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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 956

[Doc. No. AMS-SC-16-0116; SC17-956-1 IR]

#### Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Decreased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule implements a recommendation from the Walla Walla Sweet Onion Marketing Committee (Committee) for a decrease in the assessment rate established for the 2017 and subsequent fiscal periods from \$0.22 to \$0.10 per 50-pound bag or equivalent of sweet onions handled. The Committee locally administers the marketing order and is comprised of producers and handlers of sweet onions operating within the area of production along with one public member. Assessments upon sweet onion handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Effective February 28, 2017. Comments received by April 28, 2017, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Fax:

(202) 720-8938; or Internet: <http://www.regulations.gov>. Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Teresa Hutchinson or Gary Olson, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1220 SW Third Ave., Suite 305, Portland, OR 97204; Telephone: (503) 326-2724, Fax: (503) 326-7440, or Email: [Teresa.Hutchinson@ams.usda.gov](mailto:Teresa.Hutchinson@ams.usda.gov) or [GaryD.Olson@ams.usda.gov](mailto:GaryD.Olson@ams.usda.gov).

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email: [Richard.Lower@ams.usda.gov](mailto:Richard.Lower@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 956, as amended (7 CFR part 956), regulating the handling of sweet onions grown in the Walla Walla Valley of southeast Washington and northeast Oregon, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Walla Walla sweet onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all

assessable sweet onions beginning January 1, 2017, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2017 and subsequent fiscal periods from \$0.22 to \$0.10 per 50-pound bag or equivalent of sweet onions handled.

The Walla Walla sweet onion marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Walla Walla sweet onions, and one public member. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2008 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on December 6, 2016, and unanimously recommended 2017 expenditures of \$93,250 and an



assessment rate of \$0.10 per 50-pound bag or equivalent of sweet onions. In comparison, last year's budgeted expenditures were \$95,250. The assessment rate of \$0.10 is \$0.12 lower than the rate currently in effect. This action will allow the Committee to reduce its financial reserve while still providing adequate funding to meet program expenses.

The major expenditures recommended by the Committee for the 2017 fiscal period include \$63,250 for administrative expenses, \$24,700 for research and promotion, \$4,000 for travel, and \$1,300 for miscellaneous/contingency. Budgeted expenses for these items in 2016 were \$57,300, \$36,200, \$1,500, and \$250 respectively.

The assessment rate recommended by the Committee was derived by multiplying anticipated shipments of Walla Walla sweet onions by various assessment rates. Applying the \$0.10 per 50-pound bag or equivalent assessment rate to the Committee's 325,000 50-pound bag or equivalent crop estimate should provide \$32,500 in assessment income. Thus, income derived from handler assessments and other income (\$750), plus \$60,000 from the Committee's monetary reserve would be adequate to cover the recommended \$93,250 budget for 2017. Funds held in the reserve were \$237,354 as of November 30, 2016. The Committee estimates a reserve of \$177,354 at the end of 2017 fiscal period (December 31, 2017), which would be within the maximum permitted by the order of approximately two fiscal period's operational expenses (\$ 956.44).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2017 budget, and those for subsequent fiscal periods, will be

reviewed and, as appropriate, approved by USDA.

#### Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are 9 handlers of Walla Walla sweet onions subject to regulation under the order and approximately 30 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$7,500,000, and small agricultural producers are defined as those having annual receipts of less than \$750,000.

During the 2016 marketing year, the Committee reported that approximately 304,500 50-pound bags or equivalents of Walla Walla sweet onions were shipped into the fresh market. Based on information reported by USDA's Market News Service, the average 2016 marketing year f.o.b. shipping point price for the Walla Walla sweet onions was \$19.55 per 50-pound equivalent. Multiplying the \$19.55 average price by the shipment quantity of 304,500 50-pound equivalents yields an annual crop revenue estimate of \$5,952,975. The average annual revenue for each of the 9 handlers is therefore calculated to be \$661,442 (\$5,952,975 divided by 9), which is considerably less than the Small Business Administration threshold of \$7,500,000. Consequently, all of the Walla Walla sweet onion handlers could be classified as small entities.

In addition, based on information provided by the National Agricultural Statistics Service (NASS), the average producer price for Walla Walla sweet onions for the 2011 through 2015 marketing years is \$16.24 per 50-pound equivalent. NASS has not released data regarding the 2016 marketing year at this time. Multiplying the 2011–2015 marketing year average price of \$16.24 by the estimated 2017 marketing year shipments of 325,000 50-pound

equivalents yields an annual crop revenue estimate of \$5,278,000. The estimated average annual revenue for each of the 30 producers is therefore calculated to be approximately \$175,933 (\$5,278,000 divided by 30), which is less than the Small Business Administration threshold of \$750,000. In view of the foregoing, the majority of Walla Walla sweet onion producers, and all of the Walla Walla sweet onion handlers, may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2017 and subsequent fiscal periods from \$0.22 to \$0.10 per 50-pound bag or equivalent of sweet onions. The Committee also unanimously recommended 2017 expenditures of \$93,250. The assessment rate of \$0.10 is \$0.12 lower than the previously established assessment rate. This action will allow the Committee to reduce its financial reserve while still providing adequate funding to meet program expenses.

The quantity of assessable sweet onions for the 2017 fiscal period is estimated at 325,000 50-pound bags or equivalents. Thus, the \$0.10 rate should provide \$32,500 in assessment income. Income derived from handler assessments, along with interest, other income, and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2017 fiscal period include \$63,250 for administrative expenses, \$24,700 for research and promotion, \$4,000 for travel, and \$1,300 for miscellaneous/contingency. Budgeted expenses for these items in 2016 were \$57,300, \$36,200, \$1,500, and \$250 respectively.

The Committee discussed alternatives to this rule, including alternative expenditure levels, but determined that the recommended expenses were reasonable and necessary to adequately cover program operations. Lower assessment rates were also considered, but not recommended, because they would have reduced the financial reserve more than desired.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2017 fiscal period could range between \$12.00 and \$27.00 per 50-pound bag or equivalent of sweet onions. Therefore, the estimated assessment revenue for the 2017 fiscal period as a percentage of total producer revenue is expected to range between 0.37 and 0.83 percent.

This action decreases the assessment obligation imposed on handlers.

Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Walla Walla sweet onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 6, 2016, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581-0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Walla Walla sweet onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth,

will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2017 fiscal period begins on January 1, 2017, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable sweet onions handled during such fiscal period; (2) this action decreases the assessment rate for assessable sweet onions beginning with the 2017 fiscal period; (3) handlers are aware of this action, which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 956 is amended as follows:

#### PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

■ 1. The authority citation for 7 CFR part 956 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 956.202 is revised to read as follows:

##### § 956.202 Assessment rate.

On and after January 1, 2017, an assessment rate of \$0.10 per 50-pound bag or equivalent is established for Walla Walla sweet onions.

Dated: February 21, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017-03714 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-6896; Directorate Identifier 2016-NM-016-AD; Amendment 39-18805; AD 2017-04-10]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Airbus Model A318-111, and -112 airplanes; Model A319-111, -112, -113, -114, and -115 airplanes; Model A320-211, -212 and -214 airplanes; and Model A321-111, -112, -211, -212, and -213 airplanes. This AD was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. This AD requires an inspection for, and replacement of, all non-conforming aft engine mount retainers. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 3, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 3, 2017.

**ADDRESSES:** For Airbus service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet: <http://www.airbus.com>.

For Goodrich service information identified in this final rule, contact Goodrich Corporation, Aerostructures, 850 Lagoon Drive, Chula Vista, CA 91910-2098; telephone: 619-691-2719; email: [jan.lewis@goodrich.com](mailto:jan.lewis@goodrich.com); Internet: <http://www.goodrich.com/TechPubs>.

You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-6896.

### 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–2016–6896; 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 Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A318–111, and –112 airplanes, Model A319–111, –112, –113, –114, and –115 airplanes, Model A320–211, –212 and –214 airplanes, and Model A321–111, –112, –211, –212, and –213 airplanes. The NPRM published in the **Federal Register** on May 31, 2016 (81 FR 34287) (“the NPRM”). The NPRM was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. The NPRM proposed to require an inspection for, and replacement of, all non-conforming aft engine mount retainers. We are issuing this AD to detect and correct non-conforming retainers of the aft engine mount. This condition could result in the loss of the locking feature of the nuts of the inner and outer pins; loss of the pins will result in the aft mount engine link no longer being secured to the aft engine mount, possibly resulting in damage to the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0010R1, dated February 16, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus

Model A318–111, and –112 airplanes; Model A319–111, –112, –113, –114, and –115 airplanes; Model A320–211, –212, and –214 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. The MCAI states:

During in-service inspections, several aft engine mount inner retainers, fitted on aeroplanes equipped with CFM56–5A/5B engines, have been found broken. The results of the initial investigations highlighted that two different types of surface finish had been applied (respectively bright and dull material finishes), and that dull finish affects the strength of the retainer with regard to fatigue properties of the part. The pins which attach the engine link to the aft mount are secured by two nuts, which do not have a self-locking feature; this function is provided by the retainer brackets. In case of failure of the retainer bracket, the locking feature of the nuts of the inner and outer pins is lost; as a result, these nuts could subsequently become loose.

In case of full loss of the nuts, there is the potential to also lose the pins, in which case the aft mount link will no longer be secured to the aft engine mount. The same locking feature is used for the three link assemblies of the aft mount.

This condition, if not detected and corrected, could lead to in-flight loss of an aft mount link, possibly resulting in damage to the aeroplane and/or injury to persons on the ground.

To address this potential unsafe condition, EASA issued AD 2013–0050 [which corresponds to FAA AD 2014–14–06, Amendment 39–17901 (79 FR 42655, July 23, 2014)] to require a detailed inspection (DET) of the aft engine mount inner retainers and the replacement of all retainers with dull finish with retainers having a bright finish. Since that [EASA] AD was issued, inspection results showed that the main cause of crack initiation remains the vibration dynamic effect that affects both retainers, either with “dull” or “bright” surface finishes. The non-conforming “dull” surface’s pitting is an aggravating factor. Consequently, EASA issued AD 2015–0021 [which corresponds to FAA NPRM Docket No. FAA–2015–3632; Directorate Identifier 2015–NM–023–AD (80 FR 55798, September 7, 2015)], retaining the requirements of EASA AD 2013–0050, which was superseded, and requiring repetitive DET of all aft engine mount inner retainers and, depending on findings, their replacement.

Since that [EASA] AD was issued, a production quality deficiency was identified by Airbus and UTAS (formerly Goodrich Aerostructures, the engine mount retainer manufacturer) on the delivery of the inner retainer, Part Number (P/N) 238–0252–505, installed in the three Link assemblies of the engine mount fitted on CFM56–5A/5B engines. Airbus issued AOT A71N011–15 and SB A320–71–1070 providing a list of affected parts and applicable corrective actions.

Consequently, EASA issued AD 2016–0010, retaining the requirements of EASA AD 2015–0021, which was superseded, and in addition requiring the identification and replacement of all non-conforming aft engine mount inner retainers.

Since that [EASA] AD was issued, AOT A71N011–15 was revised, removing errors and reducing the list of affected parts.

For the reason described above, this [EASA] AD is revised, adding reference to the revised AOT, and removing [EASA] AD appendixes, which content is included in the referenced Airbus documentation.

This [EASA] AD is still considered to be an interim action, pending development and availability of a final solution.

This AD requires an inspection for, and replacement of, all non-conforming aft engine mount retainers. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov>

by searching for and locating Docket No. FAA–2016–6896.

#### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA’s response to each comment.

#### Request To Remove Part Identification Requirement

Delta Airlines (DAL) requested that we remove the requirement to do an inspection to determine the part number of each engine mount inner retainer specified in paragraph (g) of the proposed AD. DAL stated that Airbus Service Bulletin A320–71–1070, dated November 23, 2015, does not specify identifying the part number. DAL stated that identifying the part number has no value in determining the affected population of non-conforming retainers. DAL also requested that we revise the records review language in paragraph (g) of the proposed AD to reference the criteria in paragraphs (g)(1), and (g)(2), and (g)(3) of the proposed AD instead of referring to the part number.

We do not agree with DAL’s request to remove the inspection required by paragraph (g) of this AD. However, we do agree that the inspection language should be clarified. Paragraph (g) of this AD, which corresponds with the MCAI, requires doing actions in accordance with Airbus Service Bulletin A320–71–1070, dated November 23, 2015, which specifies to determine if there is a non-compliant engine mount inner retainer. We have revised paragraph (g) of this AD accordingly.

#### Request To Clarify Engine Mount Retainer

DAL requested that we clarify in paragraph (g) of the proposed AD which engine mount retainer (forward or aft) is to be inspected.

We agree to clarify. We have revised paragraph (g) of this AD to specify the aft engine mount inner retainer.

**Requests To Use the Airplane Maintenance Manual (AMM)**

DAL requested that we include an option for using the AMM to accomplish the required actions. DAL stated that paragraph (g) of the proposed AD specifies that the replacement must be done in accordance with the service information specified in paragraph (h)(1), (h)(2), or (h)(3) of the proposed AD. DAL recommended that operators be allowed to take credit for the replacement through other means such as the AMM.

We do not agree with DAL's request. An AMM is a customized document that varies for each operator and depends on the airplane configuration. In addition, the AMM might not include all required compliance steps to mitigate the risk addressed in this AD. We have not changed this AD in this regard. However, under the provisions of paragraph (l) of this AD, we will consider requests for approval of alternative methods of compliance if sufficient data are submitted to substantiate that the new methods would provide an acceptable level of safety.

**Requests To Revise Part Installation Prohibition**

DAL requested that we revise paragraph (j) of the proposed AD to prohibit installation of an engine mount inner retainer in lieu of "any part." DAL asserted that if not changed, paragraph (j)(l) of the proposed AD will prohibit the installation of all aft mounts identified in table 1 of Airbus Alert Operators Transmission (AOT) A71N011-15, Revision 01, dated February 1, 2016.

We agree with DAL's request. We have revised paragraph (j) of this AD to prohibit installation of certain engine mount inner retainers.

DAL requested that we revise paragraph (j)(3) of the proposed AD, which prohibits installation of parts delivered through an unidentified Purchase Order (PO) to provide more specific information for the identification of non-conforming aft engine mount inner retainers. DAL suggested that the proposed AD specify using the original equipment manufacturer (OEM) new part release certificate as a mean of verifying conformity for each aft engine mount inner retainer. DAL explained that it is suggesting this action because non-conforming field parts could be sold on the surplus market prior to the release of the AD under a non-OEM purchase order number.

We do not agree with DAL's request to revise paragraph (j)(3) of the proposed AD. We have determined that paragraph (j)(3) of this AD clearly prohibits installation of parts delivered through an unidentified PO and corresponds with the MCAI. We are unaware of any non-conforming parts delivered through an unidentified PO that have been sold on the surplus market. However, if those parts exist, then they are prohibited from installation as of the effective date of this AD. We have not changed this AD in this regard.

**Conclusion**

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

**Related Service Information Under 1 CFR Part 51**

We reviewed the following service information. This service information describes procedures for replacement of all non-conforming aft engine mount retainers.

- Airbus Service Bulletin A320-71-1070, dated November 23, 2015. This document also describes procedures for an inspection for non-conforming aft engine mount retainers.
- Airbus Alert Operators Transmission (AOT) A71N011-15, Revision 01, dated February 1, 2016. This document also contains the affected purchase order numbers used in identifying the affected parts.
- Goodrich Service Bulletin RA32071-165, dated October 9, 2015. This document also contains the affected part numbers.

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.

**Costs of Compliance**

We estimate that this AD affects 959 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	Up to 4 work-hours × \$85 per hour = \$340 .....	\$0	Up to \$340 .....	Up to \$326,060.

We estimate the following costs to do any necessary replacements that would

be required based on the results of the inspection. We have no way of

determining the number of aircraft that might need these replacements:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Replacement .....	Up to 36 work-hours × \$85 per hour = \$3,060 .....	\$10,000	Up to \$13,060.

**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 AD will not have federalism implications under Executive Order 13132. This AD will 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 above, I certify that this AD:

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; 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.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive (AD):

**2017-04-10 Airbus:** Amendment 39-18805. Docket No. FAA-2016-6896; Directorate Identifier 2016-NM-016-AD.

#### (a) Effective Date

This AD is effective April 3, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

- (1) Airbus Model A318-111 and -112 airplanes.
- (2) Airbus Model A319-111, -112, -113, -114, and -115 airplanes.
- (3) Airbus Model A320-211, -212, and -214 airplanes.
- (4) Airbus Model A321-111, -112, -211, -212, and -213 airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

#### (e) Reason

This AD was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. We are issuing this AD to detect and correct non-conforming retainers of the aft engine mount. This condition could result in loss of the locking feature of the nuts of the inner and outer pins; loss of the pins will result in the aft mount engine link no longer being secured to the aft engine mount, possibly resulting in damage to the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Inspection and Replacement

Within 2 months after the effective date of this AD, do an inspection to determine if any non-compliant aft engine mount inner retainer is installed; and within 2 months after the effective date of this AD, replace each part that meets any of the criteria specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. Do the inspection in accordance with the service information specified in paragraph (h)(1) of this AD. Do the replacement in accordance with the service information specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD. A review of airplane maintenance records is acceptable in lieu of the inspection required by this paragraph, if it can be conclusively determined that there are no non-compliant aft engine mount inner retainers installed on the airplane.

(1) An aft engine mount inner retainer from an aft engine mount having a serial number listed in table 1 of Airbus Alert Operators Transmission (AOT) A71N011-15, Rev 01, dated February 1, 2016.

(2) An aft engine mount inner retainer installed on an airplane between the first flight of the airplane or March 1, 2015 (whichever occurs later), and the effective date of this AD, and that can be identified by a purchase order (PO) listed in table 2 of Airbus AOT A71N011-15, Rev 01, dated February 1, 2016.

(3) An aft engine mount inner retainer installed on an airplane between the first flight of the airplane or March 1, 2015 (whichever occurs later), and the effective date of this AD, and that cannot be identified by a PO.

#### (h) Service Information for Actions Required by Paragraph (g) of This AD

Accomplish the replacement required by paragraph (g) of this AD in accordance with the service information specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) The Accomplishment Instructions of Airbus Service Bulletin A320-71-1070, dated November 23, 2015.

(2) Paragraph 4.2.2, “Requirements,” of Airbus AOT A71N011-15, Revision 01, dated February 1, 2016.

(3) The Accomplishment Instructions of Goodrich Service Bulletin RA32071-165, dated October 9, 2015.

#### (i) Credit for Previous Actions

This paragraph provides credit for the applicable actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus AOT A71N011-15, Revision 01, dated February 1, 2016.

#### (j) Parts Installation Prohibition

As of the effective date of this AD, no person may install an aft engine mount retainer that meets any of the criteria specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD on any airplane.

(1) A part from the aft engine mount having a serial number listed in table 1 of Airbus AOT A71N011-15, Rev 01, dated February 1, 2016.

(2) A part delivered through a PO listed in table 2 of Airbus AOT A71N011-15, Rev 01, dated February 1, 2016.

(3) A part delivered through an unidentified PO.

#### (k) Special Flight Permits

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

#### (l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1405; fax: 425-227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective

actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016-0010R1, dated February 16, 2016, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-6896.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(5) of this AD.

#### (n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A320-71-1070, dated November 23, 2015.

(ii) Airbus Alert Operators Transmission (AOT) A71N011-15, Revision 01, dated February 1, 2016.

(iii) Goodrich Service Bulletin RA32071-165, dated October 9, 2015.

(3) For Airbus service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet: <http://www.airbus.com>.

(4) For Goodrich service information identified in this AD, contact Goodrich Corporation, Aerostructures, 850 Lagoon Drive, Chula Vista, CA 91910-2098; telephone: 619-691-2719; email: [jan.lewis@goodrich.com](mailto:jan.lewis@goodrich.com); Internet: <http://www.goodrich.com/TechPubs>.

(5) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(6) You may view this service information that is incorporated by reference at the

National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 7, 2017.

**Michael Kaszycki**,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03267 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2016-9053; Directorate Identifier 2016-NM-075-AD; Amendment 39-18808; AD 2017-04-13]**

**RIN 2120-AA64**

#### **Airworthiness Directives; The Boeing Company Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 747-8 and 747-8F series airplanes. This AD was prompted by reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. This AD requires repetitive inspections for heat damage of the vapor seals between the engine strut and aft fairing, and replacement of the seals with new seals if necessary. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 3, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 3, 2017.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9053.

[www.regulations.gov](http://www.regulations.gov) by searching for and locating Docket No. FAA-2016-9053.

#### **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-2016-9053; 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 address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

#### **FOR FURTHER INFORMATION CONTACT:**

Tung Tran, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6505; fax: 425-917-6590; email: [tung.tran@faa.gov](mailto:tung.tran@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747-8 and 747-8F series airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59544). The NPRM was prompted by reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. The NPRM proposed to require repetitive inspections for heat damage of the vapor seals between the engine strut and aft fairing, and replacement of the seals with new seals if necessary. We are issuing this AD to detect and correct heat damage to the vapor seals between the engine strut and aft fairing. Such damage could allow flammable fluid leakage out of the aft fairing, which could result in an uncontrolled fire in the engine strut.

##### **Comments**

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM and the FAA's response to the comment.

**Request To Clarify the Unsafe Condition**

Boeing asked that we change the unsafe condition in the **SUMMARY** and Discussion sections and in paragraph (e) of the proposed AD from “Such damage could allow flammable fluid leakage into the aft fairing . . .” to “Such damage could allow flammable fluid leakage out of the aft fairing . . .” Boeing stated that the aft fairing is a flammable leakage zone, and escaping fluid passing the vapor seal is leaving the aft fairing.

We agree with the commenter for the reason provided. However, the unsafe condition is not carried over into the **SUMMARY** section of this final rule. We have changed the unsafe condition in the Discussion section and paragraph (e) of this AD accordingly.

**Conclusion**

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the change described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

**Related Service Information Under 1 CFR Part 51**

We reviewed Boeing Alert Service Bulletin 747–54A2246, dated February 5, 2016. The service information describes procedures for repetitive inspections for heat damage of the vapor seals between the engine strut and aft fairing, and replacement of the seals with new seals. 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.

**Costs of Compliance**

We estimate that this AD affects 10 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Vapor seal inspections ..	4 work-hours × \$85 per hour = \$340 per inspection cycle.	\$0	\$340 per inspection cycle.	\$3,400 per inspection cycle.

We estimate the following costs to do any necessary seal replacement that will

be required based on the results of the vapor seal inspection. We have no way

of determining the number of aircraft that might need these seal replacements.

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Seal replacement .....	132 work-hours × \$85 per hour = \$11,220 .....	\$0	\$11,220

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

**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**

This AD will not have federalism implications under Executive Order 13132. This AD will 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 above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, 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.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive (AD):

**2017–04–13 The Boeing Company:**  
Amendment 39–18808; Docket No.

FAA-2016-9053; Directorate Identifier 2016-NM-075-AD.

**(a) Effective Date**

This AD is effective April 3, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company Model 747-8 and 747-8F series airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

**(e) Unsafe Condition**

This AD was prompted by reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. We are issuing this AD to detect and correct heat damage to the vapor seals between the engine strut and aft fairing. Such damage could allow flammable fluid leakage out of the aft fairing, which could result in an uncontrolled fire in the engine strut.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Repetitive Inspections**

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Do a detailed inspection for heat damage of the vapor seals on the outboard pylons between the strut and aft fairing of the numbers 1 and 4 engines, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747-54A2246, dated February 5, 2016. Repeat the inspection thereafter at intervals not to exceed 1,200 flight cycles.

(1) Before the accumulation of 1,800 total flight cycles, or within 1,800 flight cycles after the most recent vapor seal, block seal, and heat shield seal replacement, whichever is later.

(2) Within 6 months after the effective date of this AD.

**(h) Replacement**

If during any inspection required by paragraph (g) of this AD any heat damage of any vapor seal is found: Before further flight, replace the vapor seal, heat shield seal, and block seal with new seals, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747-54A2246, dated February 5, 2016. Repeat the inspection required by paragraph (g) of this AD within 1,800 flight cycles after doing the replacement, and thereafter at intervals not to exceed 1,200 flight cycles.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector

or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

**(j) Related Information**

For more information about this AD, contact Tung Tran, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6505; fax: 425-917-6590; email: tung.tran@faa.gov.

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 747-54A2246, dated February 5, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the

National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 10, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03362 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2015-3984; Directorate Identifier 2015-NM-033-AD; Amendment 39-18803; AD 2017-04-08]**

**RIN 2120-AA64**

**Airworthiness Directives; The Boeing Company Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2008-13-12 R1 for certain The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. AD 2008-13-12 R1 required various repetitive inspections for cracking of a certain splice of the fuselage, and other specified and corrective actions if necessary; and provided for an optional preventive modification, which terminated the repetitive inspections. This new AD adds an inspection to determine if the existing frame repair meets all specified requirements; a modification of a certain splice, which terminates the repetitive inspections; reduces certain inspection thresholds and repetitive intervals; and adds post-repair/post-modification inspections. This AD was prompted by reports of additional fatigue cracking of a certain splice of the fuselage and one report of a severed frame, due to susceptibility to widespread fatigue damage (WFD). We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 3, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 3, 2017.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes,



Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110-SK57, Seal Beach, CA 90740; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-3984.

**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-2015-3984; 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 address for the Docket Office (phone: 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Galib Abumeri, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5324; fax: 562-627-5210; email: [galib.abumeri@faa.gov](mailto:galib.abumeri@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2008-13-12 R1, Amendment 39-15719 (73 FR 67383, November 14, 2008) (“AD 2008-13-12 R1”). AD 2008-13-12 R1 applied to certain The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. The SNPRM published in the **Federal Register** on November 14, 2016 (81 FR 79395). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on October 9, 2015 (80 FR 61133). The NPRM proposed to continue to require the actions of AD 2008-13-12 R1. The NPRM also proposed to add, for certain airplanes, an inspection to determine if the existing frame repair meets all specified requirements, and for certain other airplanes, a new modification of the upper-frame-to-side-frame splice, which would terminate the repetitive inspections. The NPRM also proposed to reduce certain inspection thresholds and repetitive intervals. The NPRM was prompted by reports of additional fatigue cracking of the upper-frame-to-side-frame splice of the fuselage, and one report of a severed frame. The SNPRM proposed to add post-repair/post-modification inspections that were not included in the NPRM. We are issuing this AD to detect and correct fatigue cracking of the upper-frame-to-side-frame splice of the fuselage, which could result in reduced structural integrity of the frame and adjacent lap joint, causing increased loading in the fuselage skin, which will accelerate skin crack growth and could result in decompression of the airplane.

**Comments**

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. The commenter, Stephanie Reid, agreed that the airplanes should be inspected.

**Conclusion**

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM.

**Related Service Information Under 1 CFR Part 51**

We reviewed Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015. The service information describes procedures for various repetitive inspections for cracking of the upper-frame-to-side-frame splice of the fuselage, a preventive modification to prevent WFD, an inspection to determine if the existing frame repair meets all specified requirements, and corrective actions. 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.

**Costs of Compliance**

We estimate that this AD affects 391 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained inspections from AD 2008-13-12 R1.	Between 18 and 38 work-hours × \$85 per hour, depending on airplane configuration = between \$1,530 and \$3,230 per inspection cycle.	\$0	Between \$1,530 and \$3,230 per inspection cycle.	Between \$598,230 and \$1,262,930, per inspection cycle.
New inspections .....	213 work-hours × \$85 per hour, \$18,105 per inspection cycle.	\$0	\$18,105 per inspection cycle.	Up to \$7,079,055, per inspection cycle.
New modification .....	256 work-hours × \$85 per hour = \$21,760 .....	( <sup>1</sup> )	\$21,760 .....	Up to \$8,508,160.

<sup>1</sup> We currently have no specific cost estimates associated with the parts necessary for the modification.

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this AD.

**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 have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, 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.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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) 2008–13–12 R1, Amendment 39–15719 (73 FR 67383, November 14, 2008), and adding the following new AD:

#### 2017–04–08 The Boeing Company:

Amendment 39–18803; Docket No. FAA–2015–3984; Directorate Identifier 2015–NM–033–AD.

#### (a) Effective Date

This AD is effective April 3, 2017.

#### (b) Affected ADs

This AD replaces AD 2008–13–12 R1, Amendment 39–15719 (73 FR 67383, November 14, 2008) ("AD 2008–13–12 R1").

#### (c) Applicability

(1) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE ([http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rqstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rqstc.nsf/0/BE866B732F6CF31086257B9700692796?OpenDocument&Highlight=st01219se)) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a "change in product" alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

#### (d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

#### (e) Unsafe Condition

This AD was prompted by reports of additional fatigue cracking of the upper-frame-to-side-frame splice of the fuselage, and one report of a severed frame due to susceptibility to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the upper-frame-to-side-frame splice of the fuselage, which could result in reduced structural integrity of the frame and adjacent lap joint, causing increased loading in the fuselage skin, which will accelerate skin crack growth and could result in decompression of the airplane.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Repetitive Inspections and Corrective Actions for Certain Airplanes

(1) For Groups 1 through 3, Configurations 1, 3, 4, and 5 airplanes; Group 7, Configurations 1, 3, 4, and 5 airplanes; Groups 4 through 6, Configurations 1, 3, 4, and 6 airplanes; and Groups 8 through 11, Configurations 1, 3, 4, and 6 airplanes; as identified in Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015: Do the actions specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD. Do all applicable corrective actions before further flight.

(i) At the applicable time specified in Tables 1, 2, 3, 5, 6, and 8 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, except as required by paragraphs (i)(1) and (i)(2) of this AD: Do medium frequency eddy current inspections

for cracking of the upper-frame-to-side-frame splice of the fuselage.

(ii) Repeat the inspections specified in paragraph (g)(1)(i) of this AD at the applicable time specified in Tables 1, 2, 3, 5, 6, and 8 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, until the preventive modification required by paragraph (k) of this AD, or a terminating action specified in paragraph (l) of this AD, has been accomplished. The inspections are terminated for the repaired or modified areas only.

(2) For Groups 4 through 6, Configurations 2 and 5 airplanes; and Groups 8 through 11, Configurations 2 and 5 airplanes; as identified in Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015: Do the actions specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD. Do all applicable corrective actions before further flight.

(i) At the applicable time specified in Tables 4 and 7 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, except as required by paragraphs (i)(1) and (i)(2) of this AD: Do a detailed inspection to determine if the existing frame repair meets all requirements specified in Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, and for any frame repair that does meet all requirements, do detailed and high frequency eddy current (HFEC) inspections for cracking of the existing frame repairs.

(ii) Repeat the inspections for cracking specified in paragraph (g)(2)(i) of this AD at the applicable time specified in Tables 4 and 7 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015.

#### (h) Post-Repair and Post-Modification Actions for Certain Airplanes

For Group 1, Configurations 2 and 6 airplanes; Group 2, Configurations 2 and 6 airplanes; Group 3, Configurations 2 and 6 airplanes; and Group 7, Configurations 2 and 6 airplanes; as identified in Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015: Within 120 days after the effective date of this AD, do post-repair and post-modification actions using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

#### (i) Exceptions to Service Bulletin Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1261, Revision 1, dated January 30, 2015, specifies a compliance time "after the Revision 1 date of this service bulletin," this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where the "Condition" column of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737–53A1261,

Revision 1, dated January 30, 2015, specifies a condition based on whether an airplane has or has not been inspected, this AD bases the condition on whether an airplane has or has not been inspected as of the effective date of this AD.

(3) Where Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (n) of this AD.

#### (j) Post-Repair and Post-Modification Inspections

For Groups 4 through 6, Configurations 1, 3, 4, 6, 7, 8, 9, and 10 airplanes; and Groups 8 through 11, Configurations 1, 3, 4, 6, 7, 8, 9, and 10 airplanes; as identified in Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015: Except as provided by paragraphs (i)(1) and (i)(2) of this AD, at the applicable time specified in Tables 12 through 17 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015; do the post-repair/post-modification inspections, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD. Do all applicable corrective actions before further flight.

#### (k) Preventive Modification for Certain Airplanes

For Groups 4 through 6, Configurations 1, 3, 4, and 6 airplanes; and Groups 8 through 11, Configurations 1, 3, 4, and 6 airplanes; as identified in Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015: Except as provided by paragraphs (i)(1) and (i)(2) of this AD, at the applicable time specified in Tables 3, 5, 6, and 8 in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, do the preventive modification, including HFEC inspections for cracking and applicable corrective actions, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD. Do all applicable corrective actions before further flight. Accomplishing the modification required by this paragraph terminates the inspections required by paragraph (g)(1) of this AD for the modified area only.

#### (l) Terminating Action

(1) For Groups 4 through 6, Configurations 1, 3, 4, and 6 airplanes; and Groups 8 through 11, Configurations 1, 3, 4, and 6 airplanes; as identified in Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015: Accomplishing the preventive modification, including HFEC inspections for cracking and applicable corrective actions, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD, terminates the

inspections required by paragraph (g)(1) of this AD for the modified area only.

(2) For Groups 4 through 6, Configurations 3 and 6 airplanes; and Groups 8 through 11, Configurations 3 and 6 airplanes; as identified in Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015: Accomplishing the repair, including HFEC inspections for cracking and applicable corrective actions, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015, except as required by paragraph (i)(3) of this AD, terminates the repetitive inspections required by paragraph (g)(1) of this AD, and the preventive modification required by paragraph (k) of this AD, for the repaired area only.

(3) Accomplishment of the repair or the preventive modification specified in Boeing Message M-7200-02-1294, dated August 20, 2002, before the effective date of this AD terminates the repetitive inspections required by paragraph (g)(1) of this AD and the preventive modification required by paragraph (k) of this AD for the repaired or modified area only.

#### (m) Credit for Previous Actions

(1) This paragraph provides credit for the inspections required by paragraph (g) of this AD, if those inspections were performed before the effective date of this AD using Boeing Alert Service Bulletin 737-53A1261, dated January 19, 2006, which was incorporated by reference in AD 2008-13-12, Amendment 39-15575 (73 FR 38905, July 8, 2008) ("AD 2008-13-12").

(2) This paragraph provides credit for the modification specified in paragraphs (k) and (l)(1) of this AD, if the modification was performed before the effective date of this AD using Boeing Alert Service Bulletin 737-53A1261, dated January 19, 2006, which was incorporated by reference in AD 2008-13-12.

(3) This paragraph provides credit for repairs specified in paragraphs (l)(2) of this AD, if those repairs were performed before the effective date of this AD using Boeing Alert Service Bulletin 737-53A1261, dated January 19, 2006, which was incorporated by reference in AD 2008-13-12.

#### (n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (o)(1) of this AD. Information may be emailed to: [9-ANM-LACO-AMOC-Requests@faa.gov](mailto:9-ANM-LACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair

required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2008-13-12 and AD 2008-13-12 R1 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

#### (o) Related Information

(1) For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5324; fax: 562-627-5210; email: [galib.abumeri@faa.gov](mailto:galib.abumeri@faa.gov).

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (p)(3) and (p)(4) of this AD.

#### (p) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Service Bulletin 737-53A1261, Revision 1, dated January 30, 2015.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>.

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 1, 2017.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03265 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2016-9510; Directorate Identifier 2016-NE-28-AD; Amendment 39-18780; AD 2017-02-01]

RIN 2120-AA64

**Airworthiness Directives; Rolls-Royce plc Turbofan Engines**

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Rolls-Royce plc (RR) Trent 1000-A, Trent 1000-C, Trent 1000-D, Trent 1000-E, Trent 1000-G, and Trent 1000-H turbofan engines. This AD requires initial and repetitive inspections of affected high-pressure turbine (HPT) blades for cracks. This AD was prompted by high engine vibration due to HPT blade deterioration resulting in operational disruptions. We are issuing this AD to correct the unsafe condition on these products.

**DATES:** This AD becomes effective March 14, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 14, 2017.

We must receive comments on this AD by April 13, 2017.

**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.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-40, Washington, DC 20590-0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011-44-1332-242424; fax: 011-44-1332-249936; email: [http://www.rolls-royce.com/contact/civil\\_team.jsp](http://www.rolls-royce.com/contact/civil_team.jsp); Internet: <https://customers.rolls-royce.com/public/rollsroycecare>. You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the

availability of this material at the FAA, call 781-238-7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9510.

**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-2016-9510; 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 AD, the mandatory continuing airworthiness information (MCAI), regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7754; fax: 781-238-7199; email: [robert.green@faa.gov](mailto:robert.green@faa.gov).

**SUPPLEMENTARY INFORMATION:****Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9510; Directorate Identifier 2016-NE-28-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD.

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2016-0215, dated October 27, 2016 (referred to hereinafter as "the MCAI"), to correct

an unsafe condition for the specified products. The MCAI states:

Occurrences were reported involving high engine vibration indication experienced during climb. Subsequent investigation of affected engines identified damage to some high pressure turbine (HPT) blades. These events have been attributed to cracks, which originated at the tip of the leading edge, and at the mid-height pressure surface, of the HPT blades. Investigation also determined that HPT blades Part Number (P/N) FW63853 (corresponding to RR Service Bulletin (SB) SB 72-G275 modification standard) are affected by this phenomenon. Four occurrences have been reported within the last two years.

This condition, if not detected and corrected, could lead to high vibration indication and commanded in-flight shut-down, possibly resulting in reduced control of the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9510.

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

RR has issued Non-Modification Service Bulletin (NMSB) Trent 1000 72-J039, Revision 3, dated October 14, 2016. The NMSB describes procedures to conduct a borescope inspection for cracks on the leading edge of the HPT blade. 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.

**FAA's Determination and Requirements of This AD**

This product has been approved by the aviation authority of the United Kingdom, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has 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 EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This AD requires initial and repetitive inspections of affected HPT blades for cracks.

**FAA's Determination of the Effective Date**

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good

cause exists for making this amendment effective in less than 30 days.

**Costs of Compliance**

We estimate that this AD affects 0 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the HPT blades.	1.5 work-hours × \$85 per hour = \$127 per inspection.	\$0	\$127	\$0 per inspection

**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 AD will not have federalism implications under Executive Order 13132. This AD will 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 above, I certify this AD:

- (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.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive (AD):

**2017-02-01 Rolls-Royce plc:** Amendment 39-18780; Docket No. FAA-2016-9510; Directorate Identifier 2016-NE-28-AD.

**(a) Effective Date**

This AD is effective March 14, 2017.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Rolls-Royce plc (RR) Trent 1000-A, Trent 1000-C, Trent 1000-D, Trent 1000-E, Trent 1000-G, and Trent 1000-H turbofan engines with high-pressure turbine (HPT) blades, part number (P/N) FW63853, installed.

**(d) Subject**

Joint Aircraft System Component (JASC) 7250, Turbine/Turboprop Engine/Turbine Section.

**(e) Reason**

This AD was prompted by high engine vibration due to HPT blade deterioration resulting in operational disruptions. We are issuing this AD to prevent HPT blade failure, loss of engine thrust control, and reduced control of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

- (1) Perform an initial inspection of each HPT blade before exceeding the following, whichever occurs later:
  - (i) 1,750 engine flight cycles (FCs) since new or 11,000 engine flight hours (FHs) since new, whichever occurs first; or
  - (ii) 30 days after the effective date of this AD.
- (2) Thereafter, perform repetitive inspections of the HPT blades at intervals not to exceed 250 engine FCs or 1,125 engine FHs, whichever occurs first.
- (3) Use the Accomplishment Instructions, paragraph 3, of RR Non-Modification Service Bulletin (NMSB) Trent 1000 72-J039, Revision 3, dated October 14, 2016, to perform the inspections.
- (4) If any crack is found during any inspection, follow the applicable corrective action and reduced follow-on inspection interval as defined in the Accomplishment Instructions, paragraph 3.A.(3), of RR NMSB Trent 1000 72-J039, Revision 3, dated October 14, 2016.

**(g) Installation Prohibition**

After the effective date of this AD, do not install an HPT blade, P/N FW63853, on any engine.

**(h) Credit for Previous Actions**

You may take credit for inspections and corrective action that are required by paragraph (f) of this AD, if you performed these actions and corrective action before the effective date of this AD, using RR NMSB Trent 1000 72-J039, Revision 2, or earlier versions.

**(i) Alternative Methods of Compliance (AMOCs)**

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

**(j) Related Information**

- (1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7754; fax: 781-238-7199; email: [robert.green@faa.gov](mailto:robert.green@faa.gov).
- (2) Refer to MCAI EASA AD 2016-0215, dated October 27, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2016-9510.

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Rolls-Royce plc (RR) Non-Modification Service Bulletin Trent 1000 72-J039, Revision 3, dated October 14, 2016.

(ii) Reserved.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011-44-1332-242424; fax: 011-44-1332-249936; email: [http://www.rolls-royce.com/contact/civil\\_team.jsp](http://www.rolls-royce.com/contact/civil_team.jsp); Internet: <https://customers.rolls-royce.com/public/rollsroycecare>.

(4) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

(5) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on January 11, 2017.

**Colleen M. D'Alessandro,**

*Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2017-03739 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Docket No. FAA-2016-9491; Airspace Docket No. 16-AGL-25]**

**Amendment of Class E Airspace; Milwaukee, WI**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the legal description of Class E airspace extending upward from 700 feet or more above the surface of the Earth at Milwaukee, WI, updating the airport name of Batten International Airport (formerly John H. Batten Airport), Racine, WI. This action also updates the geographic coordinates of General Mitchell International Airport, Milwaukee, WI, to coincide with the FAA's aeronautical database.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by

reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222-5711.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Batten International Airport, Racine, WI, and General Mitchell International Airport, Milwaukee, WI.

**History**

The FAA was notified that John H. Batten Airport, Racine, WI, has changed its name to Batten International Airport, Racine, WI. This is an administrative change updating the name in the legal description for the airport to match FAA databases. The geographic coordinates for General Mitchell International

Airport, Milwaukee, WI, also are adjusted.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends Title 14, Code of Federal Regulations (14 CFR) part 71 by updating the name of Batten International Airport (formerly John H. Batten Airport), Racine, WI, in the regulatory text of the Class E airspace extending upward from 700 feet or more above the surface of the Earth at Batten International Airport, Racine, WI. This action also updates the geographic coordinates of General Mitchell International Airport, Milwaukee, WI, to be in concert with the FAA's aeronautical database.

Section 553(b)(3)(B) of the Administrative Procedures Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedure when the agency for "good cause" finds that these procedures are "impracticable, unnecessary, or contrary to the public interest." This is an administrative change amending the description for Batten International Airport, and adjusts the geographic coordinates for General Mitchell International Airport, to be in concert with the FAA's aeronautical database and does not affect the boundaries, or operating requirements of the airspace; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a

“significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AGL WI E5 Milwaukee, WI [Amended]

Milwaukee, General Mitchell International Airport, WI  
(Lat. 42°56'49" N., long. 87°53'49" W.)  
Racine, Batten International Airport, WI  
(Lat. 42°45'40" N., long. 87°48'50" W.)  
Waukesha, Waukesha County Airport, WI  
(Lat. 43°02'28" N., long. 88°14'13" W.)

Milwaukee, Lawrence J. Timmerman Airport, WI  
(Lat. 43°06'37" N., long. 88°02'04" W.)

That airspace extending upward from 700 feet above the surface within a 8.4-mile radius of the General Mitchell International Airport, and within an 8.1-mile radius of the Batten International Airport, and within a 7.5-mile radius of the Waukesha County Airport, and within 2 miles each side of the 282° bearing from the Waukesha County Airport extending from the 7.5-mile radius to 10.5 miles west of the Waukesha County Airport, and within an 8.9-mile radius of Lawrence J. Timmerman Airport.

Issued in Fort Worth, Texas, on February 8, 2017.

**Walter Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2017–03514 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2016–0986; Airspace  
Docket No. 15–AEA–7]

**RIN 2120–AA66**

#### Amendment of Air Traffic Service (ATS) Routes; Eastern United States

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies area navigation (RNAV) routes Q–39 and Q–67, in the eastern United States. The modifications provide a more efficient airway design within a portion of the airspace assigned to the Indianapolis Air Route Traffic Control Center (ARTCC).

**DATES:** Effective date 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For

information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

#### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies air traffic service routes Q–39 and Q–67 in the eastern United States to maintain the efficient flow of air traffic.

#### History

On October 7, 2016, the FAA published a notice of proposed rulemaking (NPRM) (81 FR 69729), Docket No. FAA–2016–9086, to amend RNAV routes Q–39 and Q–67 to expand the availability of area navigation routes and provide a more efficient airway design within Indianapolis ARTCC’s airspace.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received.

#### Discussion of Comment

The commenter asked how much air traffic is actually using routes Q–39 and Q–67. A review of six months Performance Data Analysis and Reporting System (PDARS) information for Q–39 and Q–67 revealed a total of 13,524 aircraft filed the RNAV routes.

Area navigation routes are published in paragraph 2006 of FAA Order 7400.11A dated August 3, 2016 and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The area navigation routes listed

in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify RNAV routes Q-39 and Q-67 in the eastern United States. The modifications expand the availability of area navigation routes and provide a more efficient airway design within Indianapolis ARTCC's airspace. The route modifications are described below.

Q-39 RNAV route Q-39 extends between the CLAWD, NC waypoint (WP) and the WISTA, WV, WP. This action shifts the alignment of the route slightly to the east, bypassing the WISTA WP, to cross the TARCI, WV, WP (located at lat. 38°16'36.08" N., long. 081°18'34.08" W.); then the route continues northward to a new ASERY, WV, WP (located at lat. 38°28'35.97" N., long. 081°17'34.14" W.).

Q-67 RNAV route Q-67 extends between the SMTTH, TN, WP to the COLTZ, OH, fix. In its current alignment, the route proceeds from the JONEN, KY, WP northward to the COLTZ, OH, fix. The FAA is eliminating the segment between the JONEN WP and the CLOTZ fix and replacing it with

a segment from the JONEN WP to the DARYN, WV, WP (located at lat. 38°46'07.80" N., long. 082°00'57.92" W.). The DARYN WP is located near the Henderson, WV, VORTAC.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action of modifying two RNAV Q-routes qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, Paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and

Reporting Points). This action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 is amended to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

*Paragraph 2006 United States Area Navigation Routes*

\* \* \* \* \*

#### Q-39 CLAWD, NC TO ASERY, WV [AMENDED]

CLAWD, NC	WP	(Lat. 36°25'08.98" N., long. 081°08'49.75" W.)
TARCI, WV	WP	(Lat. 38°16'36.08" N., long. 081°18'34.08" W.)
ASERY, WV	WP	(Lat. 38°28'35.97" N., long. 081°17'34.14" W.)

#### Q-67 SMTTH, TN TO DARYN, WV [AMENDED]

SMTTH, TN	WP	(Lat. 35°54'41.57" N., long. 084°00'19.74" W.)
CEMEX, KY	WP	(Lat. 36°45'44.94" N., long. 083°23'33.58" W.)
IBATE, KY	WP	(Lat. 36°59'12.36" N., long. 083°13'40.36" W.)
TONIO, KY	FIX	(Lat. 37°15'15.20" N., long. 083°01'47.53" W.)
JONEN, KY	WP	(Lat. 37°59'08.91" N., long. 082°32'46.19" W.)
DARYN, WV	WP	(Lat. 38°46'07.80" N., long. 082°00'57.92" W.)



Issued in Washington, DC, on February 6, 2017.

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017-03507 Filed 2-24-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2016-6986; Airspace  
Docket No. 16-ACE-6]

#### Revocation of Class E Airspace; Farmington, MO; and Amendment of Class E Airspace for the following Missouri Towns; Ava, MO; Cameron, MO; Chillicothe, MO; Farmington, MO; and Festus, MO

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

**ACTION:** Final rule.

**SUMMARY:** This action removes Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modifies Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport, Farmington, MO; and Festus Memorial Airport, Festus, MO. Decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at these airports.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA

Order 7400.11A at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11A, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222-5711.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modifies Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport; and Festus Memorial Airport, Festus, MO.

##### History

On June 28, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM), (81 FR 41900) Docket No. FAA-2016-6986, to remove Class E surface area airspace at Farmington Regional Airport, Farmington, MO; and modify Class E airspace extending upward from 700 feet above the surface at Ava Bill Martin Memorial Airport, Ava, MO; Cameron Memorial Airport, Cameron, MO; Chillicothe Municipal Airport, Chillicothe, MO; Farmington Regional Airport; and Festus Memorial Airport, Festus, MO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received from Mr. Wally Roberts stating that the NPRM did not adequately substantiate the reason for

removing the Class E surface area airspace at Farmington Regional Airport. The FAA agrees and offers the following in response to Mr. Roberts' comment.

Federal Aviation Administration Order JO 7400.2K, Procedures for Handling Airspace Matters, provides the criteria for determining airspace requirements. Chapter 18 of the FAA Order JO 7400.2K outlines the requirements for Class E airspace. For an airport to have Class E surface area airspace designated, it must meet the requirements outlined in paragraph 18-1-3, which states, "If the communication and weather requirements described in paragraphs 17-2-9 and 17-2-10 are met, Class E surface airspace may be designated. . . ." The Farmington Regional Airport meets the weather requirements outlined in paragraph 17-2-10; however, it does not meet the communications requirements in 17-2-9, specifically communication capabilities with aircraft to the runway surface of the airport. This was verified with Kansas City Air Route Traffic Control Center, which has jurisdiction over Farmington Regional Airport. As the Farmington Regional Airport does not meet the requirements for Class E surface area airspace contained in paragraph 18-1-3, it is not in compliance with FAA Order JO 7400.2K, and the airspace is being removed. The Class E airspace extending upward from 700 feet above the surface at Farmington Regional Airport provides for the transition to/ from the airport and provides the airspace required by FAA Order JO 7400.2K to protect the current standard instrument approach procedures at the airport and for the safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes Class E surface area airspace at Farmington Regional Airport, Farmington, MO, as it is not in compliance with FAA Order JO 7400.2K and the airport does not meet the requirements for Class E surface area airspace. This action also modifies Class E airspace extending upward from 700 feet above the surface at the following airports:

Within a 6.8-mile radius (increased from a 6.3-mile radius) of Ava Bill Martin Memorial Airport, Ava, MO, with a segment extending from the 6.8-mile radius to the Dogwood VHF omnidirectional range collocated tactical air navigation (VORTAC) west/northwest of the airport;

Within a 6.4-mile radius of Cameron Memorial Airport, Cameron, MO, removing the extension south of the airport;

Within a 6.4-mile radius (decreased from a 6.9-mile radius) of Chillicothe Municipal Airport, Chillicothe, MO;

Within a 6.4-mile radius of Farmington Regional Airport, Farmington, MO, with a segment extending from the 6.4-mile radius to 11.5 miles southwest of the airport, and a segment extending from the 6.4-mile radius to the Farmington VORTAC; and

Within a 6.9-mile radius (increased from the 6.2-mile radius) of Festus Memorial Airport, Festus, MO, with a segment extending from the 6.9-mile radius to 8.8 miles south of the airport, and removing the decommissioned Festus NDB from the boundary description.

Airspace reconfiguration is necessary due to the decommissioning of NDBs including the Cameron NDB and Festus NDB: cancellation of NDB approaches; and implementation of RNAV procedures at these airports. Controlled airspace is necessary for the safety and management of the standard instrument approach procedures for IFR operations at these airports.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a

"significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6002 Class E Airspace Designated as Surface Areas.*

\* \* \* \* \*

#### ACE MO E2 Farmington, MO [Removed]

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ACE MO E5 Ava, MO [Amended]

Ava Bill Martin Memorial Airport, MO  
(Lat. 36°58'19" N., long. 92°40'55" W.)  
Dogwood VORTAC  
(Lat. 37°01'24" N., long. 92°52'37" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Ava Bill Martin Memorial Airport, and within 1.8 miles each side of the 107° radial of the Dogwood VORTAC extending from the 6.8-mile radius to the VORTAC.

\* \* \* \* \*

#### ACE MO E5 Cameron, MO [Amended]

Cameron Memorial Airport, MO  
(Lat. 39°43'39" N., long. 94°16'35" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Cameron Memorial Airport.

\* \* \* \* \*

#### ACE MO E5 Chillicothe, MO [Amended]

Chillicothe Municipal Airport, MO  
(Lat. 39°46'55" N., long. 93°29'47" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Chillicothe Municipal Airport.

\* \* \* \* \*

#### ACE MO E5 Farmington, MO [Amended]

Farmington Regional Airport, MO  
(Lat. 37°45'40" N., long. 90°25'43" W.)

Farmington VORTAC  
(Lat. 37°40'24" N., long. 90°14'03" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Farmington Regional Airport, and within 4 miles each side of the 204° bearing from the airport extending from the 6.4-mile radius to 11.5 miles southwest of the airport, and within 2 miles each side of the Farmington VORTAC 299° radial extending from the 6.4-mile radius of the airport to the VORTAC.

\* \* \* \* \*

#### ACE MO E5 Festus, MO [Amended]

Festus Memorial Airport, MO  
(Lat. 38°11'42" N., long. 90°23'08" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Festus Memorial Airport, and within 2 miles each side of the 188° bearing from the airport extending from the 6.9-mile radius to 8.8 miles south of the airport.

Issued in Fort Worth, Texas, on February 1, 2017.

**Walter Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2017–03518 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2016–6271; Airspace  
Docket No. 16–AGL–15]

#### Establishment of Class E Airspace; Iron Mountain, MI

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes additional Class E en route domestic airspace around the Iron Mountain VHF omnidirectional range/distance measuring equipment, MI, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Minneapolis Air Route Traffic Control Center (ARTCC). This action enhances the safety and efficiency of IFR operations within the National Airspace System. This action also removes the Federal airways exclusionary language from the regulatory text. Additionally, the correct navigation aid is noted in Class E 700 foot airspace.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11A and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone: (817) 222-5874.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A,

Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace in the Iron Mountain, MI, area.

**History**

On July 29, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish additional Class E en route airspace in the Iron Mountain, MI area. (81 FR 49902) Docket No. FAA-2016-6271. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes additional Class E en route airspace extending upward from 1,200 feet above the surface at the Iron Mountain VOR/DME, Iron Mountain, MI, and adds additional controlled airspace to the southern and northern boundaries of the Iron Mountain en route airspace area, and removes exclusionary information from the regulatory text. This action provides controlled airspace enabling Minneapolis ARTCC greater latitude to use radar vectors and altitude changes within the entire area north and northwest of the Iron Mountain, MI, VOR/DME and removes unnecessary exclusionary language for clarity.

This action also amends Class E airspace extending upward from 700 feet above the surface at Iron Mountain/Kingford, Ford Airport, MI, to reflect the name change of the navigation aid from Iron Mountain VORTAC to Iron Mountain VOR/DME.

Class E airspace designations are published in Sections 6005 and 6006, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is

incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120, E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective

September 15, 2016, is amended as follows:

*Paragraph 6006 En Route Domestic Airspace Areas.*

\* \* \* \* \*

**AGL MI E6 Iron Mountain, MI [Amended]**

Iron Mountain VOR/DME, MI

(Lat. 45°48'58" N., long. 088°06'44" W.)

Thunder Bay Airport, ON, Canada

(Lat. 48°22'19" N., long. 089°19'26" W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 47°05'00" N., long. 086°40'39" W.; to lat. 47°05'00" N., long. 088°27'44" W.; to the Iron Mountain VOR/DME; to lat. 46°16'21" N., long. 089°47'13" W.; to lat. 46°52'34" N., long. 090°13'09" W. on the eastern boundary of the Wisconsin E5 airspace area; thence northeast along the boundary of the Wisconsin and Minnesota E5 airspace areas to the intersection of the 35 NM radius of the Thunder Bay Airport; thence counterclockwise along the 35 NM radius of the Thunder Bay Airport to the intersection of the southern boundary of the Upper Peninsula E6 airspace area; thence southeast along the boundary of the Upper Peninsula E6 airspace area to the point of beginning.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AGL MI E5 Iron Mountain, MI [Amended]**

Iron Mountain/Kingsford, Ford Airport, MI

(Lat. 45°49'06" N., long. 88°06'52" W.)

Iron Mountain VOR/DME

(Lat. 45°48'58" N., long. 88°06'44" W.)

That airspace extending upward from 700 feet above the surface within an 8.7-mile radius of Iron Mountain VOR/DME, and within 5.2 miles west and 8.3 miles east of the Iron Mountain ILS localizer south course extending from the 8.7-mile radius to 21 miles south of the Iron Mountain/Kingsford, Ford Airport, and within 4.4 miles each side of the Iron Mountain ILS localizer north course extending from the 8.7-mile radius to 16 miles north of the airport.

Issued in Fort Worth, TX, on February 2, 2016.

**Christopher L. Southerland,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2017-03508 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2016-6967; Airspace Docket No. 16-AWP-7]

**Amendment of Class E Airspace; Santa Rosa, CA**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace designated as an extension to a Class D airspace at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA, by reducing the northwest segment and adding a segment southeast of the airport, and adds part-time Notice to Airmen (NOTAM) information. This action also amends Class E airspace extending upward from 700 feet above the surface to include only that area required for the safety and management of Instrument Flight Rules (IFR) operations at the airport. Further, the proposed change to the geographic coordinates of the airport for the Class D and E airspace areas is not finalized in this action because those changes were made in a prior rulemaking.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW.,

Renton, WA, 98057; telephone (425) 203-4511.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA.

**History**

On June 24, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (81 FR 41280), Docket No. FAA-2016-6967, to modify Class E airspace designated as an extension to a Class D airspace, and Class E airspace extending upward from 700 feet above the surface at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA. The FAA also proposed to update the geographical coordinates of the airport for both Class D and E airspace areas. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found that the geographic coordinates of the airport already had been amended for Class D airspace, and Class E airspace designated as an extension (80 FR 48686, August 14, 2015); and for Class E airspace extending upward from 700 feet above the surface (80 FR 48426, August 13, 2015). As the only proposed change to the Class D airspace information was the geographic coordinates of the airport, the FAA is withdrawing the Class D change from this final rule.

Class E airspace designations are published in paragraphs 6004 and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace designated as an extension to a Class D, at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA, by reducing the segment extending northwest of the airport to within 7.4 miles of the airport (from 14 miles), and adding a segment extending to 6.3 miles southeast of the airport. Additionally, part-time NOTAM language is added to the regulatory text consistent with the effective times of the Class D airspace area. Class E airspace extending upward from 700 feet above the surface is reduced to a polygon extending approximately 11 miles northwest, 11 miles southeast, and 12 miles south-southwest of the airport. This action removes reference to amending the geographic coordinates of the airport as the coordinates are correct. Therefore, an amendment to Class D airspace is not necessary as it only was correcting the airport coordinates.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a “significant regulatory action” Prime; under Executive Order 12866; (2) is not a “significant rule” Prime; under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” Prime; paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6004. Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

**AWP CA E4 Santa Rosa, CA [Modified]**

Santa Rosa, Charles M. Schulz-Sonoma County Airport, CA (Lat. 38°30’35” N., long. 122°48’46” W.)

That airspace extending upward from the surface within 1.8 miles east and 2.8 miles west of the 342° bearing from the Charles M. Schulz-Sonoma County Airport, CA, extending from the 4.3 mile radius of the airport to 7.4 miles northwest of the airport, and that airspace extending upward from the surface within 1.2 miles each side of the 156° bearing from the airport extending from the 4.3 mile radius to 6.3 miles southeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

*Paragraph 6005. Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AWP CA E5 Santa Rosa, CA [Modified]**

Santa Rosa, Charles M. Schulz-Sonoma County Airport, CA (Lat. 38°30’35” N., long. 122°48’46” W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 38°42’14” N., long. 122°46’18” W.; to lat. 38°38’58” N., long. 122°59’10” W.; to lat. 38°21’20” N., long. 122°58’26” W.; to lat. 38°19’23” N., long. 122°54’00” W.; to lat. 38°24’00” N., long. 122°39’26” W.; thence to the point of origin.

Issued in Seattle, Washington, on February 14, 2017.

**Tracey Johnson,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2017–03549 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2016–9138; Airspace Docket No. 16–AWP–13]

**Amendment of Class E Airspace, Willows, CA**

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

**ACTION:** Final rule.

**SUMMARY:** This action to modifies Class E airspace extending upward from 700 feet above the surface at Willows-Glenn County Airport, Willows, CA, for the safety and management of Instrument Flight Rules (IFR) operations at the airport. Decommissioning of the Maxwell VHF Omni-directional Range/Tactical Air Navigation (VORTAC) navigation aid and cancellation of associated approaches has made this action necessary. Also, the airport’s geographic coordinates are adjusted to match the current FAA aeronautical database.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/).

For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4511.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Willows-Glenn County Airport, Willows, CA, due to the decommissioning of the Maxwell VHF Omni-directional Range/Tactical Air Navigation (VORTAC) navigation aid and cancellation of associated approaches.

##### History

On November 25, 2016, the FAA published in the **Federal Register** (81 FR 85171), Docket FAA-2016-9138, a notice of proposed rulemaking to modify Class E airspace extending upward from 700 feet above the surface at Willows-Glenn County Airport, Willows, CA, by removing a segment extending 3 miles north of the Maxwell VHF Omni-directional Range/Tactical Air Navigation (VORTAC), which has been decommissioned. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile radius of Willows-Glenn County Airport, Willows, CA by removing a segment extending 3 miles north of the decommissioned Maxwell VORTAC. Additionally, the airport's geographic coordinates are updated to match the current FAA aeronautical database. These modifications are necessary to ensure the safety and management of IFR operations at the airport, with a minimum degree of airspace restriction.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion

under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **AWP CA E5 Willows, CA [Modified]**

Willows-Glenn County Airport, CA  
(Lat. 39°30'57" N., long. 122°13'02" W.)  
That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Willows-Glenn County Airport.

Issued in Seattle, Washington, on February 14, 2017.

#### **Tracey Johnson,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2017-03512 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2017-0015; Airspace  
Docket No. 17-ASO-1]

**Amendment Class E Airspace, St. Petersburg, FL**

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

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

**SUMMARY:** This action amends Class E surface airspace area at St. Petersburg, FL, by updating the geographic coordinates of St. Petersburg-Clearwater International Airport. The boundaries and operating requirements of the airspace area remain the same.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E surface area airspace at St. Petersburg-Clearwater International Airport, St. Petersburg, FL.

**History**

In a final rule published December 16, 2016 (81 FR 90976), amending the ceiling of Class D airspace for St. Petersburg-Clearwater International Airport, FL, the FAA noted that the geographic coordinates of the airport were not updated for the Class E surface area airspace and makes the correction in this rulemaking.

Class E airspace designations are published in paragraph 6002 of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by updating the geographic coordinates of St. Petersburg-Clearwater International Airport, St. Petersburg, FL, in Class E surface area airspace to be in concert with the FAA's aeronautical database.

This is an administrative change and does not affect the boundaries, or operating requirements of the airspace, therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, effective September 15, 2016, is amended as follows:

*Paragraph 6002 Class E Surface Area Airspace.*

\* \* \* \* \*

**ASO FL E2 St. Petersburg, FL [Amended]**

St. Petersburg-Clearwater International Airport, FL  
(Lat. 27°54'31" N., long. 82°41'11" W.)

Within a 4.2-mile radius of St. Petersburg-Clearwater International Airport; excluding

that portion within the Tampa International Airport, FL, Class B airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement (previously called Airport/Facility Directory).

Issued in College Park, Georgia, on January 31, 2017.

**Ryan Almasy,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2017-03538 Filed 2-24-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2016-9320; Airspace Docket No. 15-AWP-2]

#### Establishment of Class E Airspace, Weed, CA

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 feet above the surface at Weed Airport, Weed, CA, to support the development of Area Navigation (RNAV) Global Positioning System (GPS) Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport, and for the safety and management of controlled airspace within the National Airspace System.

**DATES:** Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/>

*federal register/code\_of\_federal\_regulations/ibr\_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4511.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Weed Airport, Weed, CA, to support the development of RNAV GPS IFR operations under standard instrument approach and departure procedures at the airport.

##### History

On December 6, 2016, the FAA published in the **Federal Register** (81 FR 87856), Docket FAA-2016-9320, a notice of proposed rulemaking to establish Class E airspace extending upward from 700 feet above the surface at Weed Airport, Weed, CA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 4.3-mile radius of Weed Airport, with a segment extending from the 4.3-mile radius to 6 miles north of the airport. This airspace is established to accommodate new RNAV (GPS) standard instrument approach and departure procedures developed for IFR operations the airport.

##### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

##### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:



**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AWP CA E5 Weed, CA [New]**

Weed Airport, CA

(Lat. 41°28'51" N., long. 122°27'16" W.)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of Weed Airport, and within 2 miles each side of the 348° bearing from the airport 4.3-mile radius to 6 miles north of the airport.

Issued in Seattle, Washington, on February 14, 2017.

**Tracey Johnson,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2017–03513 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. 2016–8926; Amendment No. 71–48]

**RIN 2120–AA66**

**Airspace Designations; Incorporation by Reference Amendments**

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

**ACTION:** Final rule, technical amendment.

**SUMMARY:** This action incorporates certain amendments into FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, for incorporation by reference in 14 CFR 71.1.

**DATES:** Effective date 0901 UTC February 27, 2017. The Director of the Federal Register approves this incorporation by reference action under

1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at <http://www.faa.gov/airtraffic/publications/>. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:**

Sarah A. Combs, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes the necessary updates for airspace areas within the National Airspace System.

**History**

Federal Aviation Administration Airspace Order 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1, is published yearly. Amendments referred to as "effective date straddling amendments" were published under Order 7400.9Z (dated August 6, 2015, and effective September 15, 2015), but became effective under Order 7400.11A (dated August 3, 2016, and effective

September 15, 2016). This action incorporates these rules into the current FAA Order 7400.11A.

Accordingly, as this is an administrative correction to update final rule amendments into FAA Order 7400.11A, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Also, to bring these rules and legal descriptions current, I find that good cause exists, under 5 U.S.C. 553(d), for making this amendment effective in less than 30 days.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends title 14 Code of Federal Regulations (14 CFR) Part 71 to incorporate certain final rules into the current FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, which are depicted on aeronautical charts.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. Section 71.1 is revised to read as follows:

For Docket No. FAA–2015–5800; Airspace Docket No. 15–AGL–21 (81 FR 34267, May 31, 2016). On page 34267, column 1, line 32, under **DATES**; and on page 34267, column 1, line 53, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 34267, column 1, line 35, under **ADDRESSES**; and on page 34267, column 2, line 49 and line 52, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 34267, column 2, line 36, under History; and on page 34267, column 2, line 46, under Availability and Summary of Documents for Incorporation by Reference; and on page 34267, column 3, line 4, under The Rule; and on page 34268, column 1, line 3, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0526; Airspace Docket No. 16–ASW–3 (81 FR 34879, June 1, 2016). On page 34879, column 3, line 18, under **DATES**; and on page 34879, column 3, line 39, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 34879, column 3, line 21 and line 34, under **ADDRESSES**; and on page 34880, column 1, line 58 and line 61, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 34880, column 1, line 45, under History; and on page 34880, column 1, line 55, under Availability and Summary of Documents for Incorporation by Reference; and on page 34880, column 3, line 14, under Amendatory Instruction 2 remove “. . .

FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0525; Airspace Docket No. 16–AGL–1 (81 FR 34880, June 1, 2016). On page 34881, column 1, line 14, under **DATES**; and on page 34881, column 1, line 35, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 34881, column 1, line 17 and line 30, under **ADDRESSES**; and on page 34881, column 2, line 33 and line 36, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 34881, column 2, line 20, under History; and on page 34881, column 2, line 30, under Availability and Summary of Documents for Incorporation by Reference; and on page 34881, column 3, line 49, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0449; Airspace Docket No. 16–ASW–2 (81 FR 36140, June 6, 2016). On page 36140, column 3, line 33, under **DATES**; and on page 36140, column 3, line 54, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 36140, column 3, line 36 and line 49, under **ADDRESSES**; and on page 36141, column 1, line 48 and line 51, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 36141, column 1, line 35, under History; and on page 36141, column 1, line 45, under Availability and Summary of Documents for Incorporation by Reference; and on page 36141, column 3, line 3, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting

Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–7857; Airspace Docket No. 15–ASW–22 (81 FR 36141, June 6, 2016). On page 36142, column 1, line 29, under **DATES**; and on page 36142, column 1, line 50, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 36142, column 1, line 32 and line 45, under **ADDRESSES**; and on page 36142, column 3, line 12 and line 15, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 36142, column 2, line 67, under History; and on page 36142, column 3, line 9, under Availability and Summary of Documents for Incorporation by Reference; and on page 36143, column 2, line 6, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0149; Airspace Docket No. 15–AWA–8 (81 FR 37126, June 9, 2016). On page 37126, column 3, line 14, under **DATES**; and on page 37126, column 3, line 34, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 37126, column 3, line 16 and line 29, under **ADDRESSES**; and on page 37127, column 1, line 25 and line 28, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 37127, column 1, line 11, under History; and on page 37127, column 1, line 22, under Availability and Summary of Documents for Incorporation by Reference; and on page 37127, column 2, line 34, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–4452; Airspace Docket No. 15–AWA–7 (81 FR 37127, June 9, 2016). On page 37127, column 3, line 33, under **DATES**; and on page 37127, column 3, line 53, under **ADDRESSES** remove “. . . FAA Order

7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 37127, column 3, line 35 and line 48, under **ADDRESSES**; and on page 37128, column 1, line 40 and line 43, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 37128, column 1, line 37, under Availability and Summary of Documents for Incorporation by Reference; and on page 37128, column 2, line 20, under The Rule; and on page 37128, column 3, line 19, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–5573; Airspace Docket No. 16–ASO–7 (81 FR 38580, June 14, 2016). On page 38580, column 2, line 52, under **DATES**; and on page 38580, column 3, line 9, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 38580, column 2, line 54 and column 3, line 5, under **ADDRESSES**; and on page 38581, column 1, line 7 and line 10, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 38580, column 3, line 59, under History; and on page 38581, column 1, line 4, under Availability and Summary of Documents for Incorporation by Reference; and on page 38581, column 2, line 19, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–3085; Airspace Docket No. 15–ASW–2 (81 FR 39182, June 16, 2016). On page 39182, column 2, line 53, under **DATES**; and on page 39182, column 3, line 14, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 39182, column 2, line 56 and column 3, line 9, under **ADDRESSES**; and on page 39183, column 1, line 14 and line 17, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order

7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 39182, column 3, line 66, under History; and on page 39183, column 1, line 11, under Availability and Summary of Documents for Incorporation by Reference; and on page 39183, column 2, line 34, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0021; Airspace Docket No. 16–ANM–1 (81 FR 39556, June 17, 2016). On page 39556, column 2, line 12, under **DATES**; and on page 39556, column 2, line 34, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 39556, column 2, line 15 and line 28, under **ADDRESSES**; and on page 39556, column 3, line 31 and line 34, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 39556, column 3, line 18, under History; and on page 39556, column 3, line 28, under Availability and Summary of Documents for Incorporation by Reference; and on page 39556, column 3, line 52, under The Rule; and on page 39557, column 1, line 46, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–0071; Airspace Docket No. 16–ASO–1 (81 FR 40164, June 21, 2016). On page 40164, column 2, line 17, under **DATES**; and on page 40164, column 2, line 38, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 40164, column 2, line 20 and line 33, under **ADDRESSES**; and on page 40164, column 3, line 32 and line 35, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 40164, column 3, line 18, under History; and on page 40164, column 3, line 29, under Availability and Summary of Documents for

Incorporation by Reference; and on page 40165, column 1, line 54, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–8304; Airspace Docket No. 15–AEA–15 (81 FR 41211, June 24, 2016). On page 41211, column 1, line 45, under **DATES**; and on page 41211, column 2, line 5, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 41211, column 1, line 48 and line 61, under **ADDRESSES**; and on page 41211, column 3, line 20 and line 23, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 41211, column 3, line 6, under History; and on page 41211, column 3, line 17, under Availability and Summary of Documents for Incorporation by Reference; and on page 41212, column 1, line 41, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–5800; Airspace Docket No. 15–AGL–21 (81 FR 41212, June 24, 2016). On page 41212, column 3, line 9, under **DATES**; and on page 41212, column 3, line 30, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 41212, column 3, line 12, under **ADDRESSES**; and on page 41213, column 1, line 22 and line 25, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 41213, column 1, line 8, under History; and on page 41213, column 1, line 19, under Availability and Summary of Documents for Incorporation by Reference; and on page 41213, column 1, line 42, under The Rule; and on page 41213, column 2, line 38, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and

effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–3994; Airspace Docket No. 15–ANM–23 (81 FR 41798, June 28, 2016). On page 41798, column 1, line 61, under **DATES**; and on page 41798, column 2, line 20, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 41798, column 2, line 1 and line 15, under **ADDRESSES**; and on page 41798, column 3, line 13 and line 16, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 41798, column 2, line 66, under History; and on page 41798, column 3, line 10, under Availability and Summary of Documents for Incorporation by Reference; and on page 41799, column 1, line 32, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4234; Airspace Docket No. 16–ACE–3 (81 FR 43038, July 1, 2016). On page 43038, column 3, line 27, under **DATES**; and on page 43038, column 3, line 48, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 43038, column 3, line 30 and line 43, under **ADDRESSES**; and on page 43039, column 1, line 56 and line 59, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 43039, column 1, line 43, under History; and on page 43039, column 1, line 53, under Availability and Summary of Documents for Incorporation by Reference; and on page 43039, column 3, line 19, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4429; Airspace Docket No. 16–ASW–8 (81 FR

45407, July 14, 2016). On page 45407, column 3, line 53, under **DATES**; and on page 45408, column 1, line 12, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 45407, column 3, line 56 and on page 45408 column 1, line 7, under **ADDRESSES**; and on page 45408, column 2, line 13 and line 16, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 45408, column 1, line 76, under History; and on page 45408, column 2, line 10, under Availability and Summary of Documents for Incorporation by Reference; and on page 45408, column 3, line 48, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–7203; Airspace Docket No. 15–ASO–14 (81 FR 47287, July 21, 2016). On page 47287, column 2, line 41, under **DATES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 47287, column 3, line 19 and line 22, under **ADDRESSES** remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 47287, column 3, line 5, under History; and on page 47287, column 3, line 16, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4291; Airspace Docket No. 16–AGL–7 (81 FR 50613, August 2, 2016). On page 50613, column 3, line 11, under **DATES**; and on page 450613, column 3, line 32, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 50613, column 3, line 14 and line 27, under **ADDRESSES**; and on page 50614, column 1, line 46 and line 49, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On

page 50614, column 1, line 33, under History; and on page 50614, column 1, line 43, under Availability and Summary of Documents for Incorporation by Reference; and on page 50614, column 3, line 26, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4271; Airspace Docket No. 16–AGL–6 (81 FR 52761, August 10, 2016). On page 52761, column 1, line 49, under **DATES**; and on page 52761, column 2, line 7, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 52761, column 1, line 52 and column 2, line 3, under **ADDRESSES**; and on page 52761, column 3, line 9 and line 12, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 52761, column 2, line 62, under History; and on page 52761, column 3, line 6, under Availability and Summary of Documents for Incorporation by Reference; and on page 52762, column 1, line 40, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4236; Airspace Docket No. 16–ASW–5 (81 FR 52762, August 10, 2016). On page 52762, column 1, line 55, under **DATES**; and on page 52762, column 3, line 19, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 52762, column 3, line 1 and line 14, under **ADDRESSES**; and on page 52763, column 1, line 11 and line 14, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 52762, column 3, line 64, under History; and on page 52763, column 1, line 8, under Availability and Summary of Documents for Incorporation by Reference; and on page 52763, column 2, line 19, under Amendatory Instruction 2 remove “. . . FAA Order

7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–5856; Airspace Docket No. 16–AGL–9 (81 FR 52991, August 11, 2016). On page 52991, column 3, line 34, under **DATES**; and on page 52991, column 3, line 55, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 52991, column 3, line 37, under **ADDRESSES**; and on page 52992, column 1, line 51 and line 54, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 52992, column 1, line 37, under History; and on page 52992, column 1, line 48, under Availability and Summary of Documents for Incorporation by Reference; and on page 52992, column 2, line 11, under The Rule; and on page 52992, column 3, line 12, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–4629; Airspace Docket No. 16–AGL–8 (81 FR 52992, August 11, 2016). On page 52993, column 1, line 19, under **DATES**; and on page 52993, column 1, line 40, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 52993, column 1, line 22 and line 35, under **ADDRESSES**; and on page 52993, column 2, line 45 and line 48, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 52993, column 2, line 32, under History; and on page 52993, column 2, line 42, under Availability and Summary of Documents for Incorporation by Reference; and on page 52994, column 1, line 18, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting

Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–5456; Airspace Docket No. 16–AGL–11 (81 FR 53262, August 12, 2016). On page 53262, column 1, line 27, under **DATES**; and on page 53262, column 1, line 48, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53262, column 1, line 30, under **ADDRESSES**; and on page 53262, column 2, line 47 and line 50, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53262, column 2, line 33, under History; and on page 53262, column 2, line 44, under Availability and Summary of Documents for Incorporation by Reference; and on page 53262, column 3, line 2, under The Rule; and on page 53263 column 1, line 3, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–5386; Airspace Docket No. 16–AGL–12 (81 FR 53263, August 12, 2016). On page 53263, column 1, line 48, under **DATES**; and on page 53263, column 2, line 11, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53263, column 1, line 51, under **ADDRESSES**; and on page 53263, column 3, line 7 and line 10, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53263, column 2, line 57, under History; and on page 53263, column 3, line 4, under Availability and Summary of Documents for Incorporation by Reference; and on page 53263, column 3, line 27, under The Rule; and on page 53264, column 1, line 23, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–1074; Airspace Docket No. 16–ASO–3 (81 FR 53264, August 12, 2016). On page

53264, column 2, line 8, under **DATES**; and on page 53264, column 2, line 29, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53264, column 2, line 11 and line 29, under **ADDRESSES**; and on page 53264, column 3, line 18 and line 21, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53264, column 3, line 4, under History; and on page 53264, column 3, line 15, under Availability and Summary of Documents for Incorporation by Reference; and on page 53265, column 1, line 21, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–5387; Airspace Docket No. 16–AGL–13 (81 FR 53265, August 12, 2016). On page 53265, column 2, line 6, under **DATES**; and on page 53265, column 2, line 27, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53265, column 2, line 9, under **ADDRESSES**; and on page 53265, column 3, line 12 and line 15, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53265, column 3, line 9, under Availability and Summary of Documents for Incorporation by Reference; and on page 53265, column 3, line 33, under The Rule; and on page 53266, column 1, line 32, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–3937; Airspace Docket No. 16–AWA–1 (81 FR 53912, August 15, 2016). On page 53912, column 2, line 26, under **DATES**; and on page 53912, column 2, line 46, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53912, column 2, line 28 and line 41, under **ADDRESSES**; and on page

53912, column 3, line 34 and line 37, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53912, column 3, line 31, under Availability and Summary of Documents for Incorporation by Reference; and on page 53913, column 1, line 2, under The Rule; and on page 53913, column 2, line 23, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–7467; Airspace Docket No. 16–AWA–2 (81 FR 53913, August 15, 2016). On page 53913, column 3, line 27, under **DATES**; and on page 53913, column 3, line 48, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53913, column 3, line 30 and line 43, under **ADDRESSES**; and on page 53914, column 1, line 55 and line 58, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53914, column 1, line 41, under History; and on page 53914, column 1, line 52, under Availability and Summary of Documents for Incorporation by Reference; and on page 53914, column 3, line 28, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–7416; Airspace Docket No. 16–AWA–5 (81 FR 53915, August 15, 2016). On page 53915, column 1, line 27, under **DATES**; and on page 53915, column 1, line 48, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 53915, column 1, line 30 and line 43, under **ADDRESSES**; and on page 53915, column 2, line 55 and line 58, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 53915, column 2, line 41, under

History; and on page 53915, column 2, line 52, under Availability and Summary of Documents for Incorporation by Reference; and on page 53916, column 1, line 30, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–3599; Airspace Docket No. 15–AGL–14 (81 FR 58382, August 25, 2016). On page 58382, column 3, line 16, under **DATES**; and on page 58382, column 3, line 37, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 58382, column 3, line 19, under **ADDRESSES**; and on page 58383, column 1, line 24 and line 27, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 58383, column 1, line 21, under Availability and Summary of Documents for Incorporation by Reference; and on page 58383, column 1, line 46, under The Rule; and on page 58383, column 2, line 43, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–3785; Airspace Docket No. 16–ASW–9 (81 FR 58383, August 25, 2016). On page 58383, column 3, line 33, under **DATES**; and on page 58383, column 3, line 54, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 58383, column 3, line 36, under **ADDRESSES**; and on page 58384, column 1, line 51 and line 54, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 58384, column 1, line 37, under History; and on page 58384, column 1, line 48, under Availability and Summary of Documents for Incorporation by Reference; and on page 58384, column 2, line 6, under The Rule; and on page 58384, column 3, line 6, under Amendatory Instruction 2

remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–7002; Airspace Docket No. 16–ACE–5 (81 FR 62002, September 8, 2016). On page 62002, column 1, line 24, under **DATES**; and on page 62002, column 1, line 45, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 62002, column 1, line 27, under **ADDRESSES**; and on page 62002, column 2, line 43 and line 46, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 62002, column 2, line 29, under History; and on page 62002, column 2, line 40, under Availability and Summary of Documents for Incorporation by Reference; and on page 62002, column 2, line 63, under The Rule; and on page 62002, column 3, line 59, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–6115; Airspace Docket No. 16–AGL–14 (81 FR 62003, September 8, 2016). On page 62003, column 1, line 40, under **DATES**; and on page 62003, column 2, line 1, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 62003, column 1, line 43, under **ADDRESSES**; and on page 62003, column 2, line 60 and line 63, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 62003, column 2, line 46, under History; and on page 62003, column 2, line 57, under Availability and Summary of Documents for Incorporation by Reference; and on page 62003, column 3, line 14, under The Rule; and on page 62004, column 1, line 12, under Amendatory Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order

7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2015–4133; Airspace Docket No. 15–ANM–27 (81 FR 62807, September 12, 2016). On page 62807, column 1, line 27, under **DATES**; and on page 62807, column 1, line 47, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 62807, column 1, line 30 and line 43, under **ADDRESSES**; and on page 62807, column 2, line 62 and line 65, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 62807, column 2, line 49, under History; and on page 62807, column 2, line 65, under Availability and Summary of Documents for Incorporation by Reference; and on page 62808, column 2, line 3, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

For Docket No. FAA–2016–6006; Airspace Docket No. 15–AGL–3 (81 FR 62810, September 13, 2016). On page 62810, column 1, line 38, under **DATES**; and on page 62810, column 1, line 59, under **ADDRESSES** remove “. . . FAA Order 7400.9 . . .” and add in its place “. . . FAA Order 7400.11 . . .”. On page 62810, column 1, line 41, under **ADDRESSES**; and on page 62810, column 2, line 57 and line 60, under Availability and Summary of Documents for Incorporation by Reference remove “. . . FAA Order 7400.9Z, . . .” and add in its place “. . . FAA Order 7400.11A, . . .”. On page 62810, column 2, line 44, under History; and on page 62810, column 2, line 54, under Availability and Summary of Documents for Incorporation by Reference; and on page 62810, column 3, line 17, under The Rule; and on page 62811, column 1, line 16, under Amending Instruction 2 remove “. . . FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, . . .” and add in its place “. . . FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, . . .”.

