

filing of the motion. Replies to responses must be filed within four days of the filing of the response.

(g) *Participant list.* The Copyright Royalty Judges will compile and distribute to those parties who have filed a valid petition to participate the official participant list for each proceeding. For all paper filings, a party must deliver a copy of the document to counsel for all other parties identified in the participant list, or, if the party is unrepresented by counsel, to the party itself. Parties must notify the Copyright Royalty Judges and all parties of any change in the name or address at which they will accept delivery and must update their eCRB profiles accordingly.

(h) *Delivery method and proof of delivery*—(1) *Electronic filings through eCRB.* Electronic filing of any document through eCRB operates to effect delivery of the document to counsel or *pro se* participants who have obtained eCRB passwords, and the automatic notice of filing sent by eCRB to the filer constitutes proof of delivery. Counsel or parties who have not yet obtained eCRB passwords must deliver and receive delivery as provided in paragraph (h)(2). Parties making electronic filings are responsible for assuring delivery of all filed documents to parties that do not use the eCRB system.

(2) *Paper filings.* During the course of a proceeding, each party must deliver all documents, including motions, responses and replies that they have not filed through eCRB to the other parties or their counsel by means no slower than overnight express mail on the same day they file the pleading, or by such other means as the parties may agree in writing among themselves. Parties must include a proof of delivery with any document delivered in accordance with this paragraph.

#### **§ 350.7 Time.**

(a) *Computation.* To compute the due date for filing and delivering any document or performing any other act directed by an order of the Copyright Royalty Judges or the rules of the Copyright Royalty Board:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days, unless computation of the due date is stated in calendar days.

(3) Include the last day of the period, unless it is a Saturday, Sunday, legal holiday, or a day on which the weather or other conditions render the Copyright Royalty Board's office inaccessible.

(4) As used in this rule, "legal holiday" means the date designated for

the observance of New Year's Day, Martin Luther King, Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day declared a federal holiday by the President or the Congress.

(5) Except as otherwise described in this Chapter or in an order by the Copyright Royalty Judges, the Copyright Royalty Board will consider documents to be timely filed only if:

(i) They are filed electronically through eCRB and time-stamped by 11:59:59 p.m. Eastern time on the due date;

(ii) They are sent by U.S. mail, are addressed in accordance with paragraph 301.2(a), have sufficient postage, and bear a USPS postmark on or before the due date;

(iii) They are hand-delivered by private party to the Copyright Office Public Information Office in accordance with § 301.2(b) of this chapter and received by 5:00 p.m. Eastern time on the due date; or

(iv) They are hand-delivered by commercial courier to the Congressional Courier Acceptance Site in accordance with paragraph 301.2(c) and received by 4:00 p.m. Eastern time on the due date.

(6) Any document sent by mail and dated only with a business postal meter will be considered filed on the date it is actually received by the Library of Congress.

(b) *Extensions.* A party seeking an extension must do so by written motion. Prior to filing such a motion, a party must attempt to obtain consent from the other parties to the proceeding. An extension motion must state:

(1) The date on which the action or submission is due;

(2) The length of the extension sought;

(3) The date on which the action or submission would be due if the extension were allowed;

(4) The reason or reasons why there is good cause for the delay;

(5) The justification for the amount of additional time being sought; and

(6) The attempts that have been made to obtain consent from the other parties to the proceeding and the position of the other parties on the motion.

#### **§ 350.8 Construction and waiver.**

The regulations of the Copyright Royalty Judges are intended to provide efficient and just administrative proceedings and will be construed to advance these purposes. For purposes of an individual proceeding, the provisions of this subchapter may be suspended or waived, in whole or in part, upon a showing of good cause, to the extent allowable by law.

## **PART 351—PROCEEDINGS**

■ 4. The authority citation for part 351 continues to read as follows:

**Authority:** 17 U.S.C. 803.

■ 5. In § 351.1 revise paragraph (b)(4) to read as follows:

#### **§ 351.1 Initiation of proceedings.**

\* \* \* \* \*

(b) \* \* \*

(4) *Filing fee.* A petition to participate must be accompanied with a filing fee of \$150 or the petition will be rejected. For petitions filed electronically through eCRB, payment must be made to the Copyright Royalty Board through the payment portal designated on eCRB. For petitions filed by other means, payment must be made to the Copyright Royalty Board by check or by money order. If a check is subsequently dishonored, the petition will be rejected. If the petitioner believes that the contested amount of that petitioner's claim will be \$1,000 or less, the petitioner must so state in the petition to participate and should not include payment of the \$150 filing fee. If it becomes apparent during the course of the proceedings that the contested amount of the claim is more than \$1,000, the Copyright Royalty Judges will require payment of the filing fee at that time.

Dated: November 16, 2016.

**Suzanne M. Barnett,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2016-27932 Filed 11-22-16; 8:45 am]

**BILLING CODE 1410-72-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 51 and 63**

[PS Docket No. 14-74, GN Docket No. 13-5, WC Docket Nos. 05-25 and 13-3, RM-11358 and RM-10593; Report No. 3055]

### **Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Petitions for reconsideration and clarification.

**SUMMARY:** Petitions for Reconsideration and Clarification (Petitions) have been filed in the Commission's rulemaking proceeding by David Springle and David C. Bergmann, on behalf of NASUCA, and Kathy D. Smith, on behalf of NTIA.

