.gov> in Docket No. FAA-2015-4031.

(i) Subject

Joint Aircraft Service Component (JASC)
Code: 2913, Hydraulic Pump (Electric/
Engine), Main.

Issued in Fort Worth, Texas, on April 21, 2016.

Scott A. Horn,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 2016-09947 Filed 4-28-16; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Food and Drug Administration

21 CFR Part 176

[Docket No. FDA-2016-F-1153]

**3M Corporation; Filing of Food
Additive Petition**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Keller and Heckman LLP on behalf of 3M Corporation (Petitioner), requesting that we amend our food additive regulations to no longer provide for the use of two different perfluoroalkyl containing substances as water and oil repellents for paper and paperboard in contact with aqueous and fatty foods because these uses have been abandoned.

DATES: Submit either electronic or written comments by June 28, 2016.

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-2016-F-1153 for "Filing of Food Additive Petition: 3M Corporation." 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.

FOR FURTHER INFORMATION CONTACT:

Vanee Komolprasert, Center for Food Safety and Applied Nutrition (HFS-275), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1217.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 6B4814) submitted on behalf of 3M Corporation (Petitioner) by Keller and Heckman LLP, 1001 G Street NW., Suite 500 West, Washington, DC 20001. The petition proposes that we amend 21 CFR 176.170 to no longer provide for the use of two different perfluoroalkyl containing substances as components of paper and paperboard in contact with aqueous and fatty foods because these uses have been