Issued in Washington, DC, on February 13, 2017.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2017–03521 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2015–3835; Airspace Docket No. 14–ASW–13]

RIN 2120–AA66

#### Amendment of Air Traffic Service (ATS) Routes; Southwest Oklahoma

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies 3 VHF Omnidirectional Range (VOR) Federal airways (V–140, V–272, and V–440) in the vicinity of Sayre, OK. The FAA is taking this action due to the scheduled decommissioning of the Sayre, OK, VOR/Tactical Air Navigation (VORTAC) facility that provides navigation guidance for a portion of the airways listed. This action enhances the enroute structure within the National Airspace System.

**DATES:** Effective date 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

#### FOR FURTHER INFORMATION CONTACT:

Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the route structure as required to preserve the safe and efficient flow of air traffic in the vicinity of Sayre, OK.

##### History

On October 20, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) (80 FR 63473), Docket No. FAA–2015–3835, to amend VOR Federal airways V–140, V–272, and V–440 due to the scheduled decommissioning of the Sayre VORTAC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received.

##### Discussion of Comments

The comment received was in regard to navigation aid signal reception coverage along the proposed realigned airway segments being sufficient enough for navigation. The commenter noted that low altitude VORs, like the Sayre and Burns Flat, OK, VORTAC facilities were only certified to 40 nautical miles (NM). He also stated that the distance of V–440 between the Sayre and Panhandle, TX, VORTACs was 102 NM and had already stretched the approved reception of the two VORs from 80 NM to 102 NM. The commenter offered that moving airway operations from the Sayre VORTAC to the Burns Flat VORTAC would only increase the reception distance further and possibly cause loss of navigation reception while on the airway. He recommended the FAA test the reception along the new proposed airway and confirm the airway

amendment would have sufficient navigation reception.

In response to the comment received, the FAA accomplished an extended service volume (ESV) analysis of the VORTACs supporting all the proposed amendments and determined that the navigation aid signal reception along the proposed VOR Federal airway route segments fell within historical signal reception coverages for the area. FAA flight check evaluation of the amended route segments confirmed there is satisfactory navigation aid signal coverage along the new routes.

VOR Federal airways are published in paragraph 6010 of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

#### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

#### The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify three VOR Federal airways (V-140, V-272, and V-440) in the vicinity of Sayre, OK, due to the scheduled decommissioning of the Sayre VORTAC. The route modifications are outlined below.

**V-140:** V-140 extends from the Panhandle VORTAC to the Casanova, VA, VORTAC. The route segment between the Panhandle and Kingfisher, OK, VORTACs is amended to proceed over the Burns Flat VORTAC.

**V-272:** V-272 extends from the Dalhart, TX, VORTAC to the Fort Smith, AR, VORTAC. The route segment between the Borger and Will Rogers VORTACs is amended to proceed over the Burns Flat VORTAC.

**V-440:** V-440 extends from the Panhandle VORTAC to the Will Rogers VORTAC. The route segment between the BRISC and CARFF fixes is amended to proceed over the Burns Flat VORTAC. Additionally, the intersecting NAVAID radial information used to describe the BRISC fix is updated using the Panhandle VORTAC 070°(T) and Burns Flat VORTAC 288°(T) radials and

the intersecting NAVAID radial information used to describe the CARFF fix is updated using the Burns Flat VORTAC 103°(T) and Will Rogers VORTAC 248°(T) radials.

All radials in the regulatory text route descriptions below are stated in True degrees.

#### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

The FAA has determined that this action of modifying three VOR Federal airways near Sayre, OK qualifies for categorical exclusion under the National Environmental Policy Act (40 CFR part 1500) and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a which categorically excludes from further environmental review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). Therefore, this action is not expected to cause any potentially significant environmental impacts. Also in accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways*

\* \* \* \* \*

#### V-140 [Amended]

From Panhandle, TX; Burns Flat, OK; Kingfisher, OK; INT Kingfisher 072° and Tulsa, OK, 261° radials; Tulsa; Razorback, AR; Harrison, AR; Walnut Ridge, AR; Dyersburg, TN; Nashville, TN; Livingston, TN; London, KY; Hazard, KY; Bluefield, WV; INT Bluefield 071° and Montebello, VA, 250° radials; Montebello; to Casanova, VA.

\* \* \* \* \*

#### V-272 [Amended]

From Dalhart, TX; Borger, TX; Burns Flat, OK; Will Rogers, OK; INT Will Rogers 113° and McAlester, OK, 286° radials; McAlester; to Fort Smith, AR.

\* \* \* \* \*

#### V-440 [Amended]

From Panhandle, TX; INT Panhandle 070° and Burns Flat, OK, 288° radials; Burns Flat; INT Burns Flat 103° and Will Rogers, OK, 248° radials; to Will Rogers.

\* \* \* \* \*

Issued in Washington, DC, on February 16, 2017.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2017-03542 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2016-9193; Airspace  
Docket No. 16-AGL-26]

**Establishment of Class E Airspace;  
Wessington Springs, SD**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 feet above the surface at Wessington Springs Airport, Wessington Springs, SD. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures developed at Wessington Springs Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5857.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Wessington Springs Airport, Wessington Springs, SD.

**History**

On November 16, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E Airspace extending upward from 700 feet above the surface at Wessington Springs Airport, Wessington Springs, SD (81FR 80618) FAA-2016-9193. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Wessington Springs Airport, Wessington Springs, SD, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Section 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is

incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and

effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward from 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AGL SD E5 Wessington Springs, SD [New]**

Wessington Springs Airport, SD  
(Lat. 44°03'43" N., long. 098°31'56" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Wessington Springs Airport

Issued in Fort Worth, Texas, on February 9, 2017.

**Vonnie L. Royal,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2017-03543 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR**

**Office of Natural Resources Revenue**

**30 CFR Parts 1202 and 1206**

[Docket No. ONRR-2012-0004; DS63644000 DR2000000.CH7000 178D0102R2]

**RIN 1012-AA13**

**Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform 2017 Valuation Rule**

**AGENCY:** Office of Natural Resources Revenue (ONRR), Interior.

**ACTION:** Notification; postponement of effectiveness.

**SUMMARY:** On July 1, 2016, the Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (2017 Valuation Rule or Rule) in the **Federal Register**. On December 29, 2016, three separate petitions challenging the 2017 Valuation Rule were filed in the United States District Court for the District of Wyoming. In light of the existence and potential consequences of the pending litigation, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule pursuant to 5 U.S.C. 705 of the Administrative Procedure Act, pending judicial review.

**DATES:** February 27, 2017.

**FOR FURTHER INFORMATION CONTACT:** Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to [peter.christnacht@onrr.gov](mailto:peter.christnacht@onrr.gov).

**SUPPLEMENTARY INFORMATION:** On July 1, 2016, ONRR published the 2017 Valuation Rule in the **Federal Register**.

See 81 FR 43338. The 2017 Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Although the 2017 Valuation Rule took effect on January 1, 2017, Federal and Indian Lessees are not required to report and pay royalties under the Rule until February 28, 2017. Under this notification, Lessees will not be required to report and pay royalties under the Rule as of that date.

On December 29, 2016, three separate petitions were filed in the U.S. District Court for the District of Wyoming.<sup>1</sup> The petitions allege that certain provisions of the 2017 Valuation Rule are arbitrary, capricious, and contrary to the law. On February 17, 2017, the petitioners sent the ONRR Director a letter requesting that ONRR postpone the implementation of the 2017 Valuation Rule. The petitioners claim that lessees affected by the Rule face significant hardship and uncertainty in the face of reporting under the rule for the first time on February 28, 2017. The petitioners also claim that the new reporting and payment requirements in the Rule are difficult, and in some cases impossible, to comply with by the royalty reporting deadline; a difficulty exacerbated by the fact that non-compliant lessees may be exposed to significant civil penalties.

Under Section 705 of the Administrative Procedure Act “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. 705. In light of the pending litigation, and for the following reasons, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule until the judicial challenges to the Rule are resolved.

First, the postponement will preserve the regulatory status quo while the litigation is pending and the Court decides whether to uphold the regulation. While ONRR believes the 2017 Valuation Rule was properly promulgated, the petitioners have raised serious questions concerning the validity of certain provisions of the Rule, including the expansion of the “default provision” and the use of the sales price of electricity for certain coal-royalty valuations. Given this legal uncertainty, maintaining the status quo

is critical for a number of reasons. First, a postponement will avoid the substantial cost of retroactively correcting and verifying all revenue reports if the 2017 Valuation Rule is invalidated, in whole or in part, as a result of the pending litigation. Federal and Indian lessees affected by the 2017 Valuation Rule submit approximately 450,000 reporting lines every production month. If the Court invalidates the 2017 Valuation Rule, affected lessees would be forced to correct and resubmit reporting lines for each production month that the Rule is in effect. ONRR would be required to review and verify the same. Thus, postponing the 2017 Valuation Rule will avoid forcing both the regulated community and ONRR to perform the complicated, time-consuming, and costly task of correcting and verifying revenue reports and payments if the 2017 Valuation Rule is invalidated as a result of the pending litigation.<sup>2</sup>

In addition, the postponement will enhance the lessees’ ability to timely and accurately report and pay royalties because they will be using a well-known system that has been in place for the last 25 years. ONRR has received numerous legitimate questions from lessees on how to apply the 2017 Valuation Rule, some of which will require additional consideration and time before ONRR can definitively answer them; thus increasing the likelihood that lessees will initially report incorrectly and later need to adjust their reports. In addition, the Court may resolve some of these issues differently than ONRR, again increasing the likelihood that lessees will need to submit corrected reports. Given these judicial and administrative uncertainties, relying on the previous regulatory system while the litigation is pending will reduce uncertainty and enhance ONRR’s ability to collect and verify natural resource revenues, which is in the best interest of all those who benefit from royalty payments, including States, Tribes, individual Indian lessors, and the general public.

The United States will suffer no significant harm from postponing the effectiveness of the 2017 Valuation Rule while the litigation is pending. As noted in the preamble to the final rule, the implementation of the Rule is not expected to have a significant impact on

<sup>1</sup> *Cloud Peak Energy, Inc. v. United States Dep’t of the Interior*, Case No. 16CV315-F (D. Wyo.);

*American Petroleum Inst. V. United States Dep’t of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and Transmission Ass’n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep’t of the Interior*, Case No. 16CV319-F (D. Wyo.)

<sup>2</sup> Some lessees have likely converted their accounting systems to report and pay royalties under the new rule. While these lessees will incur a cost to revert back to the pre-existing system, the cost of doing so now, before the first reporting period, will be much less than if the reversion is required later upon judicial order, and the lessee is required to correct its reporting for each month it reported under the Rule.

the economy. 81 FR 43338, 43368. Thus, postponing the effectiveness of the Rule will not cause any appreciable economic harm to the general public. In fact, the interests of all royalty beneficiaries will be enhanced by the regulatory certainty provided by the postponement, as discussed above. In contrast, the regulated community will suffer harm without the postponement, especially if the Rule is later invalidated by the Court. If the Rule is invalidated, the regulated community would not only incur the unreimbursable costs of reverting back to the old system, but would also incur the substantial costs of correcting its reports and royalty payments for each production month.

In sum, in light of the existence and consequences of the pending litigation, and given the potentially irreparable harm that could result if the 2017 Valuation Rule is immediately implemented, ONRR has determined that the public interest and justice requires postponing the effectiveness of the 2017 Valuation Rule until the litigation is resolved.

Accordingly, pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705, ONRR has postponed the effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule pending judicial review.

Dated: February 22, 2017.

**Gregory J. Gould,**

*Director, Office of Natural Resources Revenue.*

[FR Doc. 2017-03861 Filed 2-24-17; 8:45 am]

**BILLING CODE P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 80 and 95

[WT Docket No. 14-36; FCC 16-119]

#### Marine Radio Equipment and Related Matters

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in the Commission's Report and Order, FCC 16-119. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the

**Federal Register** announcing OMB approval and the effective date of the rules.

**DATES:** The rule amendments to 47 CFR 80.233, 80.1061, 95.1402 and 95.1403, published at 81 FR 90739, December 15, 2016, are effective on February 27, 2017.

**FOR FURTHER INFORMATION CONTACT:** Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** This document announces that, on February 13, 2017, OMB approved information collection requirements contained in the Commission's Report and Order, FCC 16-119, published at 81 FR 90739. The OMB Control Number is 3060-1227. The Commission publishes this notice as an announcement of the effective date of those information collection requirements.

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 13, 2017, for the information collection requirements contained in 47 CFR 80.233, 80.1061, 95.1402, 95.1403, as amended in the Commission's Report and Order, FCC 16-119. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1227.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060-1227.

*OMB Approval Date:* February 13, 2017.

*OMB Expiration Date:* February 29, 2020.

*Title:* Sections 80.233, Technical Requirements for Automatic Identification System Search and Rescue Transmitter (AIS-SART) Equipment, 80.1061, Special requirements for 406.0-406.1 MHz EPIRB Stations, 95.1402, Special Requirements for 406 MHz PLBs and 95.1403, Special Requirements for Maritime Survivor Locating Devices.

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 80 respondents; 80 responses.

*Estimated Time per Response:* 1 hour.  
*Frequency of Response:* Third party disclosure requirement and on-occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154, 303 unless otherwise noted.

*Total Annual Burden:* 80 hours.

*Total Annual Cost:* No cost.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* The information collections contained in these rule sections require manufacturers of certain emergency radio beacons to include supplemental information with their equipment certification application which are due to the information collection requirements which were adopted by the Federal Communications Commission in FCC 16-119 on August 30, 2016. Manufacturers of Automatic Identification System Search and Rescue Transmitters (AIS-SARTS), 406 MHz Emergency Position Indicating RadioBeacons (EPIRBs), and Maritime Survivor Locating Device (MSLDs) must provide a copy of letter from the U.S. Coast Guard stating their device satisfies technical requirements specified in the IEC 61097-17 technical standard for AIS-SARTs, or Radio Technical Commission for Maritime Services (RTCM) Standard 11000 for 406 MHz EPIRBs, or RTCM Standard 11901 for MSLDs. They must also provide a copy or the technical test data, and the instruction manual(s). For 406 MHz PLBs manufacturers must include documentation from COSPAS/SARSAT recognized test facility that the PLB satisfies the technical requirements specified in COSPAS-SARSAT Standard C/S T.001 and COSPAS-SARSAT Standard C/S T.007 standards and documentation from an independent test facility stating that the PLB complies RTCM Standard 11010.2. The information is used by Telecommunications Certification Bodies (TCBs) to determine if the devices meets the necessary international technical standards and insure compliance with applicable rules. If this information were not available, operation of marine safety equipment could be hindered threatening the ability of rescue personnel to locate vessels in distress.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-03752 Filed 2-24-17; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 001005281-0369-02]

RIN 0648-XF218

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measure and Closure for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS implements an accountability measure (AM) to close the hook-and-line component of the commercial sector for king mackerel in the Florida west coast southern subzone. This closure is necessary to protect the Gulf of Mexico (Gulf) king mackerel resource.

**DATES:** This rule is effective 12:01 a.m., local time, February 25, 2017, through June 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727-824-5305, email: [kelli.odonnell@noaa.gov](mailto:kelli.odonnell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Gulf migratory group king mackerel is divided into western and eastern zones. The Gulf's eastern zone for king mackerel is further divided into the Florida west coast northern and southern subzones which have separate commercial quotas. The commercial

quota for the hook-and-line component of the commercial sector in the Florida west coast southern subzone is 551,448 lb (250,133 kg) (50 CFR 622.384(b)(1)(i)(B)(1)).

From November 1 through March 31, the southern subzone encompasses an area of the exclusive economic zone (EEZ) south of a line extending due west from the boundary of Lee and Collier Counties, Florida, on the Florida west coast, and south of a line extending due east from the Monroe and Miami-Dade County, Florida, boundary on the Florida east coast, which includes the EEZ off Collier and Monroe Counties, Florida. From April 1 through October 31, the southern subzone is reduced to the EEZ off Collier County, and the EEZ off Monroe County becomes part of the Atlantic migratory group area.

Under 50 CFR 622.8(b) and 622.388(a)(1), NMFS is required to close any component of the king mackerel commercial sector when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined the commercial quota for the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the Florida west coast southern subzone will be reached by February 25, 2017. Accordingly, the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the Florida west coast southern subzone is closed effective 12:01 a.m., local time, February 25, 2017, through the end of the fishing year on June 30, 2017.

On February 10, 2017, NMFS closed the Florida west coast southern subzone to commercial harvest of king mackerel caught by run around gillnet gear, because the commercial quota for that sector had been reached (82 FR 10553, February 14, 2017). Therefore, during these closures, no person aboard a vessel for which a valid commercial permit for king mackerel has been issued may harvest or possess Gulf migratory group king mackerel in or from Federal waters of the closed subzone, as specified in 50 CFR 622.384(e). However, there is one exception. A person aboard a vessel that has a valid Federal charter vessel/headboat permit and also has a commercial king mackerel permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the 2-fish daily recreational bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that have a valid commercial king mackerel permit are considered to be operating as a charter

vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

#### Classification

The Regional Administrator, NMFS Southeast Region, has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.8(b) and 622.388(a)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA), finds that the need to immediately implement this action constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment on this temporary rule are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations at 50 CFR 622.8(b) and 622.388(a)(1) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest, because there is a need to immediately implement this action to protect the king mackerel resource since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment on this action would require time and would potentially result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 22, 2017.

**Karen H. Abrams,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03783 Filed 2-22-17; 4:15 pm]

BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 150916863–6211–02]

RIN 0648–XF248

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2017 Pacific cod total allowable catch allocated to catcher vessels using trawl gear in the BSAI.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 23, 2017, through 1200 hours, A.l.t., April 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2017 Pacific cod total allowable catch (TAC) allocated to catcher vessels using trawl gear in the BSAI is 34,962 metric tons (mt) as established by the final 2016 and 2017 harvest specifications for groundfish in the BSAI (81 FR 14773, March 18, 2016) and inseason adjustment (82 FR 2916, January 10, 2017).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2017 Pacific cod TAC allocated to trawl catcher vessels

in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 34,000 mt and is setting aside the remaining 962 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 22, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 23, 2017.

**Karen H. Abrams,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017–03875 Filed 2–23–17; 4:15 pm]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 161020985–7181–02]

RIN 0648–XE989

**Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2017 and 2018 Harvest Specifications for Groundfish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; closures.

**SUMMARY:** NMFS announces final 2017 and 2018 harvest specifications and prohibited species catch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the 2017 and 2018 fishing years, and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Effective from 1200 hrs, Alaska local time (A.l.t.), February 27, 2017, through 2400 hrs, A.l.t., December 31, 2018.

**ADDRESSES:** Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS), Record of Decision (ROD), Supplementary Information Report (SIR) to the EIS, and the Initial Regulatory Flexibility Analysis (IRFA) prepared for this action are available from <http://alaskafisheries.noaa.gov>. The final 2016 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2016, as well as the SAFE reports for previous years, are available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, phone 907–271–2809, or from the Council's Web site at <http://www.npfmc.org/>.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** Federal regulations at 50 CFR part 679

implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species category. The sum TAC for all groundfish species must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)(A)). This final rule specifies the TAC at 2.0 million mt for both 2017 and 2018. NMFS also must specify apportionments of TAC, as well as prohibited species catch (PSC) allowances and prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; Amendment 80 allocations; and Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii). The final harvest specifications set forth in Tables 1 through 26 of this action satisfy these requirements.

Section 679.20(c)(3)(i) further requires NMFS to consider public comment on the proposed annual TACs (and apportionments thereof) and PSC allowances, and to publish final harvest specifications in the **Federal Register**. The proposed 2017 and 2018 harvest specifications and PSC allowances for the groundfish fishery of the BSAI were published in the **Federal Register** on December 6, 2016 (81 FR 87863). Comments were invited and accepted through January 5, 2017. NMFS received one letter of comment on the proposed harvest specifications; this comment is summarized and responded to in the "Response to Comments" section of this rule. NMFS consulted with the Council on the final 2017 and 2018 harvest specifications during the December 2016 Council meeting in Anchorage, AK. After considering public comments, as well as biological and economic data that were available at the Council's December meeting, NMFS implements the final 2017 and 2018 harvest specifications as recommended by the Council.

#### **Acceptable Biological Catch (ABC) and TAC Harvest Specifications**

The final ABC levels for Alaska groundfish are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and

revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations. The FMP specifies a series of six tiers to define OFL and ABC amounts based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available, while Tier 6 represents the lowest.

In December 2016, the Council, its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP) reviewed current biological and harvest information about the condition of the BSAI groundfish stocks. The Council's BSAI Groundfish Plan Team (Plan Team) compiled and presented this information in the final 2016 SAFE report for the BSAI groundfish fisheries, dated November 2016 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. NMFS notified the public of the comment period for these harvest specifications—and of the publication of the 2016 SAFE report—in the notice of proposed harvest specifications. From the data and analyses in the SAFE report, the Plan Team recommended an OFL and ABC for each species or species group at the November 2016 Plan Team meeting.

In December 2016, the SSC, AP, and Council reviewed the Plan Team's recommendations. The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the sum of all the TACs within the required OY range of 1.4 million to 2.0 million mt. As required by annual catch limit rules for all fisheries (74 FR 3178, January 16, 2009), none of the Council's recommended TACs for 2017 or 2018 exceed the final 2017 or 2018 ABCs for any species or species group. The Secretary of Commerce (Secretary) approves the final 2017 and 2018 harvest specifications as recommended by the Council. NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the preferred harvest strategy and the biological condition of groundfish stocks as described in the 2016 SAFE report that was approved by the Council.

The 2017 harvest specifications set in this final action will supersede the 2017 harvest specifications previously set in

the final 2016 and 2017 harvest specifications (81 FR 14773, March 18, 2016). The 2018 harvest specifications herein will be superseded in early 2018 when the final 2018 and 2019 harvest specifications are published. Pursuant to this final action, the 2017 harvest specifications therefore will apply for the remainder of the current year (2017), while the 2018 harvest specifications are projected only for the following year (2018) and will be superseded in early 2018 by the final 2018 and 2019 harvest specifications. Because this final action (published in early 2017) will be superseded in early 2018 by the publication of the final 2018 and 2019 harvest specifications, it is projected that this final action will implement the harvest specifications for the Bering Sea and Aleutian Islands for approximately one year.

#### **Other Actions Potentially Affecting the 2017 and 2018 Harvest Specifications**

The State of Alaska (State) manages separate Pacific cod fisheries in the Bering Sea subarea and the Aleutian Islands subarea. The State's guideline harvest level (GHL) fisheries are conducted independently of the Federal groundfish fisheries under direct regulation of the State. GHLs are derived from the Pacific cod ABC for the Bering Sea subarea and the Aleutian Islands subarea, and the TAC for each subarea is set at an amount less than or equal to the amount available after the annual GHL percentage has been deducted from the ABC. The State's GHLs for 2017 and 2018 are set equal to 6.4 percent of the Pacific cod ABC for the Bering Sea subarea and 27 percent of the Pacific cod ABC for the Aleutian Islands subarea. The Council and its Plan Team, Scientific and Statistical Committee, and Advisory Panel recommended that the sum of all State and Federal water Pacific cod removals from the Bering Sea subarea and the Aleutian Islands subarea not exceed the proposed ABC recommendations. Accordingly, the Council recommends setting the final 2017 and 2018 Pacific cod TACs in the Bering Sea subarea and the Aleutian Islands subarea to account for State GHLs.

NMFS has published the final rule to implement Amendment 113 (81 FR 84434, November 23, 2016). This rule sets aside a portion of the Aleutian Islands Pacific cod TAC for catcher vessels that directed fish for Aleutian Islands Pacific cod and then deliver the catch to Aleutian Islands shoreplants for processing. The set-aside applies only if specific notification and performance requirements are met. For 2017, NMFS has been notified that no shoreplants in

the Aleutian Islands will be processing Pacific cod, and the set-aside is not in effect for 2017. For 2018, NMFS must be notified by October 31, 2017, that Aleutian Islands shoreplants intend to process Pacific cod for the 2018 set-aside to apply for catcher vessels that directed fish for Aleutian Islands Pacific cod and then deliver the catch to Aleutian Islands shoreplants for processing. If NMFS receives such notification from either the city of Adak or the city of Atka, then NMFS will set aside a portion of the TAC for Aleutian Islands subarea Pacific cod in 2018 for catcher vessels that directed fish for Aleutian Islands Pacific cod and deliver to Aleutian Islands shoreplants for processing.

**Changes From the Proposed 2017 and 2018 Harvest Specifications for the BSAI**

The Council’s recommendations for the proposed 2017 and 2018 harvest specifications (81 FR 87863, December 6, 2016) were based largely on information contained in the 2015 SAFE report for the BSAI groundfish fisheries. Through the proposed harvest specifications, NMFS notified the public that these harvest specifications could change, as the Council would consider information contained in the final 2016 SAFE report; recommendations from the Plan Team, SSC, and AP committees; and public testimony when making its recommendations for final harvest specifications at the December 2016

Council meeting. NMFS further notified the public that, as required by the FMP and its implementing regulations, the sum of the TACs must be within the OY range of 1.4 million and 2.0 million mt.

Information contained in the 2016 SAFE report indicates biomass changes from the 2015 SAFE report for several groundfish species. The 2016 report was made available for public review during the public comment period for the proposed harvest specifications. At the December 2016 Council meeting, the SSC recommended the 2017 and 2018 ABCs for many species based on the best and most recent information contained in the 2016 SAFE reports. This recommendation resulted in an ABC sum total for all BSAI groundfish species in excess of 2 million mt for both 2017 and 2018.

Based on increased fishing effort in 2016, the Council recommends increasing Bering Sea and Aleutian Islands yellowfin sole TAC by 10,000 mt in 2017 and 2018. In terms of percentage, the largest increases in final TACs relative to the proposed TACs were for Bering Sea subarea Pacific Ocean perch and Bering Sea subarea Greenland turbot. These increases were to account for a higher interest in directed fishing than in 2016. Other increases in the final TACs relative to the proposed TACs included increases in Aleutian Islands subarea Pacific cod, sablefish, and Atka mackerel in all subareas. These increases were to account for higher interest in directed

fishing or higher anticipated incidental catch needs.

Decreases in final TACs compared to the proposed TACs were for rock sole, flathead sole, rougheye rockfish, and shortraker rockfish. The decreases were to account for the requirement not to exceed the 2.0 million mt OY limit on overall TAC in the BSAI.

The changes to TACs between the proposed and final harvest specifications are based on the most recent scientific and economic information and are consistent with the FMP, regulatory obligations, and harvest strategy as described in the proposed harvest specifications, including the upper limit for OY of 2.0 million mt. These changes are compared in Table 1A.

Table 1 lists the Council’s recommended final 2017 OFL, ABC, TAC, initial TAC (ITAC), and CDQ reserve amounts of the BSAI groundfish species or species groups; and Table 2 lists the Council’s recommended final 2018 OFL, ABC, TAC, ITAC, and CDQ reserve amounts of the BSAI groundfish species or species groups. NMFS concurs in these recommendations. The final 2017 and 2018 TAC recommendations for the BSAI are within the OY range established for the BSAI and do not exceed the ABC for any species or species group. The apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—FINAL 2017 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI <sup>1</sup>  
[Amounts are in metric tons]

Species	Area	2017				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Pollock <sup>4</sup>	BS	3,640,000	2,800,000	1,345,000	1,210,500	134,500
	AI	43,650	36,061	19,000	17,100	1,900
	Bogoslof	130,428	60,800	500	500	0
Pacific cod <sup>5</sup>	BS	284,000	239,000	223,704	199,768	23,936
	AI	28,700	21,500	15,695	14,016	1,679
Sablefish	BS	1,499	1,274	1,274	1,051	175
	AI	2,044	1,735	1,735	1,410	293
Yellowfin sole	BSAI	287,000	260,800	154,000	137,522	16,478
Greenland turbot	BSAI	11,615	6,644	4,500	3,825	n/a
	BS	n/a	5,800	4,375	3,719	468
	AI	n/a	844	125	106	0
Arrowtooth flounder	BSAI	76,100	65,371	14,000	11,900	1,498
Kamchatka flounder	BSAI	10,360	8,880	5,000	4,250	0
Rock sole	BSAI	159,700	155,100	47,100	42,060	5,040
Flathead sole <sup>6</sup>	BSAI	81,654	68,278	14,500	12,949	1,552
Alaska plaice	BSAI	42,800	36,000	13,000	11,050	0
Other flatfish <sup>7</sup>	BSAI	17,591	13,193	2,500	2,125	0
Pacific ocean perch	BSAI	53,152	43,723	34,900	30,693	n/a
	BS	n/a	12,199	11,000	9,350	0
	EAI	n/a	10,307	7,900	7,055	845
	CAI	n/a	8,009	7,000	6,251	749
	WAI	n/a	13,208	9,000	8,037	963
Northern rockfish	BSAI	16,242	13,264	5,000	4,250	0

TABLE 1—FINAL 2017 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI<sup>1</sup>—Continued

[Amounts are in metric tons]

Species	Area	2017				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Blackspotted and Rougheye rockfish <sup>8</sup> .	BSAI .....	612	501	225	191	0
	BS/EAI .....	n/a	306	100	85	0
	CAI/WAI .....	n/a	195	125	106	0
Shortraker rockfish .....	BSAI .....	666	499	125	106	0
Other rockfish <sup>9</sup> .....	BSAI .....	1,816	1,362	875	744	0
	BS .....	n/a	791	325	276	0
	AI .....	n/a	571	550	468	0
Atka mackerel .....	BSAI .....	102,700	87,200	65,000	58,045	6,955
	BS/EAI .....	n/a	34,890	34,500	30,809	3,692
	CAI .....	n/a	30,330	18,000	16,074	1,926
	WAI .....	n/a	21,980	12,500	11,163	1,338
Skates .....	BSAI .....	49,063	41,144	26,000	22,100	0
Sculpins .....	BSAI .....	56,582	42,387	4,500	3,825	0
Sharks .....	BSAI .....	689	517	125	106	0
Squids .....	BSAI .....	6,912	5,184	1,342	1,141	0
Octopuses .....	BSAI .....	4,769	3,576	400	340	0
Total .....		5,110,344	4,013,993	2,000,000	1,791,566	197,031

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

<sup>2</sup> Except for pollock, the portion of the sablefish TAC allocated to hook-and-line or pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

<sup>3</sup> For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," skates, sculpins, sharks, squids, and octopuses are not allocated to the CDQ program.

<sup>4</sup> Under § 679.20(a)(5)(i)(A), the annual BS subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (3.9 percent), is further allocated by sector for a pollock directed fishery as follows: inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

<sup>5</sup> The BS Pacific cod TAC is set less than 6.4 percent of the Bering Sea subarea ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Bering Sea subarea. The AI Pacific cod TAC is set less than 27 percent of the Aleutian Islands subarea ABC to account for the State guideline harvest level in State waters of the Aleutian Islands subarea.

<sup>6</sup> "Flathead sole" includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

<sup>7</sup> "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

<sup>8</sup> "Rougheye rockfish" includes *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>9</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

**Note:** Regulatory areas and districts are defined at § 679.2 (BSAI = Bering Sea and Aleutian Islands Management Area, BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district.)

TABLE 1A—COMPARISON OF FINAL 2017 AND 2018 WITH PROPOSED 2017 AND 2018 TOTAL ALLOWABLE CATCH IN THE BSAI

[Amounts are in metric tons]

Species	Area <sup>1</sup>	2017 final TAC	2017 proposed TAC	2017 difference from proposed	2017 percentage difference from proposed	2018 final TAC	2018 proposed TAC	2018 difference from proposed	2018 percentage difference from proposed
Pollock .....	BS .....	1,345,000	1,340,643	4,357	0.3	1,345,000	1,340,643	4,357	0.3
	AI .....	19,000	19,000	0	0.0	19,000	19,000	0	0.0
	Bogoslof .....	500	500	0	0.0	500	500	0	0.0
Pacific cod	BS .....	223,704	238,680	-14,976	-6.3	223,704	238,680	-14,976	-6.3
	AI .....	15,695	12,839	2,856	22.2	15,695	12,839	2,856	22.2
Sablefish ...	BS .....	1,274	1,052	222	21.1	1,274	1,052	222	21.1
	AI .....	1,735	1,423	312	21.9	1,735	1,423	312	21.9
Yellowfin sole.	BSAI .....	154,000	144,000	10,000	6.9	154,000	144,000	10,000	6.9
Greenland turbot.	BS .....	4,375	2,673	1,702	63.7	4,375	2,673	1,702	63.7
	AI .....	125	200	-75	-37.5	125	200	-75	-37.5



TABLE 1A—COMPARISON OF FINAL 2017 AND 2018 WITH PROPOSED 2017 AND 2018 TOTAL ALLOWABLE CATCH IN THE BSAI—Continued

[Amounts are in metric tons]

Species	Area <sup>1</sup>	2017 final TAC	2017 proposed TAC	2017 difference from proposed	2017 percentage difference from proposed	2018 final TAC	2018 proposed TAC	2018 difference from proposed	2018 percentage difference from proposed
Arrowtooth flounder.	BSAI .....	14,000	14,000	0	0.0	14,000	14,000	0	0.0
Kamchatka flounder.	BSAI .....	5,000	5,000	0	0.0	5,000	5,000	0	0.0
Rock sole ..	BSAI .....	47,100	57,100	-10,000	-17.5	47,100	57,100	-10,000	-17.5
Flathead sole.	BSAI .....	14,500	21,000	-6,500	-31.0	14,500	21,000	-6,500	-31.0
Alaska plaice.	BSAI .....	13,000	14,500	-1,500	-10.3	13,000	14,500	-1,500	-10.3
Other flatfish.	BSAI .....	2,500	2,500	0	0.0	2,500	2,500	0	0.0
Pacific ocean perch.	BS .....	11,000	7,953	3,047	38.3	11,000	7,953	3,047	38.3
	EAI .....	7,900	7,537	363	4.8	7,900	7,537	363	4.8
	CAI .....	7,000	7,000	0	0.0	7,000	7,000	0	0.0
	WAI .....	9,000	9,000	0	0.0	9,000	9,000	0	0.0
Northern rockfish.	BSAI .....	5,000	4,500	500	11.1	5,000	4,500	500	11.1
Blackspotted and Rougheye rockfish.	BS/EAI .....	100	100	0	0.0	100	100	0	0.0
	CAI/WAI .....	125	200	-75	-37.5	125	200	-75	-37.5
Shortraker rockfish.	BSAI .....	125	200	-75	-37.5	125	200	-75	-37.5
Other rockfish.	BS .....	325	325	0	0.0	325	325	0	0.0
	AI .....	550	550	0	0.0	550	550	0	0.0
Atka mackerel.	EAI/BS .....	34,500	28,500	6,000	21.1	34,000	28,500	5,500	19.3
	CAI .....	18,000	16,000	2,000	12.5	18,500	16,000	2,500	15.6
	WAI .....	12,500	10,500	2,000	19.0	12,500	10,500	2,000	19.0
Skates .....	BSAI .....	26,000	26,000	0	0.0	26,000	26,000	0	0.0
Sculpins .....	BSAI .....	4,500	4,500	0	0.0	4,500	4,500	0	0.0
Sharks .....	BSAI .....	125	125	0	0.0	125	125	0	0.0
Squid .....	BSAI .....	1,342	1,500	-158	-10.5	1,342	1,500	-158	-10.5
Octopuses	BSAI .....	400	400	0	0.0	400	400	0	0.0
Total ...	BSAI .....	2,000,000	2,000,000	0	0.0	2,000,000	2,000,000	0	0.0

<sup>1</sup> Bering Sea subarea (BS), Aleutian Islands subarea (AI), Bering Sea and Aleutian Islands management area (BSAI), Eastern Aleutian District (EAI), Central Aleutian District (CAI), and Western Aleutian District (WAI).

TABLE 2—FINAL 2018 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI <sup>1</sup>

[Amounts are in metric tons]

Species	Area	2018				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Pollock <sup>4</sup>	BS .....	4,360,000	2,979,000	1,345,000	1,210,500	134,500
	AI .....	49,291	40,788	19,000	17,100	1,900
	Bogoslof .....	130,428	97,428	500	500	0
Pacific cod <sup>5</sup>	BS .....	302,000	255,000	223,704	199,768	23,936
	AI .....	28,700	21,500	15,695	14,016	1,679
Sablefish	BS .....	1,519	1,291	1,274	541	48
	AI .....	2,072	1,758	1,735	369	33
Yellowfin sole	BSAI .....	276,000	250,800	154,000	137,522	16,478
Greenland turbot	BSAI .....	12,831	10,864	4,500	3,825	n/a
	BS .....	n/a	9,484	4,375	3,719	468
	AI .....	n/a	1,380	125	106	0
Arrowtooth flounder	BSAI .....	67,023	58,633	14,000	11,900	1,498
Kamchatka flounder	BSAI .....	10,700	9,200	5,000	4,250	0
Rock sole	BSAI .....	147,300	143,100	47,100	42,060	5,040

TABLE 2—FINAL 2018 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUND FISH IN THE BSAI<sup>1</sup>—Continued

[Amounts are in metric tons]

Species	Area	2018				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Flathead sole <sup>6</sup>	BSAI	79,136	66,164	14,500	12,949	1,552
Alaska plaice	BSAI	36,900	32,100	13,000	11,050	0
Other flatfish <sup>7</sup>	BSAI	17,591	13,193	2,500	2,125	0
Pacific ocean perch	BSAI	51,950	42,735	34,900	30,693	n/a
	BS	n/a	11,924	11,000	9,350	0
	EAI	n/a	10,074	7,900	7,055	845
	CAI	n/a	7,828	7,000	6,251	749
	WAI	n/a	12,909	9,000	8,037	963
Northern rockfish	BSAI	15,854	12,947	5,000	4,250	0
Blackspotted and Rougheye rockfish <sup>8</sup>	BSAI	750	614	225	191	0
	EBS/EAI	n/a	374	100	85	0
	CAI/WAI	n/a	240	125	106	0
Shortraker rockfish	BSAI	666	499	125	106	0
Other rockfish <sup>9</sup>	BSAI	1,816	1,362	875	744	0
	BS	n/a	791	325	276	0
	AI	n/a	571	550	468	0
Atka mackerel	BSAI	99,900	85,000	65,000	58,045	6,955
	EAI/BS	n/a	34,000	34,000	30,362	3,638
	CAI	n/a	29,600	18,500	16,521	1,980
	WAI	n/a	21,400	12,500	11,163	1,338
Skates	BSAI	46,583	39,008	26,000	22,100	0
Sculpins	BSAI	56,582	42,387	4,500	3,825	0
Sharks	BSAI	689	517	125	106	0
Squids	BSAI	6,912	5,184	1,342	1,141	0
Octopuses	BSAI	4,769	3,576	400	340	0
Total		5,807,962	4,214,648	2,000,000	1,790,015	196,644

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

<sup>2</sup> Except for pollock, the portion of the sablefish TAC allocated to hook-and-line or pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

<sup>3</sup> For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, "other flatfish," Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, "other rockfish," skates, sculpins, sharks, squids, and octopuses are not allocated to the CDQ program.

<sup>4</sup> Under § 679.20(a)(5)(i)(A), the annual BS subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (3.9 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

<sup>5</sup> The BS Pacific cod TAC is set less than 6.4 percent of the Bering Sea subarea ABC to account for the State of Alaska's (State) guideline harvest level in State waters of the Bering Sea subarea. The AI Pacific cod TAC is set less than 27 percent of the Aleutian Island subarea ABC to account for the State guideline harvest level in State waters of the Aleutian Islands subarea.

<sup>6</sup> "Flathead sole" includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

<sup>7</sup> "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

<sup>8</sup> "Rougheye rockfish" includes *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>9</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

**Note:** Regulatory areas and districts are defined at § 679.2 (BSAI = Bering Sea and Aleutian Islands management area, BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleutian district.)

*Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and Aleutian Islands Pacific Ocean Perch*

Section 679.20(b)(1)(i) requires NMFS to reserve 15 percent of the TAC for each target species, except for pollock, hook-and-line or pot gear allocation of sablefish, and Amendment 80 species, in a non-specified reserve. Section

679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the hook-and-line or pot gear allocation of sablefish for the fixed-gear sablefish CDQ reserve. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocations of sablefish and 10.7 percent of the Bering Sea Greenland turbot and arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS

allocate 10.7 percent of the TAC for Atka mackerel, Aleutian Islands Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require that 10 percent of the Bering Sea pollock TACs be allocated to the pollock CDQ directed fishing allowance (DFA). The entire Bogoslof District pollock TAC is allocated as an ICA pursuant to

§ 679.20(a)(5)(ii) because the Bogoslof District is closed to directed fishing for pollock by regulation. With the exception of the hook-and-line or pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ allocations by gear.

Pursuant to § 679.20(a)(5)(i)(A)(1), NMFS allocates a pollock ICA of 3.9 percent of the Bering Sea subarea pollock TAC after subtracting the 10 percent CDQ reserve. This allowance is based on NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2016. During this 17-year period, the pollock incidental catch ranged from a low of 2.4 percent in 2006 to a high of 4.8 percent in 2014, with a 17-year average of 3.2 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), NMFS establishes a pollock ICA of 2,400 mt of the Aleutian Islands subarea TAC after subtracting the 10-percent CDQ DFA. This allowance is based on

NMFS' examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2016. During this 14-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 17 percent in 2014, with a 14-year average of 8 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS allocates ICAs of 4,000 mt of flathead sole, 5,000 mt of rock sole, 4,500 mt of yellowfin sole, 10 mt of Western Aleutian Islands (WAI) Pacific ocean perch, 60 mt of Central Aleutian Islands (CAI) Pacific ocean perch, 100 mt of Eastern Aleutian Islands (EAI) Pacific ocean perch, 20 mt of WAI Atka mackerel, 75 mt of CAI Atka mackerel, and 1,000 mt of EAI and Bering Sea subarea Atka mackerel TAC after subtracting the 10.7 percent CDQ reserve. These ICA allowances are based on NMFS' examination of the incidental catch in other target fisheries from 2003 through 2016.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be apportioned to a target species category that contributed to the non-specified reserves during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (see § 679.20(b)(1)(i)). The Regional Administrator has determined that the ITACs specified for the species listed in Table 1 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in accordance with § 679.20(b)(3), NMFS is apportioning the amounts shown in Table 3 from the non-specified reserve to increase the ITAC for shortraker rockfish, rougheye rockfish, "other rockfish," sharks, and octopuses by 15 percent of the TAC in 2017 and 2018.

TABLE 3—FINAL 2017 AND 2018 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES  
[Amounts are in metric tons]

Species-area or subarea	2017 ITAC	2017 reserve amount	2017 final ITAC	2018 ITAC	2018 reserve amount	2018 final ITAC
Shortraker rockfish—BSAI .....	106	19	125	106	19	125
Rougheye rockfish—BS/EAI .....	85	15	100	85	15	100
Rougheye rockfish—CAI/WAI .....	106	19	125	106	19	125
Other rockfish—Bering Sea subarea .....	276	49	325	276	49	325
Other rockfish—Aleutian Islands subarea	468	82	550	468	82	550
Sharks .....	106	19	125	106	19	125
Octopuses .....	340	60	400	340	60	400
<b>Total .....</b>	<b>1,487</b>	<b>263</b>	<b>1,750</b>	<b>1,487</b>	<b>263</b>	<b>1,750</b>

*Allocation of Pollock TAC Under the American Fisheries Act (AFA)*

Section 679.20(a)(5)(i)(A) requires that the Bering Sea subarea pollock TAC be apportioned, after subtracting 10 percent for the CDQ program and 3.9 percent for the ICA, as a DFA as follows: 50 Percent to the inshore sector, 40 percent to the catcher/processor (C/P) sector, and 10 percent to the mothership sector. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10), and 55 percent of the DFA is allocated to the B season (June 10–November 1) (§§ 679.20(a)(5)(i)(B)(1) and 679.23(e)(2)). The Aleutian Islands directed pollock fishery allocation to the Aleut Corporation is the amount of pollock remaining in the Aleutian Islands subarea after subtracting 1,900 mt for the CDQ DFA (10 percent) and 2,400 mt for the ICA (§ 679.20(a)(5)(iii)(B)(2)). In the Aleutian Islands subarea, the total A season

apportionment of the TAC is less than or equal to 40 percent of the ABC and the remainder of the TAC is allocated to the B season (§ 679.20(a)(5)(iii)(B)(3)). Tables 4 and 5 list these 2017 and 2018 amounts.

The Steller sea lion protection measure final rule (79 FR 70286, November 25, 2014) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541 (see § 679.20(a)(5)(iii)(B)(6)). In Area 543, the A season pollock harvest limit is no more than 5 percent of the Aleutian Islands pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the Aleutian Islands ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the Aleutian Islands ABC.

Section 679.20(a)(5)(i)(A)(4) also includes several specific requirements regarding Bering Sea subarea pollock allocations. First, it requires that 8.5

percent of the pollock allocated to the C/P sector be available for harvest by AFA catcher vessels (CVs) with C/P sector endorsements, unless the Regional Administrator receives a cooperative contract that allows the distribution of harvest among AFA C/Ps and AFA CVs in a manner agreed to by all members. Second, AFA C/Ps not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the C/P sector. Tables 4 and 5 list the 2017 and 2018 allocations of pollock TAC. Tables 21 through 26 list the AFA C/P and CV harvesting sideboard limits. The tables for the pollock allocations to the Bering Sea subarea inshore pollock cooperatives and open access sector will be posted on the Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

Tables 4 and 5 also list seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest

within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual DFA before 12:00 noon, April 1, as provided

in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of

the DFA. Tables 4 and 5 list these 2017 and 2018 amounts by sector.

TABLE 4—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2017 allocations	2017 A season <sup>1</sup>		2017 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,345,000	n/a	n/a	n/a
CDQ DFA	134,500	60,525	37,660	73,975
ICA <sup>1</sup>	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,163,291	523,481	325,721	639,810
AFA Inshore	581,645	261,740	162,861	319,905
AFA Catcher/Processors <sup>3</sup>	465,316	209,392	130,289	255,924
Catch by C/Ps	425,764	191,594	n/a	234,170
Catch by CVs <sup>3</sup>	39,552	17,798	n/a	21,754
Unlisted C/P Limit <sup>4</sup>	2,327	1,047	n/a	1,280
AFA Motherships	116,329	52,348	32,572	63,981
Excessive Harvesting Limit <sup>5</sup>	203,576	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup>	348,987	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC <sup>1</sup>	19,000	n/a	n/a	n/a
CDQ DFA	1,900	760	n/a	1,140
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	14,700	12,464	n/a	2,236
Area harvest limit <sup>7</sup> 541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA <sup>8</sup>	500	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

<sup>2</sup> In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processers shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processers.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processers are limited to harvesting not more than 0.5 percent of the catcher/processers sector's allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

<sup>8</sup> The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>

[Amounts are in metric tons]

Area and sector	2018 allocations	2018 A season <sup>1</sup>		2018 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Bering Sea subarea TAC <sup>1</sup>	1,345,000	n/a	n/a	n/a
CDQ DFA	134,500	60,525	37,660	73,975
ICA <sup>1</sup>	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,163,291	523,481	325,721	639,810
AFA Inshore	581,645	261,740	162,861	319,905
AFA Catcher/Processors <sup>3</sup>	465,316	209,392	130,289	255,924
Catch by C/Ps	425,764	191,594	n/a	234,170
Catch by CVs <sup>3</sup>	39,552	17,798	n/a	21,754
Unlisted C/P Limit <sup>4</sup>	2,327	1,047	n/a	1,280
AFA Motherships	116,329	52,348	32,572	63,981

TABLE 5—FINAL 2018 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) <sup>1</sup>—Continued

[Amounts are in metric tons]

Area and sector	2018 allocations	2018 A season <sup>1</sup>		2018 B season <sup>1</sup>
		A season DFA	SCA harvest limit <sup>2</sup>	B season DFA
Excessive Harvesting Limit <sup>5</sup> .....	203,576	n/a	n/a	n/a
Excessive Processing Limit <sup>6</sup> .....	348,987	n/a	n/a	n/a
Aleutian Islands subarea ABC .....	40,788	n/a	n/a	n/a
Aleutian Islands subarea TAC <sup>1</sup> .....	19,000	n/a	n/a	n/a
CDQ DFA .....	1,900	760	n/a	1,140
ICA .....	2,400	1,200	n/a	1,200
Aleut Corporation .....	14,700	14,355	n/a	345
Area harvest limit <sup>7</sup> 541 .....	12,236	n/a	n/a	n/a
542 .....	6,118	n/a	n/a	n/a
543 .....	2,039	n/a	n/a	n/a
Bogoslof District ICA <sup>8</sup> .....	500	n/a	n/a	n/a

<sup>1</sup> Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

<sup>2</sup> In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector’s annual DFA may be taken from the SCA before April 1.

<sup>3</sup> Pursuant to § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector’s allocation of pollock.

<sup>5</sup> Pursuant to § 679.20(a)(5)(i)(A)(6), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

<sup>6</sup> Pursuant to § 679.20(a)(5)(i)(A)(7), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

<sup>7</sup> Pursuant to § 679.20(a)(5)(iii)(B)(6), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

<sup>8</sup> The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

*Allocation of the Atka Mackerel TACs*

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, jig gear allocation, and ICAs for the BSAI trawl limited access sector and non-trawl gear sector (Tables 6 and 7). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the EAI and the Bering Sea subarea Atka mackerel ITAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including, among other criteria, the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approves, a 0.5 percent allocation of the Atka

mackerel ITAC in the EAI and Bering Sea subarea to the jig gear sector in 2017 and 2018. This percentage is applied to the Atka mackerel TAC after subtracting the CDQ reserve and the ICA.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to CDQ Atka mackerel trawl fishing. The ICA and jig gear allocations are not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(1)(i) and (ii) limit Atka mackerel catch within waters 0 nm to 20 nm of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual

TACs in Areas 542 and 543, and equally divide the annual TAC between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(2) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nm to 20 nm of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Tables 6 and 7 list these 2017 and 2018 Atka mackerel seasons, area allowances, and the sector allocations. The 2018 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017.

TABLE 6—FINAL 2017 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector <sup>1</sup>	Season <sup>2 3 4</sup>	2017 allocation by area		
		Eastern Aleutian District/ Bering Sea	Central Aleutian District <sup>5</sup>	Western Aleutian District
TAC .....	n/a .....	34,500	18,000	12,500
CDQ reserve .....	Total .....	3,692	1,926	1,338
	A .....	1,846	963	669
	Critical Habitat .....	n/a	578	401
	B .....	1,846	963	669
	Critical Habitat .....	n/a	578	401
Non-CDQ TAC .....	n/a .....	30,809	16,074	11,163
ICA .....	Total .....	1,000	75	20
Jig <sup>6</sup> .....	Total .....	149	0	0
BSAI trawl limited access .....	Total .....	2,966	1,600	0
	A .....	1,483	800	0
	Critical Habitat .....	n/a	480	0
	B .....	1,483	800	0
	Critical Habitat .....	n/a	480	0
Amendment 80 sectors .....	Total .....	26,694	14,399	11,143
	A .....	13,347	7,200	5,571
	B .....	13,347	7,200	5,571
Alaska Groundfish Cooperative .....	Total <sup>6</sup> .....	15,096	8,552	6,853
	A .....	7,548	4,276	3,427
	Critical Habitat .....	n/a	2,566	2,056
	B .....	7,548	4,276	3,427
	Critical Habitat .....	n/a	2,566	2,056
Alaska Seafood Cooperative .....	Total <sup>6</sup> .....	11,598	5,847	4,290
	A .....	5,799	2,924	2,145
	Critical Habitat .....	n/a	1,754	1,287
	B .....	5,799	2,924	2,145
	Critical Habitat .....	n/a	1,754	1,287

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of critical habitat; section 679.20(a)(8)(ii)(C)(1)(ii) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(2) requires the TAC in Area 543 shall be no more than 65 percent of ABC.

<sup>6</sup> Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 7—FINAL 2018 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector <sup>1</sup>	Season <sup>2 3 4</sup>	2018 allocation by area		
		Eastern Aleutian District/ Bering Sea <sup>5</sup>	Central Aleutian District <sup>5</sup>	Western Aleutian District <sup>5</sup>
TAC .....	n/a .....	34,000	18,500	12,500
CDQ reserve .....	Total .....	3,638	1,980	1,338
	A .....	1,819	990	669
	Critical Habitat .....	n/a	594	401
	B .....	1,819	990	669
	Critical Habitat .....	n/a	594	401
non-CDQ TAC .....	n/a .....	30,362	16,521	11,163
ICA .....	Total .....	1,000	75	20
Jig <sup>6</sup> .....	Total .....	147	0	0
BSAI trawl limited access .....	Total .....	2,922	1,645	0
	A .....	1,461	822	0
	Critical Habitat .....	n/a	493	0
	B .....	1,461	822	0
	Critical Habitat .....	n/a	493	0

TABLE 7—FINAL 2018 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC—Continued

[Amounts are in metric tons]

Sector <sup>1</sup>	Season <sup>2,3,4</sup>	2018 allocation by area		
		Eastern Aleutian District/Bering Sea <sup>5</sup>	Central Aleutian District <sup>5</sup>	Western Aleutian District <sup>5</sup>
Amendment 80 sectors <sup>7</sup> .....	Total .....	26,294	14,801	11,143
	A .....	13,147	7,400	5,571
	B .....	13,147	7,400	5,571

<sup>1</sup> Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, jig gear allocation, and ICAs, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

<sup>2</sup> Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

<sup>3</sup> The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

<sup>4</sup> Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

<sup>5</sup> Section 679.20(a)(8)(ii)(C)(1)(i) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of critical habitat; section 679.20(a)(8)(ii)(C)(1)(i) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(2) requires the TAC in Area 543 shall be no more than 65 percent of ABC.

<sup>6</sup> Section 679.20(a)(8)(i) requires that up to 2 percent of the Eastern Aleutian District and the Bering Sea subarea TAC be allocated to jig gear after subtracting the CDQ reserve and ICA. The amount of this allocation is 0.5 percent. The jig gear allocation is not apportioned by season.

<sup>7</sup> The 2018 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017. NMFS will post 2018 Amendment 80 allocations when they become available in December 2017.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

*Allocation of the Pacific Cod TAC*

The Council separated Bering Sea and Aleutian Islands subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the Bering Sea TAC and Aleutian Islands TAC to the CDQ program. After CDQ allocations have been deducted from the respective Bering Sea and Aleutian Islands Pacific cod TACs, the remaining Bering Sea and Aleutian Islands Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations. However, if the non-CDQ Pacific cod TAC is or will be reached in either the Bering Sea or Aleutian Islands subareas, NMFS will prohibit non-CDQ directed fishing for Pacific cod in that subarea as provided in § 679.20(d)(1)(iii).

Sections 679.20(a)(7)(i) and (ii) allocate to the non-CDQ sectors the Pacific cod TAC in the combined BSAI TAC, after subtracting 10.7 percent for the CDQ program, as follows: 1.4 Percent to vessels using jig gear; 2.0 percent to hook-and-line or pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line C/P; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot C/Ps; 2.3 percent to AFA trawl C/Ps; 13.4 percent to Amendment 80 trawl C/Ps; and 22.1 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC

allocated to the hook-and-line and pot sectors. For 2017 and 2018, the Regional Administrator establishes an ICA of 500 mt based on anticipated incidental catch by these sectors in other fisheries.

The ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to 50 CFR part 679 and § 679.91. The 2018 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017.

The Pacific cod ITAC is apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7)(i)(B), (a)(7)(iv)(A), and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance for any sector, except the jig sector, will become available at the beginning of the next seasonal allowance.

Section 679.20(a)(7)(vii) requires the Regional Administrator to establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543. Based on the 2016 stock assessment, the Regional Administrator determined the Area 543 Pacific cod harvest limit to be 25.6 percent of the Aleutian Islands Pacific cod TAC for 2017 and 2018. NMFS will first subtract the State GHM Pacific cod amount from the Aleutian Islands Pacific cod ABC. Then NMFS will determine the harvest limit in Area 543 by multiplying the percentage of

Pacific cod estimated in Area 543 by the remaining ABC for Aleutian Islands Pacific cod. Based on these calculations, the Area 543 harvest limit is 4,018 mt.

Section 679.20(a)(7)(viii) requires specification of the 2018 Pacific cod allocations for the Aleutian Islands ICA, DFA, CV Harvest Set-Aside, and Unrestricted Fishery, as well as the Bering Sea Trawl CV A-Season Sector Limitation. If NMFS receives notification of intent to process Aleutian Islands subarea Pacific Cod from either the city of Adak or the city of Atka, the harvest limits in Table 9a will be in effect in 2018. Notification of intent to process Aleutian Islands subarea Pacific cod must be postmarked by October 31, 2017, and submitted electronically to NMFS by October 31, 2017. In addition to the notification requirement, § 679.20(a)(7)(viii) also contains specific performance requirements that (1) if less than 1,000 mt of the Aleutian Islands CV Harvest Set-Aside is delivered to Aleutian Islands shoreplants by February 28, 2018, the Aleutian Islands CV Harvest Set-Aside is lifted and the Bering Sea Trawl CV A-Season Sector Limitation is suspended and (2) if the entire Aleutian Islands CV Harvest Set-Aside is fully harvested and delivered to Aleutian Islands shoreplants before March 15, 2018, the Bering Sea Trawl CV A-Season Sector Limitation is suspended.

The CDQ and non-CDQ seasonal allowances by gear based on the 2017 and 2018 Pacific cod TACs are listed in Tables 8 and 9, and are based on the

sector allocation percentages and seasonal allowances for Pacific cod set forth at §§ 679.20(a)(7)(i)(B) and 679.20(a)(7)(iv)(A) and the seasons for Pacific cod set forth at § 679.23(e)(5).

TABLE 8—FINAL 2017 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC  
[Amounts are in metric tons]

Gear sector	Percent	2017 share of gear sector total	2017 share of sector total	2017 seasonal apportionment	
				Seasons	Amount
BS TAC	n/a	223,704	n/a	n/a	n/a
BS CDQ	n/a	23,936	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	199,768	n/a	n/a	n/a
AI TAC	n/a	15,695	n/a	n/a	n/a
AI CDQ	n/a	1,679	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	14,016	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	4,018	n/a	n/a	n/a
Total BSAI non-CDQ TAC <sup>1</sup>	100	213,783	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	129,980	n/a	n/a	n/a
Hook-and-line/pot ICA <sup>2</sup>	n/a	500	n/a	see § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	129,480	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	103,712	Jan 1–Jun 10	52,893
				Jun 10–Dec 31	50,819
Hook-and-line catcher vessel > 60 ft LOA.	0.2	n/a	426	Jan 1–Jun 10	217
				Jun 10–Dec 31	209
Pot catcher/processor	1.5	n/a	3,194	Jan 1–Jun 10	1,629
				Sept 1–Dec 31	1,565
Pot catcher vessel ≥ 60 ft LOA	8.4	n/a	17,889	Jan 1–Jun 10	9,123
				Sept 1–Dec 31	8,765
Catcher vessel < 60 ft LOA using hook-and-line or pot gear.	2	n/a	4,259	n/a	n/a
Trawl catcher vessel	22.1	47,246	n/a	Jan 20–Apr 1	34,962
				Apr 1–Jun 10	5,197
				Jun 10–Nov 1	7,087
AFA trawl catcher/processor	2.3	4,917	n/a	Jan 20–Apr 1	3,688
				Apr 1–Jun 10	1,229
				Jun 10–Nov 1	0
Amendment 80	13.4	28,647	n/a	Jan 20–Apr 1	21,485
				Apr 1–Jun 10	7,162
				Jun 10–Nov 1	0
Alaska Groundfish Cooperative	n/a	n/a	4,522	Jan 20–Apr 1	3,392
				Apr 1–Jun 10	1,131
				Jun 10–Dec 31	0
Alaska Seafood Cooperative	n/a	n/a	24,125	Jan 20–Apr 1	18,094
				Apr 1–Jun 10	6,031
				Jun 10–Dec 31	0
Jig	1.4	2,993	n/a	Jan 1–Apr 30	1,796
				Apr 30–Aug 31	599
				Aug 31–Dec 31	599

<sup>1</sup> The gear shares and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of CDQ. If the TAC for Pacific cod in either the AI or BS is reached, then directed fishing for Pacific cod in that subarea may be prohibited, even if a BSAI allowance remains.

<sup>2</sup> The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt for 2017 based on anticipated incidental catch in these fisheries.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 9—FINAL 2018 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC  
[Amounts are in metric tons]

Gear sector	Percent	2018 share of gear sector total	2018 share of sector total	2018 seasonal apportionment	
				Seasons	Amount
BS TAC	n/a	223,704	n/a	n/a	n/a
BS CDQ	n/a	23,936	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	199,768	n/a	n/a	n/a
AI TAC	n/a	15,695	n/a	n/a	n/a
AI CDQ	n/a	1,679	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	14,016	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	4,018	n/a	n/a	n/a
Total BSAI non-CDQ TAC <sup>1</sup>	n/a	213,783	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	129,980	n/a	n/a	n/a
Hook-and-line/pot ICA <sup>2</sup>	n/a	500	n/a	see § 679.20(a)(7)(ii)(B)	n/a



TABLE 9—FINAL 2018 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC—Continued  
[Amounts are in metric tons]

Gear sector	Percent	2018 share of gear sector total	2018 share of sector total	2018 seasonal apportionment	
				Seasons	Amount
Hook-and-line/pot sub-total .....	n/a	129,480	n/a	n/a .....	n/a
Hook-and-line catcher/processor .....	48.7	n/a	103,712	Jan 1–Jun 10 .....	52,893
.....	.....	.....	.....	Jun 10–Dec 31 .....	50,819
Hook-and-line catcher vessel ≥ 60 ft LOA .....	0.2	n/a	426	Jan 1–Jun 10 .....	217
.....	.....	.....	.....	Jun 10–Dec 31 .....	209
Pot catcher/processor .....	1.5	n/a	3,194	Jan 1–Jun 10 .....	1,629
.....	.....	.....	.....	Sept 1–Dec 31 .....	1,565
Pot catcher vessel > 60 ft LOA .....	8.4	n/a	17,889	Jan 1–Jun 10 .....	9,123
.....	.....	.....	.....	Sept 1–Dec 31 .....	8,765
Catcher vessel < 60 ft LOA using hook-and-line or pot gear .....	2	n/a	4,259	n/a .....	n/a
Trawl catcher vessel .....	22.1	47,246	n/a	Jan 20–Apr 1 .....	34,962
.....	.....	.....	.....	Jun 10–Nov 1 .....	7,087
AFA trawl catcher/processor .....	2.3	4,917	n/a	Jan 20–Apr 1 .....	3,688
.....	.....	.....	.....	Apr 1–Jun 10 .....	1,229
.....	.....	.....	.....	Jun 10–Nov 1 .....	0
Amendment 80 .....	13.4	28,647	n/a	Jan 20–Apr 1 .....	21,485
.....	.....	.....	.....	Apr 1–Jun 10 .....	7,162
.....	.....	.....	.....	Jun 10–Dec 31 .....	0
Jig .....	1.4	2,993	n/a	Jan 1–Apr 30 .....	1,796
.....	.....	.....	.....	Apr 30–Aug 31 .....	599
.....	.....	.....	.....	Aug 31–Dec 31 .....	599

<sup>1</sup> The gear shares and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of CDQ. If the TAC for Pacific cod in either the AI or BS is reached, then directed fishing for Pacific cod in that subarea may be prohibited, even if a BSAI allowance remains.

<sup>2</sup> The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 500 mt for 2018 based on anticipated incidental catch in these fisheries.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 9a—2018 BSAI A—SEASON PACIFIC COD LIMITS IF ALEUTIAN ISLANDS SHOREPLANTS INTEND TO PROCESS PACIFIC COD <sup>1</sup>

2018 Allocations under Aleutian Islands CV Harvest Set-Aside	Amount (mt)
AI non-CDQ TAC .....	14,016
AI ICA .....	2,500
AI DFA .....	11,516
BS non-CDQ TAC .....	199,768
BSAI Trawl CV A-Season Allocation .....	34,962
BSAI Trawl CV A-Season Allocation minus Sector Limitation <sup>2</sup> .....	29,962
BS Trawl CV A-Season Sector Limitation .....	5,000
AI CV Harvest Set-Aside .....	5,000
AI Unrestricted Fishery .....	6,516

<sup>1</sup> These allocations will apply in 2018 only if NMFS receives notice of intent to process Aleutian Islands subarea Pacific cod by October 31, 2017, pursuant to § 679.20(a)(7)(viii) and if the performance requirements set forth in § 679.20(a)(7)(viii) are likewise met.

<sup>2</sup> This is the amount of the BSAI trawl CV A-season allocation that may be harvested in the Bering Sea prior to March 21, 2018, unless modified because the performance requirements were not met.

*Sablefish Gear Allocation*

Sections 679.20(a)(4)(iii) and (iv) require allocation of the sablefish TAC for the Bering Sea and Aleutian Islands subareas between trawl and hook-and-line or pot gear sectors. Gear allocations of the TAC for the Bering Sea subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations of the TAC for the Aleutian Islands subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires NMFS to apportion 20 percent of the hook-and-line or pot gear allocation of sablefish to the CDQ reserve. Additionally, § 679.20(b)(1)(ii)(D)(1) requires that 7.5 percent of the trawl gear allocation of sablefish from the non-specified reserves, established under

§ 679.20(b)(1)(i), be assigned to the CDQ reserve. The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear and pot gear sablefish Individual Fishing Quota (IFQ) fisheries are limited to the 2017 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 10 lists the 2017 and 2018 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 10—FINAL 2017 AND 2018 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS  
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2017 Share of TAC	2017 ITAC	2017 CDQ reserve	2018 Share of TAC	2018 ITAC	2018 CDQ reserve
Bering Sea: Trawl <sup>1</sup> .....	50	637	541	48	637	541	48

TABLE 10—FINAL 2017 AND 2018 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS—Continued  
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2017 Share of TAC	2017 ITAC	2017 CDQ reserve	2018 Share of TAC	2018 ITAC	2018 CDQ reserve
Hook-and-line/pot gear <sup>2</sup> .....	50	637	510	127	n/a	n/a	n/a
Total .....	100	1,274	1,051	175	637	541	48
Aleutian Islands:							
Trawl <sup>1</sup> .....	25	434	369	33	434	369	33
Hook-and-line/pot gear <sup>2</sup> .....	75	1,301	1,041	260	n/a	n/a	n/a
Total .....	100	1,735	1,410	293	434	369	33

<sup>1</sup> Except for the sablefish hook-and-line or pot gear allocation, 15 percent of TAC is apportioned to the nonspecified reserve (§ 679.20(b)(1)(i)). The ITAC is the remainder of the TAC after the subtracting these reserves.

<sup>2</sup> For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The Council recommended that specifications for the hook-and-line gear sablefish IFQ fisheries be limited to one year.

**Note:** Sector apportionments may not total precisely due to rounding.

*Allocation of the Aleutian Islands Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs*

Sections 679.20(a)(10)(i) and (ii) require that NMFS allocate Aleutian Islands Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TAC between the Amendment 80 sector and BSAI trawl limited access

sector, after subtracting 10.7 percent for the CDQ reserve and an ICA for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocation of the ITAC for Aleutian Islands Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector is established in accordance with Tables 33 and 34 to 50 CFR part 679 and § 679.91.

The 2018 allocations for Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017. Tables 11 and 12 list the 2017 and 2018 allocations of the Aleutian Islands Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 11—FINAL 2017 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAs), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	7,900	7,000	9,000	14,500	47,100	154,000
CDQ .....	845	749	963	1,552	5,040	16,478
ICA .....	100	60	10	4,000	5,000	4,500
BSAI trawl limited access .....	695	619	161	0	0	18,151
Amendment 80 .....	6,259	5,572	7,866	8,949	37,060	114,871
Alaska Groundfish Cooperative .....	3,319	2,954	4,171	918	9,168	45,638
Alaska Seafood Cooperative .....	2,940	2,617	3,695	8,031	27,893	69,233

**Note:** Sector apportionments may not total precisely due to rounding.

TABLE 12—FINAL 2018 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAs), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	7,900	7,000	9,000	14,500	47,100	154,000
CDQ .....	845	749	963	1,552	5,040	16,478
ICA .....	100	60	10	4,000	5,000	4,500
BSAI trawl limited access .....	695	619	161	0	0	18,151
Amendment 80 <sup>1</sup> .....	6,259	5,572	7,866	8,949	37,060	114,871

<sup>1</sup> The 2018 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017. NMFS will publish 2018 Amendment 80 allocations when they become available in December 2017.

**Note:** Sector apportionments may not total precisely due to rounding.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80

cooperatives from achieving, on a continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species thus maintaining the TAC below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ reserves for flathead sole, rock sole, and yellowfin sole. The Amendment 80 ABC reserves shall be the ABC reserves

minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserve to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 13 lists the 2017 and 2018 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

TABLE 13—FINAL 2017 AND 2018 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE  
[Amounts are in metric tons]

Sector	2017 Flathead sole	2017 Rock sole	2017 Yellowfin sole	2018 Flathead sole	2018 Rock sole	2018 Yellowfin sole
ABC .....	68,278	155,100	260,800	66,164	143,100	250,800
TAC .....	14,500	47,100	154,000	14,500	47,100	154,000
ABC surplus .....	53,778	108,000	106,800	51,664	96,000	96,800
ABC reserve .....	53,778	108,000	106,800	51,664	96,000	96,800
CDQ ABC reserve .....	5,754	11,556	11,428	5,528	10,272	10,358
Amendment 80 ABC reserve .....	48,024	96,444	95,372	46,136	85,728	86,442
Alaska Groundfish Cooperative for 2017 <sup>1</sup>	4,926	23,857	37,891	n/a	n/a	n/a
Alaska Seafood Cooperative for 2017 <sup>1</sup> ...	43,098	72,587	57,481	n/a	n/a	n/a

<sup>1</sup> The 2018 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017.

*PSC Limits for Halibut, Salmon, Crab, and Herring*

Section 679.21(b), (e), (f), and (g) sets forth the BSAI PSC limits. Pursuant to § 679.21(b)(1), the 2017 and 2018 BSAI halibut PSC limits total 3,515 mt. Section 679.21(b)(1) allocates 315 mt of the halibut PSC limit as the PSQ reserve for use by the groundfish CDQ program, 1,745 mt of halibut PSC limit for the Amendment 80 sector, 745 mt of halibut PSC limit for the BSAI trawl limited access sector, and 710 mt of halibut PSC limit for the BSAI non-trawl sector.

Section 679.21(b)(1)(iii)(A) and (B) authorizes apportionment of the non-trawl halibut PSC limit into PSC allowances among six fishery categories, and §§ 679.21(b)(1)(ii)(A) and (B), 679.21(e)(3)(i)(B), and 679.21(e)(3)(iv) require apportionment of the BSAI trawl limited access halibut and crab PSC limits into PSC allowances among seven fishery categories. Tables 15 and 16 list the fishery PSC allowances for the trawl fisheries, and Table 17 lists the fishery PSC allowances for the non-trawl fisheries.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch

restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program requires legal-size halibut to be retained by vessels using hook-and-line gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ (§ 679.7(f)(11)).

The 2016 total groundfish catch for the pot gear fishery in the BSAI was 46,578 mt, with an associated halibut bycatch mortality of 2 mt. The 2016 jig gear fishery harvested about 47 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. However, as mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan

agreements (IPAs) are formed, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State of Alaska provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and it is not a low abundance year, NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA in a low abundance year, then NMFS will allocate a portion of the 45,000 PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), in a low abundance year, NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to

that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2016 was not a low Chinook salmon abundance year based on the State of Alaska's estimate that Chinook salmon abundance in western Alaska is greater than 250,000 Chinook salmon. Therefore, in 2017, the Chinook salmon PSC limit is 60,000, and the AFA sector Chinook salmon allocations are seasonally allocated with 70 percent of the allocation for the A season pollock fishery, and 30 percent of the allocation for the B season pollock fishery as stated in § 679.21(f)(3)(i). Allocations of the Chinook salmon PSC limit of 60,000 to each AFA sector are specified in § 679.21(f)(3)(iii)(A). Additionally, in 2017, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 47,591 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(C).