**DATES:** Oppositions to the Petition must be filed on or before December 8, 2016.

Replies to an opposition must be filed on or before December 19, 2016.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Alex Johns, Wireline Competition Bureau, Competition Policy Division, (202) 418-1167, or send an email to [Alexis.Johns@fcc.gov](mailto:Alexis.Johns@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, Report No. 3055, released November 9, 2016. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW., Room CY-A257, Washington, DC 20554 or may be accessed online via the Commission's Electronic Comment Filing System at <http://apps.fcc.gov/ecfs/>. The Commission will not send a copy of this document pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this document does not have an impact on any rules of particular applicability.

*Subject:* Technology Transitions; USTelecom Petition for Declaratory Ruling that Incumbent Local Exchange Carriers are Non-Dominant in the Provision of Switched Access Services; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, FCC 16-90, published at 81 FR 62632, September 12, 2016, in WC Docket No. 13-5; RM-11358. This document is being published pursuant to 47 CFR 1.429(e). See also 47 CFR 1.4(b)(1) and 1.429(f), (g).

*Number of Petitions Filed:* 2.

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 2016-28199 Filed 11-22-16; 8:45 am]

**BILLING CODE 6712-01-P**

## NATIONAL RAILROAD PASSENGER CORPORATION

### 49 CFR Part 701

#### Revision of the Freedom of Information Act Regulations of the National Railroad Passenger Corporation

**AGENCY:** National Railroad Passenger Corporation.

**ACTION:** Proposed rule.

**SUMMARY:** This notice sets forth proposed revisions of the Freedom of Information Act (FOIA) regulations of the National Railroad Passenger Corporation ("Amtrak"). The regulations are being revised in part to

incorporate the changes brought about by the FOIA Improvement Act of 2016, which requires all agencies to review and update their FOIA regulations in accordance with its provisions. Amtrak has also taken this opportunity to update, clarify, and streamline the language of its regulations in order to make the FOIA process easier for the public to navigate.

**DATES:** Comments on the rulemaking must be submitted on or before December 23, 2016. Comments received by mail will be considered timely if they are postmarked on or before that date.

**ADDRESSES:** You may submit comments on the rulemaking by either of the methods listed below.

1. *Email:* [foiarequests@amtrak.com](mailto:foiarequests@amtrak.com).

Please include "Comments on FOIA Rule" in the subject line.

2. *U.S. mail, courier, or hand delivery:* The Freedom of Information Office; National Railroad Passenger Corporation; 60 Massachusetts Avenue, NE.; Washington, DC 20002. To ensure proper handling, please write "Comments on FOIA Rule" on the correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Sharron H. Hawkins, Lead FOIA Specialist, 202-906-3741 or [foiarequests@amtrak.com](mailto:foiarequests@amtrak.com).

**SUPPLEMENTARY INFORMATION:** Amtrak's FOIA regulations were last revised on February 13, 1998. Since that time, there have been several major changes to the FOIA, including the FOIA Improvement Act of 2016 (Pub. L. 114-185) signed into law on June 30, 2016. The Act contains several substantive and procedural amendments to the FOIA, which include requirements that agencies establish a minimum of 90 days for requesters to file an administrative appeal and that they provide dispute resolution services at various times throughout the FOIA process.

Based on the amendments to the FOIA and the practical experience of the FOIA staff, Amtrak has made several changes to its regulations and is republishing them in their entirety. These revisions incorporate the necessary changes under the FOIA Improvement Act of 2016 and update, clarify, and streamline the language of the regulations in order to make the FOIA process easier for the public to navigate.

#### List of Subjects in 49 CFR Part 701

Freedom of Information.

For the reasons stated in the preamble, Amtrak proposes to amend 49 CFR part 701 as follows:

■ 1. Revise Part 701 to read as follows:

## PART 701—AMTRAK FREEDOM OF INFORMATION ACT PROGRAM

Sec.

- 701.1 General provisions.
- 701.2 Definitions.
- 701.3 Policy.
- 701.4 Amtrak public information.
- 701.5 Requirements for making requests.
- 701.6 Release and processing procedures.
- 701.7 Timing of responses to requests.
- 701.8 Responses to requests.
- 701.9 Business information.
- 701.10 Appeals.
- 701.11 Fees.
- 701.12 Other rights and services.

**Authority:** 5 U.S.C. 552; 49 U.S.C. 24301(e).

### § 701.1. General provisions.

This part contains the rules that the National Railroad Passenger Corporation ("Amtrak") follows in processing requests for records under the Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552. Information routinely provided to the public (*i.e.*, train timetables, press releases) may be obtained at Amtrak's Web site [www.amtrak.com](http://www.amtrak.com) without following Amtrak's FOIA procedures. As a matter of policy, Amtrak will only withhold information under the FOIA if Amtrak reasonably foresees that disclosure would harm an interest protected by a FOIA exemption or when disclosure is prohibited by law.

### § 701.2. Definitions.

Unless the context requires otherwise in this part, masculine pronouns include the feminine gender and "includes" means "includes but is not limited to."

(a) *Amtrak or Corporation* means the National Railroad Passenger Corporation.

(b) *Appeal* means a request submitted to the President of Amtrak or designee for review of an adverse initial determination.

(c) *Business days* means working days; Saturdays, Sundays, and legal public holidays are excluded in computing response time for processing FOIA requests.

(d) *Disclose or disclosure* means making records available for examination or copying, or furnishing a copy of nonexempt responsive records.

(e) *Electronic data* means records and information (including email) that are created, stored, and retrievable by electronic means.

(f) *Exempt information* means information that is exempt from disclosure as permitted by 5 U.S.C. 552.

(g) *Final determination* means a decision by the President of Amtrak or designee concerning a request for