The basis for these PSC limits is described in detail in the final rule implementing management measures for Amendment 91 (75 FR 53026, August 30, 2010) and Amendment 110 (81 FR 37534, June 10, 2016). NMFS publishes the approved IPAs, allocations, and reports at <http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>.

Section 679.21(g)(2)(i) specifies 700 fish as the 2017 and 2018 Chinook salmon PSC limit for the Aleutian Islands subarea pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the Aleutian Islands subarea PSQ reserve for the CDQ program and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the 2017 and 2018 non-Chinook salmon PSC limit in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ program, and allocates the remaining 37,506 non-Chinook salmon in the CVOA as the PSC limit for the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Section 679.21(e)(3)(i)(A)(1) allocates 10.7 percent from each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ program.

Based on the 2016 survey data, the red king crab mature female abundance is estimated to be at 22.8 million mature red king crabs, and the effective

spawning biomass is estimated at 42.2 million lbs (19,148 mt). Based on the criteria set out at § 679.21(e)(1)(i), the 2017 and 2018 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance of more than 8.4 million mature king crab and the effective spawning biomass estimate of more than 14.5 million lbs (6,477 mt) but less than 55 million lbs (24,948 mt).

Section 679.21(e)(3)(ii)(B)(2) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS). The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In December 2016, the Council recommended and NMFS concurs that the red king crab bycatch limit be equal to 25 percent of the red king crab PSC limit within the RKCSS (Table 15).

Based on 2016 survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 285 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2017 and 2018 *C. bairdi* crab PSC limit for trawl gear is 830,000 animals in Zone 1, and 2,070,000 animals in Zone 2. The limit in Zone 1 is based on the abundance of *C. bairdi* estimated at 285 million animals, which is greater than 270 million and less than 400 million animals. The limit in Zone 2 is based on the abundance of *C. bairdi* estimated at 285 million animals, which is greater than 175 million animals and less than 290 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for snow crab (*C. opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit is set at 0.1133 percent of the Bering Sea abundance index minus 150,000 crab. Based on the 2016 survey estimate of 8.169 billion animals, which is above the minimum PSC limit of 4.5 million and below the maximum PSC limit of 13 million animals, the calculated *C. opilio* crab PSC limit is 9,105,477 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern Bering Sea herring biomass. The best estimate of 2017 and 2018 herring biomass is 201,278 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit for 2017 and 2018 is

2,013 mt for all trawl gear as listed in Tables 14 and 15.

Section 679.21(e)(3)(i)(A)(1) requires crab PSQ reserves to be subtracted from the total trawl crab PSC limits. The 2017 PSC limits assigned to the Amendment 80 and BSAI trawl limited access sectors are specified in Table 35 to 50 CFR part 679. The resulting allocations of PSC limit to CDQ PSQ, the Amendment 80 sector, and the BSAI trawl limited access fisheries are listed in Table 14. Pursuant to § 679.21(b)(1)(i), 679.21(e)(3)(vi) and § 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as PSC cooperative quota as listed in Table 18. PSC cooperative quota assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. In 2017, there are no vessels in the Amendment 80 limited access sector. The 2018 PSC allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2017. Section 679.21(e)(3)(i)(B) requires NMFS to apportion each trawl PSC limit not assigned to Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories in § 679.21(e)(3)(iv).

Section 679.21(b)(2) and (e)(5) authorizes NMFS, after consulting with the Council, to establish seasonal apportionments of PSC amounts for the BSAI trawl limited access and Amendment 80 limited access sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species relative to prohibited species distribution, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass and expected catches of target species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected start of fishing effort, and (7) economic effects of seasonal PSC apportionments on industry sectors. The Council recommended and NMFS approves the seasonal PSC apportionments in Tables 15 and 16 to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC based on the above criteria.

TABLE 14—FINAL 2017 AND 2018 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area <sup>1</sup>	Total PSC	Non-trawl PSC	CDQ PSQ reserve <sup>2</sup>	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector <sup>3</sup>	BSAI trawl limited access fishery
Halibut mortality (mt) BSAI .....	3,515	710	315	n/a	1,745	745
Herring (mt) BSAI .....	2,013	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1 .....	97,000	n/a	10,379	86,621	43,293	26,489
<i>C. opilio</i> (animals) COBLZ .....	9,105,477	n/a	974,286	8,131,191	3,996,480	2,613,365
<i>C. bairdi</i> crab (animals) Zone 1 .....	830,000	n/a	88,810	741,190	312,115	348,285
<i>C. bairdi</i> crab (animals) Zone 2 .....	2,070,000	n/a	221,490	1,848,510	437,542	865,288

<sup>1</sup> Refer to § 679.2 for definitions of zones.

<sup>2</sup> The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

<sup>3</sup> The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

TABLE 15—FINAL 2017 AND 2018 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole .....	100	n/a
Rock sole/flathead sole/other flatfish <sup>1</sup> .....	43	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish .....	5	n/a
Rockfish .....	5	n/a
Pacific cod .....	10	n/a
Midwater trawl pollock .....	1,800	n/a
Pollock/Atka mackerel/other species <sup>2,3</sup> .....	50	n/a
Red king crab savings subarea non-pelagic trawl gear <sup>4</sup> .....	n/a	24,250
Total trawl PSC .....	2,013	97,000

<sup>1</sup> "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>2</sup> Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

<sup>3</sup> "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.

<sup>4</sup> In December 2016, the Council recommended that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

**Note:** Species apportionments may not total precisely due to rounding.

TABLE 16—FINAL 2017 AND 2018 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area <sup>1</sup>				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole .....	150	23,338	2,463,587	293,234	826,258
Rock sole/flathead sole/other flatfish <sup>2</sup> .....	0	0	0	0	0
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish .....	0	0	0	0	0
Rockfish April 15—December 31 .....	4	0	4,069	0	697
Pacific cod .....	391	2,954	105,008	50,816	34,848
Pollock/Atka mackerel/other species <sup>3</sup> .....	200	197	40,701	4,235	3,485
Total BSAI trawl limited access PSC .....	745	26,489	2,613,365	348,285	865,288

<sup>1</sup> Refer to § 679.2 for definitions of areas.

<sup>2</sup> "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

<sup>3</sup> "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 17—FINAL 2017 AND 2018 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Halibut mortality (mt) BSAI				
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All non-trawl
Pacific cod .....	Total Pacific cod .....	648	13	661
	January 1–June 10 .....	388	9	n/a

TABLE 17—FINAL 2017 AND 2018 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES—Continued

Halibut mortality (mt) BSAI				
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All non-trawl
	June 10–August 15 .....	162	2	n/a
	August 15–December 31 .....	98	2	n/a
Non-Pacific cod non-trawl-Total .....	May 1-December 31 .....	n/a	n/a	49
Groundfish pot and jig .....	n/a .....	n/a	n/a	Exempt
Sablefish hook-and-line .....	n/a .....	n/a	n/a	Exempt
Total for all non-trawl PSC .....	n/a .....	n/a	n/a	710

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 18—FINAL 2017 PROHIBITED SPECIES BYCATCH ALLOWANCE FOR THE BSAI AMENDMENT 80 COOPERATIVES

Cooperative	Prohibited species and zones <sup>1</sup>				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	C. opilio (animals) COBLZ	C. bairdi (animals)	
				Zone 1	Zone 2
Alaska Groundfish Cooperative .....	474	12,459	1,258,109	82,136	112,839
Alaska Seafood Cooperative .....	1,271	30,834	2,738,371	229,979	324,703

<sup>1</sup> Refer to § 679.2 for definitions of zones.

Note: Sector apportionments may not total precisely due to rounding.

*Estimates of Halibut Biomass and Stock Condition*

The International Pacific Halibut Commission (IPHC) annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC’s 2016 Pacific halibut stock assessment (December 2016), available on the IPHC Web site at [www.iphc.int](http://www.iphc.int). The IPHC considered the 2016 Pacific halibut stock assessment at its January 2017 annual meeting when it set the 2017 commercial halibut fishery catch limits.

*Halibut Discard Mortality Rates*

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut

incidental catch rates are based on observers’ estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best information available in conjunction with the annual BSAI stock assessment process. The DMR methodology and findings are included as an appendix to the annual BSAI groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council’s directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, SSC, and the Council. A summary of the revised methodology is included in the BSAI proposed 2017 and 2018 harvest specifications (81 FR 87863, December 6, 2016) and the comprehensive discussion of the working group’s

statistical methodology is available from the Council (see **ADDRESSES**). While the DMR working group’s revised methodology is intended to improve estimation accuracy as well as transparency and transferability in the methodology used for calculating DMRs, the working group will continue to consider improvements to the methodology used to calculate halibut mortality. Future DMRs, including the 2018 DMRs, may change based on an additional year of observer sampling that could provide more recent and accurate data and could improve the accuracy of estimation and progress on methodology.

At the December 2016 meeting, the SSC, AP, and Council reviewed and concurred in the revised DMR estimation methodology proposed by the working group. The Council recommended the halibut DMRs derived from this process for 2017 and 2018. The final calculation of the DMRs changed 1 percent from the proposed DMRs for two sectors (hook-and-line catcher vessel and pot sectors). Table 19 lists the proposed 2017 and 2018 DMRs.

TABLE 19—2017 AND 2018 PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl .....	All .....	100
Non-pelagic trawl .....	Mothership and catcher/processor .....	85
Non-pelagic trawl .....	Catcher vessel .....	52
Hook-and-line .....	Catcher/processor .....	8

TABLE 19—2017 AND 2018 PACIFIC HALIBUT DISCARD MORTALITY RATES FOR THE BSAI—Continued

Gear	Sector	Halibut discard mortality rate (percent)
Hook-and-line .....	Catcher vessel .....	14
Pot .....	All .....	6

*Directed Fishing Closures*

In accordance with § 679.20(d)(1)(i), the Regional Administrator may establish a DFA for a species or species group if the Regional Administrator determines that any allocation or apportionment of a target species has been or will be reached. If the Regional Administrator establishes a DFA, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea, regulatory area, or district (see § 697.20(d)(1)(iii)). Similarly, pursuant to §§ 679.21(b)(4) and (e)(7), if the Regional Administrator determines that a fishery category’s bycatch allowance

of halibut, red king crab, *C. bairdi* crab, or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species in that category in the specified area.

Based on historic catch patterns and anticipated fishing activity, the Regional Administrator has determined that the groundfish allocation amounts in Table 20 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2017 and 2018 fishing years. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species and species groups in Table 20 as zero. Therefore, in accordance

with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these sectors and species in the specified areas effective at 1200 hrs, A.l.t., February 27, 2017, through 2400 hrs, A.l.t., December 31, 2018. Also, for the BSAI trawl limited access sector, bycatch allowances of halibut, red king crab, *C. bairdi* crab, and *C. opilio* crab listed in Table 20 are insufficient to support directed fisheries. Therefore, in accordance with §§ 679.21(b)(4)(i) and (e)(7), NMFS is prohibiting directed fishing for these sectors and fishery categories in the specified areas effective at 1200 hrs, A.l.t., February 27, 2017, through 2400 hrs, A.l.t., December 31, 2018.

TABLE 20—2017 AND 2018 DIRECTED FISHING CLOSURES <sup>1</sup>  
[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2017 Incidental catch allowance	2018 Incidental catch allowance
Bogoslof District .....	All .....	Pollock .....	500	500
Aleutian Islands subarea .....	All .....	ICA pollock .....	2,400	2,400
		“Other rockfish” <sup>2</sup> .....	550	550
Eastern Aleutian District/Bering Sea.	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel .....	1,000	1,000
Eastern Aleutian District/Bering Sea.	All .....	Rougeye rockfish .....	100	100
Eastern Aleutian District .....	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Pacific ocean perch .....	100	100
Central Aleutian District .....	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel .....	75	75
		ICA Pacific ocean perch .....	60	60
Western Aleutian District .....	Non-amendment 80, CDQ and BSAI trawl limited access.	ICA Atka mackerel .....	20	20
		ICA Pacific ocean perch .....	10	10
Western and Central Aleutian Districts.	All .....	Rougeye rockfish .....	125	125
Bering Sea subarea .....	All .....	Pacific ocean perch .....	9,350	9,350
		“Other rockfish” <sup>2</sup> .....	325	325
		ICA pollock .....	47,210	47,210
Bering Sea and Aleutian Islands ....	All .....	Northern rockfish .....	4,250	4,250
		Shorthead rockfish .....	125	125
		Skates .....	22,100	22,100
		Sculpins .....	3,825	3,825
		Sharks .....	125	125
		Squids .....	1,275	1,275
		Octopuses .....	400	400
	Hook-and-line and pot gear .....	ICA Pacific cod .....	500	500
	Non-amendment 80 and CDQ .....	ICA flathead sole .....	4,000	4,000
		ICA rock sole .....	5,000	5,000
	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA yellowfin sole .....	4,500	4,500
	BSAI trawl limited access .....	Rock sole/flathead sole/other flatfish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2.	0	0

TABLE 20—2017 AND 2018 DIRECTED FISHING CLOSURES <sup>1</sup>—Continued  
 [Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2017 Incidental catch allowance	2018 Incidental catch allowance
		Turbot/arrowtooth/sablefish—halibut mortality, red king crab Zone 1, <i>C. opilio</i> COBLZ, <i>C. bairdi</i> Zone 1 and 2.	0	0
		Rockfish—red king crab Zone 1 ....	0	0

<sup>1</sup> Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

<sup>2</sup> “Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Closures implemented under the final 2016 and 2017 BSAI harvest specifications for groundfish (81 FR 14773, March 18, 2016) remain effective under authority of these final 2017 and 2018 harvest specifications, and are posted at the following Web sites: [http://alaskafisheries.noaa.gov/cm/info\\_bulletins/](http://alaskafisheries.noaa.gov/cm/info_bulletins/) and [http://alaskafisheries.noaa.gov/fisheries\\_reports/reports/](http://alaskafisheries.noaa.gov/fisheries_reports/reports/). While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679.

*Listed AFA Catcher/Processor Sideboard Limits*

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA C/Ps to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. These restrictions are set out as “sideboard” limits on catch. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668,

September 14, 2007). Table 21 lists the 2017 and 2018 AFA C/P sideboard limits. Section 679.64(a)(1)(v) exempts AFA catcher/processors from a yellowfin sole sideboard limit because the 2017 and 2018 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

All harvest of groundfish sideboard species by listed AFA C/Ps, whether as targeted catch or incidental catch, will be deducted from the sideboard limits in Table 21. However, groundfish sideboard species that are delivered to listed AFA C/Ps by CVs will not be deducted from the 2017 and 2018 sideboard limits for the listed AFA C/Ps.

TABLE 21—FINAL 2017 AND 2018 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS  
 [Amounts are in metric tons]

Target species	Area/season	1995–1997			2017 ITAC available to trawl C/Ps <sup>1</sup>	2017 AFA C/P sideboard limit	2018 ITAC available to trawl C/Ps <sup>1</sup>	2018 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Sablefish trawl	BS	8	497	0.016	541	9	541	9
	AI	0	145	0	369	0	369	0
Atka mackerel	Central AI A season <sup>2</sup>	n/a	n/a	0.115	15,405	1,772	15,405	1,772
	Central AI B season <sup>2</sup>	n/a	n/a	0.115	15,405	1,772	15,405	1,772
	Western AI A season <sup>2</sup>	n/a	n/a	0.2	5,582	1,116	5,582	1,116
	Western AI B season <sup>2</sup>	n/a	n/a	0.2	5,582	1,116	5,582	1,116
Rock sole	BSAI	6,317	169,362	0.037	42,060	1,556	42,060	1,556
Greenland turbot	BS	121	17,305	0.007	3,719	26	3,719	26
	AI	23	4,987	0.005	106	1	106	1
Arrowtooth flounder	BSAI	76	33,987	0.002	11,900	24	11,900	24
Kamchatka flounder	BSAI	76	33,987	0.002	4,250	9	4,250	9
Flathead sole	BSAI	1,925	52,755	0.036	12,949	466	12,949	466
Alaska plaice	BSAI	14	9,438	0.001	11,050	11	11,050	11
Other flatfish	BSAI	3,058	52,298	0.058	2,125	123	2,125	123
Pacific ocean perch	BS	12	4,879	0.002	9,350	19	9,350	19
	Eastern AI	125	6,179	0.02	7,055	141	7,055	141
	Central AI	3	5,698	0.001	6,251	6	6,251	6
	Western AI	54	13,598	0.004	8,037	32	8,037	32
Northern rockfish	BSAI	91	13,040	0.007	4,250	30	4,250	30
Shortraker rockfish	BSAI	50	2,811	0.018	125	2	125	2
Rougheye rockfish	EBS/EAI	50	2,811	0.018	100	2	100	2
	CAI/WAI	50	2,811	0.018	125	2	125	2
Other rockfish	BS	18	621	0.029	325	9	325	9
	AI	22	806	0.027	550	15	550	15
Skates	BSAI	553	68,672	0.008	22,100	177	22,100	177
Sculpins	BSAI	553	68,672	0.008	3,825	31	3,825	31
Sharks	BSAI	553	68,672	0.008	125	1	125	1
Squids	BSAI	73	3,328	0.022	1,141	25	1,141	25



TABLE 21—FINAL 2017 AND 2018 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH  
SIDEBOARD LIMITS—Continued  
[Amounts are in metric tons]

Target species	Area/season	1995–1997			2017 ITAC available to trawl C/Ps <sup>1</sup>	2017 AFA C/P sideboard limit	2018 ITAC available to trawl C/Ps <sup>1</sup>	2018 AFA C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Octopuses .....	BSAI .....	553	68,672	0.008	400	3	400	3

<sup>1</sup> Aleutian Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, and rock sole are multiplied by the remainder of the TAC after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).  
<sup>2</sup> The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

Section 679.64(a)(2) and Tables 40 and 41 of 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab for listed AFA C/Ps. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007).

PSC species listed in Table 22 that are caught by listed AFA C/Ps participating in any groundfish fishery other than pollock will accrue against the 2017 and 2018 PSC sideboard limits for the listed AFA C/Ps. Sections 679.21(b)(4)(iii) and (e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA C/Ps once a 2017 or 2018 PSC sideboard limit listed in Table 22 is reached.

Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), crab or halibut PSC caught by listed AFA C/Ps while fishing for pollock will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 22—FINAL 2017 AND 2018 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area <sup>1</sup>	Ratio of PSC catch to total PSC	2017 and 2018 PSC available to trawl vessels after subtraction of PSQ <sup>2</sup>	2017 and 2018 AFA catcher/processor sideboard limit <sup>2</sup>
Halibut mortality BSAI .....	n/a	n/a	286
Red king crab zone 1 .....	0.007	86,621	606
<i>C. opilio</i> (COBLZ) .....	0.153	8,131,191	1,244,072
<i>C. bairdi</i> Zone 1 .....	0.14	741,190	103,767
<i>C. bairdi</i> Zone 2 .....	0.05	1,848,510	92,426

<sup>1</sup> Refer to § 679.2 for definitions of areas.  
<sup>2</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

**AFA Catcher Vessel Sideboard Limits**

Pursuant to § 679.64(b), the Regional Administrator is responsible for restricting the ability of AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the pollock directed fishery. Section 679.64(b)(3)–(4) establishes a formula for setting AFA CV groundfish and PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80

(72 FR 52668, September 14, 2007). Section 679.64(b)(6) exempts AFA catcher vessels from a yellowfin sole sideboard limit because the 2017 and 2018 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt. Tables 23 and 24 list the 2017 and 2018 AFA CV sideboard limits.  
 All catch of groundfish sideboard species made by non-exempt AFA CVs, whether as targeted catch or incidental catch, will be deducted from the 2017 and 2018 sideboard limits listed in Table 23.  
 Halibut and crab PSC limits listed in Table 24 that are caught by AFA CVs participating in any groundfish fishery

for groundfish other than pollock will accrue against the 2017 and 2018 PSC sideboard limits for the AFA CVs. Sections 679.21(d)(7) and 679.21(e)(3)(v) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a 2016 or 2017 PSC sideboard limit listed in Table 24 is reached. Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), the PSC that is caught by AFA CVs while fishing for pollock in the BSAI will accrue against the bycatch allowances annually specified for either the midwater pollock or the pollock/Atka mackerel/“other species” fishery categories under § 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 23—FINAL 2017 AND 2018 AMERICAN FISHERIES ACT CATCHER VESSEL BSAI GROUND FISH SIDEBOARD LIMITS  
[Amounts are in metric tons]

Species/gear	Fishery by area/season	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2017 initial TAC <sup>1</sup>	2017 AFA catcher vessel sideboard limits	2018 initial TAC <sup>1</sup>	2018 AFA catcher vessel sideboard limits
Pacific cod/Jig gear	BSAI	0	n/a	0	n/a	0
Pacific cod/Hook-and-line CV ≥ 60 feet LOA.	BSAI Jan 1–Jun 10	0.0006	217	0	217	0
	BSAI Jun 10–Dec 31	0.0006	209	0	209	0
Pacific cod pot gear CV	BSAI Jan 1–Jun 10	0.0006	9,123	5	9,123	5
	BSAI Sept 1–Dec 31	0.0006	8,765	5	8,765	5
Pacific cod CV ≤ 60 feet LOA using hook-and-line or pot gear.	BSAI	0.0006	4,259	3	4,259	3
Pacific cod trawl gear CV	BSAI Jan 20–Apr 1	0.8609	34,962	30,099	34,962	30,099
	BSAI Apr 1–Jun 10	0.8609	5,197	4,474	5,197	4,474
	BSAI Jun 10–Nov 1	0.8609	7,087	6,101	7,087	6,101
Sablefish trawl gear	BS	0.0906	541	49	541	49
	AI	0.0645	369	24	369	24
Atka mackerel	Eastern AI/BS Jan 1–Jun 10.	0.0032	15,405	49	15,405	49
	Eastern AI/BS Jun 10–Nov 1.	0.0032	15,405	49	15,405	49
	Central AI Jan 1–Jun 10	0.0001	8,037	1	8,037	1
	Central AI Jun 10–Nov 1	0.0001	8,037	1	8,037	1
	Western AI Jan 1–Jun 10	0	5,582	0	5,582	0
	Western AI Jun 10–Nov 1	0	5,582	0	5,582	0
Rock sole	BSAI	0.0341	42,060	1,434	42,060	1,434
Greenland turbot	BS	0.0645	3,719	240	3,719	240
	AI	0.0205	106	2	106	2
Arrowtooth flounder	BSAI	0.069	11,900	821	11,900	821
Kamchatka flounder	BSAI	0.069	4,250	293	4,250	293
Alaska plaice	BSAI	0.0441	11,050	487	11,050	487
Other flatfish	BSAI	0.0441	2,125	94	2,125	94
Flathead sole	BS	0.0505	1,294	65	1,294	65
Pacific ocean perch	BS	0.1	9,350	935	9,350	935
	Eastern AI	0.0077	7,055	54	7,055	54
	Central AI	0.0025	6,251	16	6,251	16
	Western AI	0	8,037	0	8,037	0
Northern rockfish	BSAI	0.0084	4,250	36	4,250	36
Shortraker rockfish	BSAI	0.0037	125	0	125	0
Rougheye rockfish	EBS/EAI	0.0037	100	0	100	0
	CAI/WAI	0.0037	125	0	125	0
Other rockfish	BS	0.0048	325	2	325	2
	AI	0.0095	550	5	550	5
Skates	BSAI	0.0541	22,100	1,196	22,100	1,196
Sculpins	BSAI	0.0541	3,825	207	3,825	207
Sharks	BSAI	0.0541	125	7	125	7
Squids	BSAI	0.3827	1,141	437	1,141	437
Octopuses	BSAI	0.0541	400	22	400	22

<sup>1</sup> Aleutians Islands Pacific ocean perch, and BSAI Atka mackerel, flathead sole, Pacific cod, and rock sole are multiplied by the remainder of the TAC of that species after the subtraction of the CDQ reserve under § 679.20(b)(1)(ii)(C).

TABLE 24—FINAL 2017 AND 2018 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI<sup>1</sup>

PSC species and area <sup>1</sup>	Target fishery category <sup>2</sup>	AFA catcher vessel PSC sideboard limit ratio	2017 and 2018 PSC limit after subtraction of PSQ reserves <sup>3</sup>	2017 and 2018 AFA catcher vessel PSC sideboard limit <sup>3</sup>
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/other flatfish <sup>4</sup>	n/a	n/a	228
	Greenland turbot/arrowtooth/sablefish <sup>5</sup>	n/a	n/a	0
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species <sup>6</sup>	n/a	n/a	5
Red king crab Zone 1	n/a	0.299	86,621	25,900
<i>C. opilio</i> COBLZ	n/a	0.168	8,131,191	1,366,040
<i>C. bairdi</i> Zone 1	n/a	0.33	741,190	244,593

TABLE 24—FINAL 2017 AND 2018 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI<sup>1</sup>—Continued

PSC species and area <sup>1</sup>	Target fishery category <sup>2</sup>	AFA catcher vessel PSC sideboard limit ratio	2017 and 2018 PSC limit after subtraction of PSQ reserves <sup>3</sup>	2017 and 2018 AFA catcher vessel PSC sideboard limit <sup>3</sup>
<i>C. bairdi</i> Zone 2 .....	n/a .....	0.186	1,848,510	343,823

<sup>1</sup> Refer to § 679.2 for definitions of areas.

<sup>2</sup> Target trawl fishery categories for halibut PSC limits are defined at § 679.21(b)(1)(ii)(B).

<sup>3</sup> Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

<sup>4</sup> "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

<sup>5</sup> Arrowtooth for PSC monitoring includes Kamchatka flounder.

<sup>6</sup> "Other species" for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.

*AFA Catcher/Processor and Catcher Vessel Sideboard Directed Fishing Closures*

Based on historical catch patterns, the Regional Administrator has determined that many of the AFA C/P and CV sideboard limits listed in Tables 25 and 26 are necessary as incidental catch to

support other anticipated groundfish fisheries for the 2017 and 2018 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator establishes the sideboard limits listed in Tables 25 and 26 as DFAs. Because many of these DFAs will be reached before the end of 2017, the

Regional Administrator has determined, in accordance with § 679.20(d)(1)(iii), that NMFS is prohibiting directed fishing by listed AFA C/Ps for the species in the specified areas set out in Table 25, and directed fishing by non-exempt AFA CVs for the species in the specified areas set out in Table 26.

TABLE 25—FINAL 2017 AND 2018 AMERICAN FISHERIES ACT LISTED CATCHER/PROCESSOR SIDEBOARD DIRECTED FISHING CLOSURES<sup>1</sup>

[Amounts are in metric tons]

Species	Area	Gear types	2017 sideboard limit	2018 sideboard limit
Sablefish trawl .....	BS .....	trawl .....	9	9
	AI .....	trawl .....	0	0
Rock sole .....	BSAI .....	all .....	1,556	1,556
Greenland turbot .....	BS .....	all .....	26	26
	AI .....	all .....	1	1
Arrowtooth flounder .....	BSAI .....	all .....	24	24
	BSAI .....	all .....	9	9
Alaska plaice .....	BSAI .....	all .....	11	11
Other flatfish <sup>2</sup> .....	BSAI .....	all .....	123	123
	BSAI .....	all .....	466	466
Flathead sole .....	BS .....	all .....	19	19
	Eastern AI .....	all .....	141	141
	Central AI .....	all .....	6	6
	Western AI .....	all .....	32	32
Northern rockfish .....	BSAI .....	all .....	30	30
Shortraker rockfish .....	BSAI .....	all .....	2	2
Rougheye rockfish .....	EBS/EAI .....	all .....	2	2
	CAI/WAI .....	all .....	2	2
Other rockfish <sup>3</sup> .....	BS .....	all .....	9	9
	AI .....	all .....	15	15
Skates .....	BSAI .....	all .....	177	177
Sculpins .....	BSAI .....	all .....	31	31
Sharks .....	BSAI .....	all .....	1	1
Squids .....	BSAI .....	all .....	25	25
Octopuses .....	BSAI .....	all .....	3	3

<sup>1</sup> Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

<sup>2</sup> "Other flatfish" includes all flatfish species, except for halibut, Alaska plaice, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

<sup>3</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

TABLE 26—FINAL 2017 AND 2018 AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD DIRECTED FISHING CLOSURES <sup>1</sup>

[Amounts are in metric tons]

Species	Area	Gear types	2017 sideboard limit	2018 sideboard limit
Pacific cod	BSAI	hook-and-line CV ≥60 feet LOA	0	0
	BSAI	pot CV ≥60 feet LOA	10	10
	BSAI	hook-and-line or pot CV <60 feet LOA.	3	3
Sablefish	BSAI	jig	0	0
	BS	trawl	49	49
	AI	trawl	24	24
Atka mackerel	Eastern AI/BS	all	98	98
	Central AI	all	2	2
	Western AI	all	0	0
Greenland turbot	BS	all	240	240
	AI	all	2	2
Arrowtooth flounder	BSAI	all	821	821
Kamchatka flounder	BSAI	all	293	293
Alaska plaice	BSAI	all	487	487
Other flatfish <sup>2</sup>	BSAI	all	94	94
Flathead sole	BSAI	all	65	65
Rock sole	BSAI	all	1,434	1,434
Pacific ocean perch	BS	all	935	935
	Eastern AI	all	54	54
	Central AI	all	16	16
	Western AI	all	0	0
Northern rockfish	BSAI	all	36	36
Shortraker rockfish	BSAI	all	0	0
Rougeye rockfish	BS/EAI	all	0	0
	CAI/WAI	all	0	0
Other rockfish <sup>3</sup>	BS	all	2	2
	AI	all	5	5
Skates	BSAI	all	1,196	1,196
Sculpins	BSAI	all	207	207
Sharks	BSAI	all	7	7
Squids	BSAI	all	437	437
Octopuses	BSAI	all	22	22

<sup>1</sup> Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.

<sup>2</sup> "Other flatfish" includes all flatfish species, except for halibut, Alaska plaice, flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.

<sup>3</sup> "Other rockfish" includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougeye rockfish.

Response to Comments

NMFS received 1 letter with 1 substantive comment during the public comment period for the proposed BSAI groundfish harvest specifications. No changes were made to the final rule in response to the comment letter received. NMFS' response to public comment on the proposed BSAI groundfish harvest specifications is provided below.

*Comment 1:* NMFS must manage halibut under their own FMP pursuant to the Magnuson-Stevens Act to properly conserve and manage Pacific halibut and prevent overfishing. The Magnuson-Stevens Act requires every fishery management council to develop an FMP for each fishery under its authority that requires conservation and management. NMFS has failed to establish required status determination criteria for halibut stocks that are caught as non-target stocks in the groundfish fishery before finalizing harvest specifications for the groundfish fishery.

The groundfish FMP does not establish criteria to assess whether the halibut stock is overfished or subject to overfishing. Although the IPHC assesses halibut stock populations every year, the IPHC has also never developed objective criteria to measure the status of halibut populations. As a result, there is no way for NMFS to ensure that halibut bycatch management measures it implements through the harvest specification process will prevent overfishing or rebuild an overfished halibut stock without first determining whether the halibut stock is overfished or whether the non-target catch of halibut amounts to overfishing. To protect halibut populations for the future and to meet its obligations under the Magnuson-Stevens Act to prevent overfishing, NMFS must establish an FMP for halibut that includes objective criteria to monitor the status of halibut stocks and identify when the halibut

stock is overfished or subject to overfishing.

*Response:* NMFS acknowledges this comment as outside the scope of this action. NMFS manages groundfish fisheries and prohibited species under the FMP. The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the TAC for each groundfish target species category. NMFS also must specify PSC allowances and PSQ reserves as established pursuant to 50 CFR 679.21. NMFS implements these requirements through the annual harvest specifications. The limits set forth in the harvest specifications are based on the most recent scientific and economic information and are consistent with the FMP, regulatory obligations, and harvest strategy, which was described in the proposed harvest specifications (81 FR 87863, December 6, 2016).

In the Bering Sea and Aleutian Islands, NMFS and the Council manage halibut as prohibited species. The PSC limits for halibut are set by regulation (see 50 CFR 679.21). NMFS and the Council also must manage halibut bycatch in accordance with the Magnuson-Steven Act and the National Standards therein. NMFS and the Council are committed to minimizing halibut bycatch in the BSAI consistent with Magnuson-Stevens Act obligations to minimize bycatch to the extent practicable and to achieve, on a continuing basis, optimum yield from the groundfish fisheries. The halibut PSC limits reflect that NMFS and the Council balance the requirement to minimize halibut bycatch to the extent practicable, consistent with National Standard 9, with the requirement to achieve optimum yield in the groundfish fishery, consistent with National Standard 1. NMFS and the Council have appropriately balanced obligations under National Standard 1 and National Standard 9 to minimize halibut PSC in the commercial groundfish fisheries to the extent practicable, while preserving the potential for the groundfish sectors to fully harvest the groundfish TACs assigned to the trawl and non-trawl sectors.

The current halibut PSC limits have decreased halibut PSC use. In the BSAI, the current halibut PSC is 1,142 mt less than in 2014, an overall reduction of 39 percent. The Council and NMFS will continue to evaluate the need to implement additional measures to minimize halibut bycatch in the BSAI groundfish fisheries consistent with Magnuson-Stevens Act obligations. Such measures, however, will have to be implemented through the Council process. A detailed description of the Council process may be found at <http://www.npfmc.org/overview/>.

#### Classification

NMFS has determined that these final harvest specifications are consistent with the FMP and with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Orders 12866 and 13563.

NMFS prepared an EIS that covers this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. In January 2017, NMFS prepared a Supplemental Information Report (SIR) for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see

**ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The SIR evaluates the need to prepare a Supplemental EIS (SEIS) for the 2017 and 2018 groundfish harvest specifications.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2017 and 2018 harvest specifications, which were set according to the preferred harvest strategy in the EIS, do not constitute a change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2017 and 2018 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental NEPA documentation is not necessary to implement the 2017 and 2018 harvest specifications.

Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under section 553 of Title 5 of the United States Code, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis (FRFA). The following constitutes the FRFA prepared in the final action.

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description

of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are included at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 6, 2016 (81 FR 87863). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany the proposed action, and included a summary in the proposed rule. The comment period closed on January 5, 2017. No comments were received on the IRFA. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

The entities directly regulated by this action are those that harvest groundfish in the exclusive economic zone of the BSAI and in parallel fisheries within State waters. These include entities operating catcher vessels and catcher/processors within the action area and entities receiving direct allocations of groundfish.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide.

The estimated directly regulated small entities in 2015 include approximately 152 catcher vessels, four catcher/processors, and six CDQ groups. Some of these vessels are members of AFA inshore pollock cooperatives, Gulf of Alaska rockfish cooperatives, or BSAI

Crab Rationalization Program cooperatives, and, since under the RFA it is the aggregate gross receipts of all participating members of the cooperative that must meet the “under \$11 million” threshold, they are considered to be large entities within the meaning of the RFA. Thus, the estimate of 152 catcher vessels may be an overstatement of the number of small entities. Average gross revenues were \$520,000 for small hook-and-line vessels, \$1.29 million for small pot vessels, and \$2.99 million for small trawl vessels. Revenue data for catcher/processors is confidential; however, in 2015, NMFS estimates that there were four catcher/processor small entities with gross receipts less than \$11 million.

This action does not modify recordkeeping or reporting requirements.

The significant alternatives were those considered as alternative harvest strategies when the Council selected its preferred harvest strategy (Alternative 2) in December 2006. These included the following:

- Alternative 1: Set TAC to produce fishing mortality rates,  $F$ , that are equal to  $maxFABC$ , unless the sum of the TAC is constrained by the OY established in the fishery management plans. This is equivalent to setting TAC to produce harvest levels equal to the maximum permissible ABC, as constrained by OY. The term “ $maxFABC$ ” refers to the maximum permissible value of  $FABC$  under Amendment 56 to the BSAI and Gulf of Alaska groundfish fishery management plans. Historically, the TAC has been set at or below the ABC; therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.

- Alternative 3: For species in Tiers 1, 2, and 3, set TAC to produce  $F$  equal to the most recent 5-year average actual  $F$ . For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TAC would be set to produce harvest levels equal to the most recent 5-year average actual fishing mortality rates. For stocks with insufficient scientific information, TAC would be set equal to the most recent 5-year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABC, and recent average  $F$  may provide a better indicator of actual  $F$  than  $FABC$  does.

- Alternative 4: (1) Set TAC for rockfish species in Tier 3 at  $F75\%$ . Set TAC for rockfish species in Tier 5 at  $F=0.5M$ . Set spatially explicit TAC for shortraker and rougheye rockfish in the

BSAI. (2) Taking the rockfish TAC as calculated above, reduce all other TAC by a proportion that does not vary across species, so that the sum of all TAC, including rockfish TAC, is equal to the lower bound of the area OY (1,400,000 mt in the BSAI). This alternative sets conservative and spatially explicit TAC for rockfish species that are long-lived and late to mature, and sets conservative TAC for the other groundfish species.

- Alternative 5: Set TAC at zero.

Alternative 2 is the preferred alternative chosen by the Council: Set TAC that fall within the range of ABC recommended through the Council harvest specifications process and TACs recommended by the Council. Under this scenario,  $F$  is set equal to a constant fraction of  $maxFABC$ . The recommended fractions of  $maxFABC$  may vary among species or stocks, based on other considerations unique to each. This is the method for determining TAC that has been used in the past.

Alternatives 1, 3, 4, and 5 do not meet the objectives of this action, and although Alternatives 1 and 3 may have a smaller adverse economic impact on small entities than the preferred alternative, Alternatives 4 and 5 would have a significant adverse economic impact on small entities. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary of Commerce did so in 2007. Alternative 1 would lead to TAC limits whose sum exceeds the fishery OY, which is set out in statute and the FMP. As shown in Table 1 and Table 2, the sum of ABCs in 2017 and 2018 would be 4,013,993 mt and 4,214,648 mt, respectively. Both of these are substantially in excess of the fishery OY for the BSAI. This result would be inconsistent with the objectives of this action, in that it would violate the Consolidated Appropriations Act of 2004, Public Law 108–199, Section 803(c), and the FMP for the BSAI groundfish fishery, which both set a 2 million mt maximum harvest for BSAI groundfish.

Alternative 3 selects harvest rates based on the most recent 5 years’ worth of harvest rates (for species in Tiers 1 through 3) or for the most recent 5 years’ worth of harvests (for species in Tiers 4 through 6). This alternative is also inconsistent with the objectives of this action because it does not take into account the most recent biological information for this fishery.

Alternative 4 would lead to significantly lower harvests of all species to reduce TAC from the upper end of the OY range in the BSAI to its lower end. This result would lead to significant reductions in harvests of

species by small entities. While reductions of this size could be associated with offsetting price increases, the size of these increases is very uncertain, and NMFS has no confidence that they would be sufficient to offset the volume decreases and leave revenues unchanged. Thus, this action would have an adverse economic impact on small entities, compared to the preferred alternative.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule is contrary to the public interest. Plan Team review occurred in November 2016, and the Council considered and recommended the final harvest specifications in December 2016. Accordingly, NMFS’ review could not begin until after the December 2016 Council meeting, and after the public had time to comment on the proposed action. If this rule’s effectiveness is delayed, fisheries that might otherwise remain open under these rules may prematurely close based on the lower TACs established in the final 2016 and 2017 harvest specifications (81 FR 14773, March 18, 2016). If implemented immediately, this rule would allow these fisheries to continue fishing without the industry worrying about a potential closure because some TAC limits are higher than the ones under which they are currently fishing. Certain fisheries, such as those for pollock and Pacific cod, are intensive, fast-paced fisheries. Other fisheries, such as those for flatfish, rockfish, skates, sculpins, sharks, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in these fisheries. Any delay in allocating the final TAC limits in these fisheries would cause confusion in the industry and potential economic harm through unnecessary discards. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing up

fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

Additionally, in fisheries subject to declining sideboards, delaying this rule's effectiveness could allow some vessels to inadvertently reach or exceed their new sideboard levels. Because sideboards are intended to protect traditional fisheries in other sectors, allowing one sector to exceed its new sideboards by delaying this rule's effectiveness would effectively reduce the available catch for sectors without sideboard limits. Moreover, the new TAC and sideboard limits protect the fisheries from being overfished. Thus, the delay is contrary to the public interest in protecting traditional fisheries and fish stocks.

If the final harvest specifications are not effective by March 11, 2017, which is the start of the 2017 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. Delayed effectiveness of this action would result in confusion for sablefish harvesters and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2017 and 2018 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season. Also, immediate effectiveness of this action will ensure consistent management and conservation of fishery resources based upon the best available scientific information, particularly for those species that have lower 2017 ABC and TAC limits than those established in the 2016 and 2017 harvest specifications (81 FR 14773, March 18, 2016). Immediate effectiveness also would provide the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TAC limits. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

#### Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2017 and 2018 harvest specifications and prohibited species bycatch allowances for the

groundfish fisheries of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2017 and 2018 fishing years and to accomplish the goals and objectives of the FMP. This action directly affects all fishermen who participate in the BSAI fisheries. The specific amounts of OFL, ABC, TAC, and PSC are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: February 21, 2017.

**Alan D. Risenhoover,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2017–03698 Filed 2–24–17; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 150818742–6210–02]

RIN 0648–XF244

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2017 Pacific cod total allowable catch apportioned to vessels using pot gear in the Central Regulatory Area of the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 23, 2017, through 1200 hours, A.l.t., June 10, 2017.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the

GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2017 Pacific cod total allowable catch (TAC) apportioned to vessels using pot gear in the Central Regulatory Area of the GOA is 5,849 metric tons (mt), as established by the final 2016 and 2017 harvest specifications for groundfish of the GOA (81 FR 14740, March 18, 2016) and inseason adjustment (81 FR 95063, December 27, 2016).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2017 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,839 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod for vessels using pot gear in the Central Regulatory Area of the GOA.

NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 21, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C.

553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 22, 2017.

**Karen H. Abrams,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03784 Filed 2-22-17; 4:15 pm]

**BILLING CODE 3510-22-P**



# Proposed Rules

Federal Register

Vol. 82, No. 37

Monday, February 27, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 250

RIN 0584-AE38

#### Revisions and Clarifications in Requirements for the Processing of Donated Foods; Extension of Comment Period

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Nutrition Service (FNS) is extending the comment period for this proposed rule. This rule proposes to revise and clarify requirements for the processing of donated foods in order to: Incorporate successful processing options tested in demonstration projects, ensure accountability for donated foods provided for processing, and increase program efficiency. The rule would require multi-State processors to enter into National Processing Agreements to process donated foods into end products, permit processors to substitute commercially purchased beef and pork of U.S. origin and of equal or better quality for donated beef and pork, and would increase oversight of inventories of donated foods at processors. The rule also revises regulatory provisions in plain language, to make them easier to read and understand.

**DATES:** The comment period for the proposed rule published in the **Federal Register** of January 5, 2017 (82 FR 1231), has been extended from March 6, 2017, to April 5, 2017. To be assured of consideration, comments must be received on or before April 5, 2017.

**ADDRESSES:** The Food and Nutrition Service invites interested persons to submit comments on this proposed rule. You may submit comments, identified by RIN number 0584-AE38, by any of the following methods:

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

*Email:* Send comments to [ProcessingRuleComments@fns.usda.gov](mailto:ProcessingRuleComments@fns.usda.gov). Include RIN number 0584-AE38 in the subject line of the message.

*Mail:* Send comments to Kiley Larson, Program Analyst, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 500, 3101 Park Center Drive, Alexandria, Virginia 22302-1594.

*Hand Delivery or Courier:* Deliver comments to the above address.

#### FOR FURTHER INFORMATION CONTACT:

Kiley Larson or Erica Antonson at the above address or telephone (703) 305-2680.

**SUPPLEMENTARY INFORMATION:** The Food and Nutrition Service is extending by 30 days the public comment period for this proposed rule, which was published on January 5, 2017.

To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment rulemaking for good cause and for reasons cited above, the Food and Nutrition Service finds that notice and solicitation of comment regarding the brief extension of the comment period of the rule is impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B).

The Food and Nutrition Service believes that affected parties need to be informed as soon as possible of the extension and its length.

Dated: February 16, 2017.

**Jessica Shahin,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2017-03560 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1255

[Doc. No. AMS-SC-16-0112]

#### Organic Research, Promotion, and Information Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Extension of comment period.

**SUMMARY:** Notice is hereby given that Agricultural Marketing Service (AMS) is extending the comment period for the proposed rule published in the **Federal Register** on January 18, 2017 (82 FR 5746), until April 19, 2017. The proposed rule invited comments on the proposed establishment of an industry-funded research, promotion, and information program for certified organic products. The proposed rule also announced the Agricultural Marketing Service's (AMS) intent to request approval from the Office of Management and Budget (OMB) of new information collection requirements to implement the program. This document extends the comment period for the proposed rule by 30 days.

**DATES:** Comments received by April 19, 2017, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the Internet at: <http://www.regulations.gov> or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406-S, Stop 0244, Washington, DC 20250-0244; facsimile: (202) 205-2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at <http://www.regulations.gov>.

Pursuant to the Paperwork Reduction Act (PRA), comments regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information, should be sent to the above address. In addition, comments concerning the information collection should also be sent to the Desk Office for Agriculture, Office of Information and Regulatory Affairs, OMB, New Executive Office Building, 725 17th Street NW., Room 725, Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Heather Pichelman, Division Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room

1406-S, Stop 0244, Washington, DC 20250-0244; facsimile: (202) 205-2800; or electronic mail: [Heather.Pichelman@ams.usda.gov](mailto:Heather.Pichelman@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** A proposed rule was published in the **Federal Register** on January 18, 2017 (82 FR 5746). This proposed action invited comments on a proposed industry-funded research, promotion, and information program for certified organic products. Organic products are products produced under the authority of the Organic Foods Production Act of 1990 (7 U.S.C. 6501-6522) and its implementing regulations at 7 CFR part 205. The organic market includes a range of agricultural commodities such as fruits, vegetables, dairy, meat, poultry, breads, grains, snack foods, condiments, beverages, and packaged and prepared foods as well as non-food items such as fiber (linen and clothing), personal care products, pet food, and flowers. The program would be financed by an assessment on domestic producers, handlers and importers of organic products and would be administered by a board of industry members nominated by organic stakeholders and appointed by the Secretary. The proposed initial assessment rate would be one tenth of one percent of net organic sales for producers and handlers, and one tenth of one percent of the transaction value of organic products imported into the United States for importers. Citing domestic supply shortages, challenges with viable pest management, and market confusion, program proponents have proposed an organic research and promotion program for the purposes of: (1) Developing and financing an effective and coordinated program of research, promotion, industry information, and consumer education regarding organic commodities; and (2) maintaining and expanding existing markets for organic commodities.

A referendum would be held among eligible domestic producers, handlers and importers to determine whether they favor implementation of the program prior to it going into effect. The proposal was submitted to USDA by the Organic Trade Association (OTA), a membership business association, in collaboration with the 7-member GRO Organic Core Committee. OTA is a membership-based trade organization representing growers, processors, certifiers, farmers associations, distributors, importers, exporters, consultants, retailers, and others involved in the organic sector. The GRO Organic Core Committee is a subset of OTA's larger Organic Research and

Promotion Program Steering Committee. It included OTA subcommittee chairs and other industry leaders who built on the outreach and input from the larger committee to guide the development of a proposed Order.

This proposed rule also announced AMS's intent to request approval from OMB of new information collection requirements to implement the program.

The 60-day comment period provided in the proposed rule published in the **Federal Register** on January 18, 2017 (82 FR 5746) was set to end on March 20, 2017. AMS has extended the end of comment period by 30 days to April 19, 2017 to ensure that interested persons have sufficient time to review and comment on the proposed rule.

**Authority:** 7 U.S.C. 7411-7425; 7 U.S.C. 7401.

Dated: February 22, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017-03825 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1255

[Doc. No. AMS-SC-16-0112]

#### Organic Research, Promotion, and Information Order; Referendum Procedures

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Extension of comment period.

**SUMMARY:** Notice is hereby given that Agricultural Marketing Service (AMS) is extending the comment period for the proposed rule published in the **Federal Register** on January 18, 2017 (82 FR 5438), until April 19, 2017. The proposed rule invited comments on the proposed procedures for conducting a referendum to determine whether the issuance of a proposed Organic Research, Promotion, and Information Order (proposed Order) is favored by certified organic producers, certified organic handlers, and importers of certified organic products. The procedures would also be used for any subsequent referendum under the proposed Order. This proposed rule also announced the Agricultural Marketing Service's (AMS) intent to request approval by the Office of Management and Budget (OMB) of new information collection requirements to implement the program. The proposed Order was

published separately in the **Federal Register** on January 18, 2017 (82 FR 5746).

**DATES:** Comments received by April 19, 2017, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the Internet at: <http://www.regulations.gov> or to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406-S, Stop 0244, Washington, DC 20250-0244; facsimile: (202) 205-2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at <http://www.regulations.gov>.

Pursuant to the Paperwork Reduction Act (PRA), comments regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information, should be sent to the above address. In addition, comments concerning the information collection should also be sent to the Desk Office for Agriculture, Office of Information and Regulatory Affairs, OMB, New Executive Office Building, 725 17th Street NW., Room 725, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Heather Pichelman, Division Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406-S, Stop 0244, Washington, DC 20250-0244; facsimile: (202) 205-2800; or electronic mail: [Heather.Pichelman@ams.usda.gov](mailto:Heather.Pichelman@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** A proposed rule was published in the **Federal Register** on January 18, 2017 (82 FR 5438). This proposed action invited comments on a proposed procedures for conducting a referendum to determine whether covered domestic certified organic producers, certified organic handlers and importers of organic products favor issuance of a proposed Order. Accordingly, this proposed rule would add subpart B to part 1255 that would establish procedures for conducting the referendum. The procedures would cover definitions, voting instructions, use of subagents, ballots, the referendum report, and confidentiality

of information. The U.S. Department of Agriculture (USDA) would conduct the referendum. The program would be implemented if it is favored by a majority of domestic certified organic producers, certified organic handlers and importers of organic products voting in the referendum. The procedures would be applicable for the initial referendum and future referenda under the proposed Order.

This proposed rule also announced AMS's intent to request approval by the OMB of new information collection requirements to implement the program. The proposed Order was published separately in the **Federal Register** on January 18, 2017 (82 FR 5746).

The 60-day comment period provided in the proposed rule published in the **Federal Register** on January 18, 2017 (82 FR 5438) was set to end on March 20, 2017. AMS has extended the end of comment period by 30 days to April 19, 2017 to ensure that interested persons have sufficient time to review and comment on the proposed rule.

**Authority:** 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

Dated: February 22, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017–03824 Filed 2–24–17; 8:45 am]

**BILLING CODE 3410–02–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2016–9494; Airspace Docket No. 16–ASW–19]

#### Proposed Amendment of Class E Airspace; for Haskell, TX

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Class E airspace extending up to 700 feet above the surface at Haskell Municipal Airport, Haskell, TX. Airspace reconfiguration is necessary due to the decommissioning of the Haskell non-directional radio beacon (NDB), and cancellation of the NDB approach. This action would also update the geographic coordinates of the airport.

**DATES:** Comments must be received on or before April 13, 2017.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of

Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2016–9494; Airspace Docket No. 16–ASW–19, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Ron Laster, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5879.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace extending up to and including 700 feet MSL above the

surface area at Haskell Municipal Airport, Haskell, TX.

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2016–9494/Airspace Docket No. 16–ASW–19." The postcard will be date/time stamped and returned to the commenter.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.regulations.gov>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Haskell Municipal Airport, Haskell, TX. The segment 8 miles east and 4 miles west of the 015° bearing from the Haskell RBN extending from the airport to 16 miles northeast of the RBN would be removed due to the decommissioning of the NDB, and cancellation of NDB approaches. This action would enhance the safety and management of the standard instrument approach procedures for IFR operations at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas.*  
\* \* \* \* \*

#### ASW TX E5 Haskell, TX [Amended]

Haskell Municipal Airport, TX  
(Lat. 33°11'29" N., long. 99°43'04" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Haskell Municipal Airport.

Issued in Fort Worth, Texas on February 10, 2017.

**Walter Tweedy,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2017–03511 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2016–9374; Airspace Docket No. 16–AGL–23]

RIN 2120–AA66

### Proposed Modification of VOR Federal Airways V–55, V–63, V–177, V–228, and V–246 in the Vicinity of Stevens Point, WI

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify five VHF Omnidirectional Range (VOR) Federal airways in the vicinity of Stevens Point, WI. The FAA is proposing this action due to the planned decommissioning of the Stevens Point, WI (STE), VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigation aid (NAVAID) which provides navigation guidance for portions of the ATS routes proposed to be amended by this action. This action would enhance the safety and efficient management of aircraft in the Stevens Point, WI, area.

**DATES:** Comments must be received on or before April 13, 2017.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2016–9374 and Airspace Docket No. 16–AGL–23 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1 (800) 647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783. The Order is

also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the NAS route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2016-9374 and Airspace Docket No. 16-AGL-23) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments

on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2016-9374 and Airspace Docket No. 16-AGL-23." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX, 76177.

**Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**Background**

The FAA is planning decommissioning activities for the Stevens Point, WI (STE), VORTAC to take place in 2017 as one of the candidate VORs identified for discontinuance by the VOR Minimum

Operating Network (VOR MON) program and listed in the Final policy statement notice, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the **Federal Register** of July 26, 2016 (81FR 48694), Docket No. FAA-2011-1082. Additionally, the Stevens Point VORTAC has been reported as out-of-service since October 31, 2012, by Notice to Airmen (NOTAM) due to extreme fluctuations in signal modulation and out-of-tolerance structure. The VORTAC is unusable as a terminal facility, is showing out-of-tolerance conditions at many enroute altitudes, and numerous attempts to repair the VORTAC to put it back in service have failed. The affected ATS routes are VOR Federal airways V-55, V-63, V-177, V-228, and V-246.

With the planned decommissioning of the Stevens Point, WI, VORTAC, the FAA has determined the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected airways. As such, proposed modifications to VOR Federal airways V-55, V-63, V-177, V-228, and V-246 will result in gaps in the route structures. To overcome the gaps that would result in the route structures, instrument flight rules (IFR) traffic could use adjacent VOR Federal airways V-9, V-26, V-78, V-191, V-341, or V-345 to circumnavigate the affected area, could file point-to-point through the affected area using the fixes that will remain in place, or could receive air traffic control (ATC) radar vectors through the area. VFR pilots who elect to navigate via airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services listed previously.

**The Proposal**

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the descriptions of VOR Federal airways V-55, V-63, V-177, V-228, and V-246 due to the planned decommissioning of the Stevens Point, WI, VORTAC. The proposed route changes are described below.

V-55: V-55 currently extends between the Dayton, OH (DQN), VOR and the Bismarck, ND (BIS), VOR. In a separate NPRM, the FAA proposed to remove the airway segment between the Siren, WI (RZN), VOR/Distance Measuring Equipment (VOR/DME) and the Park Rapids, MN (PKD), VOR/DME (82 FR 6353, January 19, 2017). The

FAA now proposes to remove the airway segment between the intersection of the Green Bay, WI (GRB), VORTAC 270°(T)/269°(M) and Oshkosh, WI (OSH), VORTAC 339°(T)/337°(M) radials (the BIPID fix) and the Eau Claire, WI (EAU), VORTAC in this NPRM. The unaffected portions of the existing airway would remain as charted in the three remaining segments.

**V-63:** V-63 currently extends between the Bowie, TX MN (UKW), VORTAC and the Houghton, MI (CMX), VOR/DME. The FAA proposes to remove the airway segment between the Oshkosh, WI (OSH), VORTAC and the Wausau, WI (AUW), VORTAC. The unaffected portions of the existing airway would remain as charted in the two remaining segments.

**V-177:** V-177 currently extends between the Joliet, IL (JOT), VORTAC and the Ely, MN (ELO), VOR/DME. The FAA proposes to remove the airway segment between the Madison, WI (MAD), VOR/DME and the Wausau, WI (AUW), VORTAC. The unaffected portions of the existing airway would remain as charted in the two remaining segments.

**V-228:** V-228 currently extends between the Stevens Point, WI (STE), VORTAC and the Gipper, MI (GIJ), VORTAC. The FAA proposes to remove the airways segment between the Stevens Point, WI (STE), VORTAC and the Dells, WI (DLL), VORTAC. The unaffected portion of the existing airway would remain as charted.

**V-246:** V-246 currently extends between the Janesville, WI (JVL), VOR/DME and Stevens Point, (STE), VORTAC. The FAA proposes to remove the airway segment between the intersection of the Nodine, MN (ODI), VORTAC 055°(T)/054°(M) and Eau Claire, WI (EAU), VORTAC 134°(T)/130°(M) radials (the MILTO fix) and the Stevens Point, WI (STE), VORTAC. The unaffected portion of the existing airway will remain as charted.

All radials in the route descriptions below that do not reflect True (T)/Magnetic (M) degree radial information are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be subsequently published in the Order.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical

regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal airways.*

\* \* \* \* \*

#### V-55 [Amended]

From Dayton, OH; Fort Wayne, IN; Goshen, IN; Gipper, MI; Keeler, MI; Pullman, MI; Muskegon, MI; INT Muskegon 327° and Green Bay, WI, 116° radials; Green Bay; to INT Green Bay 270°(T)/269°(M) and Oshkosh, WI, 339°(T)/337°(M) radials. From Eau Claire, WI; to Siren, WI. From Park Rapids, MN; Grand Forks, ND; INT Grand

Forks 239° and Bismarck, ND, 067° radials; to Bismarck.

\* \* \* \* \*

#### V-63 [Amended]

From Bowie, TX; Texoma, OK; McAlester, OK; Razorback, AR; Springfield, MO; Hallsville, MO; Quincy, IL; Burlington, IA; Moline, IL; Davenport, IA; Rockford, IL; Janesville, WI; Badger, WI; to Oshkosh, WI. From Wausau, WI; Rhinelander, WI; to Houghton, MI. Excluding that airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy, IL, when the Howard West MOA is active.

\* \* \* \* \*

#### V-177 [Amended]

From Joliet, IL; Janesville, WI; to Madison, WI. From Wausau, WI; Hayward, WI; Duluth, MN; to Ely, MN.

\* \* \* \* \*

#### V-228 [Amended]

From Dells, WI; Madison, WI; INT Madison 138° and Chicago O’Hare, IL, 316° radials; INT Chicago O’Hare 316° and Northbrook, IL, 291° radials; Northbrook; INT Northbrook 110° and Gipper, MI, 290° radials; to Gipper.

\* \* \* \* \*

#### V-246 [Amended]

From Janesville, WI; Dubuque, IA; Waukon, IA; Nodine, MN; to INT Nodine 055°(T)/054°(M) and Eau Claire, WI, 134°(T)/130°(M) radials.

Issued in Washington, DC, on February 6, 2017.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2017-03536 Filed 2-24-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2016-9555; Airspace Docket No. 16-AGL-2]

RIN 2120-AA66

### Proposed Modification and Revocation of Multiple Air Traffic Service (ATS) Routes; Northcentral United States

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend and remove multiple VHF Omnidirectional Range (VOR) Federal airways in northcentral United States to reflect and accommodate route changes being made as part of the FAA’s Cleveland/Detroit Metroplex Project airspace redesign effort.

**DATES:** Comments must be received on or before April 13, 2017

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2016-9555 and Airspace Docket No. 16-AGL-2 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1 (800) 647-5527), is on the ground floor of the building at the above address.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the National Airspace System (NAS) route structure as necessary to preserve the safe and efficient flow of air traffic within the NAS.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2016-9555 and Airspace Docket No. 16-AGL-2) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2016-9555 and Airspace Docket No. 16-AGL-2." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX, 76177.

**Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**Background**

The Cleveland Air Route Traffic Control Center (ARTCC), with the Cleveland and Detroit Terminal Radar Approach Control (TRACON) facilities, is currently undertaking the Cleveland/Detroit (CLE/DTW) Metroplex Project. This project is in support of the FAA's Next Generation (NextGen) goal to safely improve the overall efficiency of the NAS by increasing efficiencies in metropolitan areas with multiple airports and complex air traffic flows. More specifically, these proposed changes would enhance the way aircraft navigate the complex airspace, improve airport access, and make flight routes more efficient by optimizing the airspace and procedures based on satellite-based navigation.

At present, the enroute airway structure within the CLE/DTW metroplex project area is conventionally based with the Federal airways established using ground-based navigation aids, and most of the current procedures rely on the existing Federal airways. The CLE/DTW metroplex project is aimed at amending the current Federal airways to assist NAS users by providing more efficient satellite-based navigation options for routing and integrating 100 new area navigation (RNAV) procedures that are being designed.

Aircraft within the airspace area controlled by the Cleveland ARTCC often file direct to their final airport destinations, or are vectored direct to

waypoints or VOR navigation aids further along their intended route of flight. Cleveland ARTCC and the Cleveland and Detroit TRACONS conducted an analysis of the Federal airways usage in Cleveland ARTCC's airspace. According to that analysis, 57 percent of the airways in Cleveland ARTCC's airspace were never filed or used, and the remaining 43 percent of the airways were filed or used less than 1 percent of the total monthly operations flown in the CLE/DTW metroplex project area.

While the FAA proposes to amend the current Federal airway structure in support of the CLE/DTW metroplex project, the proposal itself does not remove any existing VORs. Unless proposed in a separate airspace action, the VORs within the CLE/DTW metroplex project area would remain available for flight plan filing and navigation purposes. Additionally, as part of the CLE/DTW metroplex project, the FAA plans to amend the current fixes contained within the project area by converting them into RNAV waypoints that would remain in place to assist pilots and air traffic controllers already familiar with them, for navigation purposes.

Lastly, the FAA plans to continue NextGen modernization efforts of the Cleveland and Detroit TRACON assigned airspace areas, at a later date, by working with the TRACONS and establishing new RNAV T-routes designed to enhance the flow of traffic through their busy terminal airspace areas. The new RNAV T-routes would be proposed in a separate airspace action after the RNAV procedures being developed for the CLE/DTW metroplex project are published and available for use.

### The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V-2, V-5, V-6, V-8, V-10, V-11, V-14, V-26, V-30, V-38, V-43, V-45, V-47, V-59, V-75, V-84, V-92, V-96, V-103, V-116, V-126, V-133, V-170, V-188, V-210, V-221, V-232, V-233, V-450, V-464, V-493, and V-542. Additionally, this action proposes to remove VOR Federal airways V-40, V-98, V-176, V-297, V-353, V-383, V-396, V-406, V-416, V-418, V-426, V-435, V-443, V-467, V-486, V-522, V-523, V-525, and V-584. The VOR Federal airway amendments and removals are proposed in support of the FAA's planned CLE/DTW metroplex project and are outlined below.

V-2: V-2 currently extends between the Seattle, WA, VORTAC and the

Gardner, MA, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Lansing, MI, VORTAC and the Buffalo, NY, VOR/DME.

Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-5: V-5 currently extends between the Pecan, GA, VOR/DME and the London, ON, Canada, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Appleton, OH, VORTAC and the London, ON, Canada, VOR/DME. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-6: V-6 currently extends between the Oakland, CA, VORTAC and the DuPage, IL, VOR/DME; between the intersection of the Chicago Heights, IL, VORTAC 358° and Gipper, MI, VORTAC 271° radials (NILES fix) and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the La Guardia, NY, VOR/DME; excluding the airspace within restricted areas R-4803, R-4813A, and R-4813B when active. The FAA proposes to remove the airway segment between the intersection of the Gipper, MI, VORTAC 092°(T)/092°(M) and Litchfield, MI, VOR/DME 196°(T)/201°(M) radials (MODEM fix) and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the Clarion, PA, VOR/DME. Additionally, this proposal would remove the exclusion statement for the airspace within restricted areas R-4803, R-4813A, and R-4813B because they do not affect V-6. The unaffected portions of the existing airway would remain unchanged.

V-8: V-8 currently extends between the intersection of the Seal Beach, CA, VORTAC 266° and Ventura, CA, VOR/DME 144° radials (DOYLE fix) and the Washington, DC, VOR/DME. The FAA proposes to remove the airway segment between the Flag City, OH, VORTAC and the Briggs, OH, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V-10: V-10 currently extends between the Pueblo, CO, VORTAC and the intersection of the Bradford, IL, VORTAC 058° and Joliet, IL, VORTAC 287° radials (PLANO fix); and between the intersection of the Chicago Heights, IL, VORTAC 358° and Gipper, MI, VORTAC 271° radials (NILES fix) and the Lancaster, PA, VOR/DME; excluding the airspace within Canada. The FAA proposes to remove the airway segment

between the Litchfield, MI, VOR/DME and the Youngstown, OH, VORTAC. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-11: V-11 currently extends between the Brookley, AL, VORTAC and the intersection of the Fort Wayne, IN, VORTAC 038° and Carleton, MI, VORTAC 262° radials (CRUXX fix). The FAA proposes to remove the airway segment between the intersection of the Fort Wayne, IN, 038°(T)/038°(M) and Waterville, OH, VOR/DME 273°(T)/275°(M) radials (EDGE fix) and the intersection of the Fort Wayne, IN, VORTAC 038° and Carleton, MI, VORTAC 262° radials (CRUXX fix). The unaffected portions of the existing airway would remain unchanged.

V-14: V-14 currently extends between the Chisum, NM, VORTAC and the Norwich, CT, VOR/DME. The FAA proposes to remove the airway segment between the Flag City, OH, VORTAC and the Dunkirk, NY, VORTAC. The unaffected portions of the existing airway would remain unchanged.

V-26: V-26 currently extends between the Blue Mesa, CO, VOR/DME and the Dryer, OH, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Lansing, MI, VORTAC and the Dryer, OH, VOR/DME. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-30: V-30 currently extends between the Badger, WI, VORTAC and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the Solberg, NJ, VOR/DME. The FAA proposes to remove the airway segment between the Litchfield, MI, VOR/DME and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the Clarion, PA, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V-38: V-38 currently extends between the Moline, IL, VORTAC and the Cape Charles, VA, VORTAC. The FAA proposes to remove the airway segment between the intersection of the Fort Wayne, IN, VORTAC 091°(T)/091°(M) and Rosewood, OH, VORTAC 334°(T)/339°(M) radials (WINES fix) and the Appleton, OH, VORTAC. The unaffected portions of the existing airway would remain unchanged.

V-40: V-40 currently extends between the Dryer, OH, VOR/DME and the intersection of the Briggs, OH, VOR/DME 077° and Youngstown, OH,



VORTAC 177° radials (CUTTA fix). The FAA proposes to remove the airway in its entirety.

V-43: V-43 currently extends between the Appleton, OH, VORTAC and the Buffalo, NY, VOR/DME. The FAA proposes to remove the airway segment between the Appleton, OH, VORTAC and the Youngstown, OH, VORTAC. Additionally, this proposal would add an exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-45: V-45 currently extends between the New Bern, NC, VOR/DME and the Sault Ste Marie, MI, VOR/DME, excluding the airspace within restricted areas R-5502A and R-5502B. The FAA proposes to remove the airway segment between the Appleton, OH, VORTAC and the Saginaw, MI, VOR/DME. Additionally, this proposal would remove the exclusion statement for the airspace within restricted areas R-5502A and R-5502B because they do not affect V-45. The unaffected portions of the existing airway would remain unchanged.

V-47: V-47 currently extends between the Pine Bluff, AR, VOR/DME and the Pocket City, IN, VORTAC; and between the Cincinnati, KY, VORTAC and the Waterville, OH, VOR/DME. The FAA proposes to remove the airway segment between the Flag City, OH, VORTAC and the Waterville, OH, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

In addition, the V-47 description incorrectly lists the state location of the Cincinnati VORTAC as "Ohio" instead of "Kentucky." This action would correct the route description to reflect the proper state.

V-59: V-59 currently extends between the Pulaski, VA, VORTAC and the Briggs, OH, VOR/DME. The FAA proposes to remove the airway segment between the Newcomerstown, OH, VOR/DME and the Briggs, OH, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V-75: V-75 currently extends between the Morgantown, WV, VORTAC and the intersection of the Dryer, OH, VOR/DME 325° and Waterville, OH, VOR/DME 062° radials (LLEEO fix), excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Briggs, OH, VOR/DME and the intersection of the Dryer, OH, VOR/DME 325° and Waterville, OH, VOR/DME 062° radials (LLEEO fix). Additionally, this proposal would remove the exclusion statement for the airspace

within Canada. The unaffected portions of the existing airway would remain unchanged.

V-84: V-84 currently extends between the Northbrook, IL, VOR/DME and the Flint, MI, VORTAC; and between the Buffalo, NY, VOR/DME and the Syracuse, NY, VORTAC. The FAA proposes to remove the airway segment between the Lansing, MI, VORTAC and the Flint, MI, VORTAC. The unaffected portions of the existing airway would remain unchanged.

V-92: V-92 currently extends between the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix) and the Armel, VA, VOR/DME. The FAA proposes to remove the airway segment between the intersection of the Goshen, IN, VORTAC 092°(T)/092°(M) and Fort Wayne, IN, VORTAC 016°(T)/016°(M) radials (ILTON fix) and the Tiverton, OH, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V-96: V-96 currently extends between the Brickyard, IN, VORTAC and the Detroit, MI, VOR/DME. The FAA proposes to remove the airway segment between the intersection of the Fort Wayne, IN, VORTAC 071°(T)/071°(M) and Flag City, OH, VORTAC 289°(T)/291°(M) radials (TWERP fix) and the Detroit, MI, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

V-98: V-98 currently extends between the Dayton, OH, VOR/DME and the intersection of the Carleton, MI, VORTAC 243° and Waterville, OH, VOR/DME 321° radials (MIZAR fix). The FAA proposes to remove the airway in its entirety.

V-103: V-103 currently extends between the Chesterfield, SC, VOR/DME and the Lansing, MI, VORTAC, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Akron, OH, VOR/DME and the Lansing, MI, VORTAC. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-116: V-116 currently extends between the intersection of the Chicago O'Hare, IL, VOR/DME 092° and Chicago Heights, IL, VORTAC 013° radials (WILLA fix) and the Sparta, NJ, VORTAC, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the intersection of the Chicago O'Hare, IL, VOR/DME 092° and Chicago Heights, IL, VORTAC 013° radials (WILLA fix) and the Erie, PA, VORTAC. Additionally,

this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

V-126: V-126 currently extends between the intersection of the Peotone, IL, VORTAC 053° and Knox, IN, VOR/DME 297° radials (BEARZ fix) and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the Stonyfork, PA, VOR/DME. The FAA proposes to remove the airway segment between the intersection of the Goshen, IN, VORTAC 092°(T)/092°(M) and Fort Wayne, IN, VORTAC 016°(T)/016°(M) radials (ILTON fix) and the Waterville, OH, VOR/DME; and between the Dryer, OH, VOR/DME and the Erie, PA, VORTAC. The unaffected portions of the existing airway would remain unchanged.

V-133: V-133 currently extends between the intersection of the Charlotte, NC, VOR/DME 305° and Barretts Mountain, NC, VOR/DME 197° radials and the Mansfield, OH, VORTAC; and between the Salem, MI, VORTAC and the Red Lake, ON, Canada, VOR/DME; excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Tiverton, OH, VOR/DME and the Mansfield, OH, VORTAC; and between the Salem, MI, VORTAC and the Saginaw, MI, VOR/DME. The unaffected portions of the existing airway and the exclusion statement for the airspace within Canada would remain unchanged.

V-170: V-170 currently extends between the Devils Lake, ND, VOR/DME and the Salem, MI, VORTAC; and between the Erie, PA, VORTAC and the intersection of the Andrews, MD, VORTAC 060° and Baltimore, MD, VORTAC 165° radials (POLLA fix); excluding the airspace within restricted area R-5802. The FAA proposes to remove the airway segment between the Erie, PA, VORTAC and the Bradford, PA, VOR/DME. The unaffected portions of the existing airway and the exclusion statement for restricted area R-5802 would remain unchanged.

V-176: V-176 currently extends between the Carleton, MI, VORTAC and the intersection of the Chardon, OH, VOR/DME 294° and Dryer, OH, VOR/DME 357° radials (HIMEZ fix), excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

V-188: V-188 currently extends between the Carleton, MI, VORTAC and the Groton, CT, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Carleton, MI, VORTAC and

the Tidioute, PA, VORTAC.

Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

*V-210:* V-210 currently extends between the Los Angeles, CA, VORTAC and the Okmulgee, OK, VOR/DME; and between the Brickyard, IN, VORTAC and the Yardley, PA, VOR/DME. The FAA proposes to remove the airway segment between the Tiverton, OH, VOR/DME and the Revloc, PA, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

*V-221:* V-221 currently extends between the Bible Grove, IL, VORTAC and the Erie, PA, VORTAC, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the intersection of the Fort Wayne, IN, VORTAC 016°(T)/016°(M) and Goshen, IN, VORTAC 092°(T)/092°(M) radials (ILTON fix) and the Erie, PA, VORTAC. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

*V-232:* V-232 currently extends between the Chardon, OH, VOR/DME and the Colts Neck, NJ, VOR/DME. The FAA proposes to remove the airway segment between the Chardon, OH, VOR/DME and the Keating, PA, VORTAC. The unaffected portions of the existing airway would remain unchanged.

*V-233:* V-233 currently extends between the Spinner, IL, VORTAC and the Pellston, MI, VORTAC. The FAA proposes to remove the airway segment between the Litchfield, MI, VOR/DME and the Mount Pleasant, MI, VOR/DME. The unaffected portions of the existing airway would remain unchanged.

*V-297:* V-297 currently extends between the Johnstown, PA, VORTAC and the intersection of the Akron, OH, VOR/DME 305° and Waterville, OH, VOR/DME 062° radials (LLEEO fix), excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-353:* V-353 currently extends between the Jackson, MI, VOR/DME and the Flint, MI, VORTAC. The FAA proposes to remove the airway in its entirety.

*V-383:* V-383 currently extends between the Rosewood, OH, VORTAC and the Detroit, MI, VOR/DME. The FAA proposes to remove the airway in its entirety.

*V-396:* V-396 currently extends between the Windsor, ON, Canada,

VOR/DME and the Chardon, OH, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-406:* V-406 currently extends between the Salem, MI, VORTAC and the London, ON, Canada, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-416:* V-416 currently extends between the Rosewood, OH, VORTAC and the intersection of the Mansfield, OH, VORTAC 045° and Dryer, OH, VOR/DME 123° radials (JAKEE fix). The FAA proposes to remove the airway in its entirety.

*V-418:* V-418 currently extends between the Salem, MI, VORTAC and the Jamestown, NY, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-426:* V-426 currently extends between the Carleton, MI, VORTAC and the Dryer, OH, VOR/DME. The FAA proposes to remove the airway in its entirety.

*V-435:* V-435 currently extends between the Rosewood, OH, VORTAC and the Dryer, OH, VOR/DME. The FAA proposes to remove the airway in its entirety.

*V-443:* V-443 currently extends between the intersection of the Newcomerstown, OH, VOR/DME 099° and Bellaire, OH, VOR/DME 044° radials (WISKE fix) and the Aylmer, ON, Canada, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-450:* V-450 currently extends between the Escanaba, MI, VOR/DME and the London, ON, Canada, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Flint, MI, VORTAC and the London, ON, Canada, VOR/DME. Additionally, this proposal would remove the exclusion statement for the airspace within Canada. The unaffected portions of the existing airway would remain unchanged.

*V-464:* V-464 currently extends between the Salem, MI, VORTAC and the Geneseo, NY, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway segment between the Salem, MI, VORTAC and the Aylmer, ON, Canada, VOR/DME. The unaffected portions of the existing airway and the exclusion statement for the airspace within Canada would remain unchanged.

*V-467:* V-467 currently extends between the Richmond, IN, VORTAC and the Detroit, MI, VOR/DME. The

FAA proposes to remove the airway in its entirety.

*V-486:* V-486 currently extends between the intersection of the Akron, OH, VOR/DME 316° and Chardon, OH, VOR/DME 260° radials (LEBRN fix) and the Jamestown, NY, VOR/DME. The FAA proposes to remove the airway in its entirety.

*V-493:* V-493 currently extends between the Livingston, TN, VORTAC and the Carleton, MI, VORTAC; and between the Menominee, MI, VOR/DME and the Rhinelander, WI, VORTAC. The FAA proposes to remove the airway segment between the Appleton, OH, VORTAC and the Carleton, MI, VORTAC. The unaffected portions of the existing airway would remain unchanged.

*V-522:* V-522 currently extends between the Dryer, OH, VOR/DME and the Toronto, ON, Canada, VOR/DME, excluding the airspace within Canada. The FAA proposes to remove the airway in its entirety.

*V-523:* V-523 currently extends between the Appleton, OH, VORTAC and the Erie, PA, VORTAC. The FAA proposes to remove the airway in its entirety.

*V-525:* V-525 currently extends between the Appleton, OH, VORTAC and the Dryer, OH, VOR/DME. The FAA proposes to remove the airway in its entirety.

*V-542:* V-542 currently extends between the Rosewood, OH, VORTAC and the Lebanon, NH, VORTAC. The FAA proposes to remove the airway segment between the Rosewood, OH, VORTAC and the Tidioute, PA, VORTAC. The unaffected portions of the existing airway would remain unchanged.

*V-584:* V-584 currently extends between the Waterville, OH, VOR/DME and the Dryer, OH, VOR/DME. The FAA proposes to remove the airway in its entirety.

All radials in the route descriptions below that do not reflect True (T)/Magnetic (M) degree radial information are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016 and effective September 15, 2016, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways.*

\* \* \* \* \*

**V-2 [Amended]**

From Seattle, WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; Missoula, MT; Helena, MT; INT Helena 119° and Livingston, MT, 322° radials; Livingston; Billings, MT; Miles City, MT; 24 miles, 90 miles, 55 MSL, Dickinson, ND; 10 miles, 60 miles, 38 MSL, Bismarck, ND; 14 miles, 62 miles, 34 MSL, Jamestown, ND; Fargo, ND; Alexandria, MN; Gopher, MN; Nodine, MN;

Lone Rock, WI; Madison, WI; Badger, WI; Muskegon, MI; to Lansing, MI. From Buffalo, NY, 259° radials; Buffalo; Rochester, NY; Syracuse, NY; Utica, NY; Albany, NY; INT Albany 084° and Gardner, MA, 284° radials; to Gardner.

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**V-5 [Amended]**

From Pecan, GA; Vienna, GA; Dublin, GA; Athens, GA; INT Athens 340° and Electric City, SC, 274° radials; INT Electric City 274° and Choo Choo, GA, 127° radials; Choo Choo; Bowling Green, KY; New Hope, KY; Louisville, KY; Cincinnati, OH; to Appleton, OH.

**V-6 [Amended]**

From Oakland, CA; INT Oakland 039° and Sacramento, CA, 212° radials; Sacramento; Squaw Valley, CA; Mustang, NV; Lovelock, NV; Battle Mountain, NV; INT Battle Mountain 062° and Wells, NV, 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL, Lucin, UT; 43 miles, 85 MSL, Ogden, UT; 11 miles, 50 miles, 105 MSL, Fort Bridger, WY; Rock Springs, WY; 20 miles, 39 miles 95 MSL, Cherokee, WY; 39 miles, 27 miles 95 MSL, Medicine Bow, WY; INT Medicine Bow 106° and Sidney, NE., 291° radials; Sidney; North Platte, NE; Grand Island, NE; Omaha, NE; Des Moines, IA; Iowa City, IA; Davenport, IA; INT Davenport 087° and DuPage, IL, 255° radials; to DuPage. From INT Chicago Heights, IL, 358° and Gipper, MI, 271° radials; Gipper; to INT Gipper 092°(T)/092°(M) and Litchfield, MI, 196°(T)/201°(M) radials. From Clarion, PA; Philipsburg, PA; Selinsgrove, PA; Allentown, PA; Solberg, NJ; INT Solberg 107° and Yardley, PA, 068° radials; INT Yardley 068° and La Guardia, NY, 213° radials; to La Guardia.

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**V-8 [Amended]**

From INT Seal Beach, CA, 266° and Ventura, CA, 144° radials; Seal Beach; Paradise, CA; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, CA; Goffs, CA; INT Goffs 033° and Morman Mesa, NV, 196° radials; Morman Mesa; Bryce Canyon, UT; Hanksville, UT; Grand Junction, CO; Rifle, CO; Kremmling, CO; Mile High, CO; Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, NE; Des Moines, IA; Iowa City, IA; Moline, IL; Joliet, IL; Chicago Heights, IL; Goshen, IN; to Flag City, OH. From Briggs, OH; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV; to Washington, DC. The portion outside the United States has no upper limit.

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**V-10 [Amended]**

From Pueblo, CO; 18 miles, 48 miles, 60 MSL, Lamar, CO; Garden City, KS; Dodge City, KS; Hutchinson, KS; Emporia, KS; INT Emporia 063° and Napoleon, MO, 243° radials; Napoleon; Kirksville, MO; Burlington, IA; Bradford, IL; to INT Bradford 058° and Joliet, IL, 287° radials. From INT Chicago Heights, IL, 358° and Gipper, MI, 271° radials; Gipper; to Litchfield, MI. From Youngstown, OH; INT Youngstown 116° and

Revloc, PA, 300° radials; Revloc; INT Revloc 107° and Lancaster, PA, 280° radials; to Lancaster.

**V-11 [Amended]**

From Brookley, AL; Greene County, MS; INT Greene County 315° and Magnolia, MS 133° radials; Magnolia; Sidon, MS; Holly Springs, MS; Dyersburg, TN; Cunningham, KY; Pocket City, IN; Brickyard, IN; Marion, IN; Fort Wayne, IN; to INT Fort Wayne 038°(T)/038°(M) and Waterville, OH, 273°(T)/275°(M) radials.

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**V-14 [Amended]**

From Chisum, NM; Lubbock, TX; Childress, TX; Hobart, OK; Will Rogers, OK; INT Will Rogers 052° and Tulsa, OK 246° radials; Tulsa; Neosho, MO; Springfield, MO; Vichy, MO; INT Vichy 067° and St. Louis, MO, 225° radials; St. Louis; Vandalia, IL; Terre Haute, IN; Brickyard, IN; Muncie, IN; to Flag City, OH. From Dunkirk, NY; Buffalo, NY; Geneseo, NY; Georgetown, NY; INT Georgetown 093° and Albany, NY, 270° radials; Albany; INT Albany 084° and Gardner, MA, 284° radials; Gardner; to Norwich, CT.

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**V-26 [Amended]**

From Blue Mesa, CO, via Montrose, CO; 13 miles, 112 MSL, 131 MSL; Grand Junction, CO; Meeker, CO; Cherokee, WY; Muddy Mountain, WY; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL; Rapid City, SD; Philip, SD; Pierre, SD; Huron, SD; Redwood Falls, MN; Farmington, MN; Eau Claire, WI; Waussau, WI; Green Bay, WI; INT Green Bay 116° and White Cloud, MI 302° radials; White Cloud; Lansing, MI.

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**V-30 [Amended]**

From Badger, WI; INT Badger 102° and Pullman, MI, 303° radials; Pullman; to Litchfield, MI. From Clarion, PA; Philipsburg, PA; Selinsgrove, PA; East Texas, PA; INT East Texas 095° and Solberg, NJ, 264° radials; to Solberg.

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**V-38 [Amended]**

From Moline, IL; INT Moline 082° and Peotone, IL, 281° radials; Peotone; Fort Wayne, IN; to INT Fort Wayne 091°(T)/091°(M) and Rosewood, OH, 334°(T)/339°(M) radials. From Appleton, OH; Zanesville, OH; Parkersburg, WV; Elkins, WV; Gordonsville, VA; Richmond, VA; Harcum, VA; to Cape Charles, VA.

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**V-40 [Removed]**

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**V-43 [Amended]**

From Youngstown, OH; Erie, PA; INT Erie 042° and Buffalo, NY, 259° radials; to Buffalo. The airspace within Canada is excluded.

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**V-45 [Amended]**

From New Bern, NC; Kinston, NC; Raleigh-Durham, NC; INT Raleigh-Durham 275° and Greensboro, NC, 105° radials; Greensboro; INT Greensboro 334° and Pulaski, VA, 147° radials; Pulaski; Bluefield, WV; Charleston, WV; Henderson, WV; to Appleton, OH. From Saginaw, MI; Alpena, MI; to Sault Ste Marie, MI.

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**V-47 [Amended]**

From Pine Bluff, AR; Gilmore, AR; Dyersburg, TN; Cunningham, KY; to Pocket City, IN. From Cincinnati, KY; Rosewood, OH; to Flag City, OH.

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**V-59 [Amended]**

From Pulaski, VA; Beckley, WV; Parkersburg, WV; to Newcomerstown, OH.

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**V-75 [Amended]**

From Morgantown, WV; Bellaire, OH; to Briggs, OH.

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**V-84 [Amended]**

From Northbrook, IL; Pullman, MI; to Lansing, MI. From Buffalo, NY; Geneseo, NY; INT Geneseo 091° and Syracuse, NY, 240° radials; to Syracuse.

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**V-92 [Amended]**

From INT Chicago O'Hare, IL, 127° and Chicago Heights, IL, 358° radials; Chicago Heights; Goshen, IN; to INT Goshen 092°(T)/092°(M) and Fort Wayne, IN, 016°(T)/016°(M) radials. From Tiverton, OH; Newcomerstown, OH; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; INT Grantsville 124° and Armel, VA, 292° radials; to Armel.

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**V-96 [Amended]**

From Brickyard, IN; Kokomo, IN; Fort Wayne, IN; to INT Fort Wayne 071°(T)/071°(M) and Flag City, OH, 289°(T)/291°(M) radials.

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**V-98 [Removed]**

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**V-103 [Amended]**

From Chesterfield, SC; Greensboro, NC; Roanoke, VA; Elkins, WV; Clarksburg, WV; Bellaire, OH; INT Bellaire 327° and Akron, OH, 181° radials; to Akron.

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**V-116 [Amended]**

From Erie, PA; Bradford, PA; Stonyfork, PA; INT Stonyfork 098° and Wilkes-Barre, PA, 310° radials; Wilkes-Barre; INT Wilkes-Barre 084° and Sparta, NJ, 300° radials; to Sparta.

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**V-126 [Amended]**

From INT Peotone, IL, 053° and Knox, IN, 297° radials; INT Knox 297° and Goshen, IN, 270° radials; Goshen; to INT Goshen 092°(T)/092°(M) and Fort Wayne, IN, 016°(T)/016°(M) radials. From Erie, PA; Bradford, PA; to Stonyfork, PA.

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**V-133 [Amended]**

From INT Charlotte, NC, 305° and Barretts Mountain, NC, 197° radials; Barretts Mountain; Charleston, WV; Zanesville, OH; to Tiverton, OH. From Saginaw, MI; Traverse City, MI; Escanaba, MI; Sawyer, MI; Houghton, MI; Thunder Bay, ON, Canada; International Falls, MN; to Red Lake, ON, Canada. The airspace within Canada is excluded.

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**V-170 [Amended]**

From Devils Lake, ND; INT Devils Lake 187° and Jamestown, ND, 337° radials; Jamestown; Aberdeen, SD; Sioux Falls, SD; Worthington, MN; Fairmont, MN; Rochester, MN; Nodine, MN; Dells, WI; INT Dells 097° and Badger, WI, 304° radials; Badger; INT Badger 121° and Pullman, MI, 282° radials; Pullman; to Salem, MI. From Bradford, PA; Slate Run, PA; Selinsgrove, PA; Ravine, PA; INT Ravine 125° and Modena, PA, 318° radials; Modena; Dupont, DE; INT Dupont 223° and Andrews, MD, 060° radials; to INT Andrews 060° and Baltimore, MD, 165° radials. The airspace within R-5802 is excluded when active.

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**V-176 [Removed]**

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**V-188 [Amended]**

From Tidioute, PA; Slate Run, PA; Williamsport, PA; Wilkes-Barre, PA; INT Wilkes-Barre 084° and Sparta, NJ, 300° radials; Sparta; INT Sparta 082° and Carmel, NY, 243° radials; Carmel; INT Carmel 078° and Groton, CT, 276° radials; to Groton.

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**V-210 [Amended]**

From Los Angeles, CA, INT Los Angeles 083° and Pomona, CA, 240° radials; Pomona; INT Daggett, CA, 229° and Hector, CA, 263° radials; Hector; Goffs, CA; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, AZ; Grand Canyon, AZ; Tuba City, AZ; 10 miles 90 MSL, 91 miles 105 MSL, Rattlesnake, NM; Alamosa, CO; INT Alamosa 074° and Lamar, CO, 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; INT Will Rogers 113° and Okmulgee, OK, 238° radials; Okmulgee. From Brickyard, IN, Muncie, IN; Rosewood, OH; to Tiverton, OH. From Revloc, PA; INT Revloc 096° and Harrisburg, PA, 285° radials; Harrisburg; Lancaster, PA; INT Lancaster 095° and Yardley, PA, 255° radials; to Yardley.

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**V-221 [Amended]**

From Bible Grove, IL; Hoosier, IN; Shelbyville, IN; Muncie, IN; Fort Wayne, IN; to INT Fort Wayne 016°(T)/016°(M) and Goshen, IN, 092°(T)/092°(M) radials.

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**V-232 [Amended]**

From Keating, PA; Milton, PA; INT Milton 099° and Solberg, NJ, 299° radials; Solberg; INT Solberg 137° and Colts Neck, NJ, 263° radials; to Colts Neck.

**V-233 [Amended]**

From Spinner, IL; INT Spinner 061° and Roberts, IL, 233° radials; Roberts; Knox, IN; Goshen, IN; to Litchfield, MI. From Mount Pleasant, MI; INT Mount Pleasant 351° and Gaylord, MI, 207° radials; Gaylord; to Pellston, MI.

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**V-297 [Removed]**

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**V-353 [Removed]**

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**V-383 [Removed]**

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**V-396 [Removed]**

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**V-406 [Removed]**

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**V-416 [Removed]**

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**V-418 [Removed]**

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**V-426 [Removed]**

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**V-435 [Removed]**

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**V-443 [Removed]**

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**V-450 [Amended]**

From Escanaba, MI; Menominee, MI; Green Bay, WI; Muskegon, MI; INT Muskegon 094° and Flint, MI, 280° radials; to Flint.

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**V-464 [Amended]**

From Aylmer, ON, Canada; Dunkirk, NY; to Geneseo, NY. The airspace within Canada is excluded.

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**V-467 [Removed]**

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**V-486 [Removed]**

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**V-493 [Amended]**

From Livingston, TN, Lexington, KY; York, KY; INT York 030° and Appleton, OH, 183° radials; to Appleton. From Menominee, MI; to Rhinelander, WI.

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V-522 [Removed]

V-523 [Removed]

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V-525 [Removed]

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V-542 [Amended]

From Tidioute, PA; Bradford, PA; INT Bradford 078° and Elmira, NY, 252° radials; Elmira; Binghampton, NY; Rockdale, NY; Albany, NY; Cambridge, NY; INT Cambridge 063° and Lebanon, NH, 214° radials; to Lebanon.

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V-584 [Removed]

Issued in Washington, DC, on February 13, 2017.

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2017-0047; Airspace Docket No. 17-ANM-1]

#### Proposed Establishment of Class E Airspace, Grassrange, MT

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace extending upward from 700 feet above the surface at N Bar Ranch, Grassrange, MT, to support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System.

**DATES:** Comments must be received on or before April 13, 2017.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1-800-647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2017-0047; Airspace Docket No. 17-ANM-1, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed

online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4511.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace at N Bar Ranch, Grassrange, MT, to support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport.

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above.

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2017-0047/Airspace Docket No. 17-ANM-1". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

##### Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

##### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface at N Bar Ranch, Grassrange, MT. Class E airspace would be established within an area 3.6 miles

wide extending 6.1 miles northeast and 5.9 miles southwest of the airport. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

### ANM MT E5 Grassrange, MT [New]

N Bar Ranch, MT

(Lat. 46°50′17″ N., long. 108°56′13″ W.)

That airspace extending upward from 700 feet above the surface within 1.8 miles each side of a 070° bearing from the N Bar Ranch Airport extending to 6.1 miles northeast of the airport, and within 1.8 miles each side of a 250° bearing from the airport extending to 5.9 miles southwest of the airport.

Issued in Seattle, Washington, on February 14, 2017.

**Tracey Johnson,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2017–03520 Filed 2–24–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket Number USCG–2017–0077]

RIN 1625–AA08

### Special Local Regulation; Tred Avon River, Between Bellevue, MD and Oxford, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish special local regulations for certain waters of the Tred Avon River. This action is necessary to provide for the safety of life on the navigable waters located between Bellevue, MD and Oxford, MD during a swim event on June 10, 2017. If necessary, due to inclement weather, the event will be rescheduled to June 11, 2017. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before March 29, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2017–0077 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Mr. Ronald Houck, 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:

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
E.O. Executive order  
FR Federal Register  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

#### II. Background, Purpose, and Legal Basis

On January 23, 2017, Charcot-Marie-Tooth Association of Trappe, MD notified the Coast Guard that it will be conducting the swim portion of the Oxford Biathlon from 9:30 a.m. until 10:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 9:30 a.m. until 10:30 a.m. on June 11, 2017. The swim consist of approximately 25 participants competing on a designated 1300-meter course that starts at the ferry dock at Bellevue, MD and finishes at the Tred Avon Yacht Club at Oxford, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to local public and private marinas and public boat facilities. The COTP Maryland-National Capital Region has determined that potential hazards associated with the swim would be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Tred Avon River between Bellevue, MD and Oxford, MD.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on specified waters of the Tred Avon River before, during, and after the scheduled event.

The Coast Guard proposes this rulemaking under authority in 33 U.S.C.

1233, which authorize the Coast Guard to establish and define special local regulations.

### III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations from 8:30 a.m. until 11:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 8:30 a.m. until 11:30 a.m. on June 11, 2017. The regulated area would include all navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42'25" N., longitude 076°10'45" W., thence south to latitude 38°41'37" N., longitude 076°10'26" W., and bounded on the west by a line drawn from latitude 38°41'58" N., longitude 076°11'04" W., thence south to latitude 38°41'25" N., longitude 076°10'49" W., thence east to latitude 38°41'25" N., longitude 076°10'30" W., located at Oxford, MD. The duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the scheduled 9:30 a.m. to 10:30 a.m. swim. Except for Oxford Biathlon participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or the Coast Guard Patrol Commander. The regulatory text we are proposing appears at the end of this document.

### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

#### A. Regulatory Planning and Review

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a "significant regulatory action," under E.O. 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Tred Avon River for 3 hours. The Coast Guard would issue a Broadcast Notice to

Mariners via VHF-FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessel operators to request permission to enter the regulated area for the purpose of safely transiting the regulated area if deemed safe to do so by the Coast Guard Patrol Commander.

#### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has 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. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this proposed rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that may negatively impact the safety of waterway users and shore side activities within the event area. This category of marine event water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such

actions are categorically excluded from further review under paragraph 34(h) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35–T05–0077 to read as follows:

#### § 100.501–T05–007 Special Local Regulation; Tred Avon River, between Bellevue, MD and Oxford, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42'25" N., longitude 076°10'45" W., thence south to latitude 38°41'37" N., longitude 076°10'26" W., and bounded on the west by a line drawn from latitude 38°41'58" N., longitude 076°11'04" W., thence south to latitude 38°41'25" N., longitude 076°10'49" W., thence east to latitude 38°41'25" N., longitude 076°10'30" W., located at Oxford, MD. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(4) *Participant* means all persons and vessels participating in the Oxford Biathlon event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Maryland-National Capital Region.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

When hailed or signaled by an official patrol, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property.

(2) Except for participants and vessels already at berth, all persons and vessels within the regulated area at the time it is implemented shall depart the regulated area.

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must obtain authorization from Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement period, vessel operators may request permission to transit, moor, or anchor within the regulated area from Captain of the Port Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, persons or vessel operators may request permission to transit, moor, or anchor within the regulated area from the Coast Guard Patrol Commander on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 8:30 a.m. until 11:30 a.m. on June 10, 2017, and if necessary, due to inclement weather, from 8:30 a.m. until 11:30 a.m. on June 11, 2017.

Dated: February 21, 2017.

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

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

[FR Doc. 2017–03757 Filed 2–24–17; 8:45 am]

**BILLING CODE 9110–04–P**



**DEPARTMENT OF EDUCATION****34 CFR Chapter III****Proposed Waiver and Extension of the Project Period for the National Individuals With Disabilities Education Act (IDEA) Technical Assistance Center on Early Childhood Longitudinal Data Systems**

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.373Z.]

**AGENCY:** Office of Special Education Programs (OSEP), Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

**ACTION:** Proposed waiver and extension of the project period.

**SUMMARY:** The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. We take this action because this proposed waiver and extension of the project period would enable the current National IDEA Technical Assistance Center on Early Childhood Longitudinal Data Systems (Center), currently funded under the Technical Assistance on State Data Collection Program, to receive funding from October 1, 2017, through September 30, 2018.

**DATES:** We must receive your comments on or before March 29, 2017.

**ADDRESSES:** Address all comments about this proposed waiver and extension of the project period to Meredith Miceli, U.S. Department of Education, 400 Maryland Avenue SW., Room 5130, Potomac Center Plaza, Washington, DC 20202–5108.

If you prefer to send your comments by email, use the following address: [Meredith.Miceli@ed.gov](mailto:Meredith.Miceli@ed.gov). You must include the phrase “Proposed waiver and extension of the project period” in the subject line of your message.

**FOR FURTHER INFORMATION CONTACT:** Meredith Miceli. Telephone: (202) 245–6028, or by email at: [Meredith.Miceli@ed.gov](mailto:Meredith.Miceli@ed.gov).

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding this proposed waiver and extension. During and after the comment period, you may inspect all public comments about this proposed waiver and extension of the project period in Room 5130, 550 12th Street SW., Washington, DC, between

the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed waiver and extension. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Background**

On August 8, 2012, the Department of Education (Department) published in the **Federal Register** (77 FR 47501) a notice inviting applications (2012 NIA) for a new award for fiscal year (FY) 2012 for one national technical assistance (TA) center. The National IDEA Technical Assistance Center on Early Childhood Longitudinal Data Systems was funded under the Technical Assistance on State Data Collection Program, authorized under section 611(c)(1) of the IDEA.

The purpose of the Center is to provide TA to States on the development and enhancement of statewide early childhood longitudinal data systems to improve States’ capacity to collect, analyze, and report high-quality data required under sections 616 and 618 of IDEA. This Center provides TA to States on developing or enhancing statewide early childhood longitudinal data systems that horizontally link child-level data on infants, toddlers, and young children with disabilities (birth through age 5) in different early learning data systems (including those developed with funding provided by the Department’s Race to the Top—Early Learning Challenge program); vertically link these child-level data to statewide longitudinal data systems (SLDS) for school-aged children (including those developed with funding provided by the Department’s SLDS program); and meet the data system capabilities and elements described under paragraph (b) in the *Technical Assistance and Dissemination Activities* section of the 2012 NIA. These statewide early childhood longitudinal data systems should allow States to:

(a) Accurately and efficiently respond to IDEA-related data submission requirements (e.g., IDEA sections 616 and 618 requirements);

(b) Continuously improve processes for defining, acquiring, and validating the data; and

(c) Comply with applicable Federal, State, and local privacy laws, including the applicable requirements of the Family Educational Rights and Privacy Act and privacy requirements in parts B and C of the IDEA.

The TA provided by the Center focuses on building the State’s capacity to report high-quality data to meet IDEA reporting requirements and is conducted in coordination with other SLDS work being conducted in the State.

Based on the selection criteria published in the 2012 NIA, the Department made one award for a period of 60 months to SRI International. The project period for the current Center is scheduled to end on September 30, 2017. The Center will continue to provide TA to States to support IDEA Part C and Part B preschool State programs’ participation in the development or enhancement of integrated early childhood data systems. The Center will continue to:

(a) Generate useful products for State agencies that administer the IDEA part C and part B preschool program to use in the development and enhancement of State integrated early childhood data systems with linkages to the SLDS;

(b) Design and implement a continuum of TA services for State IDEA part C and part B preschool staff and other staff, employing strategies that are supported by evidence, useful, and cost-effective; and

(c) Provide national leadership and coordination around IDEA part C and part B preschool data systems and their inclusion in integrated early childhood and longitudinal State efforts to ensure efficiency and effectiveness of Federal and State resources.

We do not believe that it would be in the public interest to run a competition for a new Center at this time for a number of reasons.

First, extending the Center would ensure uninterrupted TA services in critically needed areas currently provided to States by the Center. We have concluded that it is not in the public interest to have a lapse in the resources currently provided by the Center because States have begun emerging work on data systems and need the Center to continue as a TA resource during this critical juncture. States need ongoing expert TA and support as they implement and coordinate data horizontally across different early childhood programs, especially in light of recent guidance and resources on early childhood data

systems issued by both the Department and the Department of Health and Human Services (HHS). The Department recently highlighted the emerging work of States in *The Integration of Early Childhood Data: State Profiles and Report from the U.S. Departments of Health and Human Services and Education*.<sup>1</sup> In addition, the Department provided guidance on privacy requirements under parts C and B of the IDEA and the Family Educational Rights and Privacy Act in *Understanding the Confidentiality Requirements Applicable to IDEA Early Childhood Programs Frequently Asked Questions*,<sup>2</sup> and the Center provided TA to States on this guidance through a webinar and other resources. Finally, HHS issued new data-related regulations through its 2016 Head Start Performance Standards (45 CFR 1303 Subpart C) and the Child Care Development Fund (45 CFR part 98), and these regulations support the existing efforts of many States to develop or enhance early childhood data systems.

Second, running a competition for a new Center for early childhood data would not be timely this year because the Center currently coordinates extensively with the work of the Technical Assistance on State Data Collection Program to more efficiently and effectively meet the vertical data coordination needs of States for serving children with disabilities from birth through age 21. An extension of the current grantee's project would align the end of the current Center's project period with the expiration of the project period for the technical assistance data center that assists States with data for school-aged children, namely the National Technical Assistance Center to Improve State Capacity to Accurately Collect and Report IDEA Data (CFDA number 84.373Y), and allow the Department to better coordinate overall its Technical Assistance on State Data Collection Program and ensure continued vertical data coordination for another year.

For these reasons, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver

would allow the Department to issue a one-time FY 2017 continuation award of \$6,500,000 to the Center originally funded in FY 2012.

Any activities carried out during the year of this continuation award would have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the 2012 competition. The requirements for continuation awards are set forth in the 2012 NIA and in 34 CFR 75.253.

#### Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected by the proposed waiver and extension of the project period are the current grantee and any other potential applicants.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

#### Paperwork Reduction Act of 1995

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Dated: February 22, 2017.

**Ruth E. Ryder,**

*Delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2017-03810 Filed 2-24-17; 8:45 am]

BILLING CODE 4000-01-P

## POSTAL SERVICE

### 39 CFR Part 111

#### Address Quality Census Measurement and Assessment Process

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule; revision; additional comment period.

**SUMMARY:** The Postal Service is revising its pending proposal to amend *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), to introduce a newly proposed measurement and assessment procedure for evaluating address quality for mailers who enter eligible letter- and flat-size pieces of First-Class Mail® (FCM) and USPS Marketing Mail™ (formerly Standard Mail®) that meet the requirements for Basic or Full-Service mailings. In addition, the Postal Service is proposing to extend free Address Change Service (ACS™) to mailers who enter qualifying mailpieces.

**DATES:** Submit comments on or before March 29, 2017.

**ADDRESSES:** Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington, DC 20260-5015. If sending comments by email, include the name and address of the commenter and send to [ProductClassification@usps.gov](mailto:ProductClassification@usps.gov), with a subject line of "Address Quality Census Measurement and Assessment Process." Faxed comments are not accepted.

<sup>1</sup> Document available online at: <http://www2.ed.gov/about/inits/ed/earlylearning/files/integration-of-early-childhood-data.pdf>.

<sup>2</sup> Document available online at: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/idea-confidentiality-requirements-faq.pdf>.

You may inspect and photocopy all written comments, by appointment only, at the USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC 20260. These records are available for review on Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

**FOR FURTHER INFORMATION CONTACT:** Heather Dyer, USPS Mail Entry, Phone: (207) 482–7217, Email: [heather.l.dyer@usps.gov](mailto:heather.l.dyer@usps.gov).

**SUPPLEMENTARY INFORMATION:** On December 23, 2014, the Postal Service published a notice of proposed rulemaking (79 FR 76930–76931) to add a process for measuring address quality. In response to that proposed rule, the mailing industry provided many valuable comments, which prompted the Postal Service to issue a revised proposed rule on July 6, 2016 (81 FR 43965–43971). In response to the revised proposed rule, the Postal Service again received valuable feedback from the mailing industry. The Postal Service has elected to issue a second revised proposed rule in order to further clarify our proposal, more thoroughly respond to mailer comments, and clearly outline the ways in which the proposal has changed since the revised notice of proposed rulemaking was published on July 6, 2016.

Implementation of this proposed rulemaking will require action by Postal Service management and the Postal Regulatory Commission (PRC). In an effort to facilitate compliance with the requirements set forth in the DMM, the full details of the Address Quality Census Measurement and Assessment Process, including step-by-step instructions and explanatory charts, would be set forth in Publication 6850, *Publication for Streamlined Mail Acceptance for Letters and Flats*, and made available at <https://postalpro.usps.com/node/581>.

The Postal Service continues to look for opportunities to work with mailers to improve address quality and reduce undeliverable-as-addressed (UAA) mail. We have developed a newly proposed procedure, the Address Quality Census Measurement and Assessment Process, to measure address quality pertaining to move-related changes. This proposed process would allow the Postal Service to provide valuable feedback to mailers who enter eligible letter- and flat-size pieces of FCM and USPS Marketing Mail that meet the requirements for Basic or Full-Service mailings.

The Address Quality Census Measurement and Assessment Process would utilize a scorecard for mailers

that conveys information on address hygiene as well as Move Update quality. The scorecard provides mailers with results of change-of-address (COA) verifications along with details about mailpieces that are UAA.

As announced in the proposed rule of July 6, 2016, to encourage the further adoption of Full-Service and to increase the number of mailers that receive address quality information, the Postal Service is proposing to extend free ACS to mailers who enter qualifying Basic automation and non-automation mailpieces; mailpieces that meet the criteria of the Address Quality Census Measurement and Assessment Process; and mailers who meet a Full-Service threshold of 95 percent along with other requirements that are outlined later in this document. Although the basic requirements for mailers to receive free ACS have not changed, as discussed below under the updated subheadings *Address Change Service and Correction Notifications* and *Summary of Industry Comments and Postal Service Responses*, the Postal Service has made minor revisions to the free ACS proposal.

The Postal Service has not changed the proposal as it pertains to Periodicals. Because some mailers who enter Periodicals today could potentially be charged for manual address correction notices on mailpieces using a Full-Service ACS Service Type Identifier (STID), the Postal Service is proposing that mailers who enter Full-Service Periodicals mailings using a Full-Service ACS STID would not be required to pay for or receive manual address correction notices, unless they are requested by the mailer. Although mailers who enter Periodicals would be provided with address quality data, these mailpieces would not be subject to the Address Quality Census Measurement and Assessment Process.

The following updated subheadings build upon the information furnished in the preamble to the proposed rule of July 6, 2016, and are intended to provide a current snapshot of the evolving Address Quality Census Measurement and Assessment proposal.

#### Terms (Updated)

For purposes of clarification, the Postal Service provides the following definitions of several terms used in this document:

- **eDoc Submitter:** The electronic documentation (eDoc) Submitter is determined using the Customer Registration Identifier (CRID) number that is used to upload the eDoc to the Postal Service for processing. The eDoc submitter most often is the Mail

Preparer but can also be the Mail Owner. All results of the Address Quality Measurement would be displayed on the scorecards for the eDoc Submitter and Mail Owner; however, any additional postage assessments would be presented to the eDoc submitter.

- **Legal Restraint:** Mailers of FCM pieces who assert that they are restricted by law from incorporating Postal Service COA information onto their mailpieces without permission from addressees could request Postal Service approval to meet their Move Update standard using the Legal Restraint method. Such mailers must be able to clearly demonstrate how the use of a primary Move Update method would violate the law. For details, consult *Guide to Move Update* at: <http://beta.postalpro.usps.com/node/1116>. Pieces that meet the requirements for the Legal Restraint method would be excluded from the Mailer Scorecard and the Address Quality Census Measurement and Assessment Process, as long as the mailpieces use the appropriate CRID or Mailer Identifier (MID).

- **Mailer:** The term *mailer* within this document encompasses Mail Owners, Mail Preparers, and Mail Service Providers (MSPs).

- **Mailer Scorecard:** This is an electronic report that contains mail quality measurements and assessments on mailings over a calendar month for Move Update, Full-Service Intelligent Mail, eInduction®, and Seamless Acceptance. The Scorecard is accessible through the Business Customer Gateway (BCG) and provides views for both Mail Owners and MSPs.

- **Non-qualifying Mailings:** The non-qualifying mailpieces listed below will be excluded from the Address Quality Census Measurement and Assessment Process and the Mailer Scorecard:

- Mailpieces that are undeliverable due to an address change that is Temporary, Foreign, Moved Left No Address (MLNA), and Box Closed No Order (BCNO).

- Mailpieces that are priced as single-piece.

- Mailpieces that qualify for the Legal Restraint method.

- Mailpieces without the documentation submitted electronically.

- **Qualifying Mailings:** An eDoc submitter is eligible for the Address Quality Census Measurement and Assessment Process when at least one of its mailings qualifies for Full-Service in a calendar month. Thereafter, when mailers enter eligible mailings of letter- and flat-size pieces of FCM and USPS Marketing Mail that meet the

requirements for Basic or Full-Service mailings in a subsequent calendar month, the Address Quality Census Measurement and Assessment Process will be used, if the postage statement and supporting documentation are submitted electronically and a unique Intelligent Mail barcode (IMb®) is included in the eDoc.

### Summary of Industry Comments and Postal Service Responses (Updated)

The Postal Service appreciates all of the comments that were provided by the mailing industry in response to the original proposed rule of December 23, 2014, and the revised proposal of July 6, 2016. This valuable feedback was used to establish this further revised proposal. These comments and replies can serve as frequently asked questions (FAQs) to help clarify the Address Quality Census Measurement and Assessment Process. The mailers' comments and corresponding Postal Service responses are outlined as follows:

#### Mailer Comment

In the proposed rule, the Postal Service mentioned multiple times that Periodicals would not be part of the Move Update requirement. This makes sense since Periodicals already have a requirement to receive address corrections. However, Periodicals appear to be removed from getting free ACS for the small portion of their mailing that may be Basic. Would the small portion of Periodicals mailing entered as Basic, which meet all of the other requirements, receive free ACS as the other classes of mail mentioned?

#### Postal Service Response

No; the portions of Periodicals mailings entered under Basic instead of the Full-Service would not be eligible for ACS without an associated fee.

#### Mailer Comment

For the last few years, many Periodicals mailers have been going through an ACS reconciliation process. This was implemented and administered by the National Customer Support Center (NCSC) to prevent Periodicals mailers from being charged for traditional ACS that should have been scanned as Full-Service at no charge. Would this process remain in place with the new proposal?

#### Postal Service Response

The Reconciliation process would be discontinued with implementation of the proposed process. Those Periodicals mailers using a Full-Service ACS STID

would continue to receive their ACS notices at no charge.

#### Mailer Comment

It was mentioned that mailers who enter mailings of Full-Service Periodicals using a Full-Service ACS STID would not be required to receive or pay for manual address correction notices unless they are requested. Please provide clarification. We don't want to pay for something that we did not request; however, we still need to receive the notice if it is not being sent to us electronically. If we don't receive the manual notice about a correction, then the next issue of the publication would still go to the incorrect address. Should this be worded as ". . . will not be required to pay for manual address corrections unless they are requested."?

#### Postal Service Response

Only mailpieces for which mailers request and receive manual ACS notices would be charged the applicable fee.

#### Mailer Comment

The Postal Service is proposing to charge the eDoc submitter, if they exceed the address quality error threshold. However, we feel that the Mail Owner should incur the charge since the eDoc submitter is rarely responsible for maintaining address quality. Additionally, since the purpose is to reduce UAA mail, the process of rolling all Move Update errors in an entire month may not identify those Mail Owners who are challenged with maintaining quality address files.

#### Postal Service Response

As is the case with the current verification processes, the Postal Service proposes to charge the eDoc submitter for all verification failures. Data showing the source of errors by the Mail Owner would be available.

#### Mailer Comment

We disagree with the proposed process that would allow the eDoc submitter to charge assessments to any permit during that month without the owner of the permit having the ability to dispute the charges.

#### Postal Service Response

At this time, the eDoc submitter has the option to request review of an assessment. Upon payment of an assessment the Mail Owner whose permit is used receives email notification of the transaction. Mail quality data are available throughout the month, allowing eDoc submitters and Mail Owners to discuss assessments

before and during the 10-day mailer review period.

#### Mailer Comment

The proposed rule indicated that the error threshold under consideration is 0.5 percent; however, the assessment amount for each non-compliant mailpiece beyond the threshold was not identified. It was indicated that "The Address Quality Assessment Fee is currently pending management and regulatory approval." When will the assessment details be communicated?

#### Postal Service Response

The assessment charge will be communicated in the filing at the Postal Regulatory Commission (PRC).

#### Mailer Comment

There is some concern regarding the timing of the reconciliations and incoming address corrections. Since the reconciliation does not occur until the 10th of the month for the previous month's activity, a mailer would be unable to determine whether an assessment would apply, if the errors occurred relatively close to the threshold. In addition, after the notification is sent on the 10th of the month, the eDoc submitter has only 10 days to research and dispute an assessment. The amount of research required to validate an error can be extensive, and this narrow window of opportunity may not be sufficient.

#### Postal Service Response

At this time, the Postal Service does not propose changing the review period of 10 business days. Mail quality and estimated assessment data are available throughout the month, which allows eDoc submitters and Mail Owners to review assessments before and during the 10-day mailer review period.

#### Mailer Comment

Mailers need clarification on the role and engagement of the United States Postal Inspection Service (USPIS) with regard to use of the Mailer Scorecard. Please outline the process that details how the USPIS can no longer assess mailers for non-compliance without first validating the scorecard/performance results and working with the Postal Service prior to discussing compliance with the mailer. Mailers should not be put at risk of double jeopardy between the Postal Service and USPIS. This is a critical concern that needs to be addressed.

#### Postal Service Response

All mailings using postage rates that require compliance with the Move

Update standard, regardless of whether they qualify for verification under the Address Quality Census Measurement and Assessment Process, may be subject to a separate assessment in the event that they do not comply with the Move Update standard pursuant to DMM 602.5. A mailer has not complied with the Move Update standard if a USPS-approved Move Update method (DMM 602.5.2) was not used to update the mailer's address list with correct addresses (unless the mail bears an alternative address format under DMM 602.3). In those circumstances, the mailer did not qualify for the presort or automation price claimed on the postage statement or electronic documentation. The separate assessment could be applied to every mailpiece in a mailing for which the mailer did not comply with the Move update standard, and would be limited to the difference between the postage previously paid (including the Move Update assessment charge, if applicable) and the applicable First-Class Mail single-piece rate.

#### *Mailer Comment*

This proposal for a 95 percent Full-Service threshold for ACS (Address Change Services) might not drive the behavior the Postal Service is looking for. Overall, the goal should be working to improve the mail quality results and making it simpler for mailers to automate address quality improvements that would help both mailers and the Postal Service. The Postal Service is making this more complicated than needed.

This threshold proposal increases complexity and would add an unnecessary burden on the Postal Service to support the administrative costs for explaining what is and isn't free. It would also put an extra burden on mail service providers and Mail Owners in managing their overhead. The Postal Service previously announced that free ACS would be offered to customers for all basic and nonautomation rates. The Postal Service should offer the ACS service for free to continue to promote the use of ACS and improve overall address quality. Establishing a threshold is the wrong approach to "On-Board" mailers to Full-Service and does not help drive toward greater address quality. At the very least, another approach to consider is that once a mailer reaches 95 percent eligible they are qualified going forward. Tying eligibility to the data from the previous month is overly complex and problematic as well.

#### *Postal Service Response*

We have re-evaluated this process and revised the proposal accordingly. Once a mailer qualifies for free ACS for basic automation and nonautomation pieces by reaching 95 percent Full-Service, ACS information would be provided for free on all qualifying pieces. We would then review compliance on a quarterly basis and provide notification if a mailer would be removed from the program for falling below the threshold. Once the 95 percent threshold is met again, free ACS information would be provided in the next calendar month.

#### *Mailer Comment*

Please outline the process for establishing and changing thresholds. Changes to the thresholds could have a significant financial impact on mailers, so it is important to clarify and understand this process across all parties.

#### *Postal Service Response*

The Postal Service sets and revises error thresholds through a periodic statistical analysis of quality for all mailings. The Postal Service has committed to providing at least 90 days of notice prior to changing a threshold.

#### *Mailer Comment*

Changes are needed on the actual scorecard that makes it clearer to mailers whether they could be at risk for ACS charges. The Postal Service should add a yes/no indicator for free ACS eligibility on the scorecard.

#### *Postal Service Response*

The Postal Service will evaluate adding this indicator to the Mailer Scorecard as a future enhancement.

#### *Mailer Comment*

Please clarify which IMb Basic pieces would qualify for free ACS. What is required for uniqueness for the data provisioning? The Postal Service has IMb Basic mail as well as Basic non-automation pricing for postage. The Postal Service needs to further clarify their reference to Basic mail as it is impacted by free ACS.

#### *Postal Service Response*

IMb Basic mailings would be eligible for no-fee ACS along with non-automation mailpieces. However, the mailpieces must meet all of the following requirements:

- Bear a unique IMb printed on the mailpiece;
- Include a Full-Service or OneCode ACS STID in the IMb;
- Include the unique IMb in eDoc;

- Be sent by an eDoc submitter that provides accurate Mail Owner identification in eDoc, and;
- Be sent by an eDoc submitter entering more than 95 percent of eligible volume as Full-Service.

#### *Mailer Comment*

We propose that the Postal Service should create a STID that mailers can use if they are above the threshold, so if they dip below the threshold they would not be provided with data and charged.

#### *Postal Service Response*

At this time, the Postal Service will not be introducing a STID for mailers who do or do not qualify for no-fee ACS.

#### *Mailer Comment*

The Postal Service needs to clarify how the ACS data would be provisioned when single-piece and presort mail is free over the 95 percent threshold. The process is not clear and could create a potential Move Update compliance issue for mailers using ACS through Full-Service if the data is not provisioned to them when a mailer is below the threshold.

#### *Postal Service Response*

This data would be available through either the Full-Service ACS data feed in *PostalOne!*<sup>®</sup> or through Single Source ACS. Full-Service ACS data through *PostalOne!* is provisioned to the Mail Owner identified in eDoc or the established delegate. SingleSource ACS is available for mailers that wish to receive all ACS notices, subject to the appropriate fees for notices provided on mail that does not qualify for the Full-Service discounts and benefits. SingleSource ACS data is provisioned to the Mail Owner identified in the IMb or the established delegate.

#### *Mailer Comment*

Please outline the fees associated with COA assessments. Mailers need to understand the specific risk or potential business impact.

#### *Postal Service Response*

The Move Update assessment charge under the Address Quality Census Measurement and Assessment Process will be communicated in the PRC filing.

#### *Mailer Comment*

What is the appeal procedure if a mailer does not agree with a BME assessment? How does this change using the Census method?

#### *Postal Service Response*

Mailers may appeal postage assessments by following the dispute

process that is outlined in the current *Guide to Postage Assessment* available on PostalPro at: <http://beta.postalpro.usps.com/node/847>.

#### Mailer Comment

Mailers utilizing National Change of Address Linkage System (NCOA<sup>Link</sup>®) End-User licenses have only 18 months of data and not 48 months of data when using NCOA<sup>Link</sup>. Does this put End-User licensees at a disadvantage? Confirm the time period for the data used in the Address Quality Census Measurement and Assessment Process. If it is not 18 months or less, mailers utilizing NCOA<sup>Link</sup> End-User licenses would be at a disadvantage.

#### Postal Service Response

Move Update errors are generated only for COAs that are between 95 days and 18 months. A COA over 18 months old disadvantages End-User licensees because it generates a Nixie notice for the sender.

#### Mailer Comment

It appears that NCOA<sup>Link</sup> and ACS are not in sync. What reconciliation of files, processes, and addresses would occur between NCOA<sup>Link</sup> and ACS?

#### Postal Service Response

The COA data for NCOA<sup>Link</sup> and ACS are from the same source (the moving customer), and they are in sync. If the mailer has a record with a name or address that cannot be matched to the addressee's COA request, the update may not be provided via NCOA<sup>Link</sup> but may be available through ACS. These scenarios are encompassed within the threshold determined for Move Update errors.

#### Mailer Comment

The error tolerance applied to mailings should be based on the average accuracy observed through census-based verification over an extended period of time. Accordingly, the validity of the proposed 0.5 percent error tolerance should be measured against this standard before being implemented, and should be re-evaluated annually.

#### Postal Service Response

The Postal Service currently sets and revises error tolerances through a periodic statistical analysis of quality for all mailings. The Postal Service has committed to providing at least 90 days of notice prior to changing a threshold.

#### Mailer Comment

The Postal Service should clarify whether the eDoc submitter would be provided piece-level data for all COA

errors, not just the first 1,000 records. To the extent the data are driving the fee assessments; the data must be reliable, timely, and comprehensive.

#### Postal Service Response

Piece-level data for all COA errors is available through the bulk data request process. The Postal Service currently provides error information on a weekly and monthly basis upon request.

#### Mailer Comment

The Postal Service should also clarify how the newly proposed Address Quality Census Measurement and Assessment Process would handle mailpieces that are processed using the NCOA<sup>Link</sup> Mail Processing Equipment (MPE) enabled Multiline Optical Character Reader (MLOCR). Specifically, the Postal Service should clarify that COA matches that are not identified by an MPE solution would be excluded from the error threshold calculation for the purpose of determining the assessment fee.

#### Postal Service Response

Piece-level data for all COA errors is available through the bulk data request process. The Postal Service currently provides error information on a weekly and monthly basis upon request.

#### Mailer Comment

The Postal Service should also clarify how it would reconcile different results from NCOA<sup>Link</sup>, NCOA<sup>Link</sup> MPE, and ACS. Currently, those systems do not always return the same results; it would be unfair to charge mailers and mail service providers for COA records that were not identified by a USPS-approved Move Update methodology. The Postal Service should also clarify how COAs older than 18 months would be treated.

#### Postal Service Response

The COA data for NCOA<sup>Link</sup> and ACS are from the same source (the moving customer), and they are in sync. If the mailer has a record with a name or address that is unable to match to the addressee's COA request, the updated information may not be provided via NCOA<sup>Link</sup> but may be available through ACS. These scenarios are encompassed within the threshold determined for Move Update errors.

#### Mailer Comment

The Postal Service should clarify what are the database address update requirements for NCOA<sup>Link</sup> MPE with the new census method. NCOA<sup>Link</sup> MPE Mail Owners are currently not required (though they are encouraged) to update their addresses in the database. This is

because each address is run through this Move Update process and updated above the clear zone and in the IMb before every mailing. It would be impossible for every small mailer that uses a commingling service to update their addresses from COA data. It would also cause significant operational costs for the MSP to separately profile every Mail Owner while processing, because Full-Service standards only require profiling for Mail Owners over 5,000 pieces.

#### Postal Service Response

At this time, the Postal Service does not plan to change the established requirements on database address updates for NCOA<sup>Link</sup> MPE.

#### Mailer Comment

In the paragraph labeled Address Change Service and Correction Notifications, the Postal Service stated that any address change information that does not qualify for free ACS would be provided through SingleSource while there is no similar comment in the actual DMM language. Will the Postal Service continue to support returning all the current methods of address correction since our mutual clients do not all subscribe to SingleSource?

#### Postal Service Response

This information would be available through either the Full-Service ACS data feed in *PostalOne!* or through SingleSource ACS. Full-Service ACS data through *PostalOne!* is provided to the Mail Owner identified in eDoc or the established delegate. SingleSource ACS is available for mailers that wish to receive all ACS notices, subject to the appropriate fees for notices provided on mail that does not qualify for the Full-Service discounts and benefits. SingleSource ACS data is provided to the Mail Owner identified in the IMb or the established delegate.

#### Mailer Comment

Can you clarify how "or Current Resident" affects the electronic flagging of pieces in the census method? Our expectation is that if a mailpiece is addressed to "John Doe or Current Resident" with a valid physical address, that even if a COA would have been generated for John Doe at that address the piece would NOT be flagged as a Move Update failure.

#### Postal Service Response

When a mailpiece is processed through Postal Automated Redirection System (PARS)/Computerized Forward System (CFS) as UAA, it would be logged as a Nixie not a COA error. PARS

normally identifies the “or Current Resident” wording in the address block and returns it to the carrier with a label stating, “Mailpiece to be delivered as addressed.”

### Background (Updated)

The Postal Service requires mailers to update address-related changes through the Move Update requirements process. Currently, Move Update compliance is measured at the mailing level using the Mail Evaluation Readability and Lookup Instrument (MERLIN®) as follows:

- At the point of acceptance, mailings are randomly selected for address quality assessment, and samples of the selected mailings are processed through MERLIN.

- *PostalOne!* sends an electronic version of the mailer’s Postage Statement Message (PSM) to the MERLIN Maintenance and Operations Database (MMOD).

- MMOD routes the PSM to the appropriate site and MERLIN machine.

- Postal Service personnel generate a verification report, and the report produces a set of results that are routed back to the MMOD system.

- MERLIN generates a report that provides the details on mail quality.

- MMOD sends an Address Quality Validation System (AQVS) message-stream of addresses, names, and ZIP Codes to the NCSC for Move Update processing.

- MERLIN captures the address information from the mailpiece and electronically sends each record to the NCSC to see if there is a COA on file.

- The piece is identified as an error if the mailer did not use the updated address indicated in the COA on file, and the COA “filing date” is between 95 days and 18 months of the postage statement finalization date.

- MMOD sends mail verification results (whether the mailer passed) to the *PostalOne!* system.

- NCSC processes the AQVS data stream and sends the results to *PostalOne!* which addresses the Move Update failures.

- *PostalOne!* uses the mail verification and NCSC Move Update results to formulate the final charges.

In 2013, the Postal Service introduced the concept of measuring and assessing mail quality for mailings over a calendar month for Full-Service Intelligent Mail, electronic induction (eInduction), and Seamless Acceptance. Since August 2014, Postal Service technology has further evolved so that, when mailers use an IMb and submit their postage statements and supporting documentation electronically, data collection scans from MPE can be used

to evaluate the address and move-related quality of mail being processed. Accordingly, the Postal Service is using this technology as an alternative to measure and evaluate the quality of mailings.

### Future Process (Updated)

The Postal Service has revised its earlier proposal, and is now proposing to replace the existing MERLIN Move Update verification process with the Address Quality Census Measurement and Assessment Process. In other words, MERLIN Move Update verification would terminate upon implementation of the Address Quality Census Measurement and Assessment Process. As previously proposed, the new method would apply to mailing of letter- and flat-size pieces FCM and USPS Marketing Mail that meet the requirements for Basic and Full-Service mailings.

In addition, the revised proposal of July 6, 2016, has been modified to reflect the fact that qualifying mailings would still be required to document Move Update compliance methods on a postage statement, *mail.dat*, or *mail.xml* once the Address Quality Census Measurement and Assessment Process is in place. Documents demonstrating the method used should be available upon request by the Postal Service, and mailers would continue to use a Move Update method in order to remain below the Address Quality Census Measurement and Assessment Process error threshold, expedite the delivery of mail by avoiding mail forwarding, and increase the security and privacy of sensitive customer information.

The proposal has not changed with regard to Periodicals; mailers who enter Periodicals would be provided with address quality data, but the Move Update mailers of Periodicals would not be verified under the Address Quality Census Measurement and Assessment Process, because the Move Update Standard in DMM 602.5 does not extend to Periodicals.

The Address Quality Census Measurement and Assessment Process is a much more robust method to verify address quality, and would generate several benefits, including enhanced mailing visibility and improved mail quality metrics on all mailings entered within a calendar month, rather than sampled mailings. The Postal Service has not changed the overall method for measuring all applicable mailings within a calendar month under the Address Quality Census Measurement and Assessment Process, which would be accomplished according to the following process:

- Mailpieces would be scanned on MPE.

- Address information captured from mailpieces identified as UAA would be evaluated to determine if COA information is on file.

- The address information for mailpieces matching an active COA would be sent electronically to NCSC.

- NCSC would forward COA information to the Address Quality Census Measurement and Assessment Process for evaluation.

- Move Update validations would be performed by comparing the MID + Serial Number of the IMb from the COA-related mailpiece data. If the COA is between 95 days and 18 months old, and the address has not been updated, then a COA error for the associated IMb would be logged and allocated under the CRID of the eDoc submitter.

- All qualifying mailpieces entered by an eDoc submitter in a calendar month would be subject to the proposed error threshold for the Address Quality Census Measurement and Assessment Process. The proposed error threshold is 0.5 percent, and is subject to review at the PRC.

- The Postal Service would assess the relevant eDoc submitter CRID the Move Update Assessment Charge for each mailpiece with a COA error beyond the threshold.

- The data would be collected and reported on the Mailer Scorecard under the eDoc submitter CRID.

### Move Update Assessment Charge (Updated)

Because the new method of verification would replace the MERLIN method, the charge would still be termed the Move Update assessment charge, and not renamed the address quality assessment fee. When the ratio of qualifying mailpieces with COA errors to total qualifying mailpieces submitted in the calendar month by the eDoc submitter exceeds the Address Quality Census Measurement and Assessment Process error threshold, the Move Update assessment charge would apply to the mailpieces with COA errors above the threshold. The Move Update assessment charge will be communicated to the public upon filing with the PRC.

### Mailer Scorecard (Updated)

The Mailer Scorecard is currently available to mailers, and this report provides data that allow mailers to gauge address quality on their mailpieces. Mailers would be charged only for mailpieces above the errors threshold after the PRC review is

completed and the Postal Service implements the final rule.

### Criteria (Updated)

The Postal Service has retained the proposed criteria to qualify for verification under the Address Quality Census Measurement and Assessment Process. Mailers would be verified under the process when they:

- Submit any mailpieces during a calendar month as Full-Service;
- Use a unique Basic or Full-Service IMb on mailings of letter- and flat-size pieces for FCM and USPS Marketing Mail, and;
- Use eDoc to submit mailing information.

### Specifications (Updated)

The Postal Service has retained the proposed specifications for assessing address quality. Once the Postal Service implements the proposed process, address quality would be measured as follows:

- Analysis would be performed on all pieces in the mailing, rather than on a sample.

■ The assessment would be determined by the number of COA errors, in a calendar month, divided by the total number of pieces mailed that were subject to analysis. The resulting percentage would be compared to the established Address Quality Census Measurement and Assessment Process error threshold.

■ There are a number of exclusions to the measurement and assessment process. Generally, mailpieces with addresses that have the following COA characteristics would not be included in the assessment: Temporary moves, MLNA, BCNO, and COA data for foreign addresses.

■ Mailpieces authorized for the Legal Restraint alternate Move Update method (See *Guide to Move Update*) would be excluded at the CRID level of the Mail Owner, during a short transition period. After the transition period, an established MID would be identified for use on mailpieces that fall under the Legal Restraint method.

### Mailpiece Results (Updated)

Once qualifying mailings were processed on MPE, the data from mailpieces would be reconciled with eDoc. These results would be available on the BCG and displayed on the Electronic Verification tab of the Mailer Scorecard, which would be easily accessible at <https://gateway.usps.com/eAdmin/view/signin>. Mailers would be able to review the Mailer Scorecard and corresponding detailed reports to identify any anomalies or issues.

To resolve Mailer Scorecard irregularities, mailers should contact the *PostalOne!* Help Desk at 800-522-9085 or their local Business Mail Entry Unit (BMEU).

### Address Change Service and Correction Notifications (Updated)

As announced in the proposed rule of July 6, 2016, to encourage the further adoption of Full-Service, the Postal Service is proposing to extend free Full-Service ACS to qualifying Basic automation and non-automation mailpieces for mailers who enter at least 95 percent of their mail as Full-Service in a calendar month. The Basic mailpieces must be prepared as follows:

- Bear a unique IMb printed on the mailpiece;
- Include a Full-Service ACS or OneCode ACS® STID in the IMb;
- Include the unique IMb in eDoc, and;

■ Be sent by an eDoc submitter providing accurate Mail Owner identification in eDoc.

As clarification, if mailers meet the 95 percent threshold during a calendar month, they would be enrolled to receive free Full-Service ACS for all Basic automation and non-automation mailpieces in the following month. The Postal Service would monitor Full-Service compliance for these mailers on a quarterly basis. If an enrolled mailer's average Full-Service volume dropped below the 95 percent threshold for a given quarter, that mailer would receive notification of its removal from receiving free ACS in the next billing cycle. If the 95 percent threshold were met in a subsequent month, the removed mailer would be re-enrolled to receive free Full-Service ACS for Basic automation and non-automation mailpieces for the next billing cycle.

Address change information would be provided through Full-Service ACS feedback to the Mail Owner identified in eDoc or its delegee. ACS information would continue to be distributed through SingleSource to the Mail Owner identified in the IMb or its delegee.

The revised proposal has not changed with regard to Periodicals; mailers who enter mailings of Full-Service Periodicals would no longer be required to receive and pay for manual address corrections when a Full-Service ACS STID is used. However, these mailers might elect to receive and pay for manual address correction notifications by including the appropriate STID within the IMb.

### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)*, incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

### PART 111—[AMENDED]

- 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

- 2. Revise the following sections of *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)* as follows:

#### Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

\* \* \* \* \*

#### 507 Mailer Services

##### 1.0 Treatment of Mail

\* \* \* \* \*

##### 1.5 Treatment for Ancillary Services by Class of Mail

\* \* \* \* \*

##### 1.5.2 Periodicals

\* \* \* \* \*

*[Revise 507.1.5.2c by changing the last word of the sentence to “received” as follows:]*

c. Address correction service is mandatory for all Periodicals publications, and the address correction service fee must be paid for each notice received.

\* \* \* \* \*

##### 4.0 Address Correction Services

\* \* \* \* \*

##### 4.2 Address Change Service (ACS)

\* \* \* \* \*

##### 4.2.2 Service Options

*[Revise 507.4.2.2 by modifying the introductory sentence and adding a new item “d” as follows:]*

ACS offers four levels of service, as follows:

\* \* \* \* \*

d. A Full-Service option available to mailings of First-Class Mail automation



cards, letters, and flats; USPS Marketing Mail automation letters and flats; USPS Marketing Mail Carrier Route, High Density, and Saturation letters; Periodicals Outside County barcoded or Carrier Route letters and flats; Periodicals In-County automation or Carrier Route letters and flats; and Bound Printed Matter Presorted, non-DDU barcoded flats. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full-Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing Mail pieces, at the address correction fee for pieces eligible for the Full-Service Intelligent Mail option as described in DMM 705.23.0 for future billing cycles. The Basic First-Class Mail and USPS Marketing Mail mailpieces must:

- 1. Bear a unique IMb printed on the mailpiece;
2. Include a Full-Service or OneCode ACS STID in the IMb;
3. Include the unique IMb in eDoc;
4. Be sent by an eDoc submitter providing accurate Mail Owner identification in eDoc, and;
5. Be sent by an eDoc submitter maintaining 95 percent Full-Service compliance to remain eligible for this service and undergo periodic Postal Service re-evaluation.

4.2.8 Address Correction Service Fee

[Revise 507.4.2.8 by deleting the old language and replacing with new language as follows:]

ACS fees would be assessed as follows:

- a. The applicable fee for address correction is charged for each separate notification of address correction or the reason for nondelivery provided, unless an exception applies.
b. Once the ACS fee charges have been invoiced, any unpaid fees for the prior invoice cycle (month) would be assessed an annual administrative fee of 10 percent for the overdue amount.
c. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full-Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing Mail mailpieces, as specified in 4.2.2. The electronic address correction notices are charged at the applicable Full-Service address correction fee for all future billing cycles.

\* \* \* \* \*

600 Basic Mailing Standards for All Mailing Services

\* \* \* \* \*

602 Addressing

\* \* \* \* \*

5.0 Move Update Standards

\* \* \* \* \*

[Revise 602.5.3 by deleting former contents and replacing with new title and contents as follows:]

5.3 Move Update Verification

Mailers who submit any Full-Service volume in a calendar month will be verified pursuant to the Address Quality Census Measurement and Assessment Process beginning in the next calendar month. First-Class Mail and USPS Marketing Mail letter and flat-size mailpieces with addresses that have not been updated in accordance with the Move Update Standard will be subject to the Move Update assessment charge, if submitted via eDoc with unique Basic or Full-Service IMBs. Supporting details are described in Publication 6850, Publication for Streamlined Mail Acceptance for Letters and Flats, available at www.postalpro.usps.com.

[Revise 602.5.4 as follows:]

5.4 Mailer Certification

The mailer's signature on the postage statement or electronic confirmation during eDoc submission certifies that the Move Update standard has been met for the address records including each address in the corresponding mailing presented to the USPS.

\* \* \* \* \*

700 Special Standards

\* \* \* \* \*

705 Advanced Preparation and Special Postage Payment Systems

\* \* \* \* \*

23.0 Full-Service Automation Option

\* \* \* \* \*

23.5 Additional Standards

\* \* \* \* \*

23.5.2 Address Correction Notices

\* \* \* \* \*

[Revise 705.23.5.2a as follows:]

a. Address correction notices would be provided at the applicable Full-Service address correction fee for letters and flats eligible for the Full-Service option, except for USPS Marketing Mail ECR flats, BPM flats dropshipped to DDU's, or BPM carrier route flats. Mailers who present at least 95 percent of their eligible First-Class Mail and USPS Marketing Mail volume as Full-

Service in a calendar month would receive electronic address correction notices for their qualifying Basic automation and non-automation First-Class Mail and USPS Marketing mailpieces charged at the applicable Full-Service address correction fee for future billing cycles. The Basic automation and non-automation First-Class Mail and USPS Marketing Mail mailpieces must:

- 1. Bear a unique IMb printed on the mailpiece.
2. Include a Full-Service or OneCode ACS STID in the IMb.
3. Include the unique IMb in eDoc.
4. Be sent by an eDoc submitter providing accurate Mail Owner identification in eDoc.
5. Be sent by an eDoc submitter maintaining 95 percent Full-Service compliance to remain eligible for this service and undergo periodic USPS re-evaluation.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes, if our proposal is adopted.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-03723 Filed 2-24-17; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[EPA-HQ-OPPT-2016-0763; FRL-9959-74]

Fluoride Chemicals in Drinking Water; TSCA Section 21 Petition; Reasons for Agency Response

AGENCY: Environmental Protection Agency (EPA).

ACTION: Petition; reasons for Agency response.

SUMMARY: This document announces the availability of EPA's response to a petition it received on November 23, 2016, under section 21 of the Toxic Substances Control Act (TSCA). The TSCA section 21 petition was received from the Fluoride Action Network, Food & Water Watch, Organic Consumers Association, the American Academy of Environmental Medicine, the International Academy of Oral Medicine and Toxicology, and other individual petitioners. The TSCA section 21 petition requested that EPA exercise its authority under TSCA section 6 to "prohibit the purposeful addition of fluoridation chemicals to U.S. water supplies." After careful consideration,

EPA has denied the TSCA section 21 petition for the reasons discussed in this document.

**DATES:** EPA's response to this TSCA section 21 petition was signed February 17, 2017.

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Darlene Leonard, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 566-0516; fax number: (202) 566-0470; email address: [leonard.darlene@epa.gov](mailto:leonard.darlene@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general. This action may, however, be of interest to individuals or organizations interested in drinking water and drinking water additives, including fluoride. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I access information about this petition?*

The docket for this TSCA section 21 petition, identified by docket identification (ID) number EPA-HQ-OPPT-2016-0763, is available online at <http://www.regulations.gov> or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. Six binders containing copies of references were submitted along with the petition (Ref. 1). Those binders are not available electronically in the docket but may be reviewed in the Public Reading Room. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**II. TSCA Section 21**

*A. What is a TSCA section 21 petition?*

Under TSCA section 21 (15 U.S.C. 2620), any person can petition EPA to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA sections 4, 6, or 8 or an order under TSCA sections 4, 5(e), or 5(f). A TSCA section 21 petition must set forth the facts that are claimed to establish the necessity for the action requested. EPA is required to grant or deny the petition within 90 days of its filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding that is "in accordance" with the underlying TSCA authority. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. 15 U.S.C. 2620(b)(3). A petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding within 60 days of either a denial or the expiration of the 90-day period. 15 U.S.C. 2620(b)(4).

*B. What criteria apply to a decision on a TSCA section 21 petition?*

TSCA section 21(b)(1) requires that the petition "set forth the facts which it is claimed establish that it is necessary" to issue the rule or order requested. 15 U.S.C. 2620(b)(1). Thus, TSCA section 21 implicitly incorporates the statutory standards that apply to the requested action. In addition, TSCA section 21 establishes standards a court must use to decide whether to order EPA to initiate rulemaking in the event of a lawsuit filed by the petitioner after denial of a TSCA section 21 petition. 15 U.S.C. 2620(b)(4)(B). Accordingly, EPA has relied on the standards in TSCA section 21 (and those in the provisions under which action has been requested) to evaluate this TSCA section 21 petition.

**III. TSCA Section 6**

Of particular relevance to this TSCA section 21 petition are the legal standards regarding TSCA section 6(a) rules. These standards were significantly altered in 2016 by the "Frank R. Lautenberg Chemical Safety for the 21st Century Act," Public Law 114-182 (2016), which amended TSCA. One of the key features of the new law is the requirement that EPA now systematically prioritize and assess existing chemicals, and manage identified risks. Through a combination of new authorities, a risk-based safety standard, mandatory deadlines for action, and minimum throughput requirements, TSCA effectively creates a "pipeline" by which EPA will conduct

review and management of existing chemicals. This new pipeline—from prioritization to risk evaluation to risk management (when warranted)—is intended to drive forward steady progress on the backlog of existing chemical substances left largely unaddressed by the original law. (Ref. 2).

In the initial phase of the review pipeline, EPA is to screen a chemical substance for its priority status, propose a designation as either high or low priority, and then issue a final priority designation within one year of starting the screening process. 15 U.S.C. 2605(b)(1)(C). If the substance is high priority, EPA must initiate a risk evaluation for that substance. 15 U.S.C. 2605(b)(4)(C). EPA must define the scope of the risk evaluation within six months of starting, 15 U.S.C. 2605(b)(4)(D), and complete the risk evaluation within 3 to 3.5 years. 15 U.S.C. 2605(b)(4)(G). If EPA concludes that a chemical substance presents an unreasonable risk, EPA must propose a risk management rule under TSCA section 6(a) within one year and finalize that rule after another year, with limited provision for extension. 15 U.S.C. 2605(c). As EPA completes risk evaluations, EPA is to designate replacement high-priority substances, on a continuing basis. 15 U.S.C. 2605(b)(2)(C) and (b)(3)(C).

In general, to promulgate a rule under TSCA section 6(a), EPA must first determine "in accordance with section 6(b)(4)(A) that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture . . . presents an unreasonable risk." 15 U.S.C. 2605(a). TSCA section (b)(4)(A) is part of the risk evaluation process whereby EPA must determine "whether a chemical substance presents an unreasonable risk of injury to health or the environment," and thus, whether a rule under TSCA section 6(a) is necessary. 15 U.S.C. 2605(b)(4)(A). In particular, EPA must conduct this evaluation "without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use." *Id.* Unless EPA establishes an exemption under TSCA section 6(g) (whereby certain unreasonable risks may be allowed to persist for a limited period) or EPA is addressing a persistent, bioaccumulative, and toxic substance as set forth in TSCA section 6(h), the standard for an adequate rule under TSCA section 6(a) is that it regulates "so that the chemical

substance or mixture no longer presents” unreasonable risks under the conditions of use. 15 U.S.C. 2605(a).

Prior to the 2016 amendment of TSCA, EPA completed risk assessments that were limited to selected uses of chemical substances. The amended TSCA authorizes EPA to issue TSCA section 6 rules that are not comprehensive of the conditions of use, so long as they are consistent with the scope of such pre-amendment risk assessments. 15 U.S.C. 2625(l)(4). But EPA has interpreted the amended TSCA as requiring that forthcoming risk evaluations encompass all manufacture, processing, distribution in commerce, use, and disposal activities that the Administrator determines are intended, known or reasonably foreseen. (Ref. 2, p. 7565). EPA interprets the scope of post-risk-evaluation rulemaking under TSCA section 6(a) in a parallel fashion: While risk management rules for a certain subset of the conditions of use may be promulgated ahead of rulemaking for the remaining conditions of use, rules covering the complete set of conditions of use must be promulgated by the deadlines specified in TSCA section 6(c). 15 U.S.C. 2605(c). While EPA has authority under TSCA section 6(a) to establish requirements that apply only to “a particular use,” the restriction of just one particular use would not constitute an adequate risk management rule unless that particular use were the only reason that the chemical substance presented an unreasonable risk.

TSCA section 21(b)(4)(B) provides the standard for judicial review should EPA deny a request for rulemaking under TSCA section 6(a): “If the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence that . . . the chemical substance or mixture to be subject to such rule . . . presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation, under the conditions of use,” the court shall order the EPA Administrator to initiate the requested action. 15 U.S.C. 2620(b)(4)(B). EPA notes that bills preceding the final amendment to TSCA retained language in section 21 that resembled the pre-amendment criteria for rulemaking under section 6. Compare 15 U.S.C. 2620(b)(4)(B)(ii) (2015) (amended 2016), 15 U.S.C. 2605(a) (2015) (amended 2016), S. Rep. 114–67 at 135 (Ref. 3), and H.R. Rep. No. 114–176 at 81 (Ref. 4). But the effect of the revision in the final bill is to align the standard for judicial review of a TSCA section 21 petition with the

standard for EPA’s preparation of risk evaluation under TSCA section 6(b)(4)(A). Consistent with these revisions, EPA concludes that Congress intended for a petition to set forth facts that would enable EPA to complete a risk evaluation under TSCA section 6(b).

In light of this, EPA interprets TSCA section 21 as requiring the petition to present a scientific basis for action that is reasonably comparable, in its quality and scope, to a risk evaluation under TSCA section 6(b). This requirement includes addressing the full set of conditions of use for a chemical substance and thereby describing an adequate rule under TSCA section 6(a)—one that would reduce the risks of the chemical substance “so that the chemical substance or mixture no longer presents” unreasonable risks under all conditions of use. 15 U.S.C. 2605(a). Specifically, EPA interprets section 21(a)—which authorizes petitions “to initiate a proceeding for the issuance . . . of a rule under . . . section 6”—as authorizing petitions for rules that *would comply with the requirements of* sections 6(a) and 6(c).

EPA recognizes that information on a single condition of use could, in certain instances, suffice to demonstrate that a chemical substance, as a whole, presents an unreasonable risk. Nonetheless, EPA concludes that such information does not fulfill a petitioner’s burden to justify “a rule under [TSCA section 6],” under TSCA section 21, since the information would merely justify a subset of an adequate rule. To issue an adequate rule under section 6, EPA would need to conduct a catch-up risk evaluation addressing all the conditions of use not addressed by the petition, and either determine that those conditions do not contribute to the unreasonable risk or enlarge the scope of the rule to address those further conditions of use. See 15 U.S.C. 2605(a). To issue this rule within the time required by section 6(c), EPA would have to proceed without the benefit of the combined 4 to 4.5-year period that TSCA section 6(b) would ordinarily afford EPA (*i.e.*, time to prioritize a chemical substance, conduct a careful review of all of its conditions of use, and receive the benefit of concurrent public comment). Additionally, before even initiating the prioritization process for a chemical substance, EPA would generally screen the chemical substance to determine whether the available hazard and exposure-related information are sufficient to allow EPA to complete both the prioritization and the risk evaluation processes. (Ref. 5).

EPA’s interpretation is most consonant with the review pipeline established in TSCA section 6. In particular, the prioritization process established in section 6(b) recognizes that a number of chemical substances may present an unreasonable risk of injury to health or the environment and charges EPA with prioritizing those that should be addressed first. EPA is required to have 10 chemical substances undergoing risk evaluation as of December 19, 2016, and must have a steady state of at least 20 high-priority substances undergoing risk evaluation by December 2019 (and as many as 10 substances nominated for risk evaluation by manufacturers). 15 U.S.C. 2605(b)(2)(A), (B), 2605(b)(4)(E)(i). EPA is obligated to complete rulemakings to address any unreasonable risks identified in these risk evaluations within prescribed timeframes. 15 U.S.C. 2605(c)(1). These required activities will place considerable demands on EPA resources. Indeed, Congress carefully tailored the mandatory throughput requirements of TSCA section 6, based on its recognition of the limitations of EPA’s capacity and resources, notwithstanding the sizeable number of chemical substances that will ultimately require review. Under this scheme, EPA does not believe that Congress intended to empower petitioners to promote chemicals of particular concern to them above other chemicals that may well present greater overall risk, and force completion of expedited risk evaluations and rulemakings on those chemicals, based on risks arising from individual uses.

EPA recognizes that some members of the public may have safety concerns that are limited to a single condition of use for a chemical substance. But EPA’s interpretation of TSCA section 21 does not deprive such persons of a meaningful opportunity to request that the Administrator proceed on their concerns. For example, such persons may submit a petition under the Administrative Procedure Act, requesting EPA to commence a “risk-based screening” of the chemical substance under TSCA section 6(b)(1)(A), motivated by their concern about a single condition of use.

#### IV. Summary of the TSCA Section 21 Petition

##### A. What action was requested?

On November 23, 2016, a TSCA section 21 petition was submitted by the Fluoride Action Network, Food & Water Watch, Organic Consumers Association, the American Academy of Environmental Medicine, the

International Academy of Oral Medicine and Toxicology, Moms Against Fluoridation, and the following individuals signing on behalf of themselves and their children: Audrey Adams of Renton, Washington, Jacqueline Denton of Asheville, North Carolina, Valerie Green of Silver Spring, Maryland, Kristin Lavelle of Berkeley, California, and Brenda Staudenmaier of Green Bay, Wisconsin (Ref. 1). The general object of the petition is to urge EPA “to protect the public and susceptible subpopulations from the neurotoxic risks of fluoride by banning the addition of fluoridation chemicals to water” (Ref. 1). The specific action sought is a rule, under TSCA section 6(a)(2), to “prohibit the purposeful addition of fluoridation chemicals to U.S. water supplies.” However, such a restriction on the allowable use of fluoridation chemicals would actually be based on a rule under TSCA section 6(a)(5), not a rule under TSCA section 6(a)(2). In light of the discrepancy between the description of the rule sought and the cited authority, EPA interprets the petition as requesting *both* a TSCA section 6(a)(5) rule whereby the purposeful addition of any fluoridation chemical to a drinking water supply would be prohibited and a TSCA section 6(a)(2) rule whereby the manufacture, processing, or distribution in commerce of any fluoridation chemical for such use would be prohibited.

#### B. What support does the petition offer?

The petition is focused on the potential for fluoride to have neurotoxic effects on humans; it cites numerous studies bearing on this issue. The petition contends that the purposeful fluoridation of drinking water presents an unreasonable risk to human health from neurotoxicity, and that a ban on this use of fluoridation chemicals is necessary to curtail this unreasonable risk. The following is a summary of the primary support given in the petition for this view:

1. *Fluoride neurotoxicity at levels relevant to U.S. population.* The petition claims that fluoride poses neurotoxic risks to the U.S. population. The petition claims that the cited studies of fluoride-exposed human populations have consistently found neurotoxic effects (lower-than-average IQs) at water fluoride levels below the current Maximum Contaminant Level Goal of 4 mg/L set by EPA’s Office of Water. The petition argues that the difference between the fluoride levels in the United States and the greater levels in rural China (where most of the cited IQ studies were conducted) is “lessen[ed]”

by the abundance of fluoridated toothpaste in the U.S.

2. *Recent epidemiological studies corroborate neurotoxic risk in Western populations.* The petition cites two studies from Western populations to attempt to corroborate the assertion that exposure to fluoride in drinking water presents unreasonable risks for neurotoxicity (Refs. 6 and 7).

3. *Neurotoxic risks supported by animal and cell studies.* The petition argues that studies on both experimental animals and cell cultures are consistent with cited human research linking fluoride exposure with neurotoxic effects in humans.

4. *Susceptible subpopulations are at heightened risk.* The petition argues that certain subpopulations (e.g., infants, the elderly, and persons with nutritional deficiencies, kidney disease or certain genetic predispositions) are more susceptible to fluoride neurotoxicity.

5. *RfD/RfC derivation and uncertainty factor application.* The petition argues that EPA’s 1998 *Guidelines for Neurotoxicity Risk Assessment* support the need to apply a 10-fold uncertainty factor in deriving an oral Reference Dose (RfD) or inhalation Reference Concentration (RfC).

6. *Benefits to public health.* The petition bases, in part, its claim of unreasonable risk on the assertion that the fluoridation of drinking water confers little benefit to public health, relative to the alleged neurotoxic risks. The petition argues that since fluoride’s primary benefit comes from topical contact with the teeth, there is little benefit from swallowing fluoride, in water or any other product. The petition argues that there is therefore “little justification” in exposing the public to “any risk” of fluoride neurotoxicity.

7. *Extent and magnitude of risk from fluoridation chemicals.* The petition bases, in part, its claim of unreasonable risk on estimates of the extent and magnitude of risk posed to portions of the U.S. population living in areas where artificial fluoridation occurs.

8. *Consequences of eliminating use of fluoridation chemicals.* The petition argues that the risks of fluoride exposure from fluoridated drinking water are unreasonable, in part, because they could be easily and cheaply eliminated, and because alternative products containing topical fluoride are widely available.

9. *Link to elevated blood lead levels.* The petition argues that artificial fluoridation chemicals are linked with pipe corrosion and elevated blood lead levels. The petition interprets data in several studies as demonstrating an association between fluoridation

chemicals and elevated blood lead levels.

In addition to supplying the petition, on January 30, 2017, the petitioners also delivered an in-person oral presentation of their views (Ref. 8). At their oral presentation, petitioners reiterated the information already supplied in writing, and requested that EPA also consider an additional study that was not part of the petition (Ref. 9). EPA has discretion (but not an obligation) to consider extra-petition materials when evaluating a petition submitted under TSCA section 21. In cases where the petitioners themselves attempt to enlarge the scope of materials under review while EPA’s petition review is pending, EPA exercises its discretion to consider or not consider the additional material based on whether the material was submitted early enough in EPA’s petition review process to allow adequate evaluation of the study prior to the petition deadline, the relation of the late materials to materials already submitted. Given the particularly late submittal of the additional study, EPA conducted an abbreviated review of the study and found that the health concerns covered were substantially the same as those covered in other studies submitted with the petition. Based on this abbreviated review, EPA does not believe that the new study provided any new scientific grounds for granting the petition.

#### V. Disposition of TSCA Section 21 Petition

##### A. What was EPA’s response?

After careful consideration, EPA denied the TSCA section 21 petition, primarily because EPA concluded that the petition has not set forth a scientifically defensible basis to conclude that any persons have suffered neurotoxic harm as a result of exposure to fluoride in the U.S. through the purposeful addition of fluoridation chemicals to drinking water or otherwise from fluoride exposure in the U.S. In judging the sufficiency of the petition, EPA considered whether the petition set forth facts that would enable EPA to complete a risk evaluation under TSCA section 6(b).

EPA also denied the petition on the independent grounds that the petition neither justified the regulation of fluoridation chemicals as a category, nor identified an adequate section 6 rule as the action sought. Rather than comprehensively addressing the conditions of use that apply to a particular chemical substance, the petition requests EPA to take action on a single condition of use (water

fluoridation) that cuts across a category of chemical substances (fluoridation chemicals). A copy of the Agency's response, which consists of a letter to the petitioners, is available in the docket for this TSCA section 21 petition.

*B. What were EPA's reasons for this response?*

To take the actions under TSCA section 6 requested by the petitioners, EPA would need to make a determination of whether a chemical substance or substances present an unreasonable risk to human health or the environment. This section describes why the petitioners have not provided adequate and sufficient scientific information to make such a determination.

1. *Fluoride neurotoxicity at levels relevant to U.S. population.* The petition ignores a number of basic data quality issues associated with the human studies it relies upon. Many of the human studies cited in the petition are cross-sectional in design, and are affected by antecedent-consequent bias. The antecedent-consequent bias means it cannot be determined whether the exposure came before or after the health effects, since both are evaluated at the same time. Cross-sectional studies are most useful for developing hypotheses about possible causal relationships between an exposure and a health effect, but are rarely suitable for the development of a dose-response relationship for risk assessment. These studies are most useful in supporting more robust epidemiological studies in which defined exposures can be linked quantitatively to an adverse outcome.

The petition also does not properly account for the relatively poor quality of the exposure and effects data in the cited human studies (e.g., it appears to give all studies equivalent weight, regardless of their quality). When an association is suggested between an exposure and a disease outcome, the studies need to be assessed to determine whether the effect is truly because of exposure or if alternate explanations are possible. The way to do that is to adjust for potential confounders, such as diet, behavior, and socioeconomic status, in order to appropriately assess the real relationship between the exposures to a specific substance and health effects. In other words, when these confounding factors are potentially present, but not recognized or controlled for, it is not possible to attribute effects to the contaminant of concern (fluoride) as opposed to other factors or exposures. The evidence presented did not enable EPA to determine whether various confounding factors (e.g., nutritional

deficiencies) were indeed placing particular subpopulations at a "heightened risk of fluoride neurotoxicity," as alleged, because the evidence did not adequately account for the possibility that the *confounding factors themselves*, rather than concurrent fluoride exposure, were partly or wholly responsible for the health effects observed. Specific confounding factors or variables were noted by the National Research Council (NRC) (Ref. 10). They may include climate, drinking water intake, excessive dietary fluoride, low calcium intake, drinking water sources with fluctuating fluoride levels, and industrial pollution such as use of coal for domestic heating. These factors have the potential to confound efforts to identify a causal relationship between drinking water fluoride exposure and particular health effects, either by introducing additional, unaccounted for sources of fluoride exposure, by being associated with the pertinent health endpoint through some mechanism other than fluoride toxicity, or by directly affecting the health endpoint.

The petition relies heavily on two meta-analyses which include human cross-sectional (Ref. 11) and case control (Ref. 19) studies. All of the studies listed in Table 1 of the petition were examined in detail by the 2012 Choi et al. study (Ref. 11) as part of their systematic review and meta-analysis to investigate the possibility that fluoride exposure delays neurodevelopment in children. The Choi et al. analysis analyzes studies in which IQ was measured using various IQ tests, compares children of various fluoride exposure ranges without accounting for differences in susceptibility to fluoride by age, and used different exposure measures which only delineated between high and low exposure groups. A variety of measures of fluoride exposure were present across studies included in the Choi et al. study, including levels of fluoride in drinking water, observed dental fluorosis, coal burning in houses (i.e., air fluoride levels), and urine fluoride. Despite this disparate collection of types of measurements, all exposure measures were treated equally in the analysis (Ref. 11, Table 1). The authors of the analysis identified a variety of data quality issues associated with this collection of studies. For example, they recognized that several of the populations studied had fluoride exposures from sources other than drinking water (e.g., coal burning; Refs. 13–15); they therefore controlled for this confounding factor by excluding such studies from their analysis. Co-exposures to other

potentially neurotoxic chemicals (e.g., iodine) (Refs. 16–18) and arsenic (Refs. 19–22) were also recognized and accounted for in the Choi et al. analysis to understand confounding by these factors. Yet the petitioners include such studies in making their assertion that fluoride is neurotoxic, but have not indicated any attempts to control for the confounding factors. Choi et al. also noted that basic information such as the study subjects' sex and parental education was missing in 80 percent of the studies and household income was missing in 93 percent of studies; they stated that they could not therefore control for these co-variables in their analysis. Consideration of these confounding factors and their impact on the applicability of these studies in a risk assessment context is evident in the authors' discussion. The authors caution readers that "our review cannot be used to derive an exposure limit, because the actual exposures of the individual children are not known" and they are measured in their conclusions (i.e., "our results support the possibility of adverse effects of fluoride exposures on children's neurodevelopment") (Ref. 11). The authors indicate that "further research should formally evaluate dose-response relationships based on individual-level measures of exposure over time, including more precise prenatal exposure assessment and more extensive standardized measures of neurobehavioral performance, in addition to improving assessment and control of potential confounders" (Ref. 11). EPA agrees with the conclusions by Choi et al. (Ref. 11) that the studies included in Table 1 of the petition are unsuitable for evaluating levels of fluoride associated with neurotoxic effects and for deriving dose-response relationships necessary for risk assessment.

The petition also cites an article by Grandjean and Landrigan (Ref. 23), for the proposition that fluoride is "known" to cause developmental neurotoxicity in humans. Grandjean and Landrigan refer only to the study of Choi et al. (2012), of which Grandjean is a co-author, in discussing fluoride. EPA's observations about the limitations of Choi et al. (2012) thus apply with equal force to the cited statement from Grandjean and Landrigan. Grandjean and Landrigan summarize that Choi et al. (2012) "suggests an average IQ decrement of about seven points in children exposed to raised fluoride concentrations." (Ref. 23). But Grandjean and Landrigan do not opine on whether fluoride exposures, arising from the purposeful addition of fluoridation chemicals to

U.S. water supplies, are in fact causing developmental neurotoxic effects to persons in the U.S. The petition itself concedes that the actual existence of such effects is unestablished, in urging EPA to conduct “a diligent risk assessment, per EPA’s *Guidelines*, to ensure that the general public, and sensitive subpopulations, are not ingesting neurotoxic levels” (Ref 1, p. 3).

The other meta-analysis cited in the petition (Ref. 12) showed that, based on 16 case-control studies in China, children living in an area with endemic fluorosis are more likely to have low IQ compared to children living in an area with slight fluorosis or no fluorosis. While this analysis may suggest an association between fluorosis and lowered IQ (both of which are possible effects of fluoride exposure at certain levels) any fluoride concentration-to-IQ effect relationship (*i.e.*, dose-response relationship) is only inferred because actual fluoride exposures were not measured. Further, the two effects (fluorosis and lower IQ) both occur at fluoride exposures well above those found in fluoridated U.S. drinking water, such that any inference would only apply at fluoride concentrations not relevant to exposures in the U.S. The studies in the Tang et al. review (Ref. 12) correlate one effect (fluorosis) to another effect (neurotoxicity), but do not establish a dose-response relationship between fluoride exposure and neurotoxicity. This lack of a dose-dependent increase in effect with increasing exposure is a critical limitation of these data. Establishing a dose-response relationship between exposure to a toxicant and an effect “is the most fundamental and pervasive concept in toxicology. Indeed, an understanding of this relationship is essential for the study of toxic materials” (Ref. 12). Likewise, the IQ changes noted in Table 1 (Ref. 1) do not increase with increasing water fluoride concentration (*e.g.*, dose) (Ref. 1).

The petition suggested that a dose-response relationship between urinary fluoride and IQ is seen in several studies (Refs. 24–26) shown in Figures 1–5 of the petition (Ref. 1). Assuming, as the petitioners claim, that all children were malnourished in the Das and Mondal (Ref. 26) study, it is not possible to determine whether effects on IQ were due to fluoride or to malnutrition (*i.e.*, nutritional status may be an uncontrolled confounding factor). The study authors caution that “it is difficult to determine with any degree of accuracy whether the difference of children’s IQ scores solely depends on the exposure dose because many social

and natural factors like economic condition, culture and geological environments are also responsible” (Ref. 26). Hence, extrapolating relationships from this study population to other populations is not scientifically defensible.

Choi et al. (2015) (Ref. 27) report that moderate and severe dental fluorosis was significantly associated with lower cognitive functions. However, associations between drinking water and urine fluoride and the same cognitive functions were not found to be significantly associated. They reached this conclusion from a study of 51 children in China and a comparison group of eight with dental fluorosis (Table 4 in Choi et al., 2015). The authors discuss potential problems associated with using these biomarkers of exposure to fluoride. For example, water samples may be imprecise because internal dose of fluoride depends on total water intake, and urine samples may be affected by the amount of water the subject drank prior to sampling. With regard to fluorosis, the degree of dental fluorosis is dependent not only on the total fluoride dose but also on the timing and duration of fluoride exposure. A person’s individual response to fluoride exposure depends on factors such as body weight, activity level, nutritional factors, and the rate of skeletal growth and remodeling. These variables, along with inter-individual variability in response to similar doses of fluoride, indicate that enamel fluorosis cannot be used as a biological marker of the level of fluoride exposure for an individual (Ref. 28). Hence, the petitioner’s use of fluorosis levels as a surrogate for evidence of neurotoxic harm to the U.S. population is inappropriate evidence to support an assertion of unreasonable risk to humans from fluoridation of drinking water.

The petition also cites four studies (Refs. 24, 29–31) that rely on human urine or serum fluoride concentrations as biomarkers of exposure but does not discuss the limitations associated with the biomarkers used in the studies. In their report, *Human Biomonitoring for Environmental Chemicals*, NRC defines properties of biomarkers and created a framework for grouping biomarkers of exposure (Ref. 32). Figure 3–1 in the NRC report illustrates the relationship between external dose (*e.g.*, water), internal dose (*e.g.*, fluoride concentration) and biological effects, and indicates that internal dose is measured through biomonitoring (*e.g.*, fluoride concentrations measured in urine or serum). NRC grouped the quality of biomarkers based on the

robustness of these relationships. NRC designated biomarkers for substances that have been observed in bodily fluids, but that lack established relationships between external dose (*e.g.*, water), internal dose (*e.g.*, urine or serum) and biological effects (*e.g.*, neurotoxicity) as “Group I” biomarkers. Although many human studies have been collated and reviewed in the petition, for the reasons outlined previously—particularly study design and confounding factors—relationships between urine and serum fluoride (internal doses), water fluoride concentration (external dose), and neurotoxic effects in humans have not been established. Further, serum and urine biomarkers for fluoride reflect only recent exposures, not long-term exposures, and may be different from the exposures during the specific time when developmental effects can occur. A lack of established sampling protocols and analytical methods are also hallmarks of “Group I” biomarkers. The main studies cited in the petition which attempt to relate urine or serum levels to possible neurotoxic effects suffer from either lack of good sampling protocols or absence of documenting the sampling protocols. Important issues such as the timing and methods of sample collection were also often not reported in the studies. Using the NRC Framework, urine and serum fluoride levels would be at best “Group I” biomarkers for fluoride-related neurotoxicity. The NRC Framework states “[b]iomarkers in this category may be considered useless” for risk assessment purposes (Ref. 32, p. 78).

2. *Recent epidemiological studies corroborate neurotoxic risk in Western populations.* The petition cites two studies from Western populations to attempt to corroborate the assertion that exposure to fluoridated water presents unreasonable risks for neurotoxicity. Two population-level studies were cited which link fluoridated water to attention-deficit/hyperactivity disorder (ADHD) prevalence in the U.S. (Ref. 6) and drinking water exposures and hypothyroidism prevalence in England (Ref. 7). These studies use cross-sectional population-level data to examine the association between ADHD and hypothyroidism and fluoridated water levels. The studies make reasonable use the population-level data available, but causal inference cannot be made from these studies (Ref. 3).

As stated in the conclusion of Malin and Till, an association has been reported, but “[p]opulation studies designed to examine possible mechanisms, patterns and levels of exposure, covariates and moderators of

this relationship are warranted” (Ref. 6, p. 8). In epidemiology, studies using cross-sectional data are most often used to generate hypotheses that need to be further studied to determine whether a “true” association is present. Ideally, the study designs and methods are improved by each study that is undertaken, such as, among other things, identifying additional potential confounders, considering timing issues or resolving ambiguity in collection of samples and disease outcome, improving upon the exposure analysis, and evaluating the magnitude and consistency of the results, so that the evaluation can adequately assess the association (Ref. 34). For example, the authors assert that there are design issues with their study, especially related to the exposure categories, and they suggest how to address these issues in future studies. Although it is possible that there may be biological plausibility for the hypothesis that water fluoridation may be associated with ADHD, this single epidemiological study is not sufficient to “corroborate” neurotoxic health effects, as stated in the petition. More study would be needed to develop a body of information adequate to make a scientifically defensible unreasonable risk determination under TSCA.

The Peckham et al. study (Ref. 7) suffers from similar issues noted in Malin and Till (Ref. 6). Adjustment for some confounders was considered, including sex and age, but other potential confounders (such as iodine intake) were not assessed. Fluoride from other sources and other factors associated with hypothyroidism were not assessed in this study. Exposure misclassification, in which populations are placed in the wrong exposure categories based on the water fluoridation status, is very possible in either of the studies presented and is a limitation of the study designs.

**3. Neurotoxic risks supported by animal and cell studies.** The National Toxicology Program (NTP) conducted a systematic review of animal and cell studies on the effects of fluoride on learning and memory available up to January 2016 (Ref. 35). Almost all (159 out of 171) of the animal and cell culture studies cited in the petition in Appendix D–E were included in the NTP systematic review. From among 4,656 studies identified in the NTP database search, 4,552 were excluded during title and abstract screening, 104 were reviewed at the full-text level and 68 studies were considered relevant and were included in the analysis. NTP assessed each study for bias, meaning a systematic error in the study that can

over or underestimate the true effect and further excluded any studies with a high risk of bias. Of the 68 studies, including studies provided by the Fluoride Action Network, 19 were considered to pose a very serious overall risk of bias, primarily based on concern for at least three of the following factors: Lack of randomization, lack of blinding at outcome assessment in conjunction with not using automated tools to collect information, lack of reporting on what was administered to animals (source, purity, chemical form of fluoride), lack of control for litter effects, lack of expected response in control animals, and lack of reporting of key study information such as the number or sex of animals treated. Of the studies cited in Table 4 in the petition, two were excluded from the NTP analysis because of serious concerns for study bias (Refs. 36 and 37). Based on its review of animal and cell studies, NTP concluded that “[t]he evidence is strongest (moderate level-of-evidence) in animals exposed as adults tested in the Morris water maze and weaker (low level-of-evidence) in animals exposed during development” and “[v]ery few studies assessed learning and memory effects at exposure levels near 0.7 parts per million, the recommended level for community water fluoridation in the United States.” The animal studies cited in the petition (Ref. 1, p. 14, Table 4) reflect these high drinking water exposures ranging from 2.3 mg/L to 13.6 mg/L, equivalent to 3–20 times the levels to which drinking water is fluoridated in the U.S. Overall, NTP concluded that, “[r]esults show low-to-moderate level-of-evidence in developmental and adult exposure studies for a pattern of findings suggestive of an effect on learning and memory” (Ref. 35, p. 52). Based on this review of available evidence, and the identified limitations in the database, NTP is currently pursuing experimental studies in rats to address key data gaps, starting with pilot studies that address limitations of the current literature with respect to study design (e.g., randomization, blinding, control for litter effects), and assessment of motor and sensory function to assess the degree to which impairment of movement may impact performance in learning and memory tests. If justified, follow-up studies would address potential developmental effects using lower dose levels more applicable to human intakes.

Two studies included in Table 4 (Ref. 1) were not included in the NTP review, but do not show neurotoxicity effects at doses relevant to U.S. populations. One

study aimed to establish vitamin A as a marker for fluoride neurotoxicity (Ref. 38), but changes in vitamin A were measured only at an excessive fluoride dose of 20 mg/L. The other study dosed rats with fluoride in drinking water (Ref. 39) and showed effects on behavior and brain neurotransmitters at a dose of 5 mg/L, a level well above the 0.7 parts per million level recommended for community water fluoridation in the United States. Other studies in Table 4, which, according to the title of the table, are indicative of “Water Fluoride Levels Associated with Neurotoxic Effects in Rodents,” erroneously report effect levels not supported by the studies themselves. In Wu et al. (Ref. 36), which NTP excluded based on high bias, no adverse effects were seen at a dose of 1 mg/kg-day as claimed in the petition. In fact, the behavioral effects occurred only at doses of 5 and 25 mg/L. In Chouhan et al. (Ref. 40), which NTP excluded in the initial screen for relevancy, no significant neurotoxicity was seen at 1 mg/L fluoride, in contrast to what the petition claims. In addition, the petition’s statement that “rats require 5 times more fluoride in their water to achieve the same level of fluoride in their blood as humans” (Ref. 1) as a rationale for why higher exposure levels in animals are relevant to lower levels in humans is not supported by the NTP review in the petition. The NTP review indicates that “assuming approximate equivalence [of drinking water concentrations in rodents and humans] is not unreasonable” (Ref. 35, p. 58). These several erroneously reported studies do not change EPA’s agreement with the conclusions of the NTP report that their “[r]esults show low-to-moderate level-of-evidence in developmental and adult exposure studies for a pattern of findings suggestive of an effect on learning and memory” (Ref. 35, p. 52).

In cell studies cited in the petition, two studies demonstrated effects following exposure of artificial brain cells to fluoride at concentrations in the range purported to be in the bloodstream of humans. However, relevance of cell assays to humans is limited because the concentrations of fluoride experienced by cells by themselves in culture are not directly comparable to an animal or human exposure due to lack of metabolism, interactions between cells, and the ability to measure chronic (long-term) effects (Ref. 41). Extrapolation from concentrations in cell cultures to human exposures is not straightforward. Pharmacokinetic modeling is necessary to convert the concentrations to a

human equivalent dose relevant to risk assessment (Ref. 42), but the petition did not address whether data are available or lacking to complete such an analysis.

4. *Susceptible subpopulations are at heightened risk.* The data and information provided in the petition do not support the claims that “nutritional status, age, genetics and disease are known to influence an individual’s susceptibility to chronic fluoride toxicity.” The only reference the petition presents that specifically addresses the claim that nutrient deficiencies (*i.e.*, deficiencies in iodine and calcium) can “amplify fluoride’s neurotoxicity” is the study by Das and Mondal (Ref. 26). However, the study did not measure any nutrients in their test subjects. Rather, they measured Body Mass Index (BMI), acknowledging that “BMI is the most commonly used measure for monitoring the prevalence of overweight and obesity at population level” and “it is only a proxy measure of the underlying problem of excess body fat or underweight cases.” Not only is the BMI an indirect proxy for the iodine and calcium deficiencies supposed in the petition, the BMI results presented in this study are themselves equivocal, as they show that BMIs ranged from underweight to overweight to obesity depending on the sex and age of the study subjects. Furthermore, the petition concedes that the Das and Mondal study data are only “suggestive” of an area with chronic malnutrition. A few human studies cited provide only suggestive evidence that low levels of iodine may increase the effects of high levels of fluoride in children, but these studies suffer from study design and confounding issues already described previously. Other cited studies describe the effects of iodine or calcium on rats or rat brain cells in addition to irrelevantly high fluoride levels. The petition also claims that a certain “COMT gene polymorphism greatly influences the extent of IQ loss resulting from fluoride exposure,” citing a study by Zhang et al. (Ref. 29) as support. The COMT gene encodes for the enzyme, catechol-O-methyltransferase, which is responsible for control of dopamine levels in the brain. Zhang et al. concludes that, “[t]he present study has several limitations. First, the cross-sectional observational design does not allow us to determine temporal or causal associations between fluoride and cognition. Second, the study has a relatively small sample size, which limits the power to assess effects of gene-environmental interactions on children’s IQ” (Ref. 29). Zhang et al.

continues “[d]espite the study limitations, this is the first gene-environment study investigating the potential impact of COMT single-nucleotide polymorphism (SNP) on the relationship between children’s cognitive performance and exposure to elemental fluoride” (Ref. 29). Several studies are cited in the petition to support the assertion that infants, the elderly and individuals with deficient nutritional intake and kidney disease are more susceptible to fluoride neurotoxicity. However, the level of supporting evidence from these studies (*i.e.*, to specify the potentially greater susceptibility of any particular subpopulation) is insufficient to overcome the petition’s broader failure to set forth sufficient facts to establish that fluoridation chemicals present an unreasonable risk to the general population, to allow EPA to reach a risk evaluation.

5. *RfD/RfC derivation and uncertainty factor application.* An oral Reference Dose or inhalation Reference Concentration is a daily exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious effects during a lifetime (Ref. 43). The petition cites EPA’s 1998 guidance document, *Guidelines for Neurotoxicity Risk Assessment* (Ref. 44), purporting that it demonstrates the necessity of applying an uncertainty factor of at least 10. It appears that the petition has selected the eight studies presented in Table 5 (Ref. 1, p. 19) as candidates for deriving a Reference Dose (RfD) or Reference Concentration (RfC). The petition asserts that these dose or concentration values are relevant oral reference values for neurotoxic effects. However, the petition fails to recognize that the question of applying an uncertainty factor does not even arise until one has first appropriately performed a hazard characterization for all health endpoints of concern (Ref. 30, Section 3.1). As outlined in EPA’s document, *A Review of the Reference Dose and Reference Concentration Processes* (Ref. 43), the first step in deriving an RfD or RfC is to evaluate the available database. The petition does not set forth the strengths and limitations of each of the studies in the overall database of available studies nor any criteria or rationale for selecting the eight particular studies from which to derive an RfD or RfC. Without setting forth the strengths and limitations associated with each study and the weight of evidence provided by the available database, a necessary step in any assessment, it is not possible to

determine whether uncertainty factors are necessary.

Following hazard characterization and identification of suitable studies for an RfD or RfC, uncertainty factors are generally applied to a lower limit dose or concentration on the continuum of observed effects (dose-response curve) in an individual study (*e.g.*, NOAEL, LOAEL, Benchmark Dose, etc.). The selection of uncertainty factors and their magnitude should be based on the quality of the data, extent of the database and sound scientific judgment and consider the impact of having adverse effects from an inadequate exposure as well as an excess exposure. Uncertainty factor values may be considered appropriate to account for uncertainties associated with extrapolating from (1) a dose producing effects in animals to a dose producing no effects, (2) subchronic to chronic exposure in animals, (3) animal toxicological data to humans (interspecies), (4) sensitivities among the members of the human population (intraspecies), and (5) deficiencies in the database for duration or key effects (Ref. 43). Conflicting statements in the petition indicate that there is both a robust and certain dose-response relationship between fluoride exposure and IQ including for sensitive subpopulations. However, the petition does not clearly identify which sources/types of uncertainty in the data exist, nor which of the aforementioned uncertainty factors should be applied based on the review of the selected studies.

6. *Benefits to public health.* The petition asserts that the fluoridation of drinking water confers little benefit to public health, claiming that the primary benefit of fluoride comes from topical fluoride contact with the teeth and that there is thus little benefit from ingesting fluoride in water or any other product. The petition claims there are no randomized controlled trials on the effectiveness of fluoridation, and that few studies adequately account for potential confounding factors. In addition, the petition states that modern studies of fluoridation and tooth decay have found small, inconsistent and often non-existent differences in cavity rates between fluoridated and non-fluoridated areas. Further, the petition questions the cost-effectiveness of fluoridation relative to costs associated with what have been asserted to be fluoridation-related drops in IQ. The petition argues, then, that there is “little justification” in exposing the public to “any risk” of fluoride neurotoxicity (Ref. 1).



EPA does not believe that the petition has presented a well-founded basis to doubt the health benefits of fluoridating drinking water. The petition's argument about fluoridation benefits (*i.e.*, that the risks of neurotoxic health effects from fluoridation are unreasonable in part because they outweigh the expected health benefits arising from exposure to fluoride) depends on first setting forth sufficient facts to establish the purported neurotoxic risks, to which the countervailing health benefits from fluoridation could be compared. But as noted earlier, EPA and other authoritative bodies have previously reviewed many of the studies cited as evidence of neurotoxic effects of fluoride in humans and found significant limitations in using them to draw conclusions on whether neurotoxicity is associated with fluoridation of drinking water. Irrespective of the conclusions one draws about the health benefits of drinking water fluoridation, the petition did not set forth sufficient facts to justify its primary claims about purported neurotoxic effect from drinking fluoridated water.

The petition cites several studies as evidence that water fluoridation does not have any demonstrable benefit to the prevention of tooth decay (Refs. 45–49). However, EPA has found substantial concerns with the designs of each of these studies including small sample size and uncontrolled confounders, such as recall bias and socioeconomic status. Additionally, in Bratthall et al. (Ref. 45), for example, the appropriate interpretation of the responses of the 55 dental care professionals surveyed, based on the data provided in the paper, is that in places where water is fluoridated, the fluoridation is the primary reason for the reduction in dental caries. Diesendorf (Ref. 49) cites only anecdotal evidence and Cheng et al. (Ref. 46) is commentary only, with no supporting data.

EPA is mindful of the public health significance of reducing the incidence of dental caries in the U.S. population. Dental caries is one of the most common childhood diseases and continues to be problematic in all age groups. Historically, the addition of fluoride to drinking water has been credited with significant reductions of dental caries in the U.S. population. In 2000, the then-Surgeon General noted that “community water fluoridation remains one of the great achievements of public health in the twentieth century—an inexpensive means of improving oral health that benefits all residents of a community, young and old, rich and poor alike.”

The U.S. Surgeon General went on to note, “it [is] abundantly clear that there are profound and consequential disparities in the oral health of our citizens. Indeed, what amounts to a silent epidemic of dental and oral diseases is affecting some population groups.” (Ref. 50).

At that time, among 5- to 17-year-olds, dental caries was more than five times as common as a reported history of asthma and seven times as common as hay fever. Prevalence increases with age. The majority (51.6 percent) of children aged 5 to 9 years had at least one carious lesion or filling in the coronal portion of either a primary or a permanent tooth. This proportion increased to 77.9 percent for 17-year-olds and 84.7 percent for adults 18 or older. Additionally, 49.7 percent of people 75 years or older had root caries affecting at least one tooth (Ref. 50).

More recently, from the National Health and Nutrition Examination Survey (NHANES) for 2011–2012, approximately 23% of children aged 2–5 years had dental caries in primary teeth. Untreated tooth decay in primary teeth among children aged 2–8 was twice as high for Hispanic and non-Hispanic black children compared with non-Hispanic white children. Among those aged 6–11, 27% of Hispanic children had any dental caries in permanent teeth compared with nearly 18% of non-Hispanic white and Asian children. About three in five adolescents aged 12–19 years had experienced dental caries in permanent teeth, and 15% had untreated tooth decay (Refs. 51).

Further, in 2011–2012, 17.5 percent of Americans ages 5–19 years were reported to have untreated dental caries, while 27.4 percent of those aged 20–44 years had untreated caries (Ref. 52). For those living below the poverty line, 24.6 percent of those aged 5–19 years and 40.2 percent of those aged 20–44 years had untreated dental caries (Ref. 52). Untreated tooth decay can lead to abscess (a severe infection) under the gums which can spread to other parts of the body and have serious, and in rare cases fatal, results (Ref. 53). Untreated decay can cause pain, school absences, difficulty concentrating, and poor appearance, all contributing to decreased quality of life and ability to succeed (Ref. 54).

These data continue to suggest dental caries remains a public health problem affecting many people. Fluoride has been proven to protect teeth from decay by helping to rebuild and strengthen the tooth's surface or enamel. According to the Centers for Disease Control and Prevention and the American Dental

Association, water fluoridation prevents tooth decay by providing frequent and consistent contact with low levels of fluoride (Refs. 55 and 56). Thus, the health benefits of fluoride include having fewer cavities, less severe cavities, less need for fillings and removing teeth, and less pain and suffering due to tooth decay (Ref. 55).

Fluoride protects teeth in two ways—systemically and topically (Ref. 57). Topical fluorides include toothpastes, some mouth rinse products and professionally applied products to treat tooth surfaces. Topical fluorides strengthen teeth already in the mouth by becoming incorporated into the enamel tooth surfaces, making them more resistant to decay. Systemic fluorides are those ingested into the body. Fluoridated water and fluoride present in the diet are sources of systemic fluoride. As teeth are developing (pre-eruptive), regular ingestion of fluoride protects the tooth surface by depositing fluorides throughout the entire tooth surface (Ref. 56). Systemic fluorides also provide topical protection as ingested fluoride is present in saliva which continually bathes the teeth (Ref. 56). Water fluoridation provides both systemic and topical exposure which together provide for maximum reduction in dental decay (Ref. 56).

The Surgeon General, the Public Health Service and the Centers for Disease Control and Prevention reaffirmed in 2015 the importance of community water fluoridation for the prevention of dental caries and its demonstrated effectiveness (Refs. 54 and 58). In the Public Health Service's 2015 *Recommendation for Fluoride Concentration in Drinking Water*, they note “there are no randomized, double-blind, controlled trials of water fluoridation because its community-wide nature does not permit randomization of individuals to study and control groups or blinding of participants. However, community trials have been conducted, and these studies were included in systematic reviews of the effectiveness of community water fluoridation. As noted, these reviews of the scientific evidence related to fluoride have concluded that community water fluoridation is effective in decreasing dental caries prevalence and severity” (Ref. 59).

7. *Extent and magnitude of risk from fluoridation chemicals.* The petition argues that the purported risks of drinking water fluoridation are unreasonable in part because they are borne by a large population. The petition (in its discussion of the extent and magnitude of risk posed) cites the total U.S. population and estimates the

number of U.S. children under the age of 18 years who live in areas where artificial fluoridation occurs. That estimate is then multiplied by an estimate of the average decrease in lifetime earnings associated with IQ point loss to calculate the overall potential IQ point loss and associated decrease in lifetime earnings for the segment of the U.S. population under the age of 18 years potentially exposed to artificially fluoridated water. The petition concludes, based on the potential extent and magnitude of exposure to fluoridation chemicals, that fluoridation would have caused “a loss of between 62.5 to 125 million IQ points” (Ref. 1, p. 24).

The petition has not set forth a scientifically defensible basis to conclude that any persons have suffered neurotoxic harm as a result of exposure to fluoride in the U.S. through the purposeful addition of fluoridation chemicals to drinking water or otherwise from fluoride exposure in the U.S. Still less has the petition set forth a scientifically defensible basis to estimate an aggregate loss of IQ points in the U.S., attributable to this use of fluoridation chemicals. As noted previously, EPA has determined the petition did not establish that fluoridation chemicals present an unreasonable risk of injury to health or the environment, arising from these chemical substances’ use to fluoridate drinking water. The fact that a purported risk relates to a large population is not a basis to relax otherwise applicable scientific standards in evaluating the evidence of that purported risk. EPA and other authoritative bodies have previously reviewed many of the studies cited as evidence of neurotoxic effects of fluoride in humans and found significant limitations in using them to draw conclusions on whether neurotoxicity is associated with fluoridation of drinking water. In contrast, the benefits of community water fluoridation have been demonstrated to reduce dental caries, which is one of the most common childhood diseases and continues to be problematic in all age groups. Left untreated, decay can cause pain, school absences, difficulty concentrating, and poor appearance, all contributing to decreased quality of life and ability to succeed (Ref. 54).

8. *Consequences of eliminating use of fluoridation chemicals.* Apparently citing to a repealed provision of TSCA (15 U.S.C. 2605(c)[1](A) (2015)) and guidance issued with respect to that statutory provision, the petition argues that the following factors are germane to

determining whether the alleged neurotoxic risks presented by fluoridation chemicals are unreasonable: “the societal consequences of removing or restricting use of products; availability and potential hazards of substitutes, and impacts on industry, employment, and international trade.” Along these lines, the petition includes claims such as the following: That any risks of fluoridation chemicals could be easily reduced by discontinuing purposeful fluoridation practices; that alternative topical fluoride products have widespread availability; and that the impacts on the requested rule on industry, employment, and international trade would be little, if any. In short, the petition urges EPA to conclude that the risks of fluoridation chemicals are unreasonable, in part because if EPA found that the risks were unreasonable, the cost and non-risk factors that EPA would need to address in ensuing risk management rulemaking could be readily addressed. But this sort of ends-driven reasoning is forbidden by the texts of section 6(b)(4)(A) and 21(b)(4)(B)(ii) of the amended TSCA, which exclude “costs or other non-risk factors” from the unreasonable risk determination. It is also plainly inconsistent with Congress’ intent, in amending TSCA, to “de-couple” the unreasonable risk decision from the broader set of issues (e.g., chemical alternatives and regulatory cost-effectiveness) that may factor into how best to manage unreasonable risks, once particular risks have been determined to be unreasonable. See S. Rep. 114–67 at 17 (Ref. 3); H.R. Rep. 114–176 at 23 (Ref. 4); and 162 Cong. Rec. S3516 (Ref. 60).

9. *Link to elevated blood lead levels.* To support the contention that TSCA (and not the Safe Drinking Water Act [SDWA]) is the appropriate regulatory authority, the petition asserts an association between fluoridation chemicals and elevated blood lead levels and claims that there is laboratory and epidemiological research linking artificial fluoridation chemicals with pipe corrosion. The petition then argues that issuing a rule under TSCA section 6 rather than SDWA would allow EPA to specifically target and prohibit the addition of fluoridation chemicals to drinking water. The petition argues that SDWA would not allow EPA to distinguish between intentionally-added, artificial and naturally-occurring fluoride. It is in the public interest, says the petition, to opt for the regulatory option that is less expensive and can be more narrowly tailored.

Regarding the claims about the relative extent of legal authorities under

TSCA and SDWA, EPA notes that the petition has not set forth any specific legal basis for its views on the purported limitations of SDWA. For this reason, and because the petition has not set forth facts sufficient to show that the fluoridation of drinking water presents an unreasonable risk under TSCA, the Agency need not resolve such legal questions in order to adjudicate this petition.

EPA has further observations about the petition’s claims that drinking water fluoridation is linked to lead hazards. The Centers for Disease Control and Prevention (CDC) studied the relationship between fluoridation additives and blood lead levels in children in the United States (Ref. 61). More than 9,000 children between the ages of 1–16 years were included in the study’s nationally representative sample. The petition argues that the study, and Table 4 in particular, shows that fluorosilicic acid was associated with increased risk of high blood lead levels. In fact, Macek et al. concluded that their detailed analyses did not support concerns that silicofluorides in community water systems cause high lead concentrations in children. The petition also points to another study (Ref. 62) which re-analyzed CDC’s data and concluded that children exposed to “silicofluoridated” water had an elevated risk of having high blood lead levels. Coplan et al. (Ref. 62) criticized the Macek et al. approach as flawed and reevaluated the NHANES data comparing systems that used silicofluorides to all systems (e.g., a combination of fluoridated, nonfluoridated and naturally fluoridated) and found a small difference between the number of children in each group with blood lead levels >5 µg/dL; the results were not evaluated to see if the difference was statistically significant. A number of other chemical characteristics are known to increase lead release into water sources such as pH, natural organic matter, water hardness, oxidant levels, and type of piping, age of housing; the Coplan et al. study did not evaluate these factors.

In any event, the Agency is not persuaded that the examination of the relationship between fluoridation chemicals, pipe corrosion, and elevated blood lead levels nor their bearing on the comparative efficacy of TSCA or SDWA is germane to the disposition of the petition. Under TSCA, where the EPA Administrator determines “that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture . . . presents an unreasonable risk of injury

to health or the environment, the Administrator shall by rule [regulate a] . . . substance or mixture to the extent necessary so that the chemical substance or mixture no longer presents such risk” 15 U.S.C. 2605(a). As previously discussed, the petition does not demonstrate that purposeful addition of fluoridation chemicals to U.S. water supplies presents such unreasonable risk.

10. *Regulation of fluoridation chemicals as a category.* EPA has broad discretion to determine whether to regulate by category under TSCA section 26(c) rather than by individual chemical substances. In a prior evaluation of a section 21 petition seeking the regulation of a category of chemical substances, EPA explained that it does so in light of Congress’ purpose in establishing the category authority: To “facilitate the efficient and effective administration” of TSCA. See 72 FR 72886 (Ref. 63) (citing Senate Report No. 94–698 at 31). It is of course self-evident that various chemical substances constituting “fluoridation chemicals” would have in common their use to fluoridate drinking water. But as discussed in Unit III., the inquiry does not end there. If EPA were to grant the petitioner’s request, the Agency would become obligated to address all conditions of use of the category. If certain chemical substances comprising the category present conditions of use that other members do not, and any of those conditions of use would be significant to whether the category as a whole presents an unreasonable risk to human health or the environment, then the overall approach of regulating by category is less suited to the efficient and effective administration of TSCA. But the petition does not set forth facts that would enable the Agency to reasonably evaluate whether a category approach on fluoridation chemicals would be consistent with the efficient and effective administration of TSCA. Nor does the petition set forth the specific chemical substances that should comprise the category of fluoridation chemicals.

11. *Specification of an adequate rule under TSCA section 6(a).* As discussed earlier, the petition does not set forth facts that satisfactorily demonstrate to the Agency that fluoridation chemicals present an unreasonable risk to human health, specifically arising from these chemical substances’ use to fluoridate drinking water. But even if the petition had done so, it would still be inadequate as a basis to compel the commencement of section 6(a) rulemaking proceeding under TSCA section 21. This is because the petition

does not address whether fluoridation chemicals would still present an unreasonable risk, even after implementing the requested relief, arising from other conditions of use. As discussed earlier in Unit III., EPA interprets TSCA section 21 as requiring a petition to address the full set of conditions of use for a chemical substance and thereby describe an adequate rule under TSCA section 6(a), as opposed to a rule that would merely address a particular subset of uses of special interest. The petition at issue pays little or no attention to the other conditions of use of the various fluoridation chemicals (*i.e.*, uses other than the eponymous use to treat drinking water) and makes no claim for any of these chemical substances that the risks to be addressed by curtailing drinking water fluoridation would be the only unreasonable risks or even the most significant unreasonable risks. This problem is compounded by the petition’s lack of specificity as to which chemical substances are being construed as “fluoridation chemicals.”

EPA acknowledges that its interpretation of the requirements of TSCA section 21, for petitions seeking action under TSCA section 6, was not available to petitioners at the time they prepared this petition. EPA has issued general guidance for preparing citizen’s petitions, 50 FR 56825 (1985), but that guidance does not account for the 2016 amendments to TSCA. Particularly relevant under these circumstances, the Agency wishes to emphasize that its denial does not preclude petitioners from obtaining further substantive administrative consideration, under TSCA section 21, of a substantively revised petition under TSCA section 21 that clearly identifies the chemical substances at issue, discusses the full conditions of use for those substances, and sets forth facts that would enable EPA to complete a risk evaluation under TSCA section 6(b) for those substances.

## VI. References

As indicated under **ADDRESSES**, a docket has been established for this document under docket ID number EPA–HQ–OPPT–2016–0763. The following is a listing of documents that are specifically referenced in this notice. The docket itself includes both these referenced documents and further documents considered by EPA. The docket also includes supporting documents provided by the petitioner and cited in the petition, which are not available in the electronic version of the docket. For assistance in locating these printed documents, please consult the

technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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2. EPA. Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act; Notice. **Federal Register** (82 FR 7562, January 19, 2017).
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#### List of Subjects

Environmental protection,  
Fluoridation chemicals, Drinking water,  
Toxic Substances Control Act (TSCA).

Dated: February 17, 2017.

**Wendy Cleland-Hamnett,**

*Acting Assistant Administrator, Office of  
Chemical Safety and Pollution Prevention.*

[FR Doc. 2017-03829 Filed 2-24-17; 8:45 am]

**BILLING CODE 6560-50-P**

# Notices

Federal Register

Vol. 82, No. 37

Monday, February 27, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No.: AMS-SC-17-0010]

#### Notice of Request for a Revision to and Extension of Approval of an Information Collection: Qualitative Feedback on Agency Service Delivery

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Revision to and extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB), for a revision to and an extension of approval of an information collection associated with qualitative customer and stakeholder feedback on service delivery by the AMS.

**DATES:** All comments received by April 28, 2017 will be considered.

**ADDRESSES:** Comments are welcome and should referenced OMB No. 0581-0269 and AMS' Qualitative Feedback on Agency Service Delivery, and the date and page number of this issue of the **Federal Register**. Comments may be submitted by mail to the Docket Clerk, Legislative & Regulatory Review Staff, AMS, USDA, 1400 Independence Avenue SW., Stop 0202, Room 3943-S, Washington, DC 20250; Fax: (202) 690-3767; or submitted online at [www.regulations.gov](http://www.regulations.gov). All comments received will be available for public inspection in the Office of the Docket Clerk during regular USDA business hours or they can be viewed at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Marylin Pish, Legislative & Regulatory Review Staff, Agricultural Marketing Service, U.S. Department of

Agriculture, 1400 Independence Avenue SW., Stop 0202, Room 3943-S, Washington, DC 20250. Phone: (202) 580-9971. Fax: (202) 690-3767. Email: [Marilyn.pish@ams.usda.gov](mailto:Marilyn.pish@ams.usda.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery-AMS.

*OMB Number:* 0581-0269.

*Expiration Date of Approval:* July 31, 2017.

*Type of Request:* Revision to and extension of approval of an information collection.

*Abstract:* The proposed information collection activity provides a means for AMS to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Agency's commitment to improving service delivery.

By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations; provide an early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. This collection will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

AMS will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of

respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;

- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- The collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of AMS (if released, AMS must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collection will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding this study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, this information collection will not result in any new

system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

AMS currently has approval from the Office of Management and Budget (OMB) for this information collection. This approval is for 60,000 burden hours, based on our initial request to OMB in April 2011. We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .50 hours per response.

*Respondents:* Individuals and households; businesses and organizations; State, local, or Tribal government.

*Estimated Annual Number of Respondents:* 110,000.

*Estimated Number of Responses:* 110,000.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 60,000/(Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Comments may be sent to [name and address of AMS representative]. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: February 22, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017-03812 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[AMS-CN-16-0108]

#### Cotton Research and Promotion Program: Request for Comments To Be Used in a Review of 1990 Amendments to the Cotton Research and Promotion Act

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** As provided for by the Cotton Research and Promotion Act Amendments of 1990, the Agricultural Marketing Service (AMS) is announcing its intention to conduct a review to ascertain whether a referendum is needed to determine whether producers and importers favor continuation of amendments to the Cotton Research and Promotion Order (Order). This notice invites all interested parties to submit written comments to the Department of Agriculture (USDA). USDA will consider these comments in determining whether a referendum is warranted.

**DATES:** Comments must be received on or before April 28, 2017.

**ADDRESSES:** Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS-CN-16-0108, may be submitted electronically through the *Federal eRulemaking Portal* at <http://www.regulations.gov>. Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Written comments should be submitted in triplicate. All comments received will

be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361-2726, facsimile (540) 361-1199, or email at [Shethir.Riva@ams.usda.gov](mailto:Shethir.Riva@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101-2118) authorized a national Cotton Research and Promotion Program which is industry operated and funded, with oversight by USDA. The program's objective is to enable cotton growers and importers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for cotton.

The program became effective on December 31, 1966, when the Cotton Research and Promotion Order (7 CFR part 1205) was issued. Assessments began with the 1967 cotton crop. The Order was amended and a supplemental assessment initiated, effective January 26, 1977.

The program is currently financed through assessments levied on domestic and imported cotton and cotton-containing products. Assessments under this program are used to fund promotional campaigns and to conduct research in the areas of U.S. marketing, international marketing, cotton production and processing, and textile research and implementation.

The program is administered by the Cotton Board, which has 37 members, 37 alternate members and four advisors. The Cotton Board is composed of representatives of cotton producers and cotton importers, each of whom has an alternate selected by the Secretary of Agriculture from nominations submitted by eligible producer and importer organizations. All members and their alternates serve terms of 3 years. The Cotton Board's responsibility is to administer the provisions of the Cotton Research and Promotion Order issued pursuant to the Act. These responsibilities include collecting, holding and safeguarding funds; making refunds when refunds are a provision of the Order; contracting with an organization for the development and implementation of programs of research and promotion; reviewing and making recommendations to the Secretary of Agriculture on proposed programs and

budgets; and making funds available for such programs when approved. The objective of the Cotton Research and Promotion Program is to strengthen cotton's competitive position and to maintain and expand domestic and foreign markets and uses for cotton. The Cotton Board is prohibited from participating in any matters influencing governmental policies or action except making recommendations for amendments to the Order.

Amendments to the Act were enacted under subtitle G of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624, 104 Stat. 3909, November 28, 1990). These amendments provided for: (1) Importer representation on the Cotton Board; (2) the assessment of imported cotton and cotton products; (3) increasing the amount the Secretary of Agriculture can be reimbursed for conduct of a referendum from \$200,000 to \$300,000; (4) reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of a producer to demand a refund of assessments. The Act Amendments of 1990 were approved by a majority (60 percent) of importers and producers of cotton voting in a referendum conducted July 17-26, 1991, as required by the Act. Results of this referendum were announced in a nationally distributed press release dated August 2, 1991.

The Cotton Research and Promotion Act Amendment of 1990, Section 8(c)(1) provides that once every 5 years after the July 1991 referendum, the Secretary of Agriculture is to conduct a review to ascertain whether a referendum is needed. In such a referendum, producers and importers would determine whether they favor continuation of the amendments to the Order provided for in the Cotton Research and Promotion Act Amendments of 1990. These amendments to the Order were promulgated in final rules published in the **Federal Register** on December 10, 1991 (56 FR 64470), corrected at 56 FR 66670.

The results of the most recent review report of the Cotton Research and Promotion Program were issued on May 29, 2013. USDA announced its view (78 FR 32228) not to conduct a referendum regarding the 1991 amendments to the Order. In accordance with Section 8(c)(2) of the Act, USDA provided an opportunity for all eligible persons to request a continuance referendum on the 1991 amendments by making such a request during a sign-up period. During the period of August 3-August

14, 2015, the Department conducted a sign-up period for all eligible persons to request a continuance referendum on the 1990 Act amendments. The announced results of the sign-up period (80 FR 76654) did not meet the criteria established for a continuance referendum by the Cotton Research and Promotion Act and therefore, a referendum was not conducted.

In 2017, in accordance with the provisions of the Act, the Secretary of Agriculture will conduct its review of the Cotton Research and Promotion Program Act amendments to ascertain whether a referendum is needed to determine whether producers and importers support continuation of the amendments to the Order, as provided for by the 1990 Act amendments. The Secretary of Agriculture will make a public announcement of the results of the review. Pursuant to the Act, if the Secretary of Agriculture determines that a referendum is needed, the Secretary of Agriculture will conduct the referendum within 12 months after a public announcement of the determination to conduct the referendum.

If the Secretary determines that a referendum is not warranted, a sign-up period to request such a referendum will be made available to cotton producers and importers. A referendum will be held if requested by 10 percent or more of those voting in the most recent referendum as long as not more than 20 percent are from any one State or importers of cotton. This sign-up period would be announced in the **Federal Register**. A 60-day comment period is provided for interested persons to provide comments to be used by USDA in its review. All interested persons are invited to submit written comments.

**Authority:** 7 U.S.C. 2101-2118.

Dated: February 21, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017-03709 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Increase in Fiscal Year 2017 Specialty Sugar Tariff-Rate Quota

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** The Office of the Secretary of the Department of Agriculture (the Secretary) is providing notice of an

increase in the fiscal year (FY) 2017 specialty sugar tariff-rate quota (TRQ) of 40,000 metric tons raw value (MTRV).

**DATES:** *Effective Date:* February 27, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Souleymane Diaby, Import Policies and Export Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., AgStop 1021, Washington, DC 20250-1021; by telephone (202) 720-2916; by fax (202) 720-0876; or by email to [Souleymane.Diaby@fas.usda.gov](mailto:Souleymane.Diaby@fas.usda.gov).

**SUPPLEMENTARY INFORMATION:** On May 6, 2016, USDA announced the establishment of the in-quota quantity of the FY 2017 refined sugar TRQ at 162,000 MTRV for which the sucrose content, by weight in the dry state, must have a polarimeter reading of 99.5 degrees or more (81 FR 27390, May 6, 2016). This amount included the minimum level to which the United States is committed under the WTO Uruguay Round Agreements (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugar) and an additional 140,000 MTRV reserved for specialty sugars.

Pursuant to Additional U.S. Note 5 to Chapter 17 of the U.S. Harmonized Tariff Schedule (HTS) and Section 359k of the Agricultural Adjustment Act of 1938, as amended, the Secretary today increased the overall FY 2017 refined sugar TRQ by 40,000 MTRV to 202,000 MTRV. The increased amount is reserved for specialty sugar. Entry of this sugar will be permitted beginning March 1, 2017. The sugar entered under this tariff-rate quota is reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

Dated: February 7, 2017.

**Jason Hafemeister,**

*Acting Deputy Under Secretary, Farm and Foreign Agricultural Services.*

[FR Doc. 2017-03826 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

February 22, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary



for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 29, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### **Animal and Plant Health Inspection Service**

*Title:* Customer Service Survey Project.

*OMB Control Number:* 0579-0334.

*Summary of Collection:* The Animal Health Protection Act of 2002 (7, U.S.C. 8301, *et seq.*), authorizes the Secretary of the U.S. Department of Agriculture to prevent, control and eliminate domestic diseases such as tuberculosis and brucellosis and to take actions to prevent and to manage foreign animal diseases such as hog cholera, foot-and-mouth disease. The Veterinary Services (VS) program of the Animal and Plant Health Inspection Service (APHIS), USDA, carries out this work. This information collection solicits the beliefs and opinions of persons who use VS services and products. The survey is required to solicit information from the general public who utilize the business services and animal programs

administered by the USDA, APHIS, and VS.

*Need and Use of the Information:* The data collected from the survey will provide the local Area Office Manager with a general view of the public's perception of customer service and indicate problems which can be addressed locally. The survey will also provide feedback from the public on recommendations to improve upon customer service and provide a vehicle in which questions can be asked about VS to educate the public.

*Description of Respondents:* Business or other for-profit; Farms; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 15,050.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 760.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017-03749 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-34-P**

## **DEPARTMENT OF AGRICULTURE**

### **Submission for OMB Review; Comment Request**

February 21, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 29, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit

their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### **Foreign Agricultural Service**

*Title:* Certificate for Quota Eligibility (CQE).

*OMB Control Number:* 0551-0014.

*Summary of Collection:* Imports of raw cane sugar are subject to a tariff-rate import quota (TRQ) that is allocated on a country-by-country basis to foreign countries or areas. A U.S. certificate for quota eligibility (CQE) issued by USDA and authenticated by a certifying authority in the foreign country permits entry of raw cane sugar under the TRQ. U.S. Note 5 (a)(i) of the Harmonized Tariff Schedule of the United State requires the Secretary to establish a TRQ for raw-cane sugar (entered under HTS 1701.12.10 and 1701.14.10) during each fiscal year with a minimum TRQ amount of 1,117,195 metric tons, raw value. In Addition 5 (b)(1) authorizes the U.S. Trade Representative to allocate the raw-cane sugar tariff-rate quota among supplying countries. CQEs are issued to the 40 countries that receive TRQ allocations to export sugar to the United State. The CQE is completed by the certifying authority in the foreign country that certifies that the sugar being exported to the United States was produced in the foreign country that has the TRQ allocation. The Foreign Agriculture will collect information using form FAS-961.

*Need and Use of the Information:* FAS will collect the following information:

(1) Country of origin or area of the eligible raw cane sugar; (2) quota period; (3) quantity of raw cane sugar to be exported; (4) details of the shipment (shipper, vessel, port of loading); and (5) additional details if available at the time of shipment (consignee, address of consignee, expected date of departure, expected date of arrival in the U.S., expected port of arrival). The information will help determine if the quantity to be imported is eligible to be entered under the TRQ. Without the CQEs, USDA/FAS and CBP could not

administer the raw cane sugar TRQs authorized under U.S. law.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 40.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 519.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017-03695 Filed 2-24-17; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-13-2017]

#### Foreign-Trade Zone (FTZ) 7— Mayaguez, Puerto Rico; Notification of Proposed Production Activity; Romark Global Pharma, LLC; Subzone 7P; Manatí, Puerto Rico (Pharmaceuticals)

Romark Global Pharma, LLC (Romark), operator of Subzone 7P, submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 7P, in Manatí, Puerto Rico. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 6, 2017.

The Romark facility, currently under construction, will be used to produce finished pharmaceutical products and active ingredients. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Romark from customs duty payments on the foreign-status components used in export production. On its domestic sales, Romark would be able to choose the duty rates during customs entry procedures that apply to Alinia® (nitazoxanide) tablets and oral suspension, nitazoxanide controlled release bilayer tablets, and nitazoxanide (active pharmaceutical ingredient) (duty rates—free and 6.5%) for the foreign-status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Croscarmellose sodium; microcrystalline cellulose; plastic bottles; container labels; glass bottles;

plastic caps; paper board cartons; colloidal silicon dioxide; cotton coil packaging; desiccant bags; dibasic calcium phosphate; hydroxypropyl cellulose; hydroxypropylmethylcellulose; hypromellose; product information paper inserts; magnesium stearate; pregelatinized corn starch; anhydrous citric acid; corn starch; strawberry flavoring with alcohol; sodium carboxymethylcellulose; nitazoxanide; sodium benzoate; sodium citrate dihydrate; sodium starch glycolate; talc; purified water; and, xanthan gum (duty rates range from free to 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is April 10, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Diane Finver at [Diane.Finver@trade.gov](mailto:Diane.Finver@trade.gov) or (202) 482-1367.

Dated: February 21, 2017.

**Andrew McGilvray,**  
*Executive Secretary.*

[FR Doc. 2017-03777 Filed 2-24-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Calendar of Upcoming Trade Missions

**AGENCY:** International Trade Administration, Department of Commerce

**ACTION:** Notice

**SUPPLEMENTARY INFORMATION:** The United States Department of Commerce, International Trade Administration (ITA) is announcing eight upcoming trade missions that will be recruited, organized and implemented by ITA. These missions are:

- Executive-Led Wastewater Treatment Business Development Mission to China, June 11-17, 2017
- Paint & Coatings Materials Suppliers Trade Mission to Mexico City, June 18-20, 2017
- U.S. Healthcare Trade Mission to Africa, October 22-27, 2017

- Cyber Security Trade Mission to Canada, September 11-14, 2017
- Smart Cities Trade Mission to Poland and The Czech Republic, September 10-15, 2017
- Sustainable Building and Construction Trade Mission to Mexico City (Optional Stop in Guadalajara), October 9-13, 2017
- Trade Mission to Romania, Bulgaria, Croatia, Serbia and Greece in Conjunction with Trade Winds—Southeastern Europe Business Forum, October 16-24, 2017
- Renewable Energy Integration Trade Mission to Canada, October 30–November 2, 2017

A summary of each mission is found below. Application information and more detailed mission information, including the commercial setting and sector information, can be found at the trade mission Web site: <http://export.gov/trademissions>.

For each mission, recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<http://export.gov/trademissions>) and other Internet Web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

*The following Conditions for Participation will be used for each mission:* Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on their products and/or services, primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may either: Reject the application, request additional information/clarification, or take the lack of information into account when evaluating the application. If the requisite minimum number of participants are not selected for a particular mission by the recruitment deadline, the mission may be cancelled.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content by value. In the case of a trade association or organization, the applicant must certify that, for each firm or service provider to be represented by the association/organization, the products and/or services the

represented firm or service provider seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51% U.S. content.

A trade association/organization applicant must certify to the above for all of the companies it seeks to represent on the mission.

In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;

- Certify that it has identified any matter pending before any bureau or office in the Department of Commerce;

- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and

- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

*The following Selection Criteria will be used for each mission:* Targeted mission participants are U.S. firms, services providers and trade associations/organizations providing or promoting U.S. products and services that have an interest in entering or expanding their business in the mission's destination country. The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm or service provider's) products or services to these markets;

- The applicant's (or in the case of a trade association/organization, represented firm or service provider's) past, present, and prospective business activity in relation to the Mission's target market(s) and sector(s);

- The applicant's (or in the case of a trade association/organization, represented firm or service provider's) potential for business in the markets, including likelihood of exports resulting from the mission; and

- Consistency of the applicant's (or in the case of a trade association/organization, represented firm or service

provider's) goals and objectives with the stated scope of the mission.

Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

*Trade Mission Participation Fees:* If and when an applicant is selected to participate on a particular mission, a payment to the Department of Commerce in the amount of the designated participation fee below is required. Upon notification of acceptance to participate, those selected have 5 business days to submit payment or the acceptance may be revoked.

Participants selected for a trade mission will be expected to pay for the cost of personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. Participants will, however, be able to take advantage of U.S. Government rates for hotel rooms. In the event that a mission is cancelled, no personal expenses paid in anticipation of a mission will be reimbursed. However, participation fees for a cancelled mission will be reimbursed to the extent they have not already been expended in anticipation of the mission.

If a visa is required to travel on a particular mission, applying for and obtaining such visas will be the responsibility of the mission participant. Government fees and processing expenses to obtain such visas are not included in the participation fee. However, the Department of Commerce will provide instructions to each participant on the procedures required to obtain business visas.

Trade Mission members participate in trade missions and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The U.S. Government does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues U.S. Government international travel alerts and warnings for U.S. citizens available at <https://travel.state.gov/content/passports/en/alertswarnings.html>. Any question regarding insurance coverage must be resolved by the participant and its insurer of choice.

*Definition of Small and Medium Sized Enterprise:* For purposes of

assessing participation fees, the Department of Commerce defines Small and Medium Sized Enterprises (SME) as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see <http://www.sba.gov/services/contractingopportunities/sizestandardstocps/index.html>). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information)

*Mission List:* (additional information about each mission can be found at <http://export.gov/trademissions>).

### **Department of Commerce Wastewater Business Development Mission to China, June 11–17, 2017**

#### **Summary**

The United States Department of Commerce, International Trade Administration (ITA), is organizing an Executive-led Wastewater Treatment Business Development Mission to China from June 11–17, 2017. This mission is a follow-up to an April 2015 Smart Cities—Smart Growth Business Development Mission to China led by Secretary Pritzker. This mission will promote U.S. exports to China by supporting U.S. companies in launching or increasing their business in the marketplace products and services relating to wastewater treatment, including industrial wastewater treatment. Key elements will include business-to-government and business-to-business meetings, market briefings, and networking events.

Trade mission delegates will participate in a five-day program, including roundtables and policy meetings with officials in China. In Beijing the mission will coincide with the China International Environmental Protection Exhibition and Conference (CIEPEC). CIEPEC is the Ministry of Environmental Protection's biennial sponsored trade show and conference. CIEPEC draws officials from all regional Environmental Protection Bureaus (EPBs) and municipalities, providing access to the tendering organizations that are developing water and wastewater treatment plant projects. Participants will have an opportunity to walk this trade show floor, as well as have a series of one-on-one meetings with pre-screened potential agents, distributors, and representatives at the show. In Nanjing and Guangzhou, participants will also have one-on-one

meetings with pre-screened potential partners, as well as meet end users and government officials. In each city, the participants will also attend market briefings by U.S. Embassy officials and other industry experts, as well as networking events offering further opportunities to speak with local business and industry decision-makers.

**Schedule**

*Beijing, China*

June 12–13, 2017

- Business Development Mission Orientation
- Market Briefing by U.S. Embassy Officials
- Government Meetings
- Industry Briefings/Roundtable Discussions
- Individual Company Business Appointments
- Participation in China International Environmental Protection Exhibition and Conference (CIEPEC)
- Networking Reception  
(All day group bus transportation included)

*Nanjing, China*

June 14–15, 2017

- Business matchmaking sessions
- Government meetings
- Evening travel to Dubai  
(All day group bus transportation included)

*Guangzhou, China*

June 15–16, 2017

- Government Meetings
- Individual Company Business Appointments
- Networking Dinner or Reception
- Wrap-up Session  
(All day group bus transportation included)

Traded Mission concludes

**Participation Requirements**

A minimum of 10 and a maximum of 12 firms, service providers, and/or trade associations/organizations will be selected to participate in the mission from the applicant pool. U.S. companies doing business in China, as well as U.S. companies seeking to enter the market for the first time may apply.

**Fees and Expenses**

After a company has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. Upon notification of acceptance to participate, those selected have 10 business days to submit payment or the acceptance may be revoked. This fee will include entrance to the China International Environmental Protection Exhibition and Conference (CIEPEC) show and matchmaking in all three mission stops. The fee schedule for the mission is \$7,000 for large firms and \$6,600 for a small or medium-sized enterprises (SMEs). The fee for an additional firm representative (large firm or SME—limit one additional representative per company) is \$500.

**Timeline for Recruitment**

The Department of Commerce will review applications and make selection decisions on a comparative basis until the maximum of 15 companies are selected. Recruitment for the trade mission will begin immediately and conclude no later than May 1, 2017. All applications must be submitted before May 1, 2017. The Department of Commerce will evaluate all applications and inform applicants of selection decisions as soon as possible after this application deadline. Applications received after May 1, will be considered only if space and scheduling constraints permit.

**For Further Information Contact**

Jay Biggs, Commercial Officer, U.S. Embassy Beijing, *Jay.biggs@trade.gov*, Office +86–10–8531–4325.  
 Pamela Kirkland, Project Officer, Trade Promotion Programs, *Pamela.Kirkland@trade.gov*, 202–482–3587.

*Paint & Coatings Materials Suppliers Trade Mission to Mexico City, June 18–20, 2017*

**Summary**

The U.S. Department of Commerce, International Trade Administration, is organizing the first trade mission for U.S. Paint and Coatings Materials Suppliers in conjunction with the ANAFAPYT (Mexican National Association of Manufacturers of Paints and Inks) trade show, “Latin Americas Coatings Show 2017,” to be held June 20–22, 2017. This show is the largest event in Latin America for raw materials suppliers and equipment manufacturers in the paint and coatings industry.

The purpose of the mission is to help participating firms gain market insight, make industry contacts, solidify business strategies, and advance specific projects with the goal of increasing their exports to and business in Mexico.

U.S. firms will participate in: (1) Customized Business-to-Business matchmaking appointments with pre-screened potential distributors and buyers; (2) networking events; (3) commercial briefings about doing business in Mexico; (4) a presentation about the industrial chemical and the automotive sectors in Mexico; (5) a mini trade fair; (6) the opportunity to visit the Latin Americas Coating Show 2017 and; (7) have limited marketing materials displayed in the U.S. Commercial Service booth at Latin American Coatings Show 2017.

**Proposed Timetable**

Sunday, June 18	.....	Arrival/Hotel check-in (no group transportation provided).
Monday, June 19	.....	Shuttle to the U.S. Trade Center.
	7:30 a.m	Embassy Commercial briefing (light breakfast included).
	8:00–9:00 a.m	Depart for Business-to-Business Matchmaking appointments (up to four meetings) includes drivers and trade professionals.
	9:00 a.m	Lunch on your own depending on schedule.
	7:00–9:00 p.m	Networking reception for mission members.
		Shuttle to return to the hotel.
Tuesday, June 20	.....	Shuttle to the U.S. Trade Center.
	7:45 a.m	Industry overview and presentations in the chemical and auto sectors.
	8:30–10:00 a.m	Mini-trade fair with Mexican contacts from the chemical, automotive and paints industries.
	10:00–11:30 a.m	Box lunch provided.
	11:30–12:30 p.m	Shuttle to the ANAFAPYT LACS ribbon-cutting (1:30 p.m.).
	12:30–1:30 p.m	ANAFAPYT LACS show (optional).
	2:00–7:00 p.m	Formal Trade Mission activities ends, participants can depart after the show or stay to walk it.
	7:00 p.m	Shuttle departs for hotel.
Wednesday, June 21	.....	ANAFAPYT LACS show (optional).
Thursday, June 22	.....	ANAFAPYT LACS show (optional).
Friday, June 23	.....	Departure.

Participating firms who wish to exhibit at the show will receive a 20% discount on the cost of the booth. All arrangements related to participating in the trade show must be made through the show organizer and by registering online. For further information or questions about the show please contact Ms. Adriana Ortiz, Public Relations Manager at ANAFAPYT *relacionespublicas@anafapyt.org.mx*, Tel: + (52) 55-5682-7794 ext. 104.

Participants only wishing to visit the show will receive complimentary passes to be obtained by SCS Mexico.

**Participation Requirements**

A minimum of 7 and maximum of 11 firms, service providers, and/or trade associations will be selected to participate in the mission from the applicant pool.

**Fees and Expenses**

Participation fee for small or medium sized enterprises (SME): \$ 1,900.

Participation fee for large firms or trade associations: \$ 2,900.

Fee for each additional firm representative (large firm or SME/trade organization): \$ 750.

**Timeline for Recruitment and Applications**

Recruitment for the mission will begin immediately and conclude no later than April 12, 2017. The Department of Commerce will evaluate applications and inform applicants of selection decisions three times during the recruitment period. All applications received subsequent to an evaluation date will be considered at the next evaluation. Deadlines for each round of evaluation are as follows:

- March 15, 2017
- April 12, 2017

Applications received after April 12, 2017 will be considered only if space and scheduling constraints permit.

**Contacts**

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 Sylvia Montano, Commercial Specialist, Industrial Chemicals, U.S. Embassy—Mexico City, U.S. Department of Commerce, Tel: +52-55-5080-2000 ext. 5219, *sylvia.montano@trade.gov*.  
*U.S. Healthcare Trade Mission to Africa, October 22-27, 2017.*

**Summary**

The United States Department of Commerce, International Trade Administration is organizing a U.S. Healthcare Trade Mission to South Africa and Kenya scheduled for October 22-27, 2017. Optional add-on post-mission stops will be available for selected mission participants that seem to appropriately fit market opportunities. These additional stops would include customized appointments with pre-screened potential foreign partners for an additional fee in: Ethiopia, Ghana, and Mozambique (space limited).

This Healthcare Trade Mission is intended to include representatives from various U.S. medical/healthcare industry manufacturers, service providers, associations and trade organizations. In addition to new-to-market companies, the mission also will

assist U.S. companies already doing business in South Africa and Kenya to expand their footprint. Target sectors holding high potential for U.S. companies include:

- Medical equipment/devices
- Laboratory equipment
- Dental equipment
- Emergency equipment
- Imaging and Diagnostic equipment
- Physiotherapy and Orthopedic equipment/devices
- Healthcare information technology
- Products and technologies for other allied health sectors

The mission will include appointments and briefings in Johannesburg, Nairobi, and possibly other cities that are healthcare industry hubs.

The delegates will meet with experts to obtain firsthand information about the regulations, policies, standards, and procedures for importing medical devices into South Africa and Kenya. Participants will also visit healthcare facilities to get acquainted with specialized care facilities. Trade mission participants will have the opportunity to interact extensively with U.S. Embassy/Consulate Officials and Commercial Service healthcare specialists in South Africa and Kenya to discuss industry developments, opportunities, and sales strategies.

The U.S. Healthcare Trade Mission to South Africa and Kenya will draw on the resources of several U.S. government agencies and NGO's, including Centers for Disease Control and Prevention (CDC), U.S. Patent and Trademark Office, U.S. Trade Development Agency, U.S. Agency for International Development, and World Health Organization.

**Schedule**

Sunday, October 22, Johannesburg, South Africa .....	<ul style="list-style-type: none"> <li>• Arrive Johannesburg and hotel check-in.</li> <li>• Welcome reception/ice breaker.</li> </ul>
Monday, October 23, Johannesburg, South Africa .....	<ul style="list-style-type: none"> <li>• Welcome and overview of Trade Mission.</li> <li>• Market briefings from the U.S. Commercial Service and industry experts.</li> <li>• One-on-one business meetings.</li> <li>• Networking reception in Johannesburg.</li> </ul>
Tuesday, October 24, Johannesburg, South Africa, Pretoria, South Africa.	<ul style="list-style-type: none"> <li>• Hospital/Clinic tours and meetings.</li> <li>• One-on-one business meetings.</li> <li>• Government meetings.</li> <li>• Mission participant speaking opportunities.</li> </ul>
Wednesday, October 25, Johannesburg, South Africa and Nairobi, Kenya.	<ul style="list-style-type: none"> <li>• Depart for Nairobi, Kenya (AM).</li> <li>• Market briefings from the U.S. Commercial Service and industry experts (PM).</li> <li>• Networking reception in Nairobi.</li> </ul>
Thursday, October 26, Nairobi, Kenya .....	<ul style="list-style-type: none"> <li>• One-on-one business meetings Nairobi.</li> <li>• Government meetings.</li> <li>• Some delegates depart for add-on stops.</li> </ul>
Friday, October 27, Nairobi, Kenya and possible add-on Post stops .....	<ul style="list-style-type: none"> <li>• Government meetings.</li> <li>• One-on-one business meetings.</li> <li>• Mission ends.</li> </ul>

Saturday, October 28 & Sunday, October 29, Travel to optional stops over weekend.	<ul style="list-style-type: none"> <li>• Ethiopia, Ghana, or Mozambique (Optional add-on locations).</li> </ul>
Monday, October 30 .....	<ul style="list-style-type: none"> <li>• One-on-One Meetings at optional locations and networking opportunities.</li> </ul>

**Participation Requirements**

A minimum of 12 and a maximum of 15 companies and/or trade associations/ organizations will be selected from the applicant pool to participate in the trade mission.

**Fees and Expenses**

The participation fee for the U.S. Healthcare Trade Mission to South Africa and Kenya is \$4,375 for small or medium-sized enterprises (SME) and \$5,975 for large firms or trade associations. The fee for each additional representative (large firm or SME or trade association/organization) is \$950.

The additional fee for the optional add-on stops to: Ethiopia (space is limited to 2 companies), Ghana (space is limited to 2 companies), and Mozambique (space is limited to 3 companies) for an additional fee of \$1,000 for an SME and \$1,325 for a large firm.

Delegation members may take advantage of U.S. Embassy rates for hotel rooms. Interpreter and driver services can be arranged for additional cost.

**Timeframe for Recruitment and Application**

Recruitment for the mission will begin immediately and conclude no later than June 30, 2017. All applications must be submitted before June 30, 2017. The Department of Commerce will evaluate all applications and inform applicants of selection decisions as soon as possible after this

application deadline. A maximum of 15 participants will be selected. Applications received after June 30, 2017 will be considered only if space and scheduling constraints permit.

**Contacts**

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*Johannesburg, South Africa*

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*Nairobi, Kenya*

James Rigasso, Senior Commercial Officer, U.S. Commercial Service Nairobi, Kenya, Tel: +254-20-363-6424, Email: *James.Rigasso@trade.gov*.

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**Cyber Security Trade Mission to Canada, September 11-14, 2017**

**Summary**

The United States Department of Commerce, International Trade

Administration (ITA), is organizing a Cyber Security Trade mission to three locations in Canada: Toronto, Ottawa and Montreal, September 11-14, 2017.

The purpose of the mission is to introduce U.S. firms to Canada's expanding opportunities within the cyber security industry, and to assist U.S. companies in pursuing export opportunities in this sector.

The mission is designed for all U.S. firms and organizations who play a part in the industry, regardless of specific niche. This mission will also help U.S. companies already doing business within the Canadian market to increase their footprint and deepen their business interests.

The mission will help participating firms gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of creating and increasing U.S. product and services exports. The mission will include market briefings, one-on-one business appointments with pre-screened potential buyers, agents, distributors, industry leaders, and joint venture partners; meetings with national, provincial, regional and municipal governments; and networking events. Participating in an official U.S. industry delegation, rather than traveling on their own, will enhance attending companies' ability to identify opportunities and act on available opportunities in Canada.

**Schedule**

Monday—September 11 Toronto, Ontario .....	<ul style="list-style-type: none"> <li>• Welcome and overview of Mission.</li> <li>• Market briefings from CS and industry experts.</li> <li>• Discussions with potential partners at on-site speed meetings or off-site one-on-ones.</li> </ul>
Tuesday—September 12 Toronto, Ontario .....	<ul style="list-style-type: none"> <li>• Site Visits, pre-scheduled by industrial focus.</li> <li>• Roundtable with government, CS and industry officials.</li> <li>• Afternoon travel to Ottawa.</li> </ul>
Wednesday—September 13 Ottawa, Ontario .....	<ul style="list-style-type: none"> <li>• Morning session on selling to the Government of Canada.</li> <li>• Afternoon roundtable with government, CS and industry officials..</li> <li>• Late Afternoon Networking Reception with government, industry and distributors.</li> <li>• Evening travel to Montreal.</li> </ul>
Thursday—September 14 Montreal, Quebec .....	<ul style="list-style-type: none"> <li>• Tabletop display at Montreal Security Tech Show.</li> <li>• Networking reception with targeted guest list from Montreal Security Tech Show and local cybersecurity contacts.</li> </ul>

**Participation Requirements**

A minimum of 10 and maximum of 20 firms, service providers and/or trade associations/organizations will be

selected from the applicant pool to participate in the trade mission.

**Fees and Expenses**

The participation fee for the trade mission to Canada is \$3,200 for small or medium-sized enterprises (SME) and

\$3,600 for large firms and trade associations/organizations. The fee for each additional company representative (large firm or SME or trade association/organization) is \$500.00. Interpreter and driver services can be arranged for additional cost. The participation fee will cover group transit from hotel to airport/train station on departure from each destination as well as local group transportation to meeting venues, where applicable. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

**Timeframe for Recruitment and Application**

Recruitment for this mission will begin immediately and conclude no later than June 30, 2017. All applications must be submitted before June 30, 2017. The Department of Commerce will evaluate all applications and inform applicants of selection decisions as soon as possible after this application deadline. Applications received after June 30, 2017 will be considered only if space and scheduling constraints permit.

**Contacts**

Gemal Brangman, Project Officer, Trade Promotion Programs, Tel: 202-482-3773, *Gemal.Brangman@trade.gov*.  
 Tracey Ford, Commercial Specialist, CS Canada Lead, Tel: 1 613-688-5406, *Tracey.Ford@trade.gov*.  
 Stefan Popescu, Commercial Specialist, CS Toronto, Tel: 1 416-595-5412 x223, *Stefan.Popescu@trade.gov*.  
 Connie Irrera, Commercial Specialist, CS Montreal, Tel: 1 514-908-3662, *Connie.Irrera@trade.gov*.  
 Pompeya Lambrecht, Northern Virginia U.S. Export Assistance Center, Tel: 703-235-0102, *Pompeya.Lambrecht@trade.gov*.

**Smart Cities Trade Mission to Poland and the Czech Republic, September 10-15, 2017**

**Summary**

The U.S. Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is organizing a “Smart Cities” Business Development Mission to Poland and the Czech Republic from September 10-15. This mission is designed to help export ready U.S.

companies launch or increase their export business in promising sectors in Poland and the Czech Republic that contribute to the development of smart cities, including e-mobility, energy efficiency and management, e-governance, and environmental management and quality, including air and water quality.

Mission participants will benefit from expert briefings on the policy frameworks in Europe supporting smart cities and the particulars of smart cities developments in Poland and the Czech Republic. The mission will include opportunities to meet key Government officials and decision-makers in both countries, one-on-one meetings with potential business partners and networking events. The government and private sector in Poland and the Czech Republic are investing billions in projects conducive to the development of smart cities.

Through this mission, U.S. companies will gain an understanding of and position themselves for success in the smart cities markets in Poland and the Czech Republic.

**Schedule**

Sunday, September 10 .....	Trade Mission Participants Arrive in Warsaw. Country briefing and welcome event.
Monday, September 11 .....	Meetings with Polish Government officials and industry experts. One-on-One business matchmaking appointments. Networking Reception at Ambassador’s residence. Morning Site Visit.
Tuesday, September 12 .....	Depart for Krakow mid-to -late morning. Arrive Krakow between 12:00 p.m. and 2:00 p.m. Evening Reception at U.S. Consul General’s Residence.
Wednesday, September 13 .....	Briefings/Presentations/Meetings with key local government officials/decision makers. One-on-one matchmaking meetings.
Thursday, September 14 .....	Travel to Prague. Country briefing and welcome event. Meetings with key Czech Government officials and industry experts.
Friday, September 15 .....	One-on-one matchmaking meetings. Evening VIP reception at Ambassador’s residence.
Saturday, September 16 .....	Trade Mission Participants Depart.

**Participation Requirements**

A minimum of 10 and maximum of 15 firms and/or trade associations will be selected to participate in the mission from the applicant pool.

**Fees and Expenses**

The participation fee for the Business Development Mission will be \$2,500.00 for small or medium-sized enterprises (SME); and \$3,750 for large firms or trade associations. The fee for each additional firm representative (large firm or SME/trade organization) is \$1,000. Interpreter and driver services can be arranged for additional cost. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

**Timeline for Recruitment and Applications**

Recruitment for the mission will begin immediately and conclude no later than June 1, 2017. All applications must be submitted before June 1, 2017. The Department of Commerce will evaluate all applications and inform applicants of selection decisions as soon as possible after this application deadline. Applications received after June 1, 2017, will be considered only if space and scheduling constraints permit.

**Contacts**

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 Anna Janczewska, Commercial Specialist, U.S. Embassy—Warsaw, Poland, U.S. Department of Commerce, Tel: +48-22-625-4274 *Anna.Janczewska@trade.gov*.  
 Helen Peterson, Senior Commercial Officer, U.S. Embassy—Prague, Czech Republic, U.S. Department of Commerce, Tel: +420-257-022-434, ext. 2436, *Helen.Peterson@trade.gov*.  
 Luda Taylor, Commercial Specialist, U.S. Embassy—Prague, Czech

Republic, Tel: +420-257-022-424, ext. 2315, [Luda.Taylor@trade.gov](mailto:Luda.Taylor@trade.gov).

**Sustainable Building & Construction Trade Mission to Mexico City (Optional Stop in Guadalajara), October 9-13, 2017**

**Summary**

The United States Department of Commerce, International Trade Administration (ITA), is organizing a Sustainable Construction Trade Mission to Mexico from October 9-13, 2017. The purpose of the mission is to introduce U.S. firms to Mexico's Sustainable Building & Construction sector, and to assist U.S. companies in pursuing export opportunities in this sector. The mission also will help U.S. companies already doing business in Mexico increase their footprint and deepen their business interests. By focusing on infrastructure-related projects, this mission advances ITA's work to increase U.S. company participation in infrastructure and strategically position our clients to tap medium and long-term opportunities.

This trade mission is open to all qualified companies in the sector. Under ITA's Veterans Go Global initiative, it also includes a focus on U.S. veteran-owned companies who play a significant role in sustainable building and construction.

**Schedule**

*Tuesday, October 10, 2017*

- Briefing by U.S. Embassy Mexico officials
- B2B matchmaking meetings with Mexican companies at Expo CIHAC
- No-host lunch
- B2B matchmaking meetings with Mexican companies at Expo CIHAC
- Optional no-host dinner

*Wednesday, October 11, 2017*

- Hotel check out (if departing for Guadalajara)
- Attend Expo CIHAC
- Depart for Guadalajara (Optional Stop Guadalajara)

*Thursday, October 12, 2017*

- Briefing by U.S. Guadalajara Consulate officials
- B2B matchmaking meetings
- Optional no-host dinner

*Friday, October 13, 2017*

Return to United States

**Participation Requirements**

A maximum of 20 firms and a minimum of 10 firms, service providers and/or trade associations/organizations will be selected from the applicant pool to participate in the trade mission in Mexico City. For the optional Guadalajara portion, a maximum of 10 firms will be selected.

**Fees and Expenses**

For Mexico City only, the fee for a small & medium sized enterprise is \$1400 and the fee for a large firm and a trade association is \$1800. The cost for an additional representative is \$400. For Mexico City and Guadalajara, the fee for a small and medium-sized company is \$2750 and the fee for a large firm and a trade association is \$3550. The cost for an additional representative is \$700.

**Application Deadline.** Recruitment for this mission will begin immediately and conclude no later than August 23, 2017. The Department of Commerce will evaluate applications and inform applicants of selection decisions on a rolling basis until the maximum number of participants has been selected.

**Contact Information**

Oscar Magaña, International Trade Specialist, San Antonio U.S. Export Assistance Center, Phone: 210-472-4020, Mobile: 210-419-3043, Fax: 210-472-4019, [Oscar.Magana@trade.gov](mailto:Oscar.Magana@trade.gov).

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**Trade Mission to Romania, Bulgaria, Croatia, Serbia and Greece in Conjunction With Trade Winds—Southeastern Europe Business Forum, October 16-24, 2017**

**Summary**

The United States Department of Commerce, International Trade Administration is organizing a trade mission to Romania, Bulgaria, Croatia, Serbia and Greece that will include the Trade Winds—Southeastern Europe business forum in Bucharest, Romania on October 18-20, 2017. U.S. trade mission members will participate in the Trade Winds—Southeastern Europe business forum in Bucharest, Romania, which is also open to U.S. companies not participating in the trade mission. Trade mission participants may choose to participate in their choice of trade mission stops based on recommendations from the USFCS, including in Romania, Bulgaria, Croatia, Serbia and Greece. Each trade mission stop will include one-on-one business appointments with pre-screened potential buyers, agents, distributors or joint-venture partners. Trade mission participants in the Trade Winds—Southeastern Europe business forum may attend regional and industry-specific sessions and consultations with USFCS Senior Commercial Officers and other government officials representing the Europe region during the business forum in Bucharest, Romania on October 18-20, 2017.

This mission is open to U.S. companies and trade associations from a cross-section of industries with growth potential in Romania, Bulgaria, Croatia, Serbia and Greece, including, but not limited to the following industries: Agricultural technology, machinery and equipment; energy, power generation, environmental technologies; information and communications technology and equipment; healthcare, medical products, pharmaceuticals; infrastructure; and safety and security products and services.

**Schedule**

Sunday, October 15 .....	Trade Mission Participants Arrive in Belgrade, Serbia or Sofia, Bulgaria (if electing to participate in one of these mission stops).
Monday, October 16 .....	Belgrade, Serbia or Sofia, Bulgaria (choice of one mission stop), Business to Business meetings and networking with government and business officials.
Tuesday, October 17 .....	Arrive in Bucharest, Romania.
Wednesday-Friday, October 18-20 .....	Bucharest, Romania: Trade Winds Business Forum and SCO Consultations Market Briefings, Business to Business meetings, Consultations with U.S. government trade representatives and networking with U.S. and foreign government and business officials.



Saturday–Sunday, October 21–22 .....	Travel to Zagreb, Croatia or Athens, Greece (if electing to participate in one of these mission stops).
Monday, October 23 .....	Zagreb, Croatia or Athens, Greece (choice of one mission stop) Business to Business meetings and networking with government and business officials.
Tuesday, October 24 .....	Trade Mission Participants Depart.

**Participation Requirements**

All parties interested in participating in the trade mission to Romania, Bulgaria, Croatia, Serbia and Greece must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below.

A minimum of 40 companies and/or trade associations will be selected to participate in the mission from the applicant pool on a first-come, first-served basis. Mission stop participation will be limited as follows: The Serbia mission stop is limited to 20 companies; the Bulgaria mission stop is limited to 20 companies; the Croatia mission stop is limited to 15 companies; the Greece mission stop is limited to 20 companies; and the Romania mission stop is limited to 40 companies.

Additional delegates may be accepted based on available space. U.S. companies and/or trade associations already doing business in or seeking business in Romania, Bulgaria, Croatia, Serbia and Greece for the first time may apply.

**Fees and Expenses**

After a company has been selected to participate in the mission, a payment to the Department of Commerce in the form of a participation fee is required.

- For one mission stop, the participation fee will be \$1,950 for a small or medium-sized enterprise (SME) and \$3,300 for large firms.
- For two mission stops, the participation fee will be \$2,950 for a small or medium-sized enterprise (SME) and \$4300 for large firms.
- For three mission stops, the participation fee will be \$3,950 for a small or medium-sized enterprise (SME) and \$5300 for large firms.

An additional representative for both SMEs and large firms will require an additional fee of \$500.

The above trade mission fees include the \$650 fee for full participation in the Trade Winds business forum to be held in Bucharest, Romania on October 18–20, 2017.

**Timeline for Recruitment and Applications**

Recruitment for the mission will begin immediately and conclude no later than August 18, 2017. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning 14 days after publication of this **Federal Register** notice, until the maximum number of participants for each mission stop is selected. After August 18, 2017, applications will be considered only if space and scheduling constraints permit.

**Contact**

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**Renewable Energy Integration Trade Mission to Canada, October 30–November 2, 2017**

**Mission Description**

The United States Department of Commerce International Trade Administration (ITA) is proposing a Renewable Energy Integration Trade Mission to Toronto and Calgary October 30–November 2, 2017.

The purpose of the mission is to introduce U.S. firms to Canada’s rapidly expanding interest and projects-base towards the effective application of renewable energy and smart grid solutions into the electrical grid, and to assist U.S. companies in pursuing export opportunities while making the most appropriate and impactful contacts within this sector.

The mission is designed for U.S. industry with a focus on utility-scale and distributed energy resources (DER) renewable energy power generators and services providers. This mission will further support U.S. companies who are active in the Canadian market with a focus on increasing footprints and deepening business interests, especially for those companies of all sizes who are part of the industry’s global supply chain. The mission is open to all U.S. firms and organizations in the renewable energy sector focused on solar, wind, and hydropower as well as the smart grid (transmission, distribution, and storage) technologies that will enable effective grid integration.

The mission will help participants gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. product and services exports. The mission will include market briefings, one-on-one business appointments with pre-screened potential buyers, agents, distributors, industry leaders, and joint venture partners; meetings with state and local government officials; and networking events. Participating in an official U.S. industry delegation, rather than traveling on their own, will enhance the companies’ ability to identify opportunities and act on available opportunities in Canada.

**Schedule**

Sunday—October 29, Toronto, Ontario ..	<ul style="list-style-type: none"> <li>• Participants arrive in Toronto by 4:00 p.m.</li> <li>• Welcome social event at venue hotel.</li> </ul>
Monday—October 30, Toronto .....	<ul style="list-style-type: none"> <li>• Welcome and overview of Mission from U.S. Consulate staff.</li> <li>• Country briefing by consulate officials on Canada’s renewable energy sector and business opportunities.</li> <li>• Market briefings from Foreign Commercial Service, renewable energy stakeholders, and government officials.</li> <li>• Business to business meetings with potential partners at central venue.</li> <li>• Evening reception hosted by U.S. Consulate including mission sponsors, with key stakeholders, government officials, and prospective business partners.</li> </ul>
Tuesday—October 31, Toronto .....	<ul style="list-style-type: none"> <li>• Meetings with federal, provincial and/or local government officials at central venue.</li> <li>• Site visit and Lunch with host company/sponsor and leading industry trade associations.</li> <li>• Afternoon travel to Calgary.</li> </ul>

Wednesday—November 1, Calgary, Alberta.	<ul style="list-style-type: none"> <li>• Welcome and overview of Mission from U.S. Consulate staff.</li> <li>• Briefing on Prairie Provinces renewable energy sector by consulate officials and business opportunities.</li> <li>• Market briefings from Foreign Commercial Service, renewable energy stakeholders, and government officials.</li> <li>• Business to business meetings with potential partners at central venue.</li> <li>• Evening event hosted by U.S. Consulate including mission sponsors, with key stakeholders, chamber and trade associations, government officials, and prospective business partners.</li> </ul>
Thursday—November 2, Calgary .....	<ul style="list-style-type: none"> <li>• Meetings with federal, provincial and regional government officials at central venue.</li> <li>• Site visit and Lunch with host company/sponsor and leading industry trade associations.</li> <li>• Afternoon wrap-up; mission ends.</li> </ul>

## Participation Requirements

A minimum of 10 and maximum of 20 firms, service providers and/or trade associations/organizations will be selected from the applicant pool to participate in the trade mission.

## Fees and Expenses

The participation fee for the trade mission to Canada, including 2 stops (Toronto and Calgary) will be \$3,500 for small or medium-sized enterprises (SME) and \$6,000 for large firms and trade associations/organizations. The fee for each additional company representative (large firm or SME or trade association/organization) is \$1,000. A maximum of 2 representatives per company will be able to participate in the Mission.

## Timeframe for Recruitment and Application

Recruitment for this mission will begin immediately and conclude no later than July 28, 2017. The Department of Commerce will evaluate applications and inform applicants of selection decisions on a rolling basis until the maximum of 20 applicants are selected. Applications received after July 28, 2017, will be considered only if space and scheduling constraints permit.

## Contacts

Stefan Popescu, Senior Advisor—Sector, Lead Renewable Energy, U.S. Consulate General Toronto, Tel: +1 (416) 595-5412 x 223, Email: [Stefan.Popescu@trade.gov](mailto:Stefan.Popescu@trade.gov).

Tom Hanson, Principal Commercial Officer, Western Canada, U.S. Consulate General Calgary, Tel: +1 (403) 265-2116, Email: [Thomas.hanson@trade.gov](mailto:Thomas.hanson@trade.gov).

Ethel M. Azueta Glen, International Trade Specialist, International Trade Administration—Trade Promotion Programs, Tel: +1 (202) 482-5388, Email: [ethel.glen@trade.gov](mailto:ethel.glen@trade.gov).

## Frank Spector,

Senior Advisor for Trade Missions.

[FR Doc. 2017-03722 Filed 2-24-17; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818]

### Certain Pasta From Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On September 12, 2016, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on certain pasta from Italy. Based on the timely withdrawal of the requests for review of certain companies from interested parties, we are now rescinding this administrative review with respect to eight companies.

**DATES:** Effective February 27, 2017.

**FOR FURTHER INFORMATION CONTACT:** George McMahon or Joy Zhang, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1167 or (202) 482-1168, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 5, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain pasta from Italy.<sup>1</sup> Pursuant to requests from interested parties,<sup>2</sup> the Department published in the **Federal Register** the

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 81 FR 43584 (July 5, 2016).

<sup>2</sup> The petitioners are American Italian Pasta Company, Dakota Growers Pasta Company, and New World Pasta Company. The petitioners requested a review of Ghigi Industria Agroalimentare in San Clemente S.r.L. and Tamma Industrie Alimentari de Capitanata S.r.L. See Letter from the petitioners to the Department, "Request for 2015-2016 Administrative Reviews of the Antidumping Duty Order on Certain Pasta from Italy," dated July 29, 2016.

notice of initiation of this antidumping duty administrative review with respect to the following companies for the period July 1, 2015, through June 30, 2016: Delverde Industrie Alimentari S.p.A. (Delverde Alimentari), Ghigi Industria Agroalimentare in San Clemente S.r.L. (Ghigi), G.R.A.M.M. S.r.l. (G.R.A.M.M.), Industria Alimentare Colavita, S.p.A (Indalco), La Fabbrica Della Pasta di Gragnano S.A.S di Antonio Moccia (La Fabbrica), Liguori Pastificio dal 1820 S.p.A. (Liguori), Pastificio Andalini S.p.A. (Andalini), Pastificio Felicetti S.r.L. (Felicetti), Pastificio Labor S.r.L. (Labor), Pastificio Zaffiri S.r.l. (Zaffiri), Premiato Pastificio Afeltra S.r.l. (Afeltra), Rustichella d'Abruzzo SpA (Rustichella), Tamma Industrie Alimentari de Capitanata S.r.L. (Tamma), and Tesa Srl (Tesa).<sup>3</sup>

On October 13, 2016, Liguori timely withdrew its request for a review.<sup>4</sup> On October 29, 2016, Rustichella timely withdrew its request for review.<sup>5</sup> On October 30, 2016, Felicetti timely withdrew its request for a review.<sup>6</sup> On November 2, 2016, the petitioners timely withdrew their request for a review of Tamma.<sup>7</sup> On November 30, 2016, Delverde Alimentari timely withdrew its request for review.<sup>8</sup> On December 12, 2016, Afeltra, La Fabbrica, and Labor, timely withdrew their respective requests for an administrative

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 62720 (September 12, 2016) (*Initiation Notice*).

<sup>4</sup> See Letter from Liguori to the Department, "Certain Pasta from Italy: Withdrawal of Antidumping Duty Administrative Review Request for the Period of Review 7/1/2015-6/30/2016," dated October 13, 2016.

<sup>5</sup> See Letter from Rustichella to the Department, "Pasta from Italy: Withdrawal of Request for Administrative Review," dated October 29, 2016.

<sup>6</sup> See Letter from Felicetti to the Department, "Pasta from Italy: Withdrawal of Request for Administrative Review," dated October 30, 2016.

<sup>7</sup> See Letter from the petitioners to the Department, "2015/2016 (20th) Administrative Review of Certain Pasta from Italy—Withdrawal of Request for Administrative Review," dated November 2, 2016.

<sup>8</sup> See Letter from Delverde Alimentari to the Department, "Certain Pasta from Italy: Withdrawal of Request for Administrative Review on Behalf of Delverde Industrie Alimentari S.p.A.," dated November 30, 2016.

review.<sup>9</sup> No other party requested an administrative review of these particular companies.

#### Partial Rescission of the 2015–2016 Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. All of the aforementioned withdrawal requests were timely submitted and no other interested party requested an administrative review of these particular companies. Therefore, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice,<sup>10</sup> we are rescinding this review of the antidumping duty order on certain pasta from Italy, in part, with respect to Afeltra, Delverde Alimentari, Felicetti, Labor, La Fabbrica, Ligouri, Rustichella, and Tamma. The instant review will continue with respect to Andalini, Ghigi, GR.A.M.M., Indalco, Tesa, and Zaffiri.

#### Assessment

The Department will instruct Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, Afeltra, Delverde Alimentari, Felicetti, Labor, La Fabbrica, Ligouri, Rustichella, and Tamma, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period July 1, 2015, through June 30, 2016, in accordance with 19 CFR 351.212(c)(1)(i).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

<sup>9</sup> See Letter from Afeltra to the Department, “Withdrawal of Request for Administrative Review: Certain Pasta from Italy” dated December 12, 2016; see also Letter from La Fabbrica, “Certain Pasta from Italy, A–475–818; Withdrawal of Request for Administrative Review by La Fabbrica della Pasta di Gragnano S.A.S.,” dated December 12, 2016; see also Letter from Labor to the Department, “Certain Pasta from Italy, A–475–818; Withdrawal of Request for Administrative Review by Labor Srl.” dated December 12, 2016.

<sup>10</sup> See, e.g., *Certain Lined Paper Products from India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 21781 (May 11, 2009); see also *Carbon Steel Butt-Weld Pipe Fittings from Thailand: Rescission of Antidumping Duty Administrative Review*, 74 FR 7218 (February 13, 2009).

#### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 21, 2017.

**Gary Taverman,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017–03778 Filed 2–24–17; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–201–830]

#### Carbon and Certain Alloy Steel Wire Rod From Mexico: Notice of Partial Rescission of the Antidumping Duty Administrative Review; 2015–2016

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On December 16, 2016, the Department of Commerce (“Department”) published a notice of initiation of an administrative review of the antidumping duty order on carbon and certain alloy steel wire rod (“wire rod”) from Mexico. Based on Nucor Corporation’s (“Nucor”) timely

withdrawal of the request for review of Ternium Mexico S.A. de C.V. (“Ternium”), we are rescinding this administrative review with respect to Ternium. The instant review will continue with respect to ArcelorMittal Las Truchas S.A. de C.V. (“AMLT”) and Deacero S.A.P.I. de C.V. (“Deacero”).

**DATES:** Effective February 27, 2017

**FOR FURTHER INFORMATION CONTACT:** Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5139.

#### SUPPLEMENTARY INFORMATION:

#### Background

On October 3, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on wire rod from Mexico.<sup>1</sup> Pursuant to requests from interested parties, on December 16, 2016, the Department published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty order<sup>2</sup> on wire rod from Mexico with respect to the following companies for the period October 1, 2015, through September 30, 2016: AMLT, Deacero, and Ternium. On February 3, 2017, Nucor timely withdrew its request for an antidumping duty administrative review of Ternium.<sup>3</sup>

#### Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. Given that the withdrawal request cited above was timely, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review of the antidumping duty order on wire rod from Mexico, in part, with respect to Ternium. Accordingly, the companies subject to the instant review are: Deacero and AMLT.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on all

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 81 FR 67968 (October 3, 2016).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 91122 (December 16, 2016).

<sup>3</sup> See Letter from Nucor to the Department titled, *Carbon and Certain Alloy Steel Wire Rod from Mexico: Withdrawal of Request for Administrative Review*, dated February 3, 2017.

appropriate entries. For the company for which this review is rescinded, Ternium, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period October 1, 2015, through September 30, 2016, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 41 days after publication of this notice.

#### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to an administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 22, 2017.

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017-03779 Filed 2-24-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF232**

#### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Highly Migratory Species Management Team (HMSMT) will hold a meeting, which is open to the public.

**DATES:** The HMSMT meeting will be on Tuesday, April 18, 2017 to Thursday, April 20, 2017. This meeting will start at 8:30 a.m. and continue until business is concluded on each day.

**ADDRESSES:** The meeting will be held at Martin-Johnson House (T-29), Scripps Institute of Oceanography, 8840 Biological Grade, La Jolla, CA 92037; phone: (858) 534-5604.

*Council address:* Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Kit Dahl, Pacific Council; telephone: (503) 820-2422.

**SUPPLEMENTARY INFORMATION:** Two main topics will be discussed at the HMSMT meeting. The first is the development of a range of alternatives for authorizing a fishery using deep-set buoy gear. The Council directed the HMSMT to propose a range of alternatives for the Council to consider adopting for public review at its June 7-14 meeting in Spokane, Washington. The second topic is the review of biological reference points for HMS stocks managed under the Council's Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. These biological reference points, identified in the Magnuson-Stevens Fishery Conservation and Management Act, include maximum sustainable yield, optimum yield, and status determination criteria. The HMSMT will initially focus on identifying these reference points for Pacific bluefin tuna. Other topics the HMSMT may discuss include updates to the HMS Stock Assessment and Fishery Evaluation document and HMS-related matters scheduled on future Council agendas.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these

meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820-2280 at least 10 days prior to the meeting date.

Dated: February 22, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03787 Filed 2-24-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF243**

#### Caribbean Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Caribbean Fishery Management Council's Outreach and Education Advisory Panel (OEAP) will meet.

**DATES:** The meeting will be held on March 30-31, 2017, from 10 a.m. to 4 p.m., each day.

**ADDRESSES:** The meeting will be held at CFMC Office, 270 Munoz Rivera Avenue, Suite 401 San Juan, Puerto Rico 00918.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone (787) 766-5926.

**SUPPLEMENTARY INFORMATION:** The OEAP will meet to discuss the items contained in the following agenda:

*March 30, 2017*

- Call to Order
- Adoption of Agenda
- OEAP Chairperson's Report
  - Status of:
    - Responsible Seafood Consumption Campaign

- CFMC Report 158th Regular Meeting
- 2017 Calendar
- *Fuete y Verguilla* Issue Celebrating 40 Year of the Magnusson Stevens Act and the CFMC
- Caribbean Fishery App
- USVI Activities

March 31, 2017

- Social Media for Council Communications with Stakeholders
- PEPCO
- MREP Caribbean
- Island-Based Fisheries Management Plans (FMPs)
- Other Business

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

### Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766-5926, at least 5 days prior to the meeting date.

Dated: February 22, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-03788 Filed 2-24-17; 8:45 am]

**BILLING CODE 3510-22-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Government-Industry Advisory Panel; Notice of Federal Advisory Committee Meeting

**AGENCY:** Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense (DoD).

**ACTION:** Federal advisory committee meeting notice.

**SUMMARY:** The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Government-Industry Advisory Panel. This meeting is open to the public.

**DATES:** The meeting will be held from 9:00 a.m. to 5:00 p.m. on Wednesday and Thursday, March 8 and 9, 2017. Public registration will begin at 8:45 a.m. on each day. For entrance into the

meeting, you must meet the necessary requirements for entrance into the Pentagon. For more detailed information, please see the following link: <http://www.pfpa.mil/access.html>.

**ADDRESSES:** Pentagon Library, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155. The meeting will be held in Room B3 on March 8 and M1 on March 9. The Pentagon Library is located in the Pentagon Library and Conference Center (PLC2) across the Corridor 8 bridge.

**FOR FURTHER INFORMATION CONTACT:** LTC Andrew Lunoff, Office of the Assistant Secretary of Defense (Acquisition), 3090 Defense Pentagon, Washington, DC 20301-3090, email:

[andrew.s.lunoff.mil@mail.mil](mailto:andrew.s.lunoff.mil@mail.mil), phone: 571-256-9004.

**SUPPLEMENTARY INFORMATION:** Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Government-Industry Advisory Panel was unable to provide public notification concerning its meeting on March 8 through 9, 2017, as required by 41 CFR 102-3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

**Purpose of the Meeting:** This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150. The Government-Industry Advisory Panel will review sections 2320 and 2321 of title 10, United States Code (U.S.C.), regarding rights in technical data and the validation of proprietary data restrictions and the regulations implementing such sections, for the purpose of ensuring that such statutory and regulatory requirements are best structured to serve the interest of the taxpayers and the national defense. The scope of the panel is as follows: (1) Ensuring that the Department of Defense (DoD) does not pay more than once for the same work, (2) Ensuring that the DoD contractors are appropriately rewarded for their innovation and invention, (3) Providing for cost-effective procurement, sustainment, modification, and upgrades to the DoD systems, (4) Encouraging the private sector to invest in new products, technologies, and processes relevant to the missions of the DoD, and (5) Ensuring that the DoD has appropriate access to innovative products,

technologies, and processes developed by the private sector for commercial use.

**Agenda:** This will be the thirteenth meeting of the Government-Industry Advisory Panel. The panel will cover details of 10 U.S.C. 2320 and 2321, begin understanding the implementing regulations and detail the necessary groups within the private sector and government to provide supporting documentation for their review of these codes and regulations during follow-on meetings. Agenda items for this meeting will include the following: (1) Final review of tension point information papers; (2) Rewrite FY17 NDAA 2320 and 2321 language; (3) Review Report Framework and Format for Publishing; (4) Comment Adjudication & Planning for follow-on meeting.

**Availability of Materials for the Meeting:** A copy of the agenda or any updates to the agenda for the March 8-9 meeting will be available as requested or at the following site: <https://database.faca.gov/committee/meetings.aspx?cid=2561>. It will also be distributed upon request.

Minor changes to the agenda will be announced at the meeting. All materials will be posted to the FACA database after the meeting.

**Public Accessibility to the Meeting:** Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (March 3) prior to the start of the meeting. All members of the public must contact LTC Lunoff at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for Pentagon escort, if necessary. Public attendees should arrive at the Pentagon's Visitor's Center, located near the Pentagon Metro Station's south exit and adjacent to the Pentagon Transit Center bus terminal with sufficient time to complete security screening no later than 8:30 a.m. on March 8-9. To complete security screening, please come prepared to present two forms of identification of which one must be a pictured identification card. Government and military DoD CAC holders are not required to have an escort, but are still required to pass through the Visitor's Center to gain access to the Building. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the Designated Federal Officer (DFO)

listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee.

*Special Accommodations:* The meeting venue is fully handicap accessible, with wheelchair access.

Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact LTC Lunoff, the committee DFO, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

*Written Comments or Statements:* Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Government-Industry Advisory Panel about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to LTC Lunoff, the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Government-Industry Advisory Panel for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the panel until its next meeting. Please note that because the panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

*Verbal Comments:* Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be

addressed by the comment, at least three (3) business days in advance to the committee DFO, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the panel's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Dated: February 21, 2017.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2017–03696 Filed 2–24–17; 8:45 am]

**BILLING CODE 5001–06–P**

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## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, March 15, 2017, 4:00 p.m.

**ADDRESSES:** Frank H. Rogers Science and Technology Building, 755 East Flamingo, Las Vegas, Nevada 89119.

**FOR FURTHER INFORMATION CONTACT:** Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 167, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–2025 or Email: [NSSAB@nnsa.doe.gov](mailto:NSSAB@nnsa.doe.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:* 1. Briefing and Recommendation Development for Fiscal Year 2019 Baseline Prioritization—Work Plan Item #8.

*Public Participation:* The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

*Minutes:* Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: [http://www.nnss.gov/NSSAB/pages/MM\\_FY17.html](http://www.nnss.gov/NSSAB/pages/MM_FY17.html).

Issued at Washington, DC, on February 17, 2017.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2017–03775 Filed 2–24–17; 8:45 am]

**BILLING CODE 6450–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17–987–000]

#### Iron Horse Battery Storage, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Iron Horse Battery Storage, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and

385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03763 Filed 2-24-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-991-000]

#### Hunlock Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Hunlock Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that

such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03766 Filed 2-24-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-989-000]

#### Chambersburg Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chambersburg Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-03764 Filed 2-24-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-990-000]

#### Gans Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Gans Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-03765 Filed 2-24-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-1002-000]

#### Optimum Power Investments, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Optimum Power Investments, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access

who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-03769 Filed 2-24-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-74-000.

*Applicants:* Duke Energy Florida, LLC.

*Description:* Supplement to January 30, 2017 Application for Authorization under Section 203 of the FPA (Exhibit I) of Duke Energy Florida, LLC.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5091.

*Comments Due:* 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER13-1465-003.

*Applicants:* El Paso Electric Company.

*Description:* Compliance filing: Re-filing to Align OATT Attachment K to be effective 10/1/2015.

*Filed Date:* 2/21/17.

*Accession Number:* 20170221-5172.

*Comments Due:* 5 p.m. ET 3/14/17.

*Docket Numbers:* ER16-2304-001.



*Applicants:* Duke Energy Florida, LLC.

*Description:* Report Filing: BPA NITSA (CEC Load) Rev 2 to be effective 3/1/2017.

*Filed Date:* 2/16/17.

*Accession Number:* 20170216-5063.

*Comments Due:* 5 p.m. ET 3/9/17.

*Docket Numbers:* ER17-790-000.

*Applicants:* Cimarron Bend Wind Project II, LLC.

*Description:* Amendment to January 13, 2017 Cimarron Bend Wind Project II, LLC tariff filing.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5173.

*Comments Due:* 5 p.m. ET 3/6/17.

*Docket Numbers:* ER17-1004-000.

*Applicants:* PacifiCorp.

*Description:* § 205(d) Rate Filing: BPA NITSA (CEC Load) Rev 2 to be effective 3/1/2017.

*Filed Date:* 2/21/17.

*Accession Number:* 20170221-5167.

*Comments Due:* 5 p.m. ET 3/14/17.

*Docket Numbers:* ER17-1005-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 2855R2 KMEA & KCPL Meter Agent Agreement to be effective 2/1/2017.

*Filed Date:* 2/21/17.

*Accession Number:* 20170221-5202.

*Comments Due:* 5 p.m. ET 3/14/17.

Take notice that the Commission received the following qualifying facility filings:

*Docket Numbers:* QF17-690-000.

*Applicants:* Archer Daniels Midland Company.

*Description:* Form 556 of Archer Daniels Midland Company [Marshall].

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5250.

*Comments Due:* None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03762 Filed 2-24-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14814-000]

#### Watterra Energy, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

##### Correction

In notice document 2017-03155, appearing on page 11027, in the issue of Friday, February 17, 2017, make the following correction:

On page 11027, in the first column, in the document heading, below DEPARTMENT OF ENERGY and Federal Energy Regulatory Commission, "[Project No. 4814-000]" should read, "[Project No. 14814-000]".

[FR Doc. C1-2017-03155 Filed 2-24-17; 8:45 am]

**BILLING CODE 1301-00-D**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-992-000]

#### Springdale Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Springdale Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and

assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03767 Filed 2-24-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-993-000]

#### Bath County Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Bath County Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888

First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 13, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03768 Filed 2-24-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-83-000.

*Applicants:* Chambersburg Energy, LLC, Gans Energy, LLC, Hunlock

Energy, LLC, Springdale Energy, LLC, Bath County Energy, LLC, Allegheny Energy Supply Company, LLC, Allegheny Generating Company.

*Description:* Joint Application for Approval Under Section 203 of the Federal Power Act and Request for a Shortened Comment Period of Chambersburg Energy, LLC, et al.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5252.

*Comments Due:* 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER16-2654-002.

*Applicants:* City Point Energy Center, LLC.

*Description:* Notice of Non-Material Change in Status of City Point Energy Center, LLC.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5248.

*Comments Due:* 5 p.m. ET 3/10/17.

*Docket Numbers:* ER17-985-001.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* Tariff Amendment: 2017-02-17 Amendment to SA 2907 RockGen-ATC Amended GIA J382/J384 to be effective 2/2/2017.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5206.

*Comments Due:* 5 p.m. ET 3/10/17.

*Docket Numbers:* ER17-1001-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2017-02-17 SA 2492 MSCPA-METC Project 1 GIA Termination to be effective 6/1/2016.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5209.

*Comments Due:* 5 p.m. ET 3/10/17.

*Docket Numbers:* ER17-1002-000.

*Applicants:* Optimum Power Investments, LLC.

*Description:* Baseline eTariff Filing: Baseline new to be effective 3/31/2017.

*Filed Date:* 2/17/17.

*Accession Number:* 20170217-5210.

*Comments Due:* 5 p.m. ET 3/10/17.

*Docket Numbers:* ER17-1003-000.

*Applicants:* Tampa Electric Company.

*Description:* Tariff Cancellation: Termination of Rate Schedule 95 w\_ Progress Energy Florida-Phillips Agreement to be effective 2/23/2017.

*Filed Date:* 2/21/17.

*Accession Number:* 20170221-5128.

*Comments Due:* 5 p.m. ET 3/14/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 21, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03761 Filed 2-24-17; 8:45 am]

**BILLING CODE 6717-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The following applicants filed AM or FM proposals to change the community of License: CSSI Non-Profit Educational Broadcasting Corporation, Station KYQX, Facility ID 62040, BPED-20161216AAP, From Weatherford, TX, To Mineral Wells, TX; East Valley Institute of Technology District #401, Station KPNG, Facility ID 173984, BPED-20170111ABI, From Chandler, AZ, To Maricopa, AZ; Educational Media Foundation, Station KLVK, Facility ID 76329, BPED-20170111ABJ, From Fountain Hills, AZ, To Maricopa, AZ; Educational Media Foundation, Station KLVA, Facility ID 2749, BPED-20170111ABK, From Maricopa, AZ, To Avondale, AZ; New England Broadcasting Edu. Group Inc., Station WVCA, Facility ID 197976, BNPED-20161128ADJ, From Newbury, MA, To Seabrook, NH; Top O' Texas Ed B/ Casting Foundation, Station KUHC, Facility ID 174504, BPED-20170127ABL, From Clayton, NM, To Hartley, TX; University Of Massachusetts, Station WUMD, Facility ID 163899, BPED-20170104AAW, From North Dartmouth, MA, To Newport, RI; White Mountains Broadcasting, LLC., Station WWOX, Facility ID 190383, BNPED-20170130AAZ, From Canaan, VT, To Milan, NH.

**DATES:** The agency must receive comments on or before April 28, 2017.

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

**FOR FURTHER INFORMATION CONTACT:** Tung Bui, 202-418-2700.

**SUPPLEMENTARY INFORMATION:** The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW., Washington, DC 20554 or electronically

via the Media Bureau's Consolidated Data Base System, [http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs\\_pa.htm](http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm).

Federal Communications Commission.

**James D. Bradshaw,**  
Deputy Chief, Audio Division, Media Bureau.  
[FR Doc. 2017-03808 Filed 2-24-17; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**Open Commission Meeting, Thursday, February 23, 2017**

February 16, 2017.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, February 23, 2017 which is scheduled to commence at 10:30 a.m. in Room TW-C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1 .....	Wireless Telecommunications and Wireline Competition.	Title: Connect America Fund (WC Docket No. 10-90); A National Broadband Plan for Our Future (GN Docket No. 09-51); Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07-135); High-Cost Universal Service Support (WC Docket No. 05-337); Developing an Unified Inter-carrier Compensation Regime (CC Docket No. 01-92); Federal State Joint Board on Universal Service (CC Docket No. 96-45); Lifeline and Link-Up (WC Docket No. 03-109); Universal Service Reform—Mobility Fund (WT Docket No. 10-208). Summary: The Commission will consider a Report and Order adopting rules to provide ongoing support targeted to preserve and advance high-speed mobile broadband and voice service in high-cost areas that the marketplace does not otherwise serve.
2 .....	Wireline Competition .....	Title: Connect America Fund (WC Docket No. 10-90); ETC Annual Reports and Certifications (WC Docket No. 14-58). Summary: The Commission will consider a Report and Order and Order on Reconsideration that (1) resolves a number of issues raised in the Phase II Auction Order FNPRM, including the adoption of weights to compare bids among service performance and latency tiers, and (2) considers several petitions for reconsideration for decisions made in the Phase II Auction Order.
3 .....	Media and Office of Engineering & Technology.	Title: Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16-142). Summary: The Commission will consider a Notice of Proposed Rulemaking that proposes to let television broadcasters use the "Next Generation" broadcast television transmission standard associated with recent work of the Advanced Television Systems Committee (ATSC 3.0) on a voluntary, market-driven basis.
4 .....	Media .....	Title: Revitalization of the AM Radio Service (MB Docket No. 13-249). Summary: The Commission will consider a Second Report and Order that would relax the siting rule for an FM fill-in translator rebroadcasting an AM broadcast station.
5 .....	Consumer & Governmental Affairs .....	Title: Small Business Exemption From Open Internet Enhanced Transparency Requirements (GN Docket No. 14-28). Summary: The Commission will consider an Order granting a five-year waiver to broadband Internet access service providers with 250,000 or fewer broadband connections from the enhanced reporting requirements adopted in the 2015 Title II Order.
6 .....	Wireline Competition .....	Title: Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14-130). Summary: The Commission will consider a Report and Order that would streamline and eliminate outdated accounting rules no longer needed to fulfill the Commission's statutory or regulatory duties.

\* \* \* \* \*

**Consent Agenda**

The Commission will consider the following subjects listed below as a

consent agenda and these items will not be presented individually:

1 .....	Media .....	Title: Delta Radio Network, LLC, Application for Minor Modification of Licensed Facilities of WNLA(AM), Indianola, MS. Summary: The Commission will consider a Memorandum Opinion and Order concerning an Application for Review filed by Delta Radio Network regarding the dismissal of a modification application.
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The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language

interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable

accommodations for people with disabilities are available upon request. In your request, include a description of

the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418-0500; TTY 1-888-835-5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at [www.fcc.gov/live](http://www.fcc.gov/live).

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993-3100 or go to [www.capitolconnection.gmu.edu](http://www.capitolconnection.gmu.edu).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 2017-03756 Filed 2-24-17; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0717]

### Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information

collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before March 29, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, OMB, via email [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov); and to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov). Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

**OMB Control Number:** 3060-0717.

**Title:** Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77, 47 CFR Sections 64.703(a), 64.709, 64.710.

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities.

**Number of Respondents and Responses:** 1,418 respondents; 11,250,150 responses.

**Estimated Time per Response:** 1 minute (.017 hours)-50 hours.

**Frequency of Response:** Annual and on-occasion reporting requirements. **Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this information collection is found at 47 U.S.C. 226, Telephone Operator Services, Public Law 101-435, 104 Stat. 986, codified at 47 CFR 64.703(a) Consumer Information, 64.709 Informational Tariffs, and 64.710 Operator Services for Prison Inmate Phones.

**Total Annual Burden:** 205,023 hours.

**Total Annual Cost:** \$138,750.

**Nature and Extent of Confidentiality:** An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

**Privacy Impact Assessment:** No impact(s).

**Needs and Uses:** The information collection requirements contained in 47 CFR 64.703(a), Operator Service Providers (OSPs) are required to disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate call, how to obtain rate quotations, including any applicable surcharges. 47 CFR 64.710 imposes similar requirements on OSPs to inmates at correctional institutions. 47 CFR 64.709 codifies the requirements for OSPs to file informational tariffs with the Commission. These rules help to ensure that consumers receive information necessary to determine what the charges associated with an OSP-assisted call will be, thereby enhancing informed consumer choice in the operator services marketplace.

Federal Communications Commission.  
**Marlene H. Dortch,**  
*Secretary, Office of the Secretary.*  
 [FR Doc. 2017-03755 Filed 2-24-17; 8:45 am]  
 BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0994]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before April 28, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501-3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060-0994.

*Title:* Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L Band, and the 1.6/2.4 GHz Band.

*Form No.:* Not Applicable.

*Type of Review:* Revision of a currently approved information collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 126 respondents; 126 responses.

*Estimated Time per Response:* 0.50-50 hours per response.

*Frequency of Response:* On occasion, one time and annual reporting requirements, third-party disclosure and recordkeeping requirements.

*Obligation To Respond:* Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r).

*Total Annual Burden:* 520 hours.

*Annual Cost Burden:* \$530,340.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* In general, there is no need for confidentiality with this collection of information.

*Needs and Uses:* This collection will be submitted to the Office of

Management and Budget (OMB) as a revision following the 60-day comment period in order to obtain the full three-year clearance from OMB.

On December 23, 2016, the Commission released a Report and Order in IB Docket No. 13-213, FCC 16-181, titled "Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems." The revisions to 47 CFR part 25 adopted in the Report and Order remove a portion of the information collection requirements as it relates to a newly proposed low power broadband network, as described in document FCC 16-181. These revisions enable ATC licensees to operate low-power ATC using licensed spectrum in the 2483.5-2495 MHz band. Although the original low-power ATC proposal described the use of the adjacent 2473-2483.5 MHz band, low-power terrestrial operations at 2473-2483.5 MHz were not authorized by the Report and Order. The revisions provide an exception for low-power ATC from the requirements contained in section 25.149(b) of the Commission's rules, which require detailed showings concerning satellite system coverage and replacement satellites. The revisions also provide an exception from a rule requiring integrated service, which generally requires that service handsets be capable of communication with both satellites and terrestrial base stations. Accordingly, the provider of low-power ATC would be relieved from certain burdens that are currently in place in the existing information collection. To qualify for authority to deploy a low-power terrestrial network in the 2483.5-2495 MHz band, an ATC licensee would need to certify that it will utilize a Network Operating System to manage its terrestrial low-power network. Although the Report and Order also created new technical requirements for equipment designed to communicate with a low-power ATC network, satisfaction of these technical requirements relieves ATC licensees from meeting other technical requirements that apply to ATC systems generally. We also had a revision to this information collection to reflect the elimination of the elements of this information collection for 2 GHz MSS. See 78 FR 48621-22.

The purposes of the existing information collection are to obtain information necessary for licensing operators of Mobile-Satellite Service (MSS) networks to provide ancillary services in the U.S. via terrestrial base stations (Ancillary Terrestrial

Components, or ATCs); obtain the legal and technical information required to facilitate the integration of ATCs into MSS networks in the L-Band and the 1.6/2.4 GHz Bands; and to ensure that ATC licensees meet the Commission's legal and technical requirements to develop and maintain their MSS networks and operate their ATC systems without causing harmful interference to other radio systems.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-03754 Filed 2-24-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0652]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before April 28, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501-3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

*OMB Control Number:* 3060-0652.

*Title:* Section 76.309, Customer Service Obligations; Section 76.1602, Customer Service-General Information, Section 76.1603, Customer Service-Rate and Service Changes and Section 76.1619, Information and Subscriber Bills.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; State, Local or Tribal Government.

*Number of Respondents and Responses:* 8,260 respondents; 1,117,540 responses.

*Estimated Time per Response:* 0.0167 to 1 hour.

*Frequency of Response:* On occasion reporting requirement; Third party disclosure requirement.

*Obligation To Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i)

and 632 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 50,090 hours.

*Total Annual Cost:* None.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Needs and Uses:* The Commission released on October 14, 2010, a Third Report and Order and Order on Reconsideration, FCC 10-181, CS Docket 97-80 and PP Docket 00-67, modifying the Commission's rules to implement Section 629 of the Communications Act (Section 304 of the Telecommunications Act of 1996). Section 629 of the Communications Act directs the Commission to adopt rules to assure the commercial availability of "navigation devices," such as cable set-top boxes. One rule modification in the Third Report and Order and Order on Reconsideration is intended to prohibit price discrimination against retail devices. This modification requires cable operators to disclose annually the fees for rental of navigation devices and single and additional CableCARDs as well as the fees reasonably allocable to the rental of single and additional CableCARDs and the rental of operator-supplied navigation devices if those devices are included in the price of a bundled offer.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-03753 Filed 2-24-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 12-268; AU Docket No. 14-252; WT Docket No. 12-269; DA 17-142]

### Information Concerning the Assignment Phase of the Forward Auction (Auction 1002), Including the Schedule for Practice and Mock Auctions; Availability of Assignment Phase User Guide and Online Tutorial; Assignment Phase Bidding Begins March 6, 2017

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Incentive Auction Task Force (Task Force) and Wireless Telecommunications Bureau (Bureau) announce information regarding the assignment phase of the forward auction (Auction 1002), including the schedule

for the practice and mock auctions. Specifically, the Task Force and Bureau announce the availability of the assignment phase bidding system and assignment phase data; the assignment phase practice and mock auction design and schedule; the start date, and scheduled conclusion date, for assignment phase bidding; and the availability of educational and informational materials to help bidders prepare for the assignment phase.

**FOR FURTHER INFORMATION CONTACT:** For further information on the practice and mock auctions, contact Melissa Dunford, [Melissa.Dunford@fcc.gov](mailto:Melissa.Dunford@fcc.gov), (202) 418-0617, or Jonathan McCormack, [Jonathan.McCormack@fcc.gov](mailto:Jonathan.McCormack@fcc.gov), (202) 418-1065. For general auction questions, contact Linda Sanderson, [Linda.Sanderson@fcc.gov](mailto:Linda.Sanderson@fcc.gov), (717) 338-2868. For forward auction legal questions, contact Valerie Barrish, [Valerie.Barrish@fcc.gov](mailto:Valerie.Barrish@fcc.gov), (202) 418-0660, or Scott Mackoul, [Scott.Mackoul@fcc.gov](mailto:Scott.Mackoul@fcc.gov), (202) 418-0660. Press contact: Charles Meisch, [Charles.Meisch@fcc.gov](mailto:Charles.Meisch@fcc.gov), (202) 418-2943. For technical support questions, contact the FCC Auctions Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or TTY: (202) 414-1255 (open 8:00 a.m.–6:00 p.m. Eastern Time (ET), Monday through Friday).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269; DA 17-142, released February 14, 2017. The complete text of this document is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at <http://wireless.fcc.gov>, the Auction 1000 Web site at <http://www.fcc.gov/auctions/1000>, or by using the search function on the ECFS Web page at <http://www.fcc.gov/cgb/ecfs/>. Alternative formats are available to persons with disabilities by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

### Synopsis

1. The Incentive Auction Task Force (Task Force) and the Wireless Telecommunications Bureau (Bureau) provide information regarding the assignment phase of the forward auction (Auction 1002) of the broadcast

television spectrum incentive auction. The assignment phase is designed to give highest priority to assigning bidders within a Partial Economic Area (PEA) contiguous blocks of spectrum to the extent possible and to simplify the bidding process. Bidders that won at least one block of paired spectrum in one PEA in the forward auction clock phase are eligible to participate in the forward auction assignment phase. Bidders eligible to participate in the assignment phase will be able to log in to the assignment phase bidding system between 10 a.m. and 6 p.m. ET on Tuesday, February 21, 2017, to download their assignment phase bidding options (which correspond to their clock phase winnings), view the sequence and timing for the assignment rounds for all PEAs, and identify the assignment rounds in which they will be eligible to participate. Beginning the next day, Wednesday, February 22, 2017, the Task Force and Bureau will provide one practice auction opportunity, and beginning on Tuesday, February 28, 2017, will conduct one mock auction for the assignment phase of Auction 1002, according to the schedule announced below. The first round of forward auction assignment phase bidding will begin on Monday, March 6, 2017, and all assignment rounds are scheduled to conclude by Thursday, March 30, 2017.

2. The practice and mock auctions will give clock phase winning bidders an opportunity to become familiar with the assignment phase bidding system and to ask Commission auction and technical support staff questions about the system and the conduct of the assignment phase. The Task Force and Bureau strongly recommend that all clock phase winning bidders participate in the practice and mock auctions for the assignment phase of the forward auction.

3. The Task Force and Bureau announce the availability of the "FCC Incentive Auction Forward Auction Assignment Phase Bidding System User Guide," which describes the features of the system that will be used to bid in the assignment phase of the forward auction and which provides detailed instructions for bidding and viewing results and payment information from the assignment phase. The Task Force and Bureau also announce the availability of an online tutorial on bidding in the forward auction assignment phase, which explains the structure of the assignment phase, the process for determining winning assignments and associated payments, and the calculation of final auction payments. Both the user guide and

tutorial are available in electronic form under the "Education" section of the Auction 1002 Web site ([www.fcc.gov/auctions/1002](http://www.fcc.gov/auctions/1002)) and will remain available and accessible on the Auction 1002 Web page for reference. The Task Force and Bureau recommend that bidders eligible to participate in the assignment phase thoroughly review the user guide and the tutorial to prepare for bidding in the assignment phase.

### I. Assignment Phase Bidding System Availability and Data

4. Bidders eligible to participate in the assignment phase will be able to log in to the assignment phase bidding system for a preview period using a link for the system that will be mailed to each bidder. Bidders will be able to access the system during the preview period between 10:00 a.m. and 6:00 p.m. on Tuesday, February 21, 2017, the day before the assignment phase practice auction begins. Before the assignment phase begins, eligible bidders will be able to access information about their bidding options for each PEA in which they had clock phase winnings, the grouping of PEAs for bidding in each assignment round, and the sequencing of the assignment rounds. The following information will be available to bidders in the system before bidding in the assignment phase begins:

5. *Contiguity Outcome.* The contiguity outcome for each PEA or PEA group will be available in the system. Because all blocks are contiguous and of the same category (Category 1) under the band plan associated with the 84 megahertz clearing target of the final stage, it will be possible to assign every winning bidder from the clock phase contiguous blocks of frequency-specific licenses, regardless of whether they bid in the assignment phase.

6. *Grouping of PEAs for Bidding.* Bidders will be able to view whether any PEAs have been grouped for purposes of bidding in the assignment phase. PEAs will be grouped for bidding in the same assignment round if the same bidders won the same number of blocks in each of the PEAs in the group, and if all of the PEAs in the group are either high-demand PEAs or in the same Regional Economic Area Grouping (REAG) and either subject to the small market bidding credit cap or not subject to the cap. The same assignment will be made for all of the PEAs in the group.

7. *Bidding Options.* Bidders can download their full list of bidding options provided in the "My Bids and Options" download. This file provides information about all of the bidding options available to the bidder for all assignment rounds in which it can bid,

based on its winnings in the clock phase. This file can also be used to upload bids. Consistent with the contiguity outcome described above, each bidder's bidding options for a PEA will be all of the contiguous options consistent with the bidder's clock phase winnings.

8. *Detailed Schedule of Rounds.* The full schedule of assignment rounds will be available for viewing in the system. The assignment rounds will begin on Monday, March 6, 2017. The bidding system has already determined that there will be seventy-four assignment rounds based on the number of PEAs that can be grouped together for bidding. We expect to conduct four assignment rounds per day; therefore, we anticipate that the assignment phase will conclude on Thursday, March 30, 2017. The high-demand PEAs will be assigned first—in decreasing order of weighted pops—one PEA (or PEA group) per assignment round. Once the high-demand PEAs have been assigned, the remaining PEAs within each of the six REAGs will be assigned, with parallel bidding taking place for a PEA (or PEA group) in as many as six REAGs during the same assignment bidding round. Within each REAG, bidding will take place in order of decreasing weighted pops.

9. Access to the actual assignment phase data will be suspended during the practice and mock auction, but will become available again at 10:00 a.m. ET on Friday, March 3, 2017—three days before bidding in the assignment phase begins. During the practice and mock auctions, bidders will continue to log in using the same link they use for assignment phase bidding.

## II. Assignment Phase Practice Auction

10. For the assignment phase practice auction, the bidding system will use the actual PEAs in the incentive auction, but bidders will not necessarily be assigned PEAs in which they have clock phase winnings. Each clock phase winning bidder will be assigned a randomly-selected set of PEAs on which it may bid. Each bidder's assigned practice PEAs will determine the assignment rounds in which it may bid in the practice auction. Bidding in the practice auction will not predict actual bidding in the assignment phase of the forward auction.

### A. Practice Auction Design

11. Each bidder will be randomly assigned practice winnings in PEAs to provide an opportunity to participate in at least the same number rounds in the practice auction as it will have in the actual assignment phase, up to a

maximum of five rounds. For example, if a clock phase winner has actual winnings in PEAs in four rounds of the assignment phase, it will be randomly assigned PEAs in at least four rounds for the practice auction. If a clock phase winner has actual winnings in PEAs in more than five rounds of the assignment phase, it will be randomly assigned PEAs in five rounds for the practice auction.

12. Bidders' assigned practice winnings will enable them to simulate the experience they will have in the assignment phase. Accordingly, if a bidder's clock phase winnings include any blocks in any of the high-demand PEAs, then the bidder will be randomly assigned practice winnings in one high-demand PEA or PEA group. A bidder that does not have clock phase winnings in any high-demand PEA will not be assigned practice winnings in a high-demand PEA and will not be able to practice bidding in an assignment round for a high-demand PEA or PEA group. If a bidder has clock phase winnings in multiple REAGs that will be assigned in the same assignment round, its assigned practice winnings will include PEAs or PEA groups in multiple REAGs that will be assigned in the same round. If a bidder does not have clock phase winnings in multiple REAGs that will be assigned in the same assignment round, its assigned practice winnings may or may not include PEAs or PEA groups in multiple REAGs that will be assigned in the same round.

13. In each PEA, a bidder will be randomly assigned either one or two blocks, and each bidder's practice clock phase winnings will include both reserved and unreserved blocks in at least one PEA. Each bidder will be eligible for its actual forward auction bidding credit in the practice auction.

### B. Practice Auction Schedule

14. The assignment phase practice auction will begin on Wednesday, February 22, 2017, and continue through Friday, February 24, 2017. Bidders will be able to preview assignment phase practice auction data beginning at 10:00 a.m. ET on Wednesday, February 22, 2017, and three practice assignment rounds will be conducted that afternoon with bidding for assignments in high-demand PEAs. The second and third days of the practice auction will consist of four practice assignment rounds each day and will include bidding for assignments in non-high-demand PEAs, with bidding conducted for PEAs in up to six REAGs during each round.

15. When the assignment phase practice auction data preview period

begins, bidders will be able to access the system to download the file of assignment phase practice bidding options and to see the order of the assignment rounds for the PEAs in which they have assignment phase practice PEA selections.

16. The assignment phase practice auction will occur as follows:

February 22, 2017

Preview Period—10:00 a.m.–12:00 p.m. ET

Practice Assignment Round—12:00 p.m.–1:00 p.m. ET

Practice Assignment Round—2:00 p.m.–3:00 p.m. ET

Practice Assignment Round—4:00 p.m.–5:00 p.m. ET

February 23, 2017 and February 24, 2017

Practice Assignment Round—10:00 a.m.–11:00 a.m. ET

Practice Assignment Round—12:00 p.m.–1:00 p.m. ET

Practice Assignment Round—2:00 p.m.–3:00 p.m. ET

Practice Assignment Round—4:00 p.m.–5:00 p.m. ET

17. Bidders that participate in the assignment phase practice auction will have the ability to use all features of the assignment phase bidding system, as in the actual assignment phase bidding rounds.

## III. Assignment Phase Mock Auction

18. The assignment phase mock auction will provide winning clock phase bidders with a final opportunity, after their experience during the practice auction, to bid in simulated assignment phase rounds. As with the practice assignment rounds, the mock auction will allow participants to become more familiar with the assignment phase bidding system and to ask Commission staff questions they may have in advance of the actual assignment phase of Auction 1002.

19. The assignment phase mock auction will begin on Tuesday, February 28, 2017, and continue through Thursday, March 2, 2017. As in the practice auction, there will be a preview period on the morning of the first day of the assignment phase mock auction, and three mock assignment rounds will be conducted that afternoon with bidding for assignments in high-demand PEAs. The second and third days of the mock auction will consist of six practice assignment rounds each day and will include bidding for assignments in non-high-demand PEAs, with bidding conducted for PEAs in up to six REAGs during each round.



20. Clock phase winners will again be randomly assigned clock phase winnings for the assignment phase mock auction. Similar to the practice auction, each bidder will be randomly assigned practice winnings in PEAs that will provide an opportunity to participate in at least the same number rounds in the mock auction as it will have in the actual assignment phase, up to a maximum of 10 rounds. Other than the number of assigned rounds, the mock auction will use the same criteria for assigning PEAs to bidders as described above for the assignment phase practice auction.

21. The assignment phase mock auction will occur as follows:

February 28, 2017

Preview Period—10:00 a.m.–12:00 p.m. ET

Mock Assignment Round—12:00 p.m.–1:00 p.m. ET

Mock Assignment Round—2:00 p.m.–3:00 p.m. ET

Mock Assignment Round—4:00 p.m.–5:00 p.m. ET

March 1, 2017 and March 2, 2017

Mock Assignment Round—10:00 a.m.–10:40 a.m. ET

Mock Assignment Round—11:00 a.m.–11:40 a.m. ET

Mock Assignment Round—12:00 p.m.–12:40 p.m. ET

Mock Assignment Round—2:00 p.m.–2:40 p.m. ET

Mock Assignment Round—3:00 p.m.–3:40 p.m. ET

Mock Assignment Round—4:00 p.m.–4:40 p.m. ET

#### IV. Bidder Questions During the Assignment Phase, Including the Practice and Mock Auctions

22. Commission auction staff will be available during the assignment phase practice and mock auctions and the actual assignment phase bidding rounds. Only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the qualified bidder's FCC Form 175 should call on behalf of a bidder. To place bids by telephone or to ask time-sensitive questions during the auction, an authorized bidder must use the FCC Auction Bidder Line telephone number supplied in the registration materials and have his or her login information and RSA SecurID® token available. Bidders can also use the messaging function of the bidding system for non-time-sensitive questions or suggestions.

Federal Communications Commission.

**Gary D. Michaels,**

*Deputy Chief, Auctions and Spectrum Access Division, WTB.*

[FR Doc. 2017-03830 Filed 2-22-17; 4:15 pm]

**BILLING CODE 6712-01-P**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage In or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in the notice have given notice under the Home Owners Loan Act (HOLA) (12 U.S.C. 1461 *et seq.*) and Regulation LL (12 CFR part 238) or Regulation MM (12 CFR part 239) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is described in § 238.53 or 238.54 of Regulation LL (12 CFR 238.53 or 238.54) or § 239.8 of Regulation MM (12 CFR 239.8). Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 10a(c)(4)(B) of HOLA (12 U.S.C. 1467a(c)(4)(B)).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 2017.

*A. Federal Reserve Bank of Boston* (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210-2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org*:

1. *Admirals Bancorp, Inc.*, Boston, Massachusetts; Federal One Holdings, LLC and Lazares and Company, LLC, both of Milton, Massachusetts; to engage in lending activities pursuant to 12 CFR 238.54 and 12 CFR 225.28(b)(1), (b)(2).

Board of Governors of the Federal Reserve System, February 22, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03827 Filed 2-24-17; 8:45 am]

**BILLING CODE 6210-01-P**

## GENERAL SERVICES ADMINISTRATION

[Notice–WWICC–2017–01; Docket No. 2017–0003; Sequence 1]

### World War One Centennial Commission; Notification of Change to Upcoming Public Advisory Meeting

**AGENCY:** World War One Centennial Commission.

**ACTION:** Meeting notice.

**SUMMARY:** Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the schedule and agenda for the March 22, 2017 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public via telephone, first come, first served.

**DATES:** *Effective:* February 27, 2017.

**MEETING DATE:** The meeting will be held on Wednesday, March 22, 2017 starting at 10:00 a.m., Eastern Daylight Saving Time (EDST), and ending no later than 2:00 p.m., EDST. The meeting will be held via teleconference. The meeting will be open for the public to dial in on a first come first served basis by dialing 712-432-1001 and entering Access Code: 474845614#. Note this is not a toll-free number.

Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m., Eastern Daylight Saving Time (EDST), on March 17, 2017, and may be provided by email to *daniel.dayton@worldwar1centennial.gov*. Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment during the meeting's 30-minute public comment period.

Registered speakers/organizations will be allowed five minutes and will need to provide written copies of their presentations. Requests to comment, together with presentations for the meeting, must be received by 5:00 p.m., EDST, on Friday, March 17, 2017. Please contact Mr. Dayton at the email address above to obtain meeting materials.

**FOR FURTHER INFORMATION CONTACT:** Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial Commission, 701 Pennsylvania Avenue NW., 123, Washington, DC 20004-2608, at 202-380-0725 (note: this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## Background

The World War One Centennial Commission was established by Public Law 112–272 (as amended), as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. The Commission does not have an appropriation and operates solely on donated funds.

Agenda: Wednesday, March 22, 2017.

## Old Business

- Acceptance of minutes of last meeting.
- Public Comment Period.

## New Business

- Executive Director's Report—Mr. Dayton.
- Financial Committee Report—Vice Chair Fountain.
- Fundraising Report—Ambassador Sedgwick.
- Memorial Report—Vice Chair Fountain.
- Education Report—Dr. O'Connell.
- Endorsements—(RFS)—Dr. Seefried.
- International Report—Dr. Seefried.
- Report on April 6 Event—Dr. Seefried.
- Other Business.
- Chairman's Report.
- Set Next Meeting.
- Motion to Adjourn.

Dated: February 13, 2017.

**Daniel S. Dayton,**

*Designated Federal Official, World War I Centennial Commission.*

[FR Doc. 2017–03721 Filed 2–24–17; 8:45 am]

BILLING CODE 6820–95–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Docket Number CDC–2017–0014, NIOSH–292]

#### Draft Chapter: Analysis of Carbon Nanotubes and Nanofibers on Filters by Transmission Electron Microscopy; Request for Comments

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Request for comments.

**SUMMARY:** The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft chapter to be published in the NIOSH Manual of Analytical Methods entitled, “Analysis of Carbon Nanotubes and Nanofibers on Filters by Transmission Electron Microscopy,” for public comment. The document and instructions for submitting comments can be found at [www.regulations.gov](http://www.regulations.gov).

**DATES:** Electronic or written comments must be received by April 28, 2017.

**ADDRESSES:** You may submit comments, identified by CDC–2017–0014 and docket number NIOSH–292, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

*Instructions:* All information received in response to this notice must include the agency name and docket number [CDC–2017–0014; NIOSH–292]. All relevant comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov). All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

**FOR FURTHER INFORMATION CONTACT:** M. Eileen Birch, Ph.D., CDC/NIOSH, 1090 Tusculum Avenue, MS R–7, Cincinnati, Ohio 45226; (513) 841–4298 (this is not a toll free number).

**SUPPLEMENTARY INFORMATION:**

*Background:* The NIOSH Manual of Analytical Methods (NMAM) was first published in 1974 and currently contains over 300 methods that can be used by occupational safety and health professionals to measure worker exposures to chemical and biological agents. In addition to the methods, the NMAM contains chapters that offer guidance on workplace air sampling, instrumentation, analytical protocols, and quality assurance. The draft chapter entitled, “Analysis of Carbon Nanotubes and Nanofibers on Mixed Cellulose Ester Filters by Transmission Electron Microscopy,” is proposed for addition to NMAM and provides standardized approaches for the analysis of carbon nanoparticles. These standardized approaches are meant to harmonize analytical techniques, enabling comparison of results between studies and fostering optimal data quality. NIOSH scientists published studies on the microanalysis of airborne carbonaceous nanomaterials, and this research has led to the procedures described in this chapter. The chapter provides detailed guidance on effective means to perform transmission electron microscopic analysis on carbon nanotubes and nanofibers that are sampled from occupational atmospheres. This draft chapter has previously undergone scientific peer review and is proposed for inclusion in the 5th edition of NMAM ([www.cdc.gov/niosh/nmam](http://www.cdc.gov/niosh/nmam)).

*Information Needs:* NIOSH is seeking public review and comment on this document from anyone with an interest in analysis of carbon nanoparticles.

**John Howard,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2017–03738 Filed 2–24–17; 8:45 am]

BILLING CODE 4163–19–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Docket Number CDC–2017–0001, NIOSH–293]

#### Personal Protective Equipment Information (PPE-Info) Database

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Request for information and comment.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention announces the availability of a draft web-based database entitled PPE-Info for public comment. To view the notice and related materials, visit [www.regulations.gov](http://www.regulations.gov) and enter CDC–2017–0001 in the search field and click “Search.”

#### Table of Contents

- Dates:
- Addresses:
- For Further Information Contact:
- Supplementary Information:
- Background:
- Information Needs:
- Reference

**DATES:** Electronic or written comments must be received by April 13, 2017.

**ADDRESSES:** You may submit comments, identified by CDC–2017–0001 and docket number NIOSH–293, by any of the following methods:

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

- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

*Instructions:* All information received in response to this notice must include the agency name and docket number [CDC–2017–0001; NIOSH–293]. All relevant comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov). All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

**FOR FURTHER INFORMATION CONTACT:** Susan Moore, NIOSH, National Personal Protective Technology Laboratory, Office of the Director, 626 Cochran Mill Road, Building 20, Pittsburgh, PA, 15236, (412) 386–6613, (not a toll free number).

**SUPPLEMENTARY INFORMATION:** PPE-Info is a collection of national personal protective equipment (PPE) information. The database provides standards developers, manufacturers, suppliers, purchasers, and end users of PPE with the ability to conduct general- or advanced-criteria searches of (1) relevant standards, (2) associated product types, (3) target occupational

groups, (4) basic conformity assessment specifications, and (5) an abundance of additional pertinent information. PPE-Info is the only private or public U.S. database that compiles, tracks, and updates comprehensive information about national PPE standards and select product information.

Using this collection of information, PPE-Info currently offers the following capabilities:

- Identification of PPE standards, searchable by PPE type, hazard category, Standards Development Organization, Standard Occupational Classification (SOC) code, standard type, and standard status, with basic- and advanced-search functions;
- A PPE-Selection Logic Tool for potential Ebola exposure;
- Identification of 3rd party testing laboratories whose scope of accreditation includes testing to the identified standard.

1. *Background:* In 2011 NIOSH began an effort to address the recommendations issued by the Institute of Medicine (IOM) in its report “*Certifying Personal Protective Technologies: Improving Worker Safety*,” which recommended that “*NIOSH NPPTL should continue and expand its role in PPT [personal protective technology] conformity assessment. Specifically, NPPTL should expand its role and become the primary clearinghouse for reliable information on non-respirator PPT.*” The PPE-Info Database is an initial key element designed to address this IOM recommendation. The PPE-Info Web site was developed in 2012 and is available for use and review (<https://www.niosh-connect.adobeconnect.com/p7o6sz3xxt5/>).

*Information Needs:* Public comments and recommendations are needed to assist NIOSH in finalizing the PPE-Info database. Information is needed to answer the following questions:

1. What improvements to the current PPE-Info capabilities are still needed? For example,

a. Should PPE-Info include a list of PPE that conforms to a given standard along with the corresponding level of conformity (e.g., supplier declaration of conformity, accredited third-party declaration of conformity)? If so, what types of PPE would be the most important to include? Provide your rationale, any supporting data or information, including references or sources of technical expert opinion.

b. Should additional selection logic assistance be added, similar to what

PPE-Info already does for the hazard of Ebola? If so, which hazards would be most relevant to include and, of those, which have been sufficiently researched to support this logic selection assistance? Provide any supporting data or information regarding the research, including references.

2. In addition to the existing content included in PPE-Info, what new content or capabilities could be included to further improve health and safety outcomes for U.S. workers? Please provide an explanation for why these improvements are needed, including the affected parties/target audience and the potential impact to the PPE community if these improvements were made. For example, should PPE-Info include international PPE standards? If so, what standards would be the highest priority? Provide your rationale, any supporting data or information, including references or sources of technical expert opinion.

3. What improvements (if any) to PPE-Info are needed to achieve the IOM’s vision of the “primary clearinghouse for reliable information on non-respirator PPT?” Please provide an explanation for why these improvements are needed, including the affected parties/target audience and the potential impact to the PPE community if these improvements were made. Provide your rationale, any supporting data or information, including references or sources of technical expert opinion.

4. Identify any other issues that you feel NIOSH should address in regards to this database. Please provide an explanation for why these improvements are needed, including the affected parties/target audience and the potential impact to the PPE community if these improvements were made. Provide your rationale, any supporting data or information, including references or sources of technical expert opinion, or describe your experiences as a database user.

#### Reference

Cohen HJ, Liverman CT [2010]. “Certifying Personal Protective Technologies: Improving Worker Safety.” <https://www.nap.edu/catalog/12962/certifying-personal-protective-technologies-improving-worker-safety>

#### John Howard,

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2017–03737 Filed 2–24–17; 8:45 am]

**BILLING CODE 4163–19–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–65, CMS–1572, CMS–10175, CMS–10220, CMS–10471, and CMS–10495]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by April 28, 2017.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).
3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

#### SUPPLEMENTARY INFORMATION:

##### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–65 Final Peer Review Organizations Sanction Regulations in 42 CFR Sections 1004.40, 1004.50, 1004.60, and 1004.70

CMS–1572 Home Health Agency Survey and Deficiencies Report  
CMS–10175 Certification Statement for Electronic File Interchange Organizations

CMS–10220 Security Consent and Surrogate Authorization Form

CMS–10471 Medicare Prior Authorization of Power Mobility Devices (PMDs) Demonstration

CMS–10495 Registration, Attestation, Dispute & Resolution, Assumptions Document and Data Retention Requirements for Open Payments

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

#### Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Final Peer Review Organizations Sanction Regulations in 42 CFR Sections 1004.40, 1004.50, 1004.60, and 1004.70; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act (the Act), creating the Utilization and Quality Control Peer Review Organization Program. Section 1156 of the Act imposes obligations on health care practitioners and others who furnish or order services or items under Medicare. This section also provides for sanction actions, if the Secretary determines that the obligations as stated by this section are not met. Quality Improvement Organizations (QIOs) are responsible for identifying violations. The QIOs may allow practitioners or other entities, opportunities to submit relevant information before determining that a violation has occurred. The information collection requirements contained in this information collection request are used by the QIOs to collect the information necessary to make their decision. *Form Number:* CMS–R–65 (OMB Control Number: 0938–0444); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 18; *Total Annual Responses:* 18; *Total Annual Hours:* 4,716. (For policy questions regarding this collection contact Tiffany Jackson-Dickey at 410–786–1124.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home Health Agency Survey and Deficiencies Report; *Use:* In order to participate in the Medicare Program as a Home Health Agency (HHA) provider, the HHA must meet federal standards. This form is used to record information and patients' health and provider compliance with requirements and to report the information to the federal government. *Form Number:* CMS–1572 (OMB Control Number: 0938–0355); *Frequency:* Yearly; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 3,830; *Total Annual Responses:* 3,830; *Total Annual Hours:* 958. (For policy questions regarding this collection contact Sarah Fahrendorf at 410–786–3112.)

3. *Type of Information Collection Request:* Extension of a currently approved information collection; *Title of Information Collection:* Certification Statement for Electronic File Interchange Organizations; *Use:* Health

care providers can currently obtain a National Provider Identifier (NPI) via a paper application or over the Internet through the National Plan and Provider Enumeration System (NPPES). These applications must be submitted individually, on a per-provider basis. The Electronic File Interchange (EFI) process allows provider-designated organizations (EFIOs) to capture multiple providers' NPI application information on a single electronic file for submission to NPPES. This process is also referred to as bulk enumeration. To ensure that the EFIO has the authority to act on behalf of each provider and complies with other federal requirements, an authorized official of the EFIO must sign a certification statement and mail it to us. *Form Number:* CMS-10175 (OMB Control Number: 0938-0984). *Frequency:* Occasionally. *Affected Public:* Private Sector; *Number of Respondents:* 25; *Total Annual Responses:* 25; *Total Annual Hours:* 75. (For policy questions regarding this collection contact Kimberly McPhillips at 410-786-5374.)

#### 4. *Type of Information Collection*

*Request:* Revision of a currently approved information collection; *Title of Information Collection:* Security Consent and Surrogate Authorization Form; *Use:* The primary function of the Medicare enrollment application is to obtain information about the Provider or supplier and whether they meet the Federal and/or State qualifications to participate in the Medicare program. In addition, the Medicare enrollment application gathers information regarding the provider or supplier's practice location, the identity of the owners of the enrolling organization, and information necessary to establish the correct claims payment.

Enrollees have the option of submitting either a CMS-855 form, or submitting information via a Web based process. In establishing a Web based application process, we allow providers and suppliers the ability to enroll in the Medicare program, revalidate their enrollment and make changes to their enrollment information via Internet-based Provider Enrollment, Chain and Ownership System (PECOS). Individual providers/suppliers (hereinafter referred to as "Individual Providers") log into Internet-based PECOS using their User IDs and passwords established when they applied online to the National Plan and Provider Enumeration System (NPPES) for their National Provider Identifiers (NPIs). Authorized Officials (AOs) of the provider or supplier organizations (hereinafter referred to as "Organizational Providers") must

register for a user account and authenticate their identity and connection to the organization they represent before being able to log into Internet-based PECOS. Once authenticated, AOs for Organizational Providers, receive complete access to their enrollment information via Internet-based PECOS. Individuals and AOs of Organizational Providers are not required to submit a Security Consent and Surrogate Authorization Form to enroll, revalidate or make changes to their Medicare enrollment information.

Individual and Organizational Providers may complete their Medicare enrollment responsibilities on their own or elect to delegate this task to a Surrogate. A Surrogate is an individual or organization identified by an Individual or Organizational Provider as someone authorized to access CMS computer systems, such as Internet-based PECOS, National Provider Plan and Enumeration System (NPPES) and the Medicare and Medicaid Electronic Health Records (EHR) Incentive Program Registration and Attestation System (HITECH), on their behalf and to modify or view any information contained therein that the Individual or Organizational Provider may have permission or right to access in accordance with Medicare statutes, regulations, policies, and usage guidelines for any CMS system.

Surrogates may consist of administrative staff, independent contractors, 3rd party consulting companies or credentialing departments. In order for an Individual or Organizational Provider to delegate the Medicare credentialing process to a Surrogate to access and update their enrollment information in the above mentioned CMS systems on their behalf, it is required that a Security Consent and Surrogate Authorization Form be completed, or Individual and Organizational Providers use an equivalent online process via the PECOS Identity and Access Management (I&A) system. The Security Consent and Surrogate Authorization form replicates business service agreements between Medicare providers, suppliers or both and Surrogates providing enrollment services. The form, once signed, mailed and approved, grants a Surrogate access to all current and future enrollment data for the Individual or Organization Provider. *Form Number:* CMS-10220 (OMB Control Number: 0938-1035); *Frequency:* Occasionally; *Affected Public:* Individuals and Private Sector; *Number of Respondents:* 226,100; *Total Annual Responses:* 226,100; *Total Annual Hours:* 226,100. (For policy

questions regarding this collection contact Kimberly McPhillips at 410-786-5374.)

5. *Type of Information Collection Request:* Extension of a currently approved collection of information; *Title of Information Collection:* Medicare Prior Authorization of Power Mobility Devices (PMDs) Demonstration; *Use:* The purpose of the Medicare Prior Authorization of Power Mobility Devices Demonstration (the Demonstration) is to ensure that payments for PMDs are appropriate before the claims are paid, thereby preventing the fraud, waste, and abuse in the seven states participating in the Demonstration: California, Florida, Illinois, Michigan, New York, North Carolina and Texas. Additional benefits of the Demonstration include ensuring that a beneficiary's medical condition warrants their medical equipment under existing coverage guidelines and preserving their ability to receive quality products from accredited suppliers. In order to gather qualitative information for analysis, the evaluation team will use semi-structured interview guides that focus on the direct impact of the Demonstration on stakeholder groups. Stakeholders will be drawn from advocacy organizations, power mobility device supply companies, state and local government, and healthcare practitioners. This information collection request explains the research methodology and data collection strategies designed to minimize the burden placed on research participants, while effectively gathering the data needed for the evaluation of the Demonstration. *Form Number:* CMS-10471 (OMB Control Number: 0938-1235); *Frequency:* Yearly; *Affected Public:* Private sector (business or other for-profit and not-for-profit institutions) and State and Local Governments; *Number of Respondents:* 254; *Total Annual Responses:* 254; *Total Annual Hours:* 288. (For policy questions regarding this collection contact Debbie Skinner at 410-786-7480.)

6. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Registration, Attestation, Dispute & Resolution, Assumptions Document and Data Retention Requirements for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (Act), which requires applicable manufacturers and applicable group purchasing organizations (GPOs) of covered drugs, devices, biologicals, or medical supplies to report annually to CMS certain payments or other transfers

of value to physicians and teaching hospitals, as well as, certain information regarding the ownership or investment interests held by physicians or their immediate family members in applicable manufacturers or applicable GPOs.

Specifically, applicable manufacturers of covered drugs, devices, biologicals, and medical supplies are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to physicians and teaching hospitals (collectively called covered recipients) during the course of the preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. Applicable manufacturers must report the required payment and other transfer of value information annually to CMS in an electronic format. The statute also provides that applicable manufacturers and applicable GPOs must report annually to CMS the required information about physician ownership and investment interests, including information on any payments or other transfers of value provided to physician owners or investors, in an electronic format by the same date. Applicable manufacturers and applicable GPOs are subject to civil monetary penalties (CMPs) for failing to comply with the reporting requirements of the statute. We are required by statute to publish the reported data on a public Web site. The data must be downloadable, easily searchable, and aggregated. In addition, we must submit annual reports to the Congress and each state summarizing the data reported. Finally, section 1128G of the Act generally preempts state laws that require disclosure of the same type of information by manufacturers. *Form Number:* CMS-10495 (OMB Control Number: 0938-1237); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 227,157; *Total Annual Responses:* 457,454; *Total Annual Hours:* 3,099,297. (For policy questions regarding this collection contact Veronika Peleshchuk Fradlin at 410-786-3323.)

Dated: February 22, 2017.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2017-03809 Filed 2-24-17; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2017-N-0696]

#### Current State and Further Development of Animal Models of Serious Infections Caused by *Acinetobacter baumannii* and *Pseudomonas aeruginosa*; Public Workshop

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshop; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing a public workshop regarding the current state and further development of animal models for serious infections caused by *Acinetobacter baumannii* and *Pseudomonas aeruginosa*. FDA is conducting this workshop in order to facilitate the development of narrow-spectrum antibacterial drugs, such as those that are active against only a single species of bacteria that may not occur frequently.

This public workshop is intended to provide information for and gain perspective from health care providers, other U.S. Government Agencies, academic experts, contract research organizations, and industry on various aspects of development efforts pertaining to animal models of serious infections. The input from this public workshop will also help FDA in developing topics for future discussion.

**DATES:** The public workshop will be held on March 1, 2017, from 8:30 a.m. to 5 p.m. Submit either electronic or written comments on this public workshop by March 15, 2017. See the **SUPPLEMENTARY INFORMATION** section for registration information. The workshop draft Agenda will be made available at: <http://www.fda.gov/Drugs/NewsEvents/ucm534031.htm> prior to the meeting.

**ADDRESSES:** The public workshop will be held at the DoubleTree by Hilton Hotel Washington DC-Silver Spring, 8727 Colesville Rd., Silver Spring, MD 20910. The hotel's phone number is 301-589-5200.

You may submit comments as follows:

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://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 <https://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-2017-N-0696 for "Current State and Further Development of Animal Models of Serious Infections Caused by *Acinetobacter baumannii* and *Pseudomonas aeruginosa*." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://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 <https://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 the electronic and written/paper comments received, go to <https://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:** Lori Benner and/or Jessica Barnes, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6221, Silver Spring, MD 20993-0002, 301-796-1300.

**SUPPLEMENTARY INFORMATION:** FDA is announcing a public workshop regarding animal model development for infectious diseases. FDA is conducting this workshop in order to facilitate the development of narrow-spectrum antibacterial drugs, such as those that are active against only a single species of bacteria that may not occur frequently. When the species occurs infrequently, performing clinical trials can be extremely challenging. Therefore, animal models of infection may be useful to explore the activity of a candidate antibacterial drug and may help to predict whether the drug will be efficacious in humans. A discussion of the additional scientific work needed to evaluate current animal models of infection and evaluate potential animal

models that may predict response in humans could advance the development of antibacterial drugs targeting a single species.

FDA is particularly interested in infections due to *Acinetobacter baumannii* and *Pseudomonas aeruginosa* as pathogens because there are limited therapeutic options to treat patients with serious infections caused by these bacteria, including those resistant to currently available antibacterial drugs. In addition, it is difficult to enroll an adequate number of patients to conduct clinical trials since the frequency with which these organisms cause clinical disease is sufficiently low. Discussions will focus on the current state of animal models of serious infections, lessons learned from the development efforts for past and current animal models of infection, and scientific challenges and future direction and next steps in animal model development.

This public workshop is intended to provide information for and gain perspective from health care providers, other U.S. Government Agencies, academic experts, contract research organizations, and industry on various aspects of development efforts pertaining to animal models of serious infections. The input from this public workshop will also help FDA in developing topics for future discussion. The Agency encourages health care providers, other U.S. Government Agencies, academic experts, contract research organizations, industry, and other interested persons to attend this public workshop.

**Registration:** Interested parties are encouraged to register early. To register electronically, email registration information (including name, title, firm name, address, telephone, and fax number) to [AnimalModelsInfectionWorkshop2017@fda.hhs.gov](mailto:AnimalModelsInfectionWorkshop2017@fda.hhs.gov). Persons without access to the Internet can call 301-796-1300 to register. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability.

If you need special accommodations due to a disability, please contact Jessica Barnes or Lori Benner (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

**Requests for Oral Presentations:** During online registration you may indicate if you wish to present during a public comment session, and which topic(s) you wish to address. We will do

our best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations, and request time for a joint presentation. All requests to make oral presentations must be received by February 27, 2017. We will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants on or before February 28, 2017. If selected for presentation, any presentation materials must be emailed to [AnimalModelsInfectionWorkshop2017@fda.hhs.gov](mailto:AnimalModelsInfectionWorkshop2017@fda.hhs.gov) no later than February 28, 2017. No commercial or promotional material will be permitted to be presented or distributed at the public workshop.

**Transcripts:** Please be advised that as soon as a transcript is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD-ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at <http://www.fda.gov>. Transcripts will also be available on the Internet at: <http://www.fda.gov/Drugs/NewsEvents/ucm534031.htm> approximately 45 days after the workshop.

Dated: February 21, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-03751 Filed 2-24-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Clinical Trial Pilot Studies (R34).

*Date:* March 17, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892-7924, 301-827-7942, [lismerin@nhlbi.nih.gov](mailto:lismerin@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Collaborative Projects in Organ Fibrosis.

*Date:* March 21, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301-827-7953, [kristen.page@nih.gov](mailto:kristen.page@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03704 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Center for Biotechnology Information.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL LIBRARY OF MEDICINE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, National Center for Biotechnology Information.

*Date:* May 2, 2017.

*Open:* 8:30 a.m. to 12:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Open:* 2:00 p.m. to 3:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* David J. Lipman, MD, Director, National Center for Biotechnology Information, National Library of Medicine, Building 38A, Room 8N805, Bethesda, MD 20892, 301-435-5985, [dlipman@mail.nih.gov](mailto:dlipman@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03702 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel Review of U54 Application.

*Date:* March 30, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* Lisa A. Dunbar, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301-594-2849, [dunbarl@mail.nih.gov](mailto:dunbarl@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 22, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03822 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.



The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Sickle Cell Disease Advisory Committee.

*Date:* March 29, 2017.

*Time:* 8:30 a.m. to 1:45 p.m.

*Agenda:* Presentations and Discussion of Training the Next Generation of Researchers in Sickle Cell Disease.

*Place:* National Institutes of Health 6701 Rockledge Drive, 9th Floor, Room 9100/9104, Bethesda, MD 20892.

*Contact Person:* W. Keith Hoots, MD, Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 9030, Bethesda, MD 20892, 301-435-0080, [hootswk@nhlbi.nih.gov](mailto:hootswk@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03706 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive Patent License: The Development of an Anti-Mesothelin Recombinant Immunotoxin (RIT) for the Treatment of Human Cancers.

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Cancer Institute, National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to Selecta Biosciences ("Selecta") located in Watertown, Massachusetts to practice the inventions embodied in the patent applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

**DATES:** Only written comments and/or applications for a license which are received by the NCI Technology Transfer Center on or before March 14, 2017 will be considered.

**ADDRESSES:** Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: David A. Lambertson, Ph.D., Senior Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892-9702 (for business mail), Rockville, MD 20850-9702 Telephone: (240)-276-6467; Email: [lambertsond@mail.nih.gov](mailto:lambertsond@mail.nih.gov).

**SUPPLEMENTARY INFORMATION:** The following represents the intellectual property to be licensed under the prospective agreement:

U.S. Patent Application 61/535,668 (HHS Ref. E-263-2011/0-US-01), PCT Application PCT/US2012/055034 (HHS reference E-263-2011/0-PCT-02), Australian Patent Application 2012308591 (HHS reference E-263-2011/0-AU-03), Canadian Patent Application 2846608 (HHS reference E-263-2011/0-CA-04), European Patent Application 12766780.6 (HHS reference E-263-2011/0-EP-05), US Patent 9,206,240 (HHS reference E-263-2011/0-US-06), Hong Kong Patent Application 14111650.2 (HHS reference E-263-2011/0-HK-07), and US Patent Application 14/927,645 (HHS reference E-263-2011/0-US-08);

U.S. Patent Application 61/495,085 (HHS Ref. E-174-2011/0-US-01), PCT Application PCT/US2012/041234 (HHS reference E-174-2011/0-PCT-02), Australian Patent Application 2012268013 (HHS reference E-174-2011/0-AU-03), Brazilian Patent Application 112013031262-9 (HHS reference E-174-2011/0-BR-04), Canadian Patent Application 2838013 (HHS reference E-174-2011/0-CA-05), Chinese Patent Application 201280039071.1 (HHS reference E-174-2011/0-CN-06), European Patent Application 12727074.2 (HHS reference E-174-2011/0-EP-07), Hong Kong Patent Application 14105911.9 (HHS reference E-174-2011/0-HK-08), Japanese Patent Application 2014-514616 (HHS reference E-174-2011/0-JP-09), South Korean Patent Application 2013-7032402 (HHS reference E-174-2011/0-KR-10), Mexican Patent Application MX/a/2013/014388 (HHS reference E-174-2011/0-MX-11), Russian Patent Application 2013151655 (HHS reference E-174-2011/0-RU-12), US Patent 9,346,859 (HHS reference E-174-2011/0-US-13), Hong Kong Patent Application 14106689.7 (HHS reference E-174-2011/0-HK-14), and US Patent Application 15/095,470 (HHS reference E-174-2011/0-US-15);

U.S. Patent Application 61/483,531 (HHS Ref. E-117-2011/0-US-01), PCT Application PCT/US2012/036456 (HHS reference E-117-2011/0-PCT-02), Australian Patent Application 2012253896 (HHS reference E-117-2011/0-AU-03), Brazilian Patent Application 112013028537-0 (HHS reference E-117-2011/0-BR-04), Canadian Patent Application 2835070 (HHS reference E-117-2011/0-CA-05), Chilean Patent

Application 03182-2013 (HHS reference E-117-2011/0-CL-06), Ecuadorian Patent Application SP-13-13067 (HHS reference E-117-2011/0-EC-07), Egyptian Patent Application PCT 1697/2013 (HHS reference E-117-2011/0-EG-08), European Patent Application 12722586.0 (HHS reference E-117-2011/0-EP-09), Hong Kong Patent Application 14105586.3 (HHS reference E-117-2011/0-HK-10), South Korean Patent Application 2013-7032247 (HHS reference E-117-2011/0-KR-11), Mexican Patent Application MX/a/2013/012905 (HHS reference E-117-2011/0-MX-12), Malaysian Patent Application PI2013702094 (HHS reference E-117-2011/0-MY-13), New Zealand Patent Application 617386 (HHS reference E-117-2011/0-NZ-14), Philippines Patent Application 1-2013-502264 (HHS reference E-117-2011/0-PH-15), Russian Patent Application 2013148919 (HHS reference E-117-2011/0-RU-16), Singapore Patent Application 201308179-9 (HHS reference E-117-2011/0-SG-17), Thailand Patent Application 1301006329 (HHS reference E-117-2011/0-TH-18), Ukrainian Patent Application 201313011 (HHS reference E-117-2011/0-UA-19), Vietnamese Patent Application 1-2013-03855 (HHS reference E-117-2011/0-VN-20), South African Patent Application 2013/08270 (HHS reference E-117-2011/0-ZA-21), US Patent Application 14/115,131 (HHS reference E-117-2011/0-US-22), Japanese Patent Application 2014-509467 (HHS reference E-117-2011/0-JP-23), Chinese Patent 20128003583.7 (HHS reference E-117-2011/0-CN-24), Colombian Patent Application 13-274.153 (HHS reference E-117-2011/0-CO-25), Costa Rican Patent Application 2013-0571 (HHS reference E-117-2011/0-CR-26), Indonesian Patent Application W-00201305198 (HHS reference E-117-2011/0-ID-27), Israeli Patent Application 229198 (HHS reference E-117-2011/0-IL-28), Indian Patent Application 8854/CHENP/2013 (HHS reference E-117-2011/0-IN-29), Peruvian Patent Application 2456.13 (HHS reference E-117-2011/0-PE-30), Algerian Patent Application 130758 (HHS reference E-117-2011/0-DZ-31), Moroccan Patent Application 36534 (HHS reference E-117-2011/0-MA-32), and Hong Kong Patent Application 14108273.5 (HHS reference E-117-2011/0-HK-33);

U.S. Patent Application 61/241,620 (HHS Ref. E-269-2009/0-US-01), PCT Application PCT/US2010/048504 (HHS reference E-269-2009/0-PCT-02), Australian Patent 2010292069 (HHS reference E-269-2009/0-AU-03), Canadian Patent Application 2773665 (HHS reference E-269-2009/0-CA-04), Chinese Patent 201080049559.3 (HHS reference E-269-2009/0-CN-05), European Patent 2475398 (HHS reference E-269-2009/0-EP-06), as validated in France, Germany, Italy, Spain and the United Kingdom, Indian Patent Application 3197/CHENP/2012 (HHS reference E-269-2009/0-IN-07), Japanese Patent 5795765 (HHS reference E-269-2009/0-JP-08), Russian Patent Application 2012114005 (HHS

reference E-269-2009/0-RU-09), and US Patent 8,936,792 (HHS reference E-269-2009/0-US-10);

U.S. Patent Application 60/969,929 (HHS Ref. E-292-2007/0-US-01), PCT Application PCT/US2008/075296 (HHS reference E-292-2007/0-PCT-02), Australian Patent 2008296194 (HHS reference E-292-2007/0-AU-03), Canadian Patent Application 2698357 (HHS reference E-292-2007/0-CA-04), European Patent 2197903 (HHS reference E-292-2007/0-EP-05) as validated in Austria, Belgium, Bulgaria, Switzerland, Cyprus, Germany, Denmark, Estonia, Spain, Finland, France, the United Kingdom, Greece, Croatia, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Monaco, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, and Turkey, US Patent 8,871,906 (HHS reference E-292-2007/0-US-06), European Patent Application 12184319.7 (HHS reference E-292-2007/0-EP-07), and Hong Kong Patent Application 13106628.2 (HHS reference E-292-2007/0-HK-08);

U.S. Patent Application 60/703,798 (HHS Ref. E-262-2005/0-US-01), PCT Application PCT/US2006/028986 (HHS reference E-262-2005/0-PCT-02), Australian Patent 2006275865 (HHS reference E-262-2005/0-AU-03), Canadian Patent 2616987 (HHS reference E-262-2005/0-CA-04), European Patent 1910407 (HHS reference E-262-2005/0-EP-05) as validated in Switzerland, Germany, Spain, France, the United Kingdom, and Italy, US Patent 8,907,060 (HHS reference E-262-2005/0-US-06), European Patent 2311854 (HHS reference E-262-2005/0-EP-07) as validated in Switzerland, Germany, Spain, France, the United Kingdom, and Italy, European Patent 2332970 (HHS reference E-262-2005/0-EP-08) as validated in Germany, Spain, France, the United Kingdom, and Italy, Australian Patent 2012216642 (HHS reference E-262-2005/0-AU-15), Australian Patent 2014208269 (HHS reference E-262-2005/0-AU-22), European Patent Application 15191388.6 (HHS reference E-262-2005/0-EP-28), European Patent Application 15191391.0 (HHS reference E-262-2005/0-EP-29), European Patent Application 15191395.1 (HHS reference E-262-2005/0-EP-30), Australian Patent Application (HHS reference E-262-2005/0-AU-31), and Canadian Patent Application (HHS reference E-262-2005/0-CA-32);

U.S. Patent Application 60/160,071 (HHS Ref. E-139-1999/0-US-01), PCT Application PCT/US00/14829 (HHS reference E-139-1999/0-PCT-02), Canadian Patent 2374398 (HHS reference E-139-1999/0-CA-03), European Patent 1180123 (HHS reference E-139-1999/0-EP-04) as validated in Belgium, Switzerland, Germany, Denmark, France, The United Kingdom, Italy, The Netherlands, and Sweden, Japanese Patent 5683766 (HHS reference E-139-1999/0-JP-05), Mexican Patent 270476 (HHS reference E-139-1999/0-MX-06); and U.S. Patent 7,081,518 (HHS reference E-139-1999/0-US-07);

U.S. Patent Application 60/067,175 (HHS Ref. E-021-1998/0-US-01), PCT Application PCT/US98/25270 (HHS reference E-021-1998/0-PCT-02), Australian Patent 760120 (HHS reference E-021-1998/0-AU-03), Canadian Patent 2318576 (HHS reference E-021-1998/0-CA-04), European Patent 1025230 (HHS reference E-021-1998/0-EP-05) as validated in Switzerland, Germany, France, Italy, Spain and the United Kingdom, Israeli Patent 135775 (HHS reference E-021-1998/0-IL-06), US Patent 6,809,184 (HHS reference E-021-1998/0-US-07), US Patent 7,368,110 (HHS reference E-021-1998/0-US-08), and US Patent 7,709,252 (HHS reference E-021-1998/0-US-15), U.S. Patent Application 60/010,166 (HHS Ref. E-002-1996/0-US-01), PCT Application PCT/US97/00224 (HHS Ref. E-002-1996/1-PCT-01), U.S. Patent 6,083,502 (HHS reference E-002-1996/1-US-02), Australian Patent 703769 (HHS reference E-002-1996/1-AU-03), Canadian Patent 2241604 (HHS reference E-002-1996/1-CA-04), European Patent 0871492 (HHS reference E-002-1996/1-EP-05) as validated in Switzerland, Germany, France, Italy Spain and the United Kingdom, U.S. Patent 6,153,430 (HHS reference E-002-1996/1-US-14), and U.S. Patent 7,375,183 (HHS reference E-002-1996/1-US-15);

and all continuing applications and foreign counterparts.

With respect to persons who have an obligation to assign their right, title and interest to the Government of the United States of America, the patent rights in these inventions have been assigned to the Government of the United States of America.

The prospective Exclusive Patent License territory may be worldwide for the following field of use:

“The use of anti-mesothelin targeted immunotoxins for the treatment of mesothelin-expressing cancers, wherein the immunotoxins have:

(1) A targeting domain containing the complementary determining regions (CDRs) of the SS1 antibody; and

(2) A *Pseudomonas* exotoxin A (PE) toxin domain that lacks at least one B cell or T cell epitope due to the alteration or deletion of one or more amino acids.

For purposes of clarity, the immunotoxin may include additional alterations to B cell and T cell epitopes for the reduction of immunogenicity, a peptide linker sequence, and/or polyethylene glycol molecule(s). The immunotoxins may also be combined with the use of synthetic vaccine particle (SVP)-rapamycin.”

The present inventions to be licensed concern RITs which are targeted to mesothelin-expressing cancer cells, and methods of using the immunotoxins for the treatment of mesothelin-expressing cancers (such as mesothelioma, ovarian

cancer and pancreatic cancer). The specific immunotoxin will have an antibody targeting domain that contains the CDRs of the antibody identified as SS1, which was invented at the NIH. The specific immunotoxin will also have a toxin domain derived from PE that is resistant to lysosomal proteases due to the deletion of a large portion of the exotoxin, and which lacks at least one major B-cell epitope due to the alteration an amino acid. Ultimately, the PE used in the immunotoxin may lack multiple B-cell epitopes, as well as multiple T-cell epitopes, in an effort to minimize immunogenicity.

Alterations to the toxin that reduce immunogenicity improve the therapeutic value of the immunotoxin while maintaining its ability to trigger cell death. Since mesothelin is preferentially expressed on certain types of cancer cells, the immunotoxins selectively bind and kill only those cancer cells, allowing healthy, essential cells to remain unharmed. This may result in an effective therapeutic strategy with fewer side effects, especially when combined with agents that can suppress the formation of neutralizing antibodies.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective Exclusive Patent License will be royalty bearing and may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are timely filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Patent License. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act*, 5 U.S.C. 552.

Dated: February 21, 2017.

**Richard U. Rodriguez,**

*Associate Director, Technology Transfer Center, National Cancer Institute.*

[FR Doc. 2017-03823 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Informatics Methodology and Secondary Analyses for Immunology Data in ImmPort (UH2).

*Date:* March 21, 2017.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G42, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892-9823, 240-669-5070, [louis.rosenthal@nih.gov](mailto:louis.rosenthal@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03716 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Literature Selection Technical Review Committee.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portions of the meeting devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

*Name of Committee:* Literature Selection Technical Review Committee.

*Date:* June 22-23, 2017.

*Open:* June 22, 2017, 8:30 a.m. to 10:45 a.m.

*Agenda:* Administrative.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Closed:* June 22, 2017, 10:45 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Closed:* June 23, 2017, 8:30 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Contact Person:* Joyce Backus, M.S.L.S., Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Building 38, Room 2W04, Bethesda, MD 20892, 301-496-3497, [backusj@mail.nih.gov](mailto:backusj@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03699 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.

*Date:* March 17, 2017.

*Time:* 8:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Jeffrey H Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301-435-0303, [hurstj@nhlbi.nih.gov](mailto:hurstj@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03705 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Studies.

*Date:* March 22, 2017.

*Time:* 11:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.niddk.nih.gov](mailto:barnardm@extra.niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 22, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03815 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special; Emphasis Panel NIDDK Coordinating Units.

*Date:* March 16, 2017.

*Time:* 10:30 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886, [sanoviche@mail.nih.gov](mailto:sanoviche@mail.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK-UC4 Review.

*Date:* March 22, 2017.

*Time:* 12:00 p.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-4719, [guox@extra.niddk.nih.gov](mailto:guox@extra.niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 22, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03816 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of General Medical Sciences; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings.

*Date:* March 24, 2017.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, Suite 3AN12A, 45 Center Drive, Bethesda, MD 20892.

*Contact Person:* Margaret J. Weidman, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3an18b, Bethesda, MD 20892, 301-594-3663, [weidmanma@nigms.nih.gov](mailto:weidmanma@nigms.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 22, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03819 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel Loan Repayment Review Meeting (2017/08).

*Date:* April 6, 2017.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Boulevard, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Dennis Hlasta, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451-4794, [Dennis.Hlasta@nih.gov](mailto:Dennis.Hlasta@nih.gov).

Dated: February 22, 2017.

**David Clary,**

*Program Analyst; Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03817 Filed 2-24-17; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Musculoskeletal Oral and Skin Sciences Continuous Submission.

*Date:* March 16, 2017.

*Time:* 10:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301-496-8551, [ingrahamrh@mail.nih.gov](mailto:ingrahamrh@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.

*Date:* March 20-21, 2017.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, 301-435-0904, [sara.ahlgren@nih.gov](mailto:sara.ahlgren@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Immunology.

*Date:* March 21, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Patrick K. Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301-435-1052, [laip@csr.nih.gov](mailto:laip@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-GM-17-003: Centers for HIV/AIDS-Related Structural Biology (P50) Special Emphasis Panel.

*Date:* March 21, 2017.

*Time:* 10:30 a.m. to 7:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Sudha Veeraraghavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1504, [sudha.veeraraghavan@nih.gov](mailto:sudha.veeraraghavan@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Immune Mechanisms.

*Date:* March 22, 2017.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095D, MSC 7812, Bethesda, MD 20892, (301) 435-2778, [wangjia@csr.nih.gov](mailto:wangjia@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR-16-064: Small Grants for New Investigators to Promote Diversity in Health-Related Research (R21).

*Date:* March 23-24, 2017.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301-827-4417, [jianxinhu@csr.nih.gov](mailto:jianxinhu@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Asthma, COPD, Host defense, and Pulmonary Hypertension.

*Date:* March 23-24, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240-498-7546, [diramig@csr.nih.gov](mailto:diramig@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-GM-17-004: Maximizing Investigators' Research Award for Early Stage Investigators (R35).

*Date:* March 23-24, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

*Contact Person:* Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404-7419, [rosenzweig@csr.nih.gov](mailto:rosenzweig@csr.nih.gov).

*Name of Committee:* AIDS and Related Research Integrated Review Group; NeuroAIDS and other End-Organ Diseases Study Section.

*Date:* March 23, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

*Contact Person:* Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435-1168, [montalve@csr.nih.gov](mailto:montalve@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Risk, Prevention and Health Behavior.

*Date:* March 23–24, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

*Contact Person:* Claire E. Gutkin, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892, 301-594-3139, [gutkincl@csr.nih.gov](mailto:gutkincl@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Exploration of Antimicrobial Resistant Microbes and Antimicrobial Therapeutics.

*Date:* March 23–24, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 3202, Bethesda, md 20892, [susan.boyle-vavra@nih.gov](mailto:susan.boyle-vavra@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA Panel: PREP Engagement and Retention among Populations at High Risk for HIV Infection.

*Date:* March 23–24, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott Georgetown, 1221 22nd Street NW., Washington, DC 20037.

*Contact Person:* Shalanda A. Bynum, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, Bethesda, MD 20892, 301-755-4355, [bynumsa@csr.nih.gov](mailto:bynumsa@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

*Date:* March 23–24, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Eugene Carstee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7818, Bethesda, MD 20892, (301) 408-9756, [carstee@csr.nih.gov](mailto:carstee@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; BCMB Continuous Submission and Conflict Review.

*Date:* March 23, 2017.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301-435-1728, [radtkem@csr.nih.gov](mailto:radtkem@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-RM-16-020: Facile Methods and Technologies for Synthesis of Biomedically Relevant Carbohydrates.

*Date:* March 23, 2017.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, Bethesda, MD 20892, 301-435-1722, [eissenstatma@csr.nih.gov](mailto:eissenstatma@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Drug Discovery and Mechanisms of Antimicrobial Resistance.

*Date:* March 23, 2017.

*Time:* 1:15 p.m. to 2:15 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892, 301-435-1146, [jig@csr.nih.gov](mailto:jig@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Metabolic Reprogramming to Improve Immunotherapy.

*Date:* March 23, 2017.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301-435-0198, [shawdeni@csr.nih.gov](mailto:shawdeni@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03707 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Human Genome Research Institute Special Emphasis Panel; CIDR Conflict.

*Date:* March 15, 2017.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Human Genome Research Institute, National Institutes of Health, 5635 Fisher Lane, Suite 3056, 3rd Floor, Rockville, MD, (Telephone Conference Call).

*Contact Person:* Ken D. Nakamura, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, 301-402-0838, [nakamurk@mail.nih.gov](mailto:nakamurk@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03717 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

The meeting will be held as a teleconference call only and is open to the public to dial-in for participation.

Individuals who plan to dial-in to the meeting and need special assistance or other reasonable accommodations in order to do so, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Advisory Committee to the Director, National Institutes of Health.  
*Date:* March 28, 2017.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* HeLa Working Group report; Review of IC work plans in accordance with the 21st Century Cures Act.

*Place:* National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Telephone Conference Call), 800-857-4891, Access Code: 7845444.

*Contact Person:* Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301-496-4272, [Woodgs@od.nih.gov](mailto:Woodgs@od.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://acd.od.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 22, 2017.

**Anna Snouffer,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03814 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel Innovative Manufacturing of Cell-Based Immunotherapies for Oncology.

*Date:* March 8, 2017.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Cancer Institute Shady Grove 9609 Medical Center Drive, Room 2W904 Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Bethesda, MD 20892-9750, 240-276-6384, [gravesr@mail.nih.gov](mailto:gravesr@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 22, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03820 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel Review of R24 Applications.

*Date:* March 10, 2017.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 2as 10, 45 Center Drive, Bethesda, MD 20892.

*Contact Person:* Saraswathy Seetharam, Ph.D., Scientific Review Officer, Office Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301-594-2763, [seetharams@nigms.nih.gov](mailto:seetharams@nigms.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 22, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03821 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of meetings of the Board of Regents of the National Library of Medicine.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Regents of the National Library of Medicine; Extramural Programs Subcommittee.

*Date:* May 9, 2017.

*Closed:* 7:45 a.m. to 8:45 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Library of Medicine, Building 38, Conference Room B, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, 301-594-4929, [irelanc@mail.nih.gov](mailto:irelanc@mail.nih.gov).

*Name of Committee:* Board of Regents of the National Library of Medicine.

*Date:* May 9-10, 2017.

*Open:* May 9, 2017, 9:00 a.m. to 4:30 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* May 9, 2017, 4:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Open:* May 10, 2017, 9:00 a.m. to 12:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, 301-594-4929, [irelanc@mail.nih.gov](mailto:irelanc@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: [www.nlm.nih.gov/od/bor/bor.html](http://www.nlm.nih.gov/od/bor/bor.html), where an agenda and any additional information for the meeting will be posted when available. This meeting will be broadcast to the public, and available for at viewing at <http://videocast.nih.gov> on May 9-10, 2017.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03701 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group, Developmental Biology Subcommittee, Developmental Biology Subcommittee.

*Date:* March 22, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites, 4300 Military Rd, Washington, DC.

*Contact Person:* Cathy J. Wedeen, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Bethesda Drive, Bethesda, MD 20892, 301-435-6878, [wedeenc@mail.nih.gov](mailto:wedeenc@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03703 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Oncological Sciences AREA Review.

*Date:* March 23, 2017.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301-594-7945, [kotliars@mail.nih.gov](mailto:kotliars@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowship: Microbiology.

*Date:* March 23, 2017.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301)435-2306, [kaushikbasun@csr.nih.gov](mailto:kaushikbasun@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroinflammation and Neurodegeneration.

*Date:* March 23, 2017.

*Time:* 12:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Afia Sultana, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-7083, [sultana@mail.nih.gov](mailto:sultana@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Social



Epigenomics Research Focused on Minority Health and Health Disparities.

*Date:* March 28, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814

*Contact Person:* Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435-1712, [ryansj@csr.nih.gov](mailto:ryansj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Bioengineering Science and Technologies.

*Date:* March 28–29, 2017.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Noni Byrnes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130, MSC 7840, Bethesda, MD 20892, (301) 435-1023, [byrnesn@csr.nih.gov](mailto:byrnesn@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Toxicology and Digestive, Kidney and Urological System AREA Review.

*Date:* March 28–29, 2017.

*Time:* 10:00 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 2188 MSC7818, Bethesda, MD 20892–7818, (301) 435-0682, [zhaoa2@csr.nih.gov](mailto:zhaoa2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Serious Adverse Drug Reaction Research.

*Date:* March 28, 2017.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301-495-1506, [jakesse@mail.nih.gov](mailto:jakesse@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Neuroscience, Mechanisms and Pathways.

*Date:* March 28, 2017.

*Time:* 12:30 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7850, Bethesda, MD 20892, 301-435-1203, [laurent.taupenot@nih.gov](mailto:laurent.taupenot@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* February 22, 2017.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03818 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the meetings.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Biomedical Library and Informatics Review Committee.

*Date:* June 15–16, 2017.

*Time:* June 15, 2017, 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Time:* June 16, 2017, 8:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Contact Person:* Zoe E. Huang, MD, Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892-7968, 301-594-4937, [huangz@mail.nih.gov](mailto:huangz@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

*Dated:* February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03700 Filed 2-24-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Center for Scientific Review Advisory Council.

*Date:* March 27, 2017.

*Time:* 8:30 a.m. to 3:30 p.m.

*Agenda:* Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 3091, Bethesda, MD 20892.

*Contact Person:* Rene Etcheberrigaray, MD, Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, MSC 7776, Bethesda, MD 20892, (301) 435-1111, [etcheber@csr.nih.gov](mailto:etcheber@csr.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into NIH buildings. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://public.csr.nih.gov/aboutcsr/CSROrganization/Pages/CSRAC.aspx>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 21, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–03708 Filed 2–24–17; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG–2014–0941]

#### Port Access Route Study: In the Chukchi Sea, Bering Strait and Bering Sea

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of study availability; request for comment.

**SUMMARY:** The Seventeenth Coast Guard District has concluded the Port Access Route Study (PARS) of the Chukchi Sea, Bering Strait and Bering Sea and announces the availability of the report. The Coast Guard is also requesting comments on the preliminary findings contained in the report. Any comments received will be reviewed and considered as the Coast Guard deliberates advancing the recommendations from this study forward into a domestic rulemaking or international agreement.

**DATES:** Comments must be submitted to the online docket via <http://www.regulations.gov>, or reach the Docket Management Facility, on or before May 30, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2014–0941 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Mr. David Seris, Seventeenth Coast Guard District, telephone (907) 463–2267, email [David.M.Seris@uscg.mil](mailto:David.M.Seris@uscg.mil), or LT Kody Stitz, Seventeenth Coast Guard District, telephone (907) 463–2270; email [Kody.J.Stitz@uscg.mil](mailto:Kody.J.Stitz@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Public Participation and Comments

We encourage you to submit comments (or related material) on this notice of study availability. We will

consider all submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice and all public comments, are in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

#### Viewing Documents and Comments

The final report and all public comments are in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site’s instructions. The digital size of the final report is in excess of 100 MB which may prevent some people from being able to download and view it. For those unable to download the digital file at <http://www.regulations.gov>, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to request a digital file or a printed copy of the report.

#### Discussion

The Coast Guard announced a port access route study of the Bering Strait in the **Federal Register** on November 8, 2010 (75 FR 68568). The purpose of the PARS was to solicit public comments on whether a vessel routing system was needed and if it could increase vessel safety in the area. At that time the Coast Guard did not propose a specific vessel routing system, but instead sought more general comments about whether a vessel routing system was needed or advisable in the study area. The Coast Guard received twenty five comments,

and after reviewing them, determined that a specific vessel route needed to be proposed so more specific comments and concerns could be gathered and evaluated before determining if a routing system would be beneficial. The Coast Guard further determined that the study area should include a larger geographic area than was initially studied before finalizing the study and publishing the results.

On December 5, 2014 the Coast Guard announced via the **Federal Register** (79 FR 72157) its intent to continue the PARS started in 2010 by expanding the study area to include most of the Bering Sea, proposing a two-way route as a vessel routing system and requesting additional public comments. The Coast Guard’s goal of the study remained the same in that the study was focused on gathering factual and relevant information to aid the Coast Guard in reducing the risk of marine casualties and increasing the efficiency of vessel traffic in the region. The Coast Guard received twenty nine comments in response to this request for comment and after reviewing them, developed the PARS report. The preliminary findings in this report include some changes to previous proposals on which the Coast Guard solicited comments. Additional waypoints have been added to the proposed route, and Areas to Be Avoided (ATBA’s) have been proposed as additional routing measures. Upon review of any public comments received in response to this notice of study availability, the Coast Guard may adjust the proposed route and ATBAs accordingly before submitting a final proposal to the International Maritime Organization for formal adoption.

This notice is issued under authority of 33 U.S.C 1223(c) and 5 U.S.C. 552(a).

Dated: January 17, 2017.

**M. F. McAllister,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.*

[FR Doc. 2017–03771 Filed 2–24–17; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6000–FA–06]

#### Announcement of Funding Awards for HUD’s Fiscal Year 2016 Community Compass Technical Assistance and Capacity Building Program

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of funding awards.

**SUMMARY:** In accordance with the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the HUD Community Compass Technical Assistance and Capacity Building program for Fiscal Year 2016. This announcement contains the names of the awardees and amounts of the awards made available by HUD.

**FOR FURTHER INFORMATION CONTACT:** Kenneth W. Rogers, Team Lead, Technical Assistance Division, Office of Community Planning and Development, 451 Seventh Street SW., Room 7218, Washington, DC 20410-7000; telephone (202) 402-4396 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Relay Service during working hours at 800-877-8339. For general information on this and other HUD programs visit the HUD Web site at <http://www.hud.gov>.

**SUPPLEMENTARY INFORMATION:** The Community Compass Technical Assistance and Capacity Building

program (Community Compass) represents HUD's integrated technical assistance and capacity building initiative. Community Compass is designed to help HUD's customers navigate complex housing and community development challenges by equipping them with the knowledge, skills, tools, capacity, and systems to implement HUD programs and policies successfully and be more effective stewards of HUD funding. The goal of Community Compass is to empower communities by providing effective technical assistance and capacity building so that successful program implementation is sustained over the long term.

Recognizing that HUD's customers often interact with a variety of HUD programs as they deliver housing or community development services, Community Compass brings together technical assistance investments from across HUD program offices, including but not limited to the Office of Community Planning and Development, the Office of Housing, the Office of Public and Indian Housing, and the Office of Fair Housing and Equal Opportunity. This cross-funding approach allows technical assistance to address the needs of grantees and

subgrantees across multiple HUD programs, often within the same engagement, as well as address cross-agency issues.

The competition was announced in the NOFA published on May 19, 2016, (FR-6000-N-06) and closed on July 19, 2016. The NOFA announced the availability of approximately \$58 million for HUD Community Compass Technical Assistance and Capacity Building awards. Applications were rated and selected for funding on the basis of selection criteria contained in the NOFA. For the Fiscal Year 2016 competition, \$56,497,435.00 was awarded to 22 technical assistance providers nationwide.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the awardees and the amounts of the awards in Appendix A to this document.

Dated: February 10, 2017.

**Clifford Taffet,**

*General Deputy Assistant Secretary for Community Planning and Development.*

**Appendix A**

**HUD COMMUNITY COMPASS TECHNICAL ASSISTANCE AND CAPACITY AWARDS**  
[Fiscal Year 2016]

Recipient	City	State	Amount
Abt Associates Inc .....	Cambridge .....	MA	\$8,415,119.00
AECOM Technical Services, Inc. ....	Baton Rouge .....	LA	250,000.00
Association of Alaska Housing Authorities .....	Anchorage .....	AK	700,000.00
Capital Access, Inc. ....	Philadelphia .....	PA	325,000.00
Cloudburst Consulting Group, Inc. ....	Landover .....	MD	3,875,000.00
Collaborative Solutions, Inc. ....	Birmingham .....	AL	1,350,000.00
Corporation for Supportive Housing .....	New York .....	NY	5,000,000.00
CVR Associates, Inc. ....	Tampa .....	FL	1,900,000.00
Econometrica, Inc. ....	Bethesda .....	MD	2,040,000.00
Enterprise Community Partners, Inc. ....	Columbia .....	MD	3,950,000.00
FirstPic, Inc. ....	Gambrills .....	MD	2,050,000.00
HomeBase/The Center for Common Concerns .....	San Francisco .....	CA	3,500,000.00
ICF Incorporated, LLC .....	Fairfax .....	VA	11,544,121.00
Innovative Emergency Management, Inc. ....	Morrisville .....	NC	900,000.00
National American Indian Housing Council .....	Washington .....	DC	2,794,401.00
National Association for Latino Community Asset Builders .....	San Antonio .....	TX	2,265,119.00
National Council for Community Development (dba .....	New York .....	NY	325,000.00
Rural Community Assistance Corporation .....	West Sacramento .....	CA	1,138,675.00
TDA Consulting, Inc. ....	San Antonio .....	TX	1,875,000.00
Technical Assistance Collaborative, Inc. ....	Boston .....	MA	1,000,000.00
The Partnership Center, Ltd. ....	Cincinnati .....	OH	1,000,000.00
United Native American Housing Association .....	Ronan .....	MT	300,000.00
<b>TOTAL</b> .....			<b>56,497,435.00</b>

[FR Doc. 2017-03781 Filed 2-24-17; 8:45 am]

BILLING CODE 4210-67-P

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLCOF00000-L1990000.PO0000-17X]

**Notice of Public Meeting, Rocky Mountain Resource Advisory Council, Colorado****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Rocky Mountain Resource Advisory Council (RAC) will meet as indicated below.**DATES:** The meeting will be held on March 9, 2017, from 9 a.m. to 4 p.m.**ADDRESSES:** The meeting will be held at the BLM Royal Gorge Field Office, 3028 E. Main St., Cañon City, CO 81212.**FOR FURTHER INFORMATION CONTACT:**Jayson Barangan, Lead Public Affairs Specialist, BLM Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215. Phone: (303) 239-3681. Email: [jbaranga@blm.gov](mailto:jbaranga@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.**SUPPLEMENTARY INFORMATION:** The 15-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues on public lands in the Rocky Mountain District, which includes the Gunnison, Royal Gorge, and San Luis Valley field offices in Colorado. The planned topic of discussion is a review of the preliminary alternatives report for the Eastern Colorado Resource Management Plan. The public is encouraged to make oral comments to the RAC at 9:15 a.m., or written statements may be submitted for the RAC's consideration. Summary minutes for the RAC meetings will be maintained in the Royal Gorge Field Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting. Previous minutes and agendas are available at: <https://>[www.blm.gov/get-involved/resource-advisory-council/near-you/colorado/rocky-mountain-rac/minutes](http://www.blm.gov/get-involved/resource-advisory-council/near-you/colorado/rocky-mountain-rac/minutes).**Ruth Welch,***BLM Colorado State Director.*

[FR Doc. 2017-03811 Filed 2-24-17; 8:45 am]

BILLING CODE 4310-JB-P

**DEPARTMENT OF THE INTERIOR****National Park Service****[NPS-WASO-NRNL-22755;  
PPWOCRADIO, PCU00RP14.R50000]****National Register of Historic Places; Notification of Pending Nominations and Related Actions****AGENCY:** National Park Service, Interior.**ACTION:** Notice.**SUMMARY:** The National Park Service is soliciting comments on the significance of properties nominated before January 14, 2017, for listing or related actions in the National Register of Historic Places.**DATES:** Comments should be submitted by March 14, 2017.**ADDRESSES:** Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202-371-6447.**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 14, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

**NEW YORK****Sullivan County**

Woodstock Music Festival Site, Generally W. Shore, Best &amp; Perry Rds., Bethel vicinity, SG100000684

**SOUTH CAROLINA****Charleston County**

Charleston Consolidated Railway, Electric and Gas Company Car House, 649 Meeting St., Charleston, SG100000686

General Asbestos and Rubber Company (GARCO) Main Mill, 0 O'Hear Ave., North Charleston, SG100000687

**Greenville County**

Old Pilgrim Baptist Church Cemetery and Kilgore Family Cemetery, 3540 Woodruff Rd., Simpsonville vicinity, SG100000688

**Richland County**

Columbia Commercial Historic District (Boundary Increase), 1222-1224 Taylor St., Columbia, BC100000689

**SOUTH DAKOTA****Kingsbury County**

Arlington Masonic Temple, 222 S. Main St., Arlington, SG100000690

**Minnehaha County**

Dell Rapids Warming House, State Ave., Dell Rapids, SG100000691

**TEXAS****Carson County**

Panhandle Inn, 301 Main St., Panhandle, SG100000693

**Coryell County**

Leon Street Bridge at the Leon River, (Road Infrastructure of Texas, 1866-1965 MPS), Leon St. at Leon R., Gatesville, MP100000694

**Goliad County**

Fannin Battleground State Historic Site, 734 FM 2506, Fannin, SG100000695

**Harris County**

Houston Fire Station No. 3, 1919 Houston Ave., Houston, SG100000696

**Van Zandt County**

Van Zandt County Courthouse, 121 E. Dallas St., Canton, SG100000698

**WISCONSIN****Milwaukee County**

North 47th Street Bungalow Historic District, 2500 blk. N. 47th between Wright &amp; Clarke Sts., Milwaukee, SG100000699

Nominations submitted by Federal Preservation Officers:

**COLORADO****Otero County**

Santa Fe Trail Mountain Route Trail Segments—Iron Springs Vicinity, (Santa Fe Trail MPS), Address Restricted, Mindeman vicinity, MP100000682

The State Historic Preservation Officer reviewed the nomination and responded to

the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### FLORIDA

##### Marion County

Carr Family Cabin, Nicotoun Lake, Ocala NF, FS Tract #C-2233, Umatilla vicinity, SG100000683

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### PUERTO RICO

##### Rio Grande Municipality

Bano Grande, (New Deal Era Constructions in the Forest Reserves in Puerto Rico), PR 191, km 11.85

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### TENNESSEE

##### Madison County

U.S. Post Office and Court House, 109 S. Highland Ave., Jackson, SG100000692

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### TEXAS

##### Harris County

Houston National Cemetery, 10410 Veterans Memorial Dr., Houston, SG100000697

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

A request for removal has been made for the following resource(s):

#### OKLAHOMA

##### Cleveland County

Bavinger, Eugene, House, (Bruce Goff Designed Resources in Oklahoma MPS), 730 60th Ave. NE., Norman, OT01001354

An additional documentation has been received for the following resource(s):

#### SOUTH CAROLINA

##### Richland County

Columbia Commercial Historic District, 1608 & 1634 Main St., Columbia, AD14000875

#### SOUTH DAKOTA

##### Bon Homme County

Bon Homme County Courthouse, 300 W. 18th Ave., Tyndall, AD84000581

#### Lake County

Herschell–Spillman Steam Riding Gallery, 45205 US 83/US 81, Madison vicinity, AD16000825

Authority: 60.13 of 36 CFR part 60.

Dated: January 24, 2017.

##### Christopher Hetzel,

*Acting Chief, National Register of Historic Places/National Historic Landmarks Program.*

[FR Doc. 2017-03734 Filed 2-24-17; 8:45 am]

BILLING CODE 4312-52-P

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

[NPS-WASO-NRNL-22886; PPWOCRADIO, PCU00RP14.R50000]

##### National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

**SUMMARY:** The National Park Service is soliciting comments on the significance of properties nominated before February 4, 2017, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted by March 14, 2017.

**ADDRESSES:** Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202-371-6447.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 4, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

#### CALIFORNIA

##### Los Angeles County

Zumbrota, 13755 Fill Way, Marina Del Rey, SG100000762

#### CONNECTICUT

##### New Haven County

New Haven Clock Company Factory, 133 Hamilton St., New Haven, SG100000761

#### MICHIGAN

##### Ingham County

Glaister, Richard and Deborah (Brough), House, 402 S. Walnut St., Lansing, SG100000763

#### NEBRASKA

##### Douglas County

National Indemnity Company Headquarters, 3024 Harney St., Omaha, SG100000765

##### Hall County

Hedde Building, 201-203 W. 3rd St., Grand Island, SG100000766

#### OKLAHOMA

##### Creek County

Creek Masonic Lodge No. 226, 417 N. Main St., Bristow, SG100000768

##### Ottawa County

Walker, Isaiah, House, 69491 E. 134th Rd., Wyandotte, SG100000769

#### OREGON

##### Yamhill County

Glenbrook Farm, 12789 Meadowlake Rd., Carlton vicinity, SG100000770

#### WISCONSIN

##### Sauk County

Ruhland, Charles and Anna, 213 Lynn St., Baraboo, SG100000774

A request for removal has been made for the following resource(s):

#### NEBRASKA

##### Franklin County

Dupee Music Hall, 1402 P St., Franklin, OT85002484

#### TENNESSEE

##### Meigs County

Shiflett, H.C., Barn, (Meigs County, Tennessee MRA), SR 1, Georgetown, OT82004014

##### Sullivan County

Pearson Brick House, E of Kingsport on Shipley Ferry Rd., Kingsport vicinity, OT73001846

**Washington County**

Bowers–Kirkpatrick Farmstead, 3033 Boone's Creek Rd., Gray vicinity, OT97001108

An additional documentation has been received for the following resource(s):

**MICHIGAN****Lenawee County**

Civil War Memorial, Monument Park, E. Church St., Adrian, AD72000632

**Authority:** 60.13 of 36 CFR part 60.

**Dated:** February 7, 2017.

**J. Paul Loether,**

*Chief, National Register of Historic Places/  
National Historic Landmarks Program.*

[FR Doc. 2017–03735 Filed 2–24–17; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–WASO–NRNHL–22791;  
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;  
Notification of Pending Nominations  
and Related Actions**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting comments on the significance of properties nominated before January 21, 2017, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted by March 14, 2017.

**ADDRESSES:** Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 21, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

**ARIZONA****Pima County**

Catalina Foothills Estates Job 265 House, (Single Family Residential Architecture of Josias Joesler and John and Helen Murphey MPS), 5276 N. Camino Real, Tucson, MP100000705

**ARKANSAS****Pulaski County**

Cumberland Towers, 311 E. 8th St., Little Rock, SG100000706  
Parris, Fred W., Towers, 1800 S. Broadway St., Little Rock, SG100000707  
Powell, Jesse, Towers, 1010 Wolfe St., Little Rock, SG100000708

**FLORIDA****Alachua County**

Devil's Millhopper, Address Restricted, Gainesville vicinity, SG100000709  
Hendry County, First Clewiston Post Office, 111–113 Bond St., Clewiston, SG100000710

**Pinellas County**

Rose Hill Cemetery, 0 Jasmine Ave., Tarpon Springs, SG100000711

**INDIANA****Adams County**

Grand Rapids and Indiana Railroad Depot, 111 N. 7th St., Decatur, SG100000712

**Fayette County**

Connersville Downtown Historic District, Roughly bounded by Eastern & Grand Aves., E. & W. 4th & 9th Sts., Connersville, SG100000713

**Huntington County**

Memorial Park, 1200 W. Park Dr., Huntington, SG100000714

**Marshall County**

Bremen Commercial Historic District, Between Jackson, Washington, North & South Sts., Bremen, SG100000715  
Bremen Residential Historic District, Between Bowen, Montgomery, South & Bike Sts., Bremen, SG100000716

**Wayne County**

Gaar, Oliver P. and Mary Alice, House, 1307 E. Main St., Richmond, SG100000717

**IOWA****Scott County**

Gordon—Van Tine Company Historic District, 736 Federal & 737 Charlotte Sts., Davenport, SG100000718

**MASSACHUSETTS****Berkshire County**

Cheshire Town Hall Complex, 80–84 Church & 23 Depot Sts., Cheshire, SG100000719

**Franklin County**

East Charlemont District School, 1811 MA 2, Charlemont, SG100000721

**Middlesex County**

Winslow School and Littlefield Library, 250 & 252 Middlesex Rd., Tyngsborough, SG100000722

**OREGON****Multnomah County**

Harris, Dr. Homer H., House, 4116 SW. Tualatin Ave., Portland, SG100000725

A request for removal has been made for the following resource(s):

**MICHIGAN****Kalamazoo County**

East Hall, Oakland Dr., Kalamazoo, OT78001501  
Western State Normal School Historic District (Kalamazoo MRA), Roughly bounded by Stadium Dr., Oliver St., and Davis St., Kalamazoo, OT90001230

An additional documentation has been received for the following resource(s):

**ARIZONA****Cochise County**

Bisbee Residential Historic District, 25 Clawson Ave., Bisbee, AD10000233

**MASSACHUSETTS****Dukes County**

Gay Head Light (Lighthouses of Massachusetts TR), 15 Aquinnah Cir., Aquinnah, AD87001464

**Authority:** 60.13 of 36 CFR part 60.

**Dated:** January 26, 2017.

**Christopher Hetzel,**

*Acting Chief, National Register of Historic Places/National Historic Landmarks Program.*

[FR Doc. 2017–03726 Filed 2–24–17; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–WASO–NRNHL–22866;  
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;  
Notification of Pending Nominations  
and Related Actions**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting comments on the significance of properties nominated before January 28, 2017, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted by March 14, 2017.

**ADDRESSES:** Comments may be sent via U.S. Postal Service to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th Floor, Washington, DC 20005; or by fax, 202-371-6447.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 28, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

#### DELAWARE

##### New Castle County

Cox—Phillips—Mitchell Agricultural Complex, 1651 & 1655 Old Wilmington Rd., Hockessin vicinity, SG100000729

#### GEORGIA

##### De Kalb County

Longview—Huntley Hills Historic District, Montford, Commodore & Admiral Drs., Shallowford Rd., Chamblee, SG100000730

#### KENTUCKY

##### Adair County

Columbia Commercial Historic District, Roughly centered around the Columbia Public Square, Columbia, SG100000733

##### Bracken County

Bold House, 98 Main St., Foster, SG100000734

##### Campbell County

Doyle Country Club, 37 Mary Ingalls Hwy., Dayton, SG100000735

##### Clark County

Bush, V.W., 127 N. Main St., Winchester, SG100000737

##### Jefferson County

Haury Motor Company Showroom and Garage, 741 S. 3rd St., Louisville, SG100000739  
Calvary Evangelical Lutheran Church, 1838 Bardstown Rd., Louisville, SG100000740

##### Jessamine County

Waveland (Boundary Increase), (Jessamine County MRA), 2299 Brannon Rd., Nicholasville vicinity, BC100000741

##### McCracken County

Paducah City Hall, 300 S. 5th St., Paducah, SG100000742

##### Rowan County

Rowan County Courthouse (Boundary Increase), Main St., Morehead, BC100000743

##### Shelby County

Scearce—Roush House, (Shelby County MRA), 2460 Conner Station Rd., Simpsonville, MP100000745

##### Warren County

Dodson, J.D., House, (Architecture of James Maurice Ingram MPS), 943 Covington St., Bowling Green, MP100000746

##### Woodford County

Old Taylor Distillery, 4445 McCracken Pike, Frankfort, SG100000747

#### MICHIGAN

##### Shiawassee County

Corunna High School, 106 S. Shiawassee St., Corunna, SG100000748

##### Wayne County

Saint Rita Apartments, 35 Owen St., Detroit, SG100000749

#### MINNESOTA

##### Dakota County

Oheyawahi—Pilot Knob, off MN 55, Mendota Heights, 03001374

#### MISSOURI

##### Jackson County

Executive Plaza Office Building, 720 Main St., Kansas City, SG100000750

##### St. Louis Independent City

Washington University Dental Department Building, 2647 Locust St., St. Louis, SG100000751

#### NEW YORK

##### Broome County

Whitney, Henry, House, 2835 Hickory St., Whitney Point, SG100000752

##### Chautauqua County

Lakeview Avenue Historic District, 3-907 Lakeview & 55 Newton Aves., 500 E. 6th, 25-47 (odd) & 28 Liberty, 225 & 301 E. 8th, 7 Falconer, 18-19 Strong, Sts., Jamestown, SG100000753

##### Chenango County

Phillips—Manning House, 154 Nursery St., Coventry, SG100000754

##### Onondaga County

Lakeview Cemetery, W. Genesee St. near Kane Ave., Skaneateles, SG100000755

##### Ontario County

Peck, Waltrous, House, 8814 Wesley Rd., West Bloomfield vicinity, SG100000756

#### SOUTH CAROLINA

##### Beaufort County

St. Luke's Parish Zion Chapel of Ease Cemetery, 574 William Hilton Pkwy., Hilton Head Island, SG100000727

Nominations submitted by Federal Preservation Officers:

#### HAWAII

##### Honolulu County

Little Makalapa Naval Housing Historic District, Palmyra St. & Tarawa Dr., Honolulu, SG100000731

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

Makalapa Naval Housing Historic District, Roughly bounded by HI1, Kamehameha Hwy., Radford & Makalapa Drs., Honolulu, SG100000732

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### UTAH

##### Washington County

Shem Dam, Address Restricted, Ivins vicinity, SG100000759

The State Historic Preservation Officer reviewed the nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

A request for removal has been made for the following resource(s):

#### UTAH

##### Utah County

Verd's Fruit Market Complex, (Orem, Utah MPS), 1320 N. State St, Orem, OT100000731

An additional documentation has been received for the following resource(s):

#### KENTUCKY

##### Jefferson County

Whiskey Row Historic District, 105 W. Main St., Louisville, AD89000385

##### Rowan County

Rowan County Courthouse, Main St., Morehead, AD83002862

## TEXAS

## Travis County

Lions Municipal Golf Course, 2901 Enfield Rd., Austin, AD16000354

Authority: 60.13 of 36 CFR part 60.

## J. Paul Loether,

Chief, National Register of Historic Places/  
National Historic Landmarks Program.

[FR Doc. 2017-03736 Filed 2-24-17; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Ocean Energy Management

[OMB Control Number 1010-0187]

**Information Collection: Project Planning for the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources in Construction Projects That Qualify for a Negotiated Noncompetitive Agreement; Proposed Collection for OMB Review; Comment Request; MMAA104000**

**ACTION:** 60-day notice.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is inviting comments on a renewal of a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements that respondents will submit to BOEM to obtain Outer Continental Shelf (OCS) sand, gravel, and shell resources for use in shore protection, beach and coastal restoration, and other authorized projects that qualify for a negotiated noncompetitive agreement.

**DATES:** Submit written comments by April 28, 2017.

**ADDRESSES:** Please send your comments on this ICR to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166 (mail); or [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov) (email); or 703-787-1209 (fax). Please reference ICR 1010-0187 in your comment and include your name and return address.

**FOR FURTHER INFORMATION CONTACT:** To obtain information pertaining to this notice, contact Anna Atkinson at (703) 787-1025.

**SUPPLEMENTARY INFORMATION:**

OMB Control Number: 1010-0187.

Title: Project Planning for the Use of Outer Continental Shelf Sand, Gravel, and Shell Resources in Construction

Projects that Qualify for a Negotiated Noncompetitive Agreement.

**Abstract:** Under the authority delegated by the Secretary of the Interior, BOEM is authorized, pursuant to section 8(k)(2) of the OCS Lands Act (43 U.S.C. 1337(k)(2)), to convey rights to OCS sand, gravel, and shell resources by negotiated noncompetitive agreement for use in shore protection and beach and coastal restoration, or for use in construction projects funded, in whole or part by, or authorized by the Federal Government.

**Background**

Between 1994 and 2014, 43 shore protection or beach and coastal restoration projects were completed using OCS sand resources, conveying more than 119 million cubic yards of OCS material and restoring more than 295 miles of shoreline. The program has seen an increase in demand for OCS resources due to the decreasing availability of sand sources located in state waters and an increase in coastal storm intensity, duration, and frequency. Since 2014, an additional eight projects have been processed. In order for BOEM to continue to meet the needs of local and state governments, information regarding upcoming projects must be acquired to plan for future projects and anticipated workload. Therefore, BOEM will issue calls for information about needed resources and locations from interested parties to develop and maintain a project schedule. It includes an annual call for information and the potential for a call in response to an emergency declaration, such as a tropical storm. This ICR has no significant changes from the 2014 OMB approved information collection.

BOEM's calls for information (e.g., letters or Federal Register notices) will request interested parties to submit, in writing or electronically, a description of their proposed projects for which OCS resources will be used. The description must include the offshore borrow sites (if known); the estimated date of construction; a short description of current project funding; the name of a primary point of contact with that person's mailing address, telephone number, and email address and any additional information concerning the status of the project that would be useful to BOEM. This information may include detailed maps; geospatial data and coordinates of desired sand resources and sites that would be nourished; a description of the environmental documents that have been completed to date concerning any portion of the project; a cited reference

list; status of geological and geophysical permit (if required); information concerning known or suspected archaeological or historic artifacts; interpretations of the geology and extent of sand areas; known volumes of sand resource sites; historical data related to the proposed borrow or placement area; and a description of the status of Federal, state, and/or local permits required for the project.

In the event the number of requested projects exceeds the limits of the current BOEM staff and funding resources, BOEM may request the relevant states to prioritize their own projects based on several criteria including likelihood of project funding and progress of environmental work.

BOEM will use the information to determine appropriate future resource allocations, identify potential conflicts of use, conduct environmental analyses, develop negotiated noncompetitive agreements, and meet all necessary environmental and legal requirements. BOEM will publish all ongoing projects on the Web site <https://www.boem.gov/MMP-State-and-Regional-Activities/>.

With this renewal, we are also including a provision for a call in response to emergency declarations, such as a tropical storm. Hurricane Sandy demonstrated BOEM's need for accurate and timely information following a natural disaster declaration.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and the Department of the Interior's implementing regulations at 43 CFR part 2. No items of a sensitive nature are collected, and responses are voluntary.

**Frequency:** Annually and on occasion.

**Description of Respondents:** Potential respondents comprise States, counties, localities and tribes.

**Estimated Reporting and Recordkeeping Hour Burden:** We estimate that the annual reporting burden for this collection is about 200 hours, assuming an emergency declaration is made each year.

Local Government Compilation: 25 local  $\times$  1 hour/entity  $\times$  2 responses/year = 50 hours; State Compilation: 15 States  $\times$  5 hours/State  $\times$  2 responses/year = 150 hours (50 county hours + 150 State hours = 200 total burden hours).

**Estimated Reporting and Recordkeeping Non-Hour Cost Burden:** We have identified no non-hour paperwork cost burdens for this collection.

**Public Disclosure Statement:** The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information, unless it



displays a currently valid OMB control number.

**Comments:** Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency “. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .” Agencies must specifically solicit comments on: (a) Whether or not the collection of information is necessary, including whether or not the information will have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden on respondents.

Agencies must also estimate the non-hour cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you incur costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup costs or annual operation, maintenance, and purchase of service costs. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (a) Before October 1, 1995; (b) to comply with requirements not associated with the information collection; (c) for reasons other than to provide information or keep records for the Government; or (d) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. Any necessary adjustments to the burden resulting from your comments will be reflected in our submission to OMB.

**Public Availability of Comments:** Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 14, 2017.

**Robert Sebastian,**

*Acting Chief, Office of Policy, Regulations, and Analysis.*

[FR Doc. 2017-03770 Filed 2-24-17; 8:45 am]

**BILLING CODE 4310-MR-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-17-007]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** March 3, 2017 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701-TA-560 and 731-TA-1320 (Final) (Carbon and Alloy Steel Cut-to-Length Plate from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 13, 2017.
5. Vote in Inv. Nos. 701-TA-557 and 731-TA-1312 (Final) (Stainless Steel Sheet and Strip from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 24, 2017.
6. Outstanding action jackets: None. In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 22, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017-03838 Filed 2-23-17; 11:15 am]

**BILLING CODE 7020-02-P**

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of The Judicial Conference Advisory; Committee on Rules of Bankruptcy Procedure

**AGENCY:** Advisory Committee on Rules of Bankruptcy Procedure, Judicial Conference of the United States.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Bankruptcy Procedure will hold a meeting on April 6, 2017. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

**DATES:** April 6, 2017.

*Time:* 9:00 a.m.–5:00 p.m.

**ADDRESSES:** Union Station Hotel, 1001 Broadway, Nashville, Tennessee 37203.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: February 16, 2017.

**Rebecca A. Womeldorf,**

*Rules Committee Secretary.*

[FR Doc. 2017-03791 Filed 2-24-17; 8:45 am]

**BILLING CODE 2210-55-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Automotive Cybersecurity Industry Consortium

Notice is hereby given that, on January 11, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Automotive Cybersecurity Industry Consortium (“ACIC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: General Motors LLC, Detroit, MI; Ford Motor Company, Dearborn, MI; and Hyundai America Technical Center Inc., Superior Township, MI. The general area of ACIC’s planned activity is collaboration to conduct or facilitate cooperative research, development, testing, and evaluation procedures to improve cyber security in automotive vehicles. ACIC’s objectives are to promote the interests of the automotive sector in cyber security while maintaining impartiality, the

independence of its members, and vendor neutrality.

Dated: February 17, 2017.

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-03792 Filed 2-24-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on January 24, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The Open Group, L.L.C. (“TOG”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Ardoq AS, Oslo, NORWAY; ARTEMIS, Inc., Hauppauge, NY; BMC Software, Inc., Houston, TX; Centus Consultoria e Negócios-EIRELI, Belo Horizonte, BRAZIL; ISES Computrain Trainingen BV, Hilversum, THE NETHERLANDS; GS Communication and Systems, Inc., East Hartford, CT; Delta Information Systems, Inc., Horsham, PA; Ecole Centrale de Lille, Villeneuve d’Ascq, FRANCE; eVision Partners, Inc., Raleigh, NC; Garmin International, Inc., Olathe, KS; Global Knowledge Training, LLC, Cary, NC; Harmonic Limited, Llnminster, UNITED KINGDOM; HSBC PLC, London, UNITED KINGDOM; Information Services Group, Inc., Stamford, CT; Integrata AG, Stuttgart, GERMANY; Kluger Training SRL, Bucharest, ROMANIA; Novatec Consulting GmbH, Leinfelden-Echterdingen, GERMANY; Process Management and Solutions, S.A. de C.V., Mexico City, MEXICO; Shanghai Super Information Technology Co. Ltd., Shanghai, PEOPLE’S REPUBLIC OF CHINA; Slnec Company, Nassim City, SAUDI ARABIA; Smart 360 Co., Cambridge, MA; Solventa BV, Nieuwegein, THE NETHERLANDS; Tech Mahindra Limited, Mumbai, INDIA; and Tingle Tree Pty. Ltd., Bentleigh, AUSTRALIA, have been added as parties to this venture.

Also, AGILECOM, Paris, FRANCE; Bank of Zambia, Lusaka, ZAMBIA; Beijing BDR Information Technology Co. Ltd., Beijing, PEOPLE’S REPUBLIC OF CHINA; Beijing Richfit Information Technology Co. Ltd., Beijing, PEOPLES’S REPUBLIC OF CHINA; Center of Excellence for Enterprise Architecture (CEISAR), Paris, FRANCE; Cubic Defense Application, San Diego, CA; Global Knowledge Network France, Cedex, FRANCE; Global Knowledge Network Training Ltd., Wokingham, UNITED KINGDOM; Gramma Tech, Inc., Ithaca, NY; IASA Global, Austin, TX; Inspur Co., Ltd., Beijing, PEOPLE’S REPUBLIC OF CHINA; State Key Laboratory of Software Engineering (Wuhan University), Wuhan, PEOPLE’S REPUBLIC OF CHINA; Stauder Technologies, St. Peters, MO; Stretch AB, Stockholm, SWEDEN; Symetrics Industries, Melbourne, FL; U.S. Army Electronic Proving Ground, Fort Huachuca, AZ; and Vigilance, Inc., McLean, VA, have withdrawn as parties to this venture.

In addition, 24 Learning Beijing Hua Fang Ji Ye Technology Co., Ltd. has changed its name to Beijing Hui Zhi Hui Technology, Beijing, PEOPLE’S REPUBLIC OF CHINA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on August 24, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 13, 2016 (81 FR 70706).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-03793 Filed 2-24-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cable Television Laboratories, Inc.

Notice is hereby given that, on January 30, 2017, pursuant to Section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Cable Television Laboratories, Inc. (“CableLabs”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DNA Welho Oy, Helsinki, FINLAND; and Melita Ltd., Mriehel, MALTA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on August 31, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 13, 2016 (81 FR 70706).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-03790 Filed 2-24-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on January 23, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), TeleManagement Forum (“The Forum”) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Enghouse Networks Limited, Markham, CANADA; Vitis Consultoria, Brasília, BRAZIL; Limerick

City and County Council, Limerick, IRELAND; City of Tampere, Tampere, FINLAND; ENTEL BOLIVIA S.A., La Paz, BOLIVIA; SOAInt Peru SAC, Lima, PERU; VF Consulting SAC, Lima, PERU; CableVision, SA, Buenos Aires, ARGENTINA; Mad Enterprise, Pornic, FRANCE; Vodafone India Limited, Mumbai, INDIA; VIVA—Kuwait Telecommunications Company, Salmiya, KUWAIT; Incedo Inc., Santa Clara, CA; ParkPlus System, Calgary, CANADA; RIFT.IO Inc., Burlington, MA; Expedite Commerce, Plano, TX; City of Miami, Miami, FL; Open University—Milton Keynes Council, Milton Keynes, UNITED KINGDOM; City of Utrecht, Utrecht, NETHERLANDS; Digital Afrique Telecom, Abidjan, IVORY COAST; City Strategies, LLC, New York, NY; Technological Educational Institute of Crete, Heraklion, GREECE; Powerlink, Virginia, Queensland, AUSTRALIA; Tessarine, Paris, FRANCE; TEAVARO, London, UNITED KINGDOM; and Riverbed Technology, Inc., San Francisco, CA, have been added as parties to this venture.

Also, Minerva Tantoco has changed its name to City Strategies, LLC, New York, NY.

In addition, the following parties have withdrawn as parties to this venture: Accanto Systems Oy, Håmeenkatu, FINLAND; Alclarus Limited, London, UNITED KINGDOM; Apigee Corporation, Palo Alto, CA; Avea, Istanbul, TURKEY; CanGo Networks Private Ltd., Chennai, INDIA; C-DOT, New Delhi, INDIA; CHUBB, New York, NY; Cominfo Consulting Group Ltd., Moscow, RUSSIA; Coriant GmbH, Munich, GERMANY; Cyan Optics, Petaluma, CA; e. Services Africa Limited, Accra, GHANA; Eandis, Melle, BELGIUM; FlexiTon Kft., Budapest, HUNGARY; Guangzhou wowotech Co., Ltd., Guangzhou, PEOPLE'S REPUBLIC OF CHINA; Infinera Corp., Sunnyvale, CA; Intent HQ, London, UNITED KINGDOM; International Software Techniques, Athens, GREECE; IntJoors Holding AB, Stockholm, SWEDEN; Jawwal, Ramallah, PALESTINE; Juniper Networks, Inc., Sunnyvale, CA; MHP Management, Ludwigsburg, GERMANY; MicroNova AG, Vierkirchen, GERMANY; Mobily, Riyadh, SAUDI ARABIA; MTS Allstream Inc., Winnipeg, CANADA; Polaris Consulting & Services Ltd., Piscataway, NJ; Saudi Business Machines, Riyadh, SAUDI ARABIA; Sigma Software Solutions Inc., Toronto, CANADA; Skytree, San Jose, CA; TataSky Ltd., Mumbai, INDIA; Time Warner Cable, Herndon, VA; Tupl Inc., Snoqualmie, WA; Webe Digital, Petaling Jaya, MALAYSIA; Windstream

Communications, Little Rock, AR; and Wind Telecomunicazioni SpA, Rome, ITALY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, The Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on October 24, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89978).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-03789 Filed 2-24-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Bureau of International Labor Affairs; National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements**

**ACTION:** Notice of charter renewal.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), as amended, the North American Agreement on Labor Cooperation (NAALC), and the Labor Chapters of U.S. Free Trade Agreements (FTAs), the Secretary of Labor has determined that the renewal of the charter of the National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements (NAC) is necessary and in the public interest and will provide information that cannot be obtained from other sources. The committee shall provide its views to the Secretary of Labor through the Bureau of International Labor Affairs of the U.S. Department of Labor, which is the point of contact for the NAALC and the Labor Chapters of U.S. FTAs. The committee shall comprise twelve members, four representing the labor community, four representing the business community, and four representing the public.

**FOR FURTHER INFORMATION, CONTACT:** Donna Chung, Designated Federal

Officer, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, telephone (202) 693-4861.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of the FACA, Article 17 of the NAALC, Article 17.4 of the United States—Singapore Free Trade Agreement, Article 18.4 of the United States—Chile Free Trade Agreement, Article 18.4 of the United States—Australia Free Trade Agreement, Article 16.4 of the United States—Morocco Free Trade Agreement, Article 16.4 of the Central America—Dominican Republic—United States Free Trade Agreement (CAFTA—DR), Article 15.4 of the United States—Bahrain Free Trade Agreement, Article 16.4 of the United States—Oman Free Trade Agreement, Article 17.5 of the United States—Peru Trade Promotion Agreement, Article 17.5 of the United States—Colombia Trade Promotion Agreement, Article 19.5 of the United States—Korea Free Trade Agreement, and Article 16.5 of the United States—Panama Trade Promotion Agreement, the Secretary of Labor has determined that the renewal of the charter of the NAC is necessary and in the public interest and will provide information that cannot be obtained from other sources.

The Bureau of International Labor Affairs of the U.S. Department of Labor serves as the U.S. point of contact under the FTAs listed above. The committee shall provide its advice to the Secretary of Labor through the Bureau of International Labor Affairs concerning the implementation of the NAALC and the Labor Chapters of U.S. FTAs. The committee may be asked to provide advice on the implementation of labor provisions of other FTAs to which the United States may be a party or become a party. The committee should provide advice on issues within the scope of the NAALC and the Labor Chapters of the FTAs, including cooperative activities and the labor cooperation mechanism of each FTA as established in the Labor Chapters and the corresponding annexes. The committee may be asked to provide advice on these and other matters as they arise in the course of administering the labor provisions of other FTAs.

The committee shall comprise 12 members, four representing the labor community, four representing the business community, and four representing the public. Unless already employees of the United States Government, no members of the committee shall be deemed to be employees of the United States

Government for any purpose by virtue of their participation on the committee. Members of the committee will not be compensated for their services or reimbursed for travel expenses.

**Authority:** The authority for this notice is granted by the FACA (5 U.S.C. App. 2) and the Secretary of Labor's Order No. 18-2006 (71 FR 77560 (12/26/2006)).

**Mark Mittelhauser,**

*Associate Deputy Undersecretary, Bureau of International Labor Affairs.*

[FR Doc. 2017-03759 Filed 2-24-17; 8:45 am]

**BILLING CODE 4510-28-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Crawler, Locomotive, and Truck Cranes Standard for General Industry

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Crawler, Locomotive, and Truck Cranes Standard for General Industry," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before March 29, 2017.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201611-1218-006](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611-1218-006) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_](mailto:OIRA_)

[submission@omb.eop.gov](mailto:submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Crawler, Locomotive, and Truck Cranes Standard for General Industry information collection requirements codified in regulation 29 CFR 1910.180 that require an Occupational Safety and Health Act (OSH Act) covered employer subject to the standard to perform a monthly inspection on cranes and running ropes and prepare a certification record for each inspection. A rope that has been idle for a month or more must undergo a thorough inspection and a certification record must be generated. OSH Act sections 6(b)(7) and 8(c) authorize this information collection. See 29 U.S.C. 655(b)(7) and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218-0221.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information

about this ICR, see the related notice published in the **Federal Register** on September 7, 2016 (81 FR 61715).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218-0221. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-OSHA.

*Title of Collection:* Crawler, Locomotive, and Truck Cranes Standard for General Industry.

*OMB Control Number:* 1218-0221.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 3,399.

*Total Estimated Number of Responses:* 80,896.

*Total Estimated Annual Time Burden:* 30,511 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: February 21, 2017.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2017-03746 Filed 2-24-17; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Advisory Board on Toxic Substances and Worker Health: Subcommittee on the Site Exposure Matrices (SEM)

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Announcement of meeting of the Subcommittee on the Site Exposure Matrices of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

**SUMMARY:** The subcommittee will meet via teleconference on March 21, 2017, from 1:00 p.m. to 3:00 p.m. Eastern Time.

**FOR FURTHER INFORMATION CONTACT:** You may contact Douglas Fitzgerald, Designated Federal Officer, at [fitzgerald.douglas@dol.gov](mailto:fitzgerald.douglas@dol.gov), or Carrie Rhoads, Alternate Designated Federal Officer, at [rhoads.carrie@dol.gov](mailto:rhoads.carrie@dol.gov), U.S. Department of Labor, 200 Constitution Avenue NW., Suite S-3524, Washington, DC 20210, telephone (202) 343-5580. This is not a toll-free number.

*For press inquiries:* Ms. Amanda McClure, Office of Public Affairs, U.S. Department of Labor, Room S-1028, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-4672; email [mcclure.amanda.c@dol.gov](mailto:mcclure.amanda.c@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Advisory Board sunsets on December 19, 2019. This subcommittee is being assembled to gather and analyze data and continue working on advice under Area #1, the Site Exposure Matrices.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102-3).

*Agenda:* The tentative agenda for the Subcommittee on the Site Exposure Matrices meeting includes: Review of proposed revisions/additions to the Occupational History Questionnaire; review proposed presumption for COPD; discuss specific recommendations for exposure

assessment and causation analysis at sites without a SEM; discuss specific recommendations for the 14 action items submitted by DEEOIC to the Board.

OWCP transcribes Advisory Board subcommittee meetings. OWCP posts the transcripts on the Advisory Board Web page, <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>, along with written comments and other materials submitted to the subcommittee or presented at subcommittee meetings.

#### **Public Participation, Submissions, and Access to the Public Record**

*Subcommittee meeting:* The subcommittee will meet via teleconference on Tuesday, March 21, 2017, from 1:00 p.m. to 3:00 p.m. Eastern Time. Advisory Board subcommittee meetings are open to the public. The teleconference number and other details for listening to the meeting will be posted on the Advisory Board's Web site no later than 72 hours prior to the meeting. This information will be posted at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

*Requests for special accommodations:* Please submit requests for special accommodations to participate in the subcommittee meeting by email, telephone, or hard copy to Ms. Carrie Rhoads, OWCP, Room S-3524, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 343-5580; email [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov).

Submission of written comments for the record: You may submit written comments, identified by the subcommittee name and the meeting date of March 21, 2017, by any of the following methods:

- *Electronically:* Send to: [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov) (specify in the email subject line, "Subcommittee on the Site Exposure Matrices").

- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S-3522, 200 Constitution Ave. NW., Washington, DC 20210. Due to security-related procedures, receipt of submissions by regular mail may experience significant delays.

Comments must be received by March 14, 2017. OWCP will make available publically, without change, any written comments, including any personal information that you provide. Therefore,

OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available on the Advisory Board's Web page at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

Signed at Washington, DC, this 17 day of February, 2017.

**Gary Steinberg,**

*Deputy Director, Office of Workers' Compensation Programs.*

[FR Doc. 2017-03795 Filed 2-24-17; 8:45 am]

**BILLING CODE 4510-24-P**

## **DEPARTMENT OF LABOR**

### **Office of Workers' Compensation Programs**

#### **Proposed Extension of Existing Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement (CA-1032). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before April 28, 2017.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3201, Washington, DC 20210, telephone/fax (202) 354-9647, Email [Ferguson.Yoon@dol.gov](mailto:Ferguson.Yoon@dol.gov). Please use only one method of

transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The collection of this information is necessary under provisions of the Federal Employees' Compensation Act (FECA) which states: (1) Compensation must be adjusted to reflect a claimant's earnings while in receipt of benefits (5 U.S.C. 8106); (2) compensation is payable at the augmented rate of 75 percent only if the claimant has one or more dependents as defined by the FECA (5 U.S.C. 8110); (3) compensation may not be paid concurrently with certain benefits from other Federal Agencies, such as the Office of Personnel Management, Social Security, and the Veterans Administration (5 U.S.C. 8116); (4) compensation must be adjusted to reflect any settlement from a third party responsible for the injury for which the claimant is being paid compensation (5 U.S.C. 8132); (5) an individual convicted of any violation related to fraud in the application for, or receipt of, any compensation benefit, forfeits (as of the date of such conviction) any entitlement to such benefits, for any injury occurring on or before the date of conviction (5 U.S.C. 8148(a)); (6) no Federal compensation benefit can be paid to any individual for any period during which such individual is incarcerated for any felony offense (5 U.S.C. 8148(b)(1)). The information collected through Form CA-1032 is used to ensure that compensation being paid on the periodic roll is correct. This information collection is currently approved for use through May 31, 2017.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility and clarity of the information to be collected; and

- \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions:* The Department of Labor seeks extension of approval to collect this information collection in order to ensure that compensation being paid on the periodic roll is correct.

*Type of Review:* Extension.

*Agency:* Office of Workers' Compensation Programs.

*Title:* Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement.

*OMB Number:* 1240-0016.

*Agency Number:* CA-1032.

*Affected Public:* Individuals or household.

*Total Respondents:* 45,161.

*Total Annual Responses:* 45,161.

*Average Time per Response:* 20 minutes.

*Estimated Total Burden Hours:* 15,054.

*Frequency:* Annually.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$23,484.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 14, 2017.

**Yoon Ferguson,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.*

[FR Doc. 2017-03758 Filed 2-24-17; 8:45 am]

**BILLING CODE 4510-CH-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Advisory Board on Toxic Substances and Worker Health: Working Group on Presumptions

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Announcement of meeting of the Working Group on Presumptions of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

**SUMMARY:** The working group will meet via teleconference on March 14, 2017, from 1:00 p.m. to 3:30 p.m. Eastern Time.

**FOR FURTHER INFORMATION CONTACT:** You may contact Douglas Fitzgerald, Designated Federal Officer, at [fitzgerald.douglas@dol.gov](mailto:fitzgerald.douglas@dol.gov), or Carrie Rhoads, Alternate Designated Federal

Officer, at [rhoads.carrie@dol.gov](mailto:rhoads.carrie@dol.gov), U.S. Department of Labor, 200 Constitution Avenue NW., Suite S-3524, Washington, DC 20210, telephone (202) 343-5580.

This is not a toll-free number.

*For press inquiries:* Ms. Amanda McClure, Office of Public Affairs, U.S. Department of Labor, Room S-1028, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-4672; email [mcclure.amanda.c@dol.gov](mailto:mcclure.amanda.c@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Advisory Board sunsets on December 19, 2019. This working group is being assembled to gather and analyze data and continue working on providing EEOICP with updated presumptions.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102-3).

*Agenda:* The tentative agenda for the meeting of the Working Group on Presumptions includes: Review of draft changes in current presumptions; discuss candidate topics for new presumptions. OWCP will transcribe the Advisory Board working group meeting. OWCP will post the transcripts on the Advisory Board Web page, <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>, along with written comments and other materials submitted to the working group or presented at the working group meeting.

#### Public Participation, Submissions, and Access to the Public Record

*Working group meeting:* The working group will meet via teleconference on Tuesday, March 14, 2017, from 1:00 p.m. to 3:30 p.m. Eastern Time. Advisory Board working group meetings are open to the public. The teleconference number and other details

for listening to the meeting will be posted on the Advisory Board's Web site no later than 72 hours prior to the meeting. This information will be posted at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

*Requests for special accommodations:* Please submit requests for special accommodations to participate in the working group meeting by email, telephone, or hard copy to Ms. Carrie Rhoads, OWCP, Room S-3524, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 343-5580; email [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov).

*Submission of written comments for the record:* You may submit written comments, identified by the working group name and the meeting date of March 14, 2017, by any of the following methods:

- *Electronically:* Send to: [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov) (specify in the email subject line, "Working Group on Presumptions").

- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S-3522, 200 Constitution Ave. NW., Washington, DC 20210. Due to security-related procedures, receipt of submissions by regular mail may experience significant delays.

Comments must be received by March 7, 2017. OWCP will make available publicly, without change, any written comments, including any personal information that you provide. Therefore, OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>.

This notice, as well as news releases and other relevant information, are also available on the Advisory Board's Web page at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

Signed at Washington, DC, this 17 day of February, 2017.

**Gary Steinberg,**

*Deputy Director, Office of Workers' Compensation Programs.*

[FR Doc. 2017-03794 Filed 2-24-17; 8:45 am]

**BILLING CODE 4510-24-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2017-029]

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of proposed extension request.

**SUMMARY:** NARA proposes to request an extension from the Office of Management and Budget (OMB) of approval to use the information collection described in this notice, which is the application organizations submit to a Presidential library to request use of space in the library for a privately sponsored activity. We invite you to comment on this proposed information collection.

**DATES:** We must receive written comments on or before April 28, 2017.

**ADDRESSES:** Send comments to Paperwork Reduction Act Comments (ID), Room 4400; National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740-6001, fax them to 301-713-7409, or email them to [tamee.fechhelm@nara.gov](mailto:tamee.fechhelm@nara.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Tamee Fechhelm by telephone at 301-837-1694 or fax at 301-713-7409 with requests for additional information or copies of the proposed information collection and supporting statement.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the public and other Federal agencies to comment on proposed information collections.

You should address one or more of the following points in any comments or suggestions you submit: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collection and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether this collection affects small businesses. We will summarize any comments you submit and include the summary in our request for OMB approval. All comments will become a matter of public record.

In this notice, NARA solicits comments concerning the following information collection:

*Title:* Application and permit for use of space in Presidential library and grounds.

*OMB number:* 3095-0024.  
*Agency form number:* NA Form 16011.

*Type of review:* Regular.  
*Affected public:* Private organizations.  
*Estimated number of respondents:* 1,000.

*Estimated time per response:* 20 minutes.

*Frequency of response:* On occasion.  
*Estimated total annual burden hours:* 333 hours.

*Abstract:* Regulations at 36 CFR 1280.94 require this information collection. The application is submitted to a Presidential library to request the use of space in the library for a privately sponsored activity. NARA uses the information to determine whether use will meet the criteria in 36 CFR 1280.94 and to schedule the date.

**Swarnali Haldar,**

*Executive for Information Services/CIO.*

[FR Doc. 2017-03725 Filed 2-24-17; 8:45 am]

**BILLING CODE 7515-01-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-2017-027]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA has submitted to OMB for approval the information collections described in this notice. We invite you to comment on them.

**DATES:** OMB must receive written comments on or before March 29, 2017.

**ADDRESSES:** Send comments to Mr. Nicholas A. Fraser, desk officer for NARA, by mail to Office of Management and Budget; New Executive Office Building; Washington, DC 20503; fax to 202-395-5167; or by email to [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information or copies of the proposed information collections and supporting statements to Tamee Fechhelm by phone at 301-837-1694 or by fax at 301-713-7409.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995

(Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for these information collections on November 29, 2016 (81 FR 86021) and we received no comments. We have therefore submitted the described information collections to OMB for approval.

You should address one or more of the following points in any comments or suggestions you submit: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collection and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether the collection affects small businesses.

In this notice, we solicit comments concerning the following information collections:

1. *Title:* Statistical research in archival records containing personal information.

*OMB number:* 3095–0002.

*Agency form number:* None.

*Type of review:* Regular.

*Affected public:* Individuals.

*Estimated number of respondents:* 1.

*Estimated time per response:* 7 hours.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 7 hours.

*Abstract:* Regulations at 36 CFR 1256.28 and 1256.56 require this information collection. Respondents are researchers who wish to do biomedical statistical research in archival records containing highly personal information. NARA needs the information to evaluate requests for access to ensure that the requester meets the criteria in 36 CFR 1256.28 and that proper safeguards will be in place to protect the personal information.

2. *Title:* Request to use personal paper-to-paper copiers at the National Archives at the College Park facility.

*OMB number:* 3095–0035.

*Agency form number:* None.

*Type of review:* Regular.

*Affected public:* Business or other for-profit.

*Estimated number of respondents:* 5.

*Estimated time per response:* 3 hour.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 15 hours.

*Abstract:* Regulations at 36 CFR 1254.86 require this information collection. Respondents are individuals

or organizations that want to make paper-to-paper copies of archival holdings with their personal copiers. NARA uses the information to determine whether the request meets the criteria in 36 CFR 1254.86 and to schedule the limited space available.

**Swarnali Haldar,**

*Executive for Information Services/CIO.*

[FR Doc. 2017–03724 Filed 2–24–17; 8:45 am]

**BILLING CODE 7515–01–P**

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## NATIONAL SCIENCE FOUNDATION

### Committee Management; Notice of Reestablishment

The Chief Operating Officer of the National Science Foundation has determined that the reestablishment of the Advisory Committee for Polar Programs is necessary and in the public interest in connection with the performance of the duties imposed upon the National Science Foundation (NSF) by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

*Name of Committee:* Advisory Committee for Polar Programs (#1130)

1. *Nature/Purpose:* The Advisory Committee for Polar Programs will provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

*Responsible NSF Official:* Kelly K. Falkner, Head, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Stafford I, Suite 755 S, Arlington, VA 22230. Telephone: 703/292–8030

Dated: February 22, 2017.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2017–03745 Filed 2–24–17; 8:45 am]

**BILLING CODE 7555–01–P**

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40–09092; NRC–2013–0164]

### AUC, LLC., Reno Creek Uranium In-Situ Recovery Project

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License and record of decision; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a license to AUC, LLC (AUC) for its Reno Creek

Uranium *In-Situ* Recovery (ISR) Facility in Campbell County, Wyoming. Under conditions listed in the license, the Source and Byproduct Materials License SUA–1602 authorizes AUC to operate its facilities as proposed in its license application, as amended, and to possess uranium source and byproduct material at the Reno Creek ISR Facility. In addition, the NRC has published a record of decision (ROD) that supports the NRC's decision to approve AUC's license application for the Reno Creek ISR Facility and to issue the license.

**DATES:** February 27, 2017.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0164 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2013–0164. 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). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the section of this document entitled, **SUPPLEMENTARY INFORMATION**.

- *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:** Don Lowman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5452; email: [Donald.Lowman@nrc.gov](mailto:Donald.Lowman@nrc.gov).

**SUPPLEMENTARY INFORMATION:**



Part 40 of title 10 of the *Code of Federal Regulations* (10 CFR), authorizes the NRC to issue a license to AUC for its Reno Creek Uranium *In-Situ* Recovery (ISR) Facility in Campbell County, Wyoming. Under conditions in the license, the Source and Byproduct Materials License SUA-1602 authorizes AUC to operate its facilities as proposed in its license application, as amended, and to possess uranium source and byproduct material at the Reno Creek ISR Facility. The NRC's ROD that supports the decision to approve AUC's license application for the Reno Creek ISR Facility and to issue the license is available in ADAMS under Accession No. ML17011A195.

By letter dated October 3, 2012, AUC, LLC submitted a license application to the NRC for a Source and Byproduct Materials License for the *in-situ*

extraction and recovery of uranium at its Reno Creek ISR Project in Campbell County, Wyoming. On November 30, 2012, the NRC staff acknowledged receipt of the application and noted that the application was placed in ADAMS) under Accession No. ML122890785. The NRC staff also noted that it could not commence its acceptance review until March 2013. The staff commenced the acceptance review in March 2013, and notified AUC on June 18, 2013, that the NRC staff had completed its acceptance review and found the application acceptable for detailed technical (safety) and environmental review. In addition to the application, the NRC staff held multiple public meetings with AUC to discuss various issues and submitted detailed requests for additional information to which AUC provided responses during the

review process. The NRC's Safety Evaluation Report documenting its review of AUC's application was completed on September 30, 2016. The NRC issued its final environmental impact statement on December 16, 2016.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," the details with respect to this action, including the Safety Evaluation Report and accompanying documentation and license, are available online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC's public documents.

The ADAMS accession numbers for the documents related to this notice are:

1	Generic Environmental Impact Statement for <i>In-Situ</i> Leach Uranium Milling Facilities, May 2009	ML091530075
2	AUC, LLC's Application, October 3, 2012	ML122890785
3	NRC email informing AUC that License Application Added to ADAMS and Deferral of Acceptance Review, November 30, 2012.	ML12349A262
4	NRC Request for Additional Information	ML13365A110
5	Round 1—Response to Request for Additional Information, June 13, 2012	ML14169A452
6	NRC Results of Round 1 RAI Response Package, September 9, 2014	ML14247A276
7	AUC Revised RAI Response Package, December 23, 2014	ML15002A077
8	Safety Evaluation Report, September 30, 2016	ML16237A141
9	Environmental Impact Statement for the Reno Creek ISR Project in Campbell County, Wyoming, Supplement to the Generic Environmental Impact Statement for <i>In-Situ</i> Leach Uranium Milling Facilities, Draft Report for Public Comments, June 30, 2016.	ML16181A082
10	NUREG-1910, Suppl. 6, Environmental Impact Statement for the Reno Creek ISR Project in Campbell County, Wyoming, Supplement to the Generic Environmental Impact Statement for <i>In-Situ</i> Leach Uranium Milling Facilities, Final Report, December 2016.	ML16342A973
11	Source and Byproduct Materials License SUA-1602, February 16, 2017	ML16364A219
12	NRC Staff's Record of Decision, February 03, 2017	ML17011A195
13	Safety Evaluation Report, Revision 1, February 16, 2017	ML16364A227

Dated at Rockville, Maryland, this 16th day of February 2017.

For the Nuclear Regulatory Commission.

**Andrea Kock,**

*Deputy Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2017-03807 Filed 2-24-17; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on the Medical Uses of Isotopes: Meeting Notice**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on April 26-27, 2017. A sample of agenda items to

be discussed during the public session includes: (1) An update on medical-related events; (2) a presentation by Elekta on the physical presence requirements for the Leksell Gamma Knife® Icon™; (3) an update on Category 3 source security and accountability evaluation initiatives; (4) a discussion on the training and experience requirements for authorized individuals for various modalities; (5) an update on the patient release project; (6) a discussion on the reporting of medical events for various modalities; (7) a discussion on patient intervention; and (8) a discussion on medical event reporting and impact on safety culture. The agenda is subject to change. The current agenda and any updates will be available at <http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2017.html> or by emailing Ms. Michelle Smethers at the contact information below.

*Purpose:* Discuss issues related to title 10 of the *Code of Federal Regulations*

(10 CFR) Part 35 Medical Use of Byproduct Material.

*Date and Time for Open Sessions:* April 26, 2017, from 8:00 a.m. to 2:30 p.m. and April 27, 2017, from 8:00 a.m. to 3:45 p.m.

*Date and Time for Closed Sessions:* April 26, 2017, from 7:30 a.m. to 8:00 a.m.

*Address for Public Meeting:* U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2-B3, 11545 Rockville Pike, Rockville, Maryland 20852.

**PUBLIC PARTICIPATION:** Any member of the public who wishes to participate in the meeting in person or via phone should contact Ms. Smethers using the information below. The meeting will also be webcast live: <https://video.nrc.gov/>.

**CONTACT INFORMATION:** Michelle Smethers, email: [michelle.smethers@nrc.gov](mailto:michelle.smethers@nrc.gov), telephone: (301) 415-0168.

**Conduct of the Meeting**

Philip O. Alderson, M.D., will chair the meeting. Dr. Alderson will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Smethers using the contact information listed above. All submittals must be received by April 21, 2017, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's Web site <http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2017.html> on or about June 14, 2017.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Smethers of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in 10 CFR part 7.

Dated at Rockville, Maryland, this 21st day of February, 2017.

For the Nuclear Regulatory Commission.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 2017-03733 Filed 2-24-17; 8:45 am]

**BILLING CODE 7590-01-P**

**OVERSEAS PRIVATE INVESTMENT CORPORATION****Sunshine Act Meeting Notice**

**TIME AND DATE:** Thursday, December 8, 2016, 2 p.m. (OPEN Portion), 2:15 p.m. (CLOSED Portion).

**PLACE:** Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

**STATUS:** Meeting OPEN to the Public from 2 p.m. to 2:15 p.m. Closed portion will commence at 2:15 p.m. (approx.).

**Matters to be Considered**

1. President's Report
2. Minutes of the Open Session of the September 15, 2016 Board of Directors Meeting

**Further Matters to be Considered (Closed to the Public 2:15 P.M.)**

1. Insurance Project—Jordan

2. Insurance Project—Israel
3. Finance Project—Africa, South Asia
4. Finance Project—Africa
5. Minutes of the Closed Session of the September 15, 2016 Board of Directors Meeting
6. Reports
7. Pending Projects

**CONTACT PERSON FOR MORE INFORMATION:** Information on the meeting may be obtained from Catherine F.I. Andrade at (202) 336-8768, or via email at [Catherine.Andrade@opic.gov](mailto:Catherine.Andrade@opic.gov).

Dated: November 9, 2016.

**Catherine F.I. Andrade,**

*Corporate Secretary, Overseas Private Investment Corporation.*

[FR Doc. 2017-03905 Filed 2-23-17; 4:15 pm]

**BILLING CODE 3210-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80076; File No. SR-NYSEArca-2016-89]

**Self-Regulatory Organizations; NYSE Arca, Inc; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 1-4, To Amend the Co-location Services Offered by the Exchange To Add Certain Access and Connectivity Fees**

February 22, 2017.

On August 16, 2016, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") 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 (1) provide additional information regarding access to various NYSE trading and execution services and establish fees for connectivity to certain NYSE market data feeds; and (2) provide and establish fees for connectivity to data feeds from third party markets and other content service providers; access to the trading and execution services of Third Party markets and other content service providers; connectivity to Depository Trust & Clearing Corporation services; connectivity to third party testing and certification feeds; and the use of virtual control circuits by Users in the Data Center.

The Commission published the proposed rule change for comment in the **Federal Register** on August 26,

2016.<sup>3</sup> The Commission received no comments in response to the proposed rule change.<sup>4</sup> On October 4, 2016, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to November 24, 2016.<sup>5</sup>

On November 2, 2016, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>6</sup> On November 29, 2016, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.<sup>7</sup> Following the Order Instituting Proceedings, the Commission received several additional comment letters regarding the proposed rule change.<sup>8</sup> On December 9, 2016, the Exchange filed Amendment No. 2 to the proposed rule change and on December 13, 2016 also

<sup>3</sup> See Securities Exchange Act Release No. 34-78628 (August 22, 2016), 81 FR 59004 ("Notice").

<sup>4</sup> The Commission notes that it did receive one comment letter on a related filing, NYSE-2016-45 (the "NYSE Companion Filing"), which is equally relevant to this filing. See letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC (IEX), dated September 9, 2016 ("IEX Letter").

On September 23, 2016, the NYSE submitted a response ("Response Letter I").

<sup>5</sup> See Securities Exchange Act Release No. 34-78967 (September 28, 2016), 81 FR 68480.

<sup>6</sup> Amendment No. 1 is available on the Commission's Web site at <https://www.sec.gov/comments/sr-nysearca-2016-89/nysearca201689-1.pdf>.

<sup>7</sup> See Securities Exchange Act Release 34-79379 (November 22, 2016), 81 FR 86036.

<sup>8</sup> See letter to Brent J. Fields, Commission, from Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, dated December 12, 2016 ("SIFMA Letter I"); letter to Brent J. Fields, Commission, from Joe Wald, Chief Executive Officer, Clearpool Group, dated December 16, 2016 ("Clearpool Letter"); letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC (IEX), dated December 21, 2016 ("IEX Letter II"); letter to Brent J. Fields, Commission, from Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, dated February 6, 2017 ("SIFMA Letter II"). All comments received by the Commission on the proposed rule change are available on the Commission's Web site at: <https://www.sec.gov/comments/sr-nysearca-2016-89/nysearca201689.shtml>.

The Commission notes that it did receive additional comment letters on the NYSE Companion Filing which are equally relevant to this filing. See letter to Brent J. Fields, Commission, from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated December 12, 2016 ("Citadel Letter"); letter to Brent J. Fields, Commission, from David L. Cavicke, Chief Legal Officer, Wolverine LLC ("Wolverine Letter"); letter to Brent J. Fields, Secretary, Commission, from Stefano Durdic, Managing Director, R2G Services, LLC, dated January 21, 2017 ("R2G Letter"). All comments received by the Commission on the NYSE Companion Filing are available on the Commission's Web site at: <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645.shtml>.

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

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

filed Amendment No. 3 to the proposed rule change.<sup>9</sup> Amendment Nos. 2 and 3, which together supersede and replace the proposed rule change, as modified by Amendment No. 1, in its entirety, were published for comment in the **Federal Register** on December 29, 2016.<sup>10</sup> On January 17, 2017, the Exchange responded to the comment letters submitted after the OIP and prior to January 17, 2017.<sup>11</sup> On February 7, 2017, the Exchange filed Amendment No. 4 to the proposed rule change.<sup>12</sup> On February 13, 2017, the Exchange responded to a comment letter submitted after January 17, 2017.<sup>13</sup>

Section 19(b)(2) of the Act<sup>14</sup> provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 26, 2016.<sup>15</sup> February 22, 2017 is 180 days from that date, and April 23, 2017 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment Nos. 1–4, the issues raised in the comment letters that have

<sup>9</sup> The Commission notes that the Exhibit 5 filed with Amendment No. 2 contained erroneous rule text and therefore was corrected in Amendment No. 3. Amendment Nos. 2 and 3 are available at <https://www.sec.gov/comments/sr-nysearca-2016-89/nysearca201689.shtml>.

<sup>10</sup> See Securities Exchange Act Release No. 34–79673 (December 22, 2016), 81 FR 96107 (“Notice of Current Proposal”).

<sup>11</sup> See NYSE Response Letter II (“Response Letter II”), available at <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645-1502013-130586.pdf>. The R2G and SIFMA II Letters, *supra* note 8, were submitted after the Response Letter II. The Commission notes that in footnote 4 of Response Letter II the Exchange notes that its response to commenters on the NYSE Companion Filing applies equally to this filing.

<sup>12</sup> Amendment No. 4, as filed by the Exchange, is available at <https://www.sec.gov/comments/sr-nysearca-2016-89/nysearca201689-1570736-131691.pdf>.

<sup>13</sup> See NYSE Response Letter III (“Response Letter III”), available at <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645-1580192-131885.pdf>.

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> See *supra* note 3.

been submitted in connection therewith, and the Exchange’s response to the comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>16</sup> designates April 23, 2017 as the date by which the Commission should either approve or disapprove the proposed rule change, as modified by Amendments Nos. 1–4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017–03796 Filed 2–24–17; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80073; File No. SR–NYSEMKT–2017–08]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change To Amend Rule 925.1NY Regarding Market Maker Quotations, Including To Adopt a Market Maker Light Only Quotation

February 21, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b–4 thereunder,<sup>3</sup> notice is hereby given that on February 10, 2017, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 925.1NY regarding Market Maker Quotations, including to adopt a Market Maker Light Only Quotation. The proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

<sup>16</sup> 15 U.S.C. 78s(b)(2).

<sup>17</sup> 17 CFR 200.30–3(a)(57).

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b–4.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this filing is to modify Rule 925.1NY regarding Market Maker Quotations. Rule 925.1NY(a) provides that a Market Maker may enter quotes in the option issues included in its appointment. The Exchange proposes to amend Rule 925.1NY(a) to define Market Maker quotes, add a new quote type, and specify how such quotes would be processed when a series is open for trading.

###### Defining Market Maker Quotes and Adopting Market Maker Light Only Quotes

First, the Exchange proposes to define Market Maker quotes to provide that “[t]he term ‘quote’ or ‘quotation’ means a bid or offer entered by a Market Maker that updates the Market Maker’s previous bid or offer, if any.”<sup>4</sup> This proposed definition, which would add clarity, transparency, and internal consistency to Exchange rules, is identical or substantially identical to the way quotes are defined on at least two other options exchanges.<sup>5</sup> Consistent with this change, the Exchange also proposes to modify the current definition of “Quote with Size” to include a cross reference to the proposed definition of quotation, which would add clarity and transparency to Exchange rules.<sup>6</sup>

<sup>4</sup> See proposed Rule 925.1NY(a)(1).

<sup>5</sup> See, e.g., International Securities Exchange Rule 100(42). See also BOX Options Exchange LLC Rule 100(a)(55) (providing that “[t]he term ‘quote’ or ‘quotation’ means a bid or offer entered by a Market Maker as a firm order that updates the Market Maker’s previous bid or offer, if any”).

<sup>6</sup> See proposed Rule 900.2NY(65) (providing that “the term ‘Quote with Size’ means a quotation (as defined in Rule 925.1NY (a)(1)) to buy or sell a specific number of option contracts at a specific price that a Market Maker has submitted to the System through an electronic interface”).

Second, the Exchange proposes to add a Market Maker Light Only Quotation (“MMLO”) to provide Market Makers the option to designate incoming quotes to trade solely with displayed interest on the Consolidated Book.<sup>7</sup> This proposed change would allow Market Makers to designate quotes as MMLO to prevent such quotes from trading with undisplayed liquidity upon arrival. Once an MMLO is added to the Consolidated Book, the MMLO designation no longer applies and any unexecuted portion could trade with displayed and undisplayed interest. The Exchange believes that this functionality would give Market Makers greater control over the circumstances in which their quotes interact with contra-side trading interest on the Exchange. This increase in control is desirable from the perspective of Market Makers because it is difficult for them to account for undisplayed liquidity in their quoting models.<sup>8</sup> Because the options market is quote driven, Market Makers are vital to the price discovery process, the Exchange believes that the proposed MMLO would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and thus may encourage more aggressive liquidity provision, resulting in more trading opportunities and tighter spreads. Accordingly, the Exchange believes that the proposal would improve overall market quality and enhance competition on the Exchange to the benefit to all market participants.<sup>9 10</sup>

<sup>7</sup> See proposed Rule 925.1NY(a)(2).

<sup>8</sup> The Exchange understands that, while a Market Maker’s quoting algorithm can take into account displayed liquidity in the marketplace, the algorithm may not be able to accurately account for the risk of interacting with undisplayed liquidity.

<sup>9</sup> The Exchange notes that the concept of allowing market participants, including Market Makers, to avoid trading with undisplayed liquidity is available on other options exchanges. See e.g., NYSE Arca, Inc. (“Arca”) Rule 6.62(v) (defining PNP-Light Orders as non-routable orders that are only eligible to execute against displayed liquidity).

<sup>10</sup> The Exchange notes that another options exchange—Arca—previously offered (and later eliminated) a Post No Preference Light Only Quotation (“PNPLO”), which, like the MMLO, allowed Market Makers to designate certain quotations to only interact with displayed liquidity. The Commission approved the PNPLO, in part, on grounds that market participants, including Market Makers, could achieve functionality similar to the PNPLO through use of the PNP-Light Order and that the PNPLO offer similar functionality for use by Market Makers when quoting. See Securities Exchange Act Release Nos. 67252 (June 25, 2012), 77 FR 38879 (June 29, 2012) (SR–NYSEArca–2012–05) (order approving adoption of PNPLO, applicable to Penny Pilot issues only); 68339 (December 3, 2012), 77 FR 73109 (December 7, 2012) (SR–NYSEArca–2012–130) (immediately effective filing extending the PNPLO to non-Penny Pilot issues). The PNPLO was eliminated approximately one year after it was adopted because the functionality was not implemented in the time period contemplated.

The Exchange also notes that other options exchanges have recently adopted quote types designed to strengthen market making.<sup>11</sup>

\* \* \* \* \*

#### Specifying the Treatment of Market Maker Quotes, Including MMLOs

The Exchange also proposes to modify and add detail regarding how Market Maker quotes, including MMLOs, would be processed when a series is open for trading. As discussed below, the Exchange’s proposal to modify the processing of Market Maker quotations aligns with the NMS plan for Options Order Protection And Locked/Crossed Market Plan (“Plan”), to which the Exchange is a party.<sup>12</sup>

The Exchange proposes to change the treatment of incoming quotations, including the conditions under which quotes would be cancelled or rejected. Specifically, as proposed, an incoming quotation would only trade against contra-side interest in the Consolidated Book at prices that would not trade through interest on another Market Center.<sup>13</sup> Any untraded size of an incoming quote would be added to the Consolidated Book, unless it locks or crosses interest on another Market Center or if the quote is an MMLO and locks or crosses undisplayed interest.<sup>14</sup> The proposed rule would state that when such quantity of an incoming quote is cancelled (as opposed to being rejected outright), the Exchange would also cancel the Market Maker’s current quote on the opposite side of the

See Securities Exchange Act Release No. 34–69641 (May 28, 2013), 78 FR 33134 (June 3, 2013) (SR–NYSEArca–2013–51) (immediately effective filing deleting reference to the PNPLO from Rule 6.62(cc)).

<sup>11</sup> The Exchange notes that BOX recently added functionality to only accept quotes that add liquidity. See Securities Exchange Act Release Nos. 79311 (October 3 [sic], 2016), 81 FR 83322 (November 15 [sic], 2016) (SR–BOX–2016–45) (order approving change to only accept liquidity-adding quotes); 78946 (September 27, 2016), 81 FR 68069 (October 3, 2016) (notice). See also BOX IM–8050–3 (providing that “[i]f an incoming quote is marketable against the BOX Book and will execute against a resting order or quote, it will be rejected”).

<sup>12</sup> See Plan, dated April 14, 2009, available here, [http://www.optionsclearing.com/components/docs/clearing/services/options\\_order\\_protection\\_plan.pdf](http://www.optionsclearing.com/components/docs/clearing/services/options_order_protection_plan.pdf). See also Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (File No. 4–546) (order approving the Plan). Consistent with the Plan, the rules of the Exchange include prohibitions against trade-throughs and a pattern or practice of displaying certain quotations that lock or cross away markets. See, e.g., Rules 991NY, 992NY. See also *infra* note 20.

<sup>13</sup> See proposed 925.1NY(a)(3)(A). See Rule 900.2NY(36) (defining Market Center as “a national securities exchange that has qualified for participation in the Options Clearing Corporation pursuant to the provisions of the rules of the Options Clearing Corporation”).

<sup>14</sup> See proposed Rule 925.1NY(a)(3)(B)(i).

market. In other words, both sides of the Market Maker’s quote residing on the Consolidated Book would be cancelled, which allows a Market Maker to refresh both its bid and offer simultaneously.

In addition, as proposed, an incoming quotation would be rejected if it locks or crosses interest on another Market Center and if it cannot trade with interest in the Consolidated Book at prices that do not trade through another Market Center.<sup>15</sup> An incoming quotation designated as MMLO would be rejected if it locks or crosses undisplayed interest and cannot trade with displayed interest in the Consolidated Book at prices that do not trade through another Market Center.<sup>16</sup> The proposed rule would specify that when an incoming quote is rejected outright (as opposed to being cancelled after a partial fill), the Exchange would also cancel the Market Maker’s current quote on the same side of the market.<sup>17</sup> Such treatment recognizes that the Market Maker attempted (unsuccessfully) to update its bid or offer price and allows the Market Maker to refresh that side of its quote.

In addition, when a series is open for trading, a quote will trade only against interest in the Consolidated Book and will not route. The Exchange does not route Market Maker quotations because such quotes are designed to meet the Market Maker’s obligation to have displayed quotations on the Exchange. The Exchange proposes to specify this functionality in Exchange rules.<sup>18</sup>

The Exchange believes that processing Market Maker quotations, as described in the proposed rules, aligns with the Plan.<sup>19</sup> The Plan obligates the participating exchanges to provide order protection, including addressing locked and crossed markets and the potential for trade-throughs in certain options classes.<sup>20</sup> The Plan establishes various obligations for participating exchanges, including that Market Makers should “reasonably avoid displaying, and shall not engage in a pattern or practice of displaying, any quotations that lock or cross” the best bid or offer on another Market Center.<sup>21</sup> The Plan further obligates participating exchanges to conduct surveillance of their respective markets on a regular basis to ascertain the effectiveness of the policies and procedures to prevent trade-throughs

<sup>15</sup> See proposed Rule 925.1NY(a)(3)(C)(i).

<sup>16</sup> See proposed Rule 925.1NY(a)(3)(C)(ii).

<sup>17</sup> See proposed Rule 925.1NY(a)(3)(C).

<sup>18</sup> See proposed Rule 925.1NY(a)(3), (D).

<sup>19</sup> See Plan, *supra* note 12.

<sup>20</sup> See e.g., Securities Exchange Act Release No. 60526 (August 18, 2009), 74 FR 43185 (August 26, 2009) (SR–NYSEAmex–2009–19) (adopting and updating Exchange rules to implement the Plan).

<sup>21</sup> See Plan at Section 6(c), *supra* note 12.

and to take prompt action to remedy deficiencies in such policies and procedures.<sup>22</sup> Because Market Maker quotations do not route, and incoming quotes, or portions thereof, would reject or cancel if such quotes locked or crossed away markets, the Exchange believes the proposal is consistent with the requirements of the Plan. In addition, the proposed processing of quotes is consistent with the Plan because it avoids trading-through better prices on other exchange and locking or crossing markets. In addition, the Exchange believes this proposal would assist Market Makers in maintaining a fair and orderly market, as it would encourage Market Makers to provide greater liquidity.

The Exchange notes that this proposal does not relieve a Market Maker of its continuous quoting, or firm quote, obligations pursuant to Rules 925.1NY and 970NY, respectively. Further, the Exchange notes that Market Makers would still be able to send orders in (and out of) classes to which they are appointed, as orders are not affected by this proposal.

#### Implementation

The Exchange will announce the implementation of the proposed rule change by Trader Update, which implementation will be no later than 30 days after the approval of this rule change.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),<sup>23</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>24</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposal to add the definition of Market Maker quotes would provide clarity and transparency to Exchange rules to the benefit of investors as the additional clarity would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The proposed rule amendments would also provide internal consistency within Exchange rules and operate to protect

investors and the investing public by making the Exchange rules easier to navigate and comprehend. Because the proposed definition of quotes is identical or substantially identical to definitions provided on other options exchanges, the proposal presents no new or novel issues.<sup>25</sup>

The proposal to offer to Market Makers the ability to designate quotes as MMLO would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide Market Makers with increased control over interactions with contra-side liquidity. Specifically, the proposal would improve market making on the Exchange because it would prevent incoming Market Maker quotes from trading with resting undisplayed interest, which interest is difficult to take into account in quoting models. Accordingly, the Exchange believes that the proposed MMLO designation would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and would encourage more aggressive liquidity provision, resulting in more trading opportunities for market participants and tighter spreads. Accordingly, the Exchange believes that the proposal would improve overall market quality and improve competition on the Exchange, to the benefit of all market participants.<sup>26</sup>

Because market participants that enter undisplayed interest (e.g., PNP-Blind Orders)<sup>27</sup> are opting not to have their interest displayed, the Exchange believes it is consistent with the Act for Market Makers to choose to designate their quotes not to trade with such undisplayed interest.<sup>28</sup> For the forgoing reasons, the Exchange believes that the proposal to offer to Market Makers the option to designate their quotes as MMLO is not unfairly discriminatory. The Exchange also believes that such offering would protect investors and the public interest because it may contribute to more aggressive quoting by Market Makers, which should increase

the quality of the Exchange's market and benefit investors.

The proposal to add detail and amend the treatment of Market Maker quotes is consistent with, and facilitates the Exchange meeting its obligations under the Plan and, thus, would remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The Exchange believes the proposed processing of quotes is consistent with the Plan because it avoids trading through better prices on other exchanges and is designed to avoid locking and crossing markets. By preventing Market Makers from locking or crossing trading interest on away Market Centers, the proposal would prevent fraudulent and manipulative acts and practices and would promote just and equitable principles of trade to the benefit of all market participants. The Exchange also believes the proposal regarding how the Exchange processes quotes in the event that an incoming quote is rejected, or a portion thereof is cancelled, would promote just and equitable principles of trade. Specifically, the proposed rules would enable Market Makers to simultaneously update both sides of their resting quote when one side of the quote received a partial fill but was subsequently cancelled and, where one side of a quote is rejected and not booked, to leave undisturbed that opposite-side interest because it remains valid. The Exchange believes this proposed handling of quotes would assist Market Makers in maintaining a fair and orderly market as it would encourage Market Makers to provide greater volumes of liquidity, which would add value to market making on the Exchange.

The Exchange believes that the entire proposal is just, equitable and not unfairly discriminatory, as it would apply to all Market Makers on the Exchange. Further, the proposal would protect investors and the public interest by providing a more robust market, including because the proposal may contribute to more aggressive quoting by Market Makers. The Exchange believes that the proposal would lead to enhanced liquidity on the Exchange, which in turn will benefit and protect investors and the public interest through the potential for greater volume of orders and executions on the Exchange.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance

<sup>22</sup> See Plan at Section 5(a), *supra* note 12.

<sup>23</sup> 15 U.S.C. 78f(b).

<sup>24</sup> 15 U.S.C. 78f(b)(5).

<sup>25</sup> See *supra* note 5.

<sup>26</sup> Moreover, the Exchange notes that the concept of allowing market participants, including Market Makers, to avoid trading with undisplayed liquidity is available on other options exchanges. See *supra* note 9.

<sup>27</sup> See Rule 900.3NY(x) (providing that a PNP (Post No Preference) Blind Order is a Limit Order to buy or sell that is to be executed in whole or in part on the Exchange, and the portion not so executed is to be ranked in the Consolidated Book, without routing any portion of the order to another Market Center).

<sup>28</sup> In this regard, the Exchange notes that undisplayed liquidity is not afforded trade-through protection under Section 5 of the Plan. See Plan, *supra* note 12.

of the purposes of the Act. The Exchange believes the proposal adds value to market making on the Exchange. The Exchange does not believe the proposal would impose a burden on competition among the options exchanges because of vigorous competition for order flow among the options exchanges. In this highly competitive market, market participants can easily and readily direct order flow to competing venues. The proposal does not impose an undue burden on intramarket competition because the proposed change would apply to all Market Makers on the Exchange. The proposal is structured to offer the same enhancement to all Market Makers, regardless of size, and would not impose a competitive burden on any participant.

The proposed MMLO, which provides Market Makers with enhanced determinism over their quotes, may contribute to more aggressive quoting by Market Makers, resulting in more trading opportunities and tighter spreads. To the extent this purpose is achieved, the MMLO would enhance the market making function on the Exchange, which would improve overall market quality and improve competition on the Exchange to the benefit of all market participants.

The Exchange believes the proposal is pro-competitive because when an exchange offers enhanced functionality that distinguishes it from other exchanges and participants find it useful, it has been the Exchange's experience that competing exchanges will move to adopt similar functionality. Thus, the Exchange believes that this type of competition amongst exchanges is beneficial to the market place as a whole as it can result in enhanced processes, functionality, and technologies.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2017-08 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEMKT-2017-08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2017-08 and should be submitted on or before March 20, 2017.

<sup>29</sup> 17 CFR 200.30-3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03728 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80079; File No. SR-NYSEArca-2016-173]

### **Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Relating to the Listing and Trading of the Shares of the United States 3x Oil Fund and United States 3x Short Oil Fund Under NYSE Arca Equities Rule 8.200**

February 22, 2017.

On December 23, 2016, NYSE Arca, Inc. ("Exchange") 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 United States 3x Oil Fund and United States 3x Short Oil Fund under NYSE Arca Equities Rule 8.200, Commentary .02. The proposed rule change was published for comment in the **Federal Register** on January 11, 2017.<sup>3</sup> The Commission received no comments 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 disapproved. The Commission is extending this 45-day time period.

The Commission finds it 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

<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. 79742 (January 5, 2017), 82 FR 3366.

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

to Section 19(b)(2) of the Act,<sup>5</sup> designates April 11, 2017 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEArca-2016-173).

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

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03798 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC-32484; 812-14656]

### Morgan Stanley ETF Trust, et al.; Notice of Application

February 21, 2017.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(f) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (“Funds”) to issue shares redeemable in large aggregations (“Creation Units”); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (“NAV”); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (“Funds of Funds”) to acquire shares of the Funds; (f) certain Funds (“Feeder Funds”) to create and redeem Creation Units in-kind in a master-feeder structure; and (g) certain Funds to issue Shares in less than Creation

Unit size to investors participating in a distribution reinvestment program.

**APPLICANTS:** Morgan Stanley ETF Trust (the “Trust”), a Delaware statutory trust, which will register under the Act as an open-end management investment company with multiple series, Morgan Stanley Investment Management Inc. (the “Initial Adviser”), a Delaware corporation registered as an investment adviser under the Investment Advisers Act of 1940, and Morgan Stanley Distribution, Inc. (the “Distributor”), a Pennsylvania corporation and broker-dealer registered under the Securities Exchange Act of 1934 (“Exchange Act”).  
**FILING DATES:** The application was filed on June 3, 2016 and amended on November 7, 2016.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 20, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

**ADDRESSES:** Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090; Applicants: Morgan Stanley Investment Management Inc., 522 Fifth Avenue, New York, New York 10036.

**FOR FURTHER INFORMATION CONTACT:** Erin C. Loomis, Senior Counsel, at (202) 551-6721, or Parisa Haghshenas, Branch Chief at (202) 551-6723 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission’s Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

### Summary of the Application

1. Applicants request an order that would allow Funds to operate as index

exchange traded funds (“ETFs”).<sup>1</sup> Fund shares will be purchased and redeemed at their NAV in Creation Units (other than pursuant to a distribution reinvestment program), as described in the application. All orders to purchase Creation Units and all redemption requests will be placed by or through an “Authorized Participant”, which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond closely to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (“Affiliated Person”), or an affiliated person of an Affiliated Person (“Second-Tier Affiliate”), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.<sup>2</sup>

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis, or issued in less than Creation Unit size to investors participating in a distribution reinvestment program. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (“Deposit Instruments”), and shareholders redeeming their shares will receive specified instruments (“Redemption Instruments”). The Deposit Instruments and the Redemption Instruments will each

<sup>1</sup> Applicants request that the order apply to the initial fund and any additional series of the Trust, and any other existing or future open-end management investment company or existing or future series thereof (each, included in the term “Fund”), each of which will operate as an ETF and will track a specified index comprised of domestic and/or foreign equity securities and/or domestic and/or foreign fixed income securities (each, an “Underlying Index”). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an “Adviser”) and (b) comply with the terms and conditions of the application.

<sup>2</sup> Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund’s calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

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

correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from Section 5(a)(1) and Section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units (other than pursuant to a dividend reinvestment program).

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c-1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in

connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instrument and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.<sup>3</sup> The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or

<sup>3</sup> The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03742 Filed 2-24-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given that, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, March 1, 2017, at 10:00 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to issue a request for comment on possible revisions to statistical and other disclosures affecting registrants in the financial services industry.
- The Commission will consider whether to adopt rule and form amendments to require registrants that file registration statements or reports subject to the exhibit requirements under Item 601 of Regulation S-K, or that file Forms F-10 or 20-F, to include a hyperlink to each exhibit listed in the exhibit index of these filings, and to require registrants to submit such registration statements and reports on EDGAR in HTML format.
- The Commission will consider whether to propose amendments to rules and forms to require the use of the Inline XBRL format for the submission of operating company financial statement information and mutual fund risk/return summaries, eliminate the requirement for filers to post Interactive Data Files on their Web sites and terminate the Commission's voluntary program for the submission of financial



statement information interactive data that is currently available only to investment companies and certain other entities.

- The Commission will consider whether to propose amendments to Rule 15c2-12 under the Securities Exchange Act of 1934, which would amend the list of event notices that a broker, dealer, or municipal securities dealer acting as an underwriter in a primary offering of municipal securities, must reasonably determine that an issuer or an obligated person has undertaken, in a written agreement or contract for the benefit of holders of the municipal securities, to provide to the Municipal Securities Rulemaking Board. The proposed amendments would add two event notices relating to certain financial obligations incurred by issuers and obligated persons.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact Brent J. Fields in the Office of the Secretary at (202) 551-5400.

Dated: February 22, 2017.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2017-03849 Filed 2-23-17; 11:15 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

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

**Extension:**

Rule 17a-13, SEC File No. 270-27, OMB Control No. 3235-0035.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 17a-13 (17 CFR 240.17a-13) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Rule 17a-13(b) (17 CFR 240.17a-13(b)) generally requires that at least once each calendar quarter, all registered brokers-dealers physically examine and count all securities held,

and that they account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a-13(c) (17 CFR 240.17a-13(c)) provides that under specified conditions, the count, examination, and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a-13 does not require broker-dealers to file a report with the Commission, discrepancies between a broker-dealer's records and the securities counts may be required to be reported, for example, as a loss on Form X-17a-5 (17 CFR 248.617), which must be filed with the Commission under Exchange Act Rule 17a-5 (17 CFR 240.17a-5). Rule 17a-13 exempts broker-dealers that limit their business to the sale and redemption of securities of registered investment companies and interests or participation in an insurance company separate account and those who solicit accounts for federally insured savings and loan associations, provided that such persons promptly transmit all funds and securities and hold no customer funds and securities. Rule 17a-13 also does not apply to certain broker-dealers required to register only because they effect transactions in securities futures products.

The information obtained from Rule 17a-13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held in transfer, in transit, pledged, loaned, borrowed, deposited, or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and the self-regulatory organizations ("SROs") to those firms experiencing back-office operational issues.

Currently, there are approximately 4,067 broker-dealers registered with the Commission. However, given the variability in their businesses, it is difficult to quantify how many hours per year each broker-dealer spends complying with Rule 17a-13. As noted, Rule 17a-13 requires a broker-dealer to account for all securities in its possession or subject to its control or direction. Many broker-dealers hold few, if any, securities; while others hold large quantities. Therefore, the time burden of complying with Rule 17a-13 will depend on respondent-specific factors, including a broker-dealer's size,

number of customers, and proprietary trading activity. The staff estimates that the average time spent per respondent is 100 hours per year on an ongoing basis to maintain the records required under Rule 17a-13. This estimate takes into account the fact that more than half of the 4,067 respondents—according to financial reports filed with the Commission—may spend little or no time complying with Rule 17a-13, given that they do not do a public securities business or do not hold inventories of securities. For these reasons, the staff estimates that the total compliance burden per year is 406,700 hours (4,067 respondents x 100 hours/respondent).

The records required to be made by Rule 17a-13 are available only to Commission examination staff, state securities authorities, and applicable SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

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

The public may view background documentation for this information collection at the following Web site: [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: [Shagufta.Ahmed@omb.eop.gov](mailto:Shagufta.Ahmed@omb.eop.gov); and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

Dated: February 17, 2017.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03772 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80077; File No. SR-NYSEMKT-2016-63]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 1-4, To Amend the Co-location Services Offered by the Exchange To Add Certain Access and Connectivity Fees

February 22, 2017.

On August 16, 2016, NYSE MKT LLC (the “Exchange” or “NYSE MKT”) 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 (1) provide additional information regarding access to various NYSE trading and execution services and establish fees for connectivity to certain NYSE market data feeds; and (2) provide and establish fees for connectivity to data feeds from third party markets and other content service providers; access to the trading and execution services of Third Party markets and other content service providers; connectivity to Depository Trust & Clearing Corporation services; connectivity to third party testing and certification feeds; and the use of virtual control circuits by Users in the Data Center.

The Commission published the proposed rule change for comment in the **Federal Register** on August 26, 2016.<sup>3</sup> The Commission received no comments in response to the proposed rule change.<sup>4</sup> On October 4, 2016, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to November 24, 2016.<sup>5</sup>

On November 2, 2016, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>6</sup> On November 29, 2016, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.<sup>7</sup> Following the Order Instituting Proceedings, the Commission received several additional comment letters regarding the proposed rule change.<sup>8</sup>

On December 9, 2016, the Exchange filed Amendment No. 2 to the proposed rule change and on December 13, 2016 also filed Amendment No. 3 to the proposed rule change.<sup>9</sup> Amendment Nos. 2 and 3, which, together supersede and replace the proposed rule change, as modified by Amendment No. 1, in its entirety, were published for comment in the **Federal Register** on December 29, 2016.<sup>10</sup> On January 17, 2017, the Exchange responded to the comment letters submitted after the OIP and prior to January 17, 2017.<sup>11</sup> On February 7,

2017, the Exchange filed Amendment No. 4 to the proposed rule change.<sup>12</sup> On February 13, 2017, the Exchange responded to a comment letter submitted after January 17, 2017.<sup>13</sup>

Section 19(b)(2) of the Act<sup>14</sup> provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 26, 2016.<sup>15</sup> February 22, 2017 is 180 days from that date, and April 23, 2017 is an additional 60 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment Nos. 1-4, the issues raised in the comment letters that have been submitted in connection therewith, and the Exchange’s response to the comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>16</sup> designates April 23, 2017 as the date by which the Commission should either approve or disapprove the proposed rule change, as modified by Amendments Nos. 1-4.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03797 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

R2G and SIFMA II Letters, *supra* note 8, were submitted after the Response Letter II. The Commission notes that in footnote 4 of Response Letter II the Exchange notes that its response to commenters on the NYSE Companion Filing applies equally to this filing.

<sup>12</sup> Amendment No. 4, as filed by the Exchange, is available at <https://www.sec.gov/comments/sr-nysemkt-2016-63/nysemkt201663-1570727-131699.pdf>.

<sup>13</sup> See NYSE Response Letter III (“Response Letter III”), available at <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645-1580192-131885.pdf>.

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> See *supra* note 3.

<sup>16</sup> 15 U.S.C. 78s(b)(2).

<sup>17</sup> 17 CFR 200.30-3(a)(57).

<sup>6</sup> Amendment No. 1 is available on the Commission’s Web site at <https://www.sec.gov/comments/sr-nysemkt-2016-63/nysemkt201663-1.pdf>.

<sup>7</sup> See Securities Exchange Act Release 34-79378 (November 22, 2016), 81 FR 86050.

<sup>8</sup> See letter to Brent J. Fields, Commission, from Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, dated December 12, 2016 (“SIFMA Letter I”); letter to Brent J. Fields, Commission, from Joe Wald, Chief Executive Officer, Clearpool Group, dated December 16, 2016 (“Clearpool Letter”); letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC (IEX), dated December 21, 2016 (“IEX Letter II”); letter to Brent J. Fields, Commission, from Melissa MacGregor, Managing Director and Associate General Counsel, SIFMA, dated February 6, 2017 (“SIFMA Letter II”). All comments received by the Commission on the proposed rule change are available on the Commission’s Web site at: <https://www.sec.gov/comments/sr-nysemkt-2016-63/nysemkt201663.shtml>.

The Commission notes that it did receive additional comment letters on the NYSE Companion Filing which are equally relevant to this filing. See letter to Brent J. Fields, Commission, from Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated December 12, 2016 (“Citadel Letter”); letter to Brent J. Fields, Commission, from David L. Cavicke, Chief Legal Officer, Wolverine LLC (“Wolverine Letter”); letter to Brent J. Fields, Secretary, Commission, from Stefano Durdic, Managing Director, R2G Services, LLC, dated January 21, 2017 (“R2G Letter”). All comments received by the Commission on the NYSE Companion Filing are available on the Commission’s Web site at: <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645.shtml>.

<sup>9</sup> The Commission notes that the Exhibit 5 filed with Amendment No. 2 contained erroneous rule text and therefore was corrected in Amendment No. 3. Amendment Nos. 2 and 3 are available at <https://www.sec.gov/comments/sr-nysemkt-2016-63/nysemkt201663.shtml>.

<sup>10</sup> See Securities Exchange Act Release No. 34-79672 (December 22, 2016), 81 FR 96080 (“Notice of Current Proposal”).

<sup>11</sup> See NYSE Response Letter II (“Response Letter II”), available at <https://www.sec.gov/comments/sr-nyse-2016-45/nyse201645-1502013-130586.pdf>. The

<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. 34-78629 (August 22, 2016), 81 FR 58992 (“Notice”).

<sup>4</sup> The Commission notes that it did receive one comment letter on a related filing, NYSE-2016-45 (the “NYSE Companion Filing”), which is equally relevant to this filing. See letter to Brent J. Fields, Secretary, Commission, from John Ramsay, Chief Market Policy Officer, Investors Exchange LLC (IEX), dated September 9, 2016 (“IEX Letter I”).

On September 23, 2016, the NYSE submitted a response (“Response Letter I”).

<sup>5</sup> See Securities Exchange Act Release No. 34-78968 (September 28, 2016), 81 FR 68493.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80084; File No. SR–NYSE–2017–04]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. and the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc.

February 22, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b–4 thereunder,<sup>3</sup> notice is hereby given that on February 8, 2017, New York Stock Exchange LLC (“NYSE” or the “Exchange”), filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend (a) the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (the “ICE Holdings Certificate”) to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc. (the “Fifth Amended NYSE Group Certificate”) to update obsolete references. The proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to make non-substantive changes to (a) the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended NYSE Group Certificate to update obsolete references.

###### ICE Holdings Certificate

The Exchange’s parent, NYSE Group, is a wholly-owned subsidiary of NYSE Holdings LLC, which is in turn 100% owned by Intercontinental Exchange Holdings, Inc. (“ICE Holdings”). Intercontinental Exchange, Inc. (“ICE”), a public company listed on the NYSE, owns 100% of ICE Holdings.

The original certificate of incorporation of ICE Holdings was filed in 2000, under the name “IntercontinentalExchange, Inc.” In 2014, ICE Holdings changed its name from “IntercontinentalExchange, Inc.” to “Intercontinental Exchange Holdings, Inc.” At the same time, ICE Holding’s parent, ICE, changed its name from “IntercontinentalExchange Group, Inc.” to “Intercontinental Exchange, Inc.”<sup>4</sup>

In response to a comment received from the State of Delaware Department of State, the Exchange proposes to amend paragraph (1) of the ICE Holdings Certificate to add a reference to the fact that the original certificate of incorporation was filed under the name “IntercontinentalExchange, Inc.” The revised paragraph would read as follows (proposed new text underlined):

(1) The present name of the Corporation is Intercontinental Exchange Holdings, Inc. The original Certificate of Incorporation of the Corporation was filed on June 16, 2000 (*the “Original Certificate of Incorporation”*), and the name under which the Corporation filed the Original Certificate of Incorporation was *IntercontinentalExchange, Inc.*

###### Fifth Amended NYSE Group Certificate

The Securities and Exchange Commission approved the Fifth Amended NYSE Group Certificate on January 30, 2017.<sup>5</sup>

The Exchange proposes to amend the Fifth Amended NYSE Group Certificate to update obsolete references to the Fourth Amended and Restated Certificate of Incorporation of NYSE Group (“Fourth Amended NYSE Group Certificate”). More specifically, the Exchange proposes to:

- Amend Article XIV, “Effective Time,” to replace “Fourth” with “Fifth” and to replace December 29, 2014, the date of effectiveness of the Fourth Amended NYSE Group Certificate, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective; and
- on the signature page of the NYSE Group Certificate, replace “Fourth” with “Fifth” and replace December 29, 2014, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective.

No other changes to the ICE Holdings Certificate or Fifth Amended NYSE Group Certificate are proposed.

###### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act<sup>6</sup> in general, and with Section 6(b)(1)<sup>7</sup> in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed amendment to the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation is a non-substantive, ministerial change requested by the State of Delaware Department of State that does not impact either the governance or ownership of the Exchange. The Exchange believes that the proposed change is consistent with Section 6(b)(1) because it would contribute to the orderly operation of the Exchange by adding clarity and transparency to the Exchange’s rules and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by

<sup>4</sup> See Securities Exchange Release No. 72158 (May 13, 2014), 79 FR 28784 (May 19, 2014) (SR–NYSE–2014–52).

<sup>5</sup> See Securities Exchange Release No. 79901 (January 30, 2017), 82 FR 9251 (February 3, 2017)

(SR–NYSE–2016–90, SR–NYSEMKT–2016–122, and SR–NYSEArca–2016–167).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(1).

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b–4.

its members and persons associated with its members.

For similar reasons, the Exchange also believes that the proposed change furthers the objectives of Section 6(b)(5) of the Exchange Act<sup>8</sup> because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the proposed changes to amend the Fifth Amended NYSE Group Certificate, which would replace obsolete references to the Fourth Amended NYSE Group Certificate with references to the Fifth Amended NYSE Group Certificate and update the date of effectiveness, removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having these references in the Fifth Amended NYSE Group Certificate. The Exchange further believes that the proposal removes impediments to and would perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Fifth Amended NYSE Group Certificate. The Exchange further believes that eliminating obsolete references would be consistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion. Removing such obsolete references will also further the goal of transparency and add clarity to the Exchange's rules.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not intended to address competitive issues but rather is to make non-substantive changes concerned solely with the

clarity and transparency of its parent entities' governing documents.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>9</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>10</sup>

A proposed rule change filed under Rule 19b-4(f)(6) of the Act<sup>11</sup> normally does not become operative before 30 days from the date of the filing. However, Rule 19b-4(f)(6)(iii)<sup>12</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and would provide clarity and transparency to its parent entities' governing documents. The Exchange represents that the proposed rule change would have no impact on either the governance or ownership of the Exchange. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and will provide clarity to the Exchange's rules. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.<sup>13</sup>

At any time within 60 days of the filing of the proposed rule change, the

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2017-04 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-NYSE-2017-04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

<sup>8</sup> 15 U.S.C. 78f(b)(5).

available publicly. All submissions should refer to File Number SR-NYSE-2017-04, and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03803 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## 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:

Rule 206(4)-6, SEC File No. 270-513, OMB Control No. 3235-0571.

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 (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

The title for the collection of information is "Rule 206(4)-6" under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 *et seq.*) ("Advisers Act") and the collection has been approved under OMB Control No. 3235-0571. The Commission adopted rule 206(4)-6 (17 CFR 275.206(4)-6), the proxy voting rule, to address an investment adviser's fiduciary obligation to clients who have given the adviser authority to vote their securities. Under the rule, an investment adviser that exercises voting authority over client securities is required to: (i) Adopt and implement written policies and procedures that are reasonably designed to ensure that the adviser votes client securities in the best interest of clients, including procedures to address any material conflict that may arise between the interests of the adviser and the client; (ii) disclose to clients how they may obtain information from the adviser on how the adviser has voted with respect to their securities; and (iii) describe to clients the adviser's proxy voting policies and procedures and, on request, furnish a copy of the policies and procedures to

the requesting client. The rule is designed to assure that advisers that vote proxies for their clients vote those proxies in their clients' best interest and provide clients with information about how their proxies were voted.

Rule 206(4)-6 contains "collection of information" requirements within the meaning of the Paperwork Reduction Act. The respondents are investment advisers registered with the Commission that vote proxies with respect to clients' securities. Advisory clients of these investment advisers use the information required by the rule to assess investment advisers' proxy voting policies and procedures and to monitor the advisers' performance of their proxy voting activities. The information required by Adviser's Act rule 204-2, a recordkeeping rule, also is used by the Commission staff in its examination and oversight program. Without the information collected under the rules, advisory clients would not have information they need to assess the adviser's services and monitor the adviser's handling of their accounts, and the Commission would be less efficient and effective in its programs.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 10,942. It is estimated that each of these advisers is required to spend on average 10 hours annually documenting its proxy voting procedures under the requirements of the rule, for a total burden of 109,420 hours. We further estimate that on average, approximately 292 clients of each adviser would request copies of the underlying policies and procedures. We estimate that it would take these advisers 0.1 hours per client to deliver copies of the policies and procedures, for a total burden of 319,506 hours. Accordingly, we estimate that rule 206(4)-6 results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 428,926 hours.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections 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 a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB 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: February 21, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03773 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80071; File No. SR-ICEEU-2017-001]

### Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Certain Charges and Rates of Return Applicable to Margin and Guaranty Fund Deposits

February 21, 2017.

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> notice is hereby given that on February 7, 2017, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission") the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule changes pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is for ICE Clear Europe to modify certain specified charges and rates of return applicable to

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

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

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

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

<sup>14</sup> 17 CFR 200.30-3(a)(12).

margin and guaranty fund deposits made by Clearing Members.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of the proposed rule change is for ICE Clear Europe to modify certain specified charges and rates of return applicable to margin and guaranty fund deposits made by Clearing Members. (ICE Clear Europe imposes a charge on Clearing Members for margin and guaranty fund deposits in the form of securities, and pays a return to Clearing Members on margin and guaranty fund deposits in the form of cash.) The amendments will increase the charge on deposits in the form of securities by 2.5 basis points across all account types, and reduce the rate of return on deposits in the form of cash by 2.5 basis points, as a result of an increase in the charge against the ICE Deposit Rate from 5 basis points to 7.5 basis points.<sup>5</sup> Attached as Exhibit 5 is a Circular to Clearing Members specifying the revised charges and rates of return for margin and guaranty fund deposits. (The Circular also restates certain application and annual fees, which have not been changed.) The proposed changes allow ICE Clear Europe to continue to cover its increased costs in relation to its treasury management activities and ensure that the rates of return offered remain competitive with other market infrastructures.

#### 2. Statutory Basis

ICE Clear Europe has determined that the charges and rates of return set forth

<sup>5</sup> Pursuant to a telephone conversation between staff in the Office of Clearance and Settlement of the Division of Trading and Markets and outside counsel for ICE Clear Europe, and subsequent email confirmation, this sentence has been amended by staff from the Office of Clearance and Settlement to delete language describing the increase in charges on deposits as being "in general" and to clarify that the reduction in the rate of return results from an increase in the charge against the ICE Deposit Rate to 7.5 basis points.

in the circular are reasonable and appropriate for margin and guaranty fund deposits. In particular, ICE Clear Europe believes that the fees and rates of return have been set at an appropriate level given the costs and expenses to ICE Clear Europe in accepting, maintaining, holding and investing, as appropriate, such deposits. The charges and rates of return will apply to all Clearing Members. ICE Clear Europe believes that imposing such charges and rates of return thus provides for the equitable allocation of reasonable dues, fees, and other charges among its Clearing Members, within the meaning of Section 17A(b)(3)(D) of the Act.<sup>6</sup> ICE Clear Europe therefore believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and regulations thereunder applicable to it.

### B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. Although the changes may result in certain additional costs to Clearing Members, ICE Clear Europe believes that the revised fees and rates of return have been set at an appropriate level given the costs and expenses to ICE Clear Europe in accepting, maintaining, holding and investing, as appropriate, margin and guaranty fund deposits. ICE Clear Europe does not believe that the amendments would adversely affect the ability of such Clearing Members or other market participants generally to engage in cleared transactions or to access clearing. Since the revised charges and rates of return will apply to all Clearing Members, ICE Clear Europe further believes that the fees will not otherwise adversely affect competition among Clearing Members, adversely affect the market for clearing services, or limit market participants' choices for obtaining clearing services.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

<sup>6</sup> 15 U.S.C. 78q-1(b)(3)(F).

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)<sup>7</sup> of the Act and Rule 19b-4(f)(2)<sup>8</sup> thereunder because the proposed rule change establishes a fee or other charge imposed by ICE Clear Europe on its Clearing Members, within the meaning of Rule 19b-4(f)(2). At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ICEEU-2017-001 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ICEEU-2017-001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at <https://www.theice.com/clear-europe/regulation#rule-filings>.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ICEEU-2017-001 and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03731 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80072; File No. SR-NYSEArca-2017-17]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend Rule 6.37B Regarding Market Maker Quotations

February 21, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on February 10, 2017, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.37B regarding Market Maker Quotations, including to adopt a Market Maker Light Only Quotation. The proposed rule change is available on the

Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this filing is to modify Rule 6.37B regarding Market Maker Quotations. Rule 6.37B(a) provides that a Market Maker may enter quotes in the option issues included in its appointment. The Exchange proposes to amend Rule 6.37B(a) to define Market Maker quotes, add a new quote type, and specify how such quotes would be processed when a series is open for trading.

###### Defining Market Maker Quotes and Adopting Market Maker Light Only Quotes

First, the Exchange proposes to define Market Maker quotes to provide that "[t]he term 'quote' or 'quotation' means a bid or offer entered by a Market Maker that updates the Market Maker's previous bid or offer, if any."<sup>4</sup> This proposed definition, which would add clarity, transparency, and internal consistency to Exchange rules, is identical or substantially identical to the way quotes are defined on at least two other options exchanges.<sup>5</sup> Consistent with this change, the Exchange also proposes to modify the current definition of "Quote with Size" to include a cross reference to the proposed definition of quotation, which

<sup>4</sup> See proposed Rule 6.37B(a)(1).

<sup>5</sup> See, e.g., International Securities Exchange Rule 100(42). See also BOX Options Exchange LLC Rule 100(a)(55) (providing that "[t]he term 'quote' or 'quotation' means a bid or offer entered by a Market Maker as a firm order that updates the Market Maker's previous bid or offer, if any").

would add clarity and transparency to Exchange rules.<sup>6</sup>

Second, the Exchange proposes to add a Market Maker Light Only Quotation ("MMLO") to provide Market Makers the option to designate incoming quotes to trade solely with displayed interest on the Consolidated Book.<sup>7</sup> This proposed change would allow Market Makers to designate quotes as MMLO to prevent such quotes from trading with undisplayed liquidity upon arrival. Once an MMLO is added to the Consolidated Book, the MMLO designation no longer applies and any unexecuted portion could trade with displayed and undisplayed interest. The Exchange believes that this functionality would give Market Makers greater control over the circumstances in which their quotes interact with contra-side trading interest on the Exchange. This increase in control is desirable from the perspective of Market Makers because it is difficult for them to account for undisplayed liquidity in their quoting models.<sup>8</sup> Because the options market is quote driven, Market Makers are vital to the price discovery process, the Exchange believes that the proposed MMLO would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and thus may encourage more aggressive liquidity provision, resulting in more trading opportunities and tighter spreads. Accordingly, the Exchange believes that the proposal would improve overall market quality and enhance competition on the Exchange to the benefit to all market participants.

The Exchange notes that all market participants, including Market Makers, already have the ability to avoid trading with undisplayed liquidity by entering Post No Preference Light Order ("PNP-Light Orders"), which have existed on the Exchange since 2009.<sup>9</sup> With the adoption of the MMLO, the Exchange is proposing a similar functionality for use

<sup>6</sup> See proposed Rule 6.1(b)(33) (providing that "the term 'Quote with Size' means a quotation (as defined in Rule 6.37B(a)(1)) to buy or sell a specific number of option contracts at a specific price that a Market Maker has submitted to the NYSE Arca OX trading system through an electronic interface").

<sup>7</sup> See proposed Rule 6.37B(a)(2).

<sup>8</sup> The Exchange understands that, while a Market Maker's quoting algorithm can take into account displayed liquidity in the marketplace, the algorithm may not be able to accurately account for the risk of interacting with undisplayed liquidity.

<sup>9</sup> See Securities Exchange Act Release 59603 (March 19, 2009), 74 FR 13279 (March 26, 2009) (SR-NYSEArca-2009-21) (immediately effective filing to adopt PNP-Light Order type). See also Rule 6.62(v) (defining PNP-Light Orders as non-routable orders that are only eligible to execute against displayed liquidity).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

by Market Makers when quoting.<sup>10</sup> The Exchange also notes that other options exchanges have recently adopted quote types designed to strengthen market making.<sup>11</sup>

\* \* \* \* \*

#### Specifying the Treatment of Market Maker Quotes, Including MMLOs

The Exchange also proposes to modify and add detail regarding how Market Maker quotes, including MMLOs, would be processed when a series is open for trading. As discussed below, the Exchange's proposal to modify the processing of Market Maker quotations aligns with the NMS plan for Options Order Protection And Locked/Crossed Market Plan ("Plan"), to which the Exchange is a party.<sup>12</sup>

The Exchange proposes to change the treatment of incoming quotations, including the conditions under which quotes would be cancelled or rejected. Specifically, as proposed, an incoming quotation would only trade against contra-side interest in the Consolidated Book at prices that would not trade through interest on another Market

<sup>10</sup> The Exchange previously offered (and later eliminated) a Post No Preference Light Only Quotation ("PNPLO"), which, like the MMLO, allowed Market Makers to designate certain quotations to only interact with displayed liquidity. The Commission approved the PNPLO, in part, on grounds that market participants, including Market Makers, could achieve functionality similar to the PNPLO through use of the PNP-Light Order and that the PNPLO offer similar functionality for use by Market Makers when quoting. See Securities Exchange Act Release Nos. 67252 (June 25, 2012), 77 FR 38879 (June 29, 2012) (SR-NYSEArca-2012-05) (order approving adoption of PNPLO, applicable to Penny Pilot issues only); 68339 (December 3, 2012), 77 FR 73109 (December 7, 2012) (SR-NYSEArca-2012-130) (immediately effective filing extending the PNPLO to non-Penny Pilot issues). The PNPLO was eliminated approximately one year after it was adopted because the functionality was not implemented in the time period contemplated. See Securities Exchange Act Release No. 34-69641 (May 28, 2013), 78 FR 33134 (June 3, 2013) (SR-NYSEArca-2013-51) (immediately effective filing deleting reference to the PNPLO from Rule 6.62(cc)).

<sup>11</sup> The Exchange notes that BOX recently added functionality to only accept quotes that add liquidity. See Securities Exchange Act Release Nos. 79311 (October 3 [sic], 2016), 81 FR 83322 (November 15 [sic], 2016) (SR-BOX-2016-45) (order approving change to only accept liquidity-adding quotes); 78946 (September 27, 2016), 81 FR 68069 (October 3, 2016) (notice). See also BOX IM-8050-3 (providing that "[i]f an incoming quote is marketable against the BOX Book and will execute against a resting order or quote, it will be rejected").

<sup>12</sup> See Plan, dated April 14, 2009, available here, [http://www.optionsclearing.com/components/docs/clearing/services/options\\_order\\_protection\\_plan.pdf](http://www.optionsclearing.com/components/docs/clearing/services/options_order_protection_plan.pdf). See also Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (File No. 4-546) (order approving the Plan). Consistent with the Plan, the rules of the Exchange include prohibitions against trade-throughs and a pattern or practice of displaying certain quotations that lock or cross away markets. See, e.g., Rules 6.94, 6.95. See also *infra* note 20.

Center.<sup>13</sup> Any untraded size of an incoming quote would be added to the Consolidated Book, unless it locks or crosses interest on another Market Center or if the quote is an MMLO and locks or crosses undisplayed interest.<sup>14</sup> The proposed rule would state that when such quantity of an incoming quote is cancelled (as opposed to being rejected outright), the Exchange would also cancel the Market Maker's current quote on the opposite side of the market. In other words, both sides of the Market Maker's quote residing on the Consolidated Book would be cancelled, which allows a Market Maker to refresh both its bid and offer simultaneously.

In addition, as proposed, an incoming quotation would be rejected if it locks or crosses interest on another Market Center and if it cannot trade with interest in the Consolidated Book at prices that do not trade through another Market Center.<sup>15</sup> An incoming quotation designated as MMLO would be rejected if it locks or crosses undisplayed interest and cannot trade with displayed interest in the Consolidated Book at prices that do not trade through another Market Center.<sup>16</sup> The proposed rule would specify that when an incoming quote is rejected outright (as opposed to being cancelled after a partial fill), the Exchange would also cancel the Market Maker's current quote on the same side of the market.<sup>17</sup> Such treatment recognizes that the Market Maker attempted (unsuccessfully) to update its bid or offer price and allows the Market Maker to refresh that side of its quote.

In addition, when a series is open for trading, a quote will trade only against interest in the Consolidated Book and will not route. The Exchange does not route Market Maker quotations because such quotes are designed to meet the Market Maker's obligation to have displayed quotations on the Exchange. The Exchange proposes to specify this functionality in Exchange rules.<sup>18</sup>

The Exchange believes that processing Market Maker quotations, as described in the proposed rules, aligns with the Plan.<sup>19</sup> The Plan obligates the participating exchanges to provide order protection, including addressing locked and crossed markets and the potential

<sup>13</sup> See proposed 6.37B(a)(3)(A). See Rule 6.1A(6) (defining Market Center as "a national securities exchange that has qualified for participation in the Options Clearing Corporation pursuant to the provisions of the rules of the Options Clearing Corporation").

<sup>14</sup> See proposed Rule 6.37B(a)(3)(B)(i).

<sup>15</sup> See proposed Rule 6.37B(a)(3)(C)(i).

<sup>16</sup> See proposed Rule 6.37B(a)(3)(C)(ii).

<sup>17</sup> See proposed Rule 6.37B(a)(3)(C).

<sup>18</sup> See proposed Rule 6.37B(a)(3), (D).

<sup>19</sup> See Plan, *supra* note 12.

for trade-throughs in certain options classes.<sup>20</sup> The Plan establishes various obligations for participating exchanges, including that Market Makers should "reasonably avoid displaying, and shall not engage in a pattern or practice of displaying, any quotations that lock or cross" the best bid or offer on another Market Center.<sup>21</sup> The Plan further obligates participating exchanges to conduct surveillance of their respective markets on a regular basis to ascertain the effectiveness of the policies and procedures to prevent trade-throughs and to take prompt action to remedy deficiencies in such policies and procedures.<sup>22</sup> Because Market Maker quotations do not route, and incoming quotes, or portions thereof, would reject or cancel if such quotes locked or crossed away markets, the Exchange believes the proposal is consistent with the requirements of the Plan. In addition, the proposed processing of quotes is consistent with the Plan because it avoids trading-through better prices on other exchange and locking or crossing markets. In addition, the Exchange believes this proposal would assist Market Makers in maintaining a fair and orderly market, as it would encourage Market Makers to provide greater liquidity.

The Exchange notes that this proposal does not relieve a Market Maker of its continuous quoting, or firm quote, obligations pursuant to Rules 6.37B and 6.86, respectively. Further, the Exchange notes that Market Makers would still be able to send orders in (and out of) classes to which they are appointed, as orders are not affected by this proposal.

#### Implementation

The Exchange will announce the implementation of the proposed rule change by Trader Update, which implementation will be no later than 30 days after the approval of this rule change.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),<sup>23</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>24</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and

<sup>20</sup> See e.g., Securities Exchange Act Release No. 60527 (August 18, 2009), 74 FR 43178 (August 26, 2009) (SR-NYSEArca-2009-45) (adopting and updating Exchange rules to implement the Plan).

<sup>21</sup> See Plan at Section 6(c), *supra* note 12.

<sup>22</sup> See Plan at Section 5(a), *supra* note 12.

<sup>23</sup> 15 U.S.C. 78f(b).

<sup>24</sup> 15 U.S.C. 78f(b)(5).



equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposal to add the definition of Market Maker quotes would provide clarity and transparency to Exchange rules to the benefit of investors as the additional clarity would promote just and equitable principles of trade and remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The proposed rule amendments would also provide internal consistency within Exchange rules and operate to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend. Because the proposed definition of quotes is identical or substantially identical to definitions provided on other options exchanges, the proposal presents no new or novel issues.<sup>25</sup>

The proposal to offer to Market Makers the ability to designate quotes as MMLO would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would provide Market Makers with increased control over interactions with contra-side liquidity. Specifically, the proposal would improve market making on the Exchange because it would prevent incoming Market Maker quotes from trading with resting undisplayed interest, which interest is difficult to take into account in quoting models. Accordingly, the Exchange believes that the proposed MMLO designation would provide Market Makers with a greater level of determinism, in terms of managing their exposure, and would encourage more aggressive liquidity provision, resulting in more trading opportunities for market participants and tighter spreads. Accordingly, the Exchange believes that the proposal would improve overall market quality and improve competition on the Exchange, to the benefit of all market participants. Moreover, the Exchange notes that all market participants, including Market Makers, already have the ability to avoid trading with undisplayed liquidity interest by entering PNP-Light Orders.<sup>26</sup> The proposal to adopt MMLO simply extends existing functionality to Market Maker quotes.<sup>27</sup>

Because market participants that enter undisplayed interest (*e.g.*, PNP-Blind

Orders or orders with reserve size)<sup>28</sup> are opting not to have their interest displayed, the Exchange believes it is consistent with the Act for Market Makers to choose to designate their quotes not to trade with such undisplayed interest.<sup>29</sup> For the forgoing reasons, the Exchange believes that the proposal to offer to Market Makers the option to designate their quotes as MMLO is not unfairly discriminatory. The Exchange also believes that such offering would protect investors and the public interest because it may contribute to more aggressive quoting by Market Makers, which should increase the quality of the Exchange's market and benefit investors.

The proposal to add detail and amend the treatment of Market Maker quotes is consistent with, and facilitates the Exchange meeting its obligations under the Plan and, thus, would remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The Exchange believes the proposed processing of quotes is consistent with the Plan because it avoids trading through better prices on other exchanges and is designed to avoid locking and crossing markets. By preventing Market Makers from locking or crossing trading interest on away Market Centers, the proposal would prevent fraudulent and manipulative acts and practices and would promote just and equitable principles of trade to the benefit of all market participants. The Exchange also believes the proposal regarding how the Exchange processes quotes in the event that an incoming quote is rejected, or a portion thereof is cancelled, would promote just and equitable principles of trade. Specifically, the proposed rules would enable Market Makers to simultaneously update both sides of their resting quote when one side of the quote received a partial fill but was subsequently cancelled and, where one side of a quote is rejected and not booked, to leave undisturbed that opposite-side interest because it remains valid. The Exchange believes this proposed handling of quotes would assist Market Makers in maintaining a

<sup>28</sup> See Rule 6.62(u) (providing that a PNP Blind Order is a Limit Order to buy or sell that is to be executed in whole or in part on the Exchange, and the portion not so executed is to be ranked in the Consolidated Book, without routing any portion of the order to another Market Center) and (d)(3) (providing that a Reserve Order is "a limit order with a portion of the size displayed and with a reserve portion of the size ('reserve size') that is not displayed on NYSE Arca").

<sup>29</sup> In this regard, the Exchange notes that undisplayed liquidity is not afforded trade-through protection under Section 5 of the Plan. See Plan, supra note 12.

fair and orderly market as it would encourage Market Makers to provide greater volumes of liquidity, which would add value to market making on the Exchange.

The Exchange believes that the entire proposal is just, equitable and not unfairly discriminatory, as it would apply to all Market Makers on the Exchange. Further, the proposal would protect investors and the public interest by providing a more robust market, including because the proposal may contribute to more aggressive quoting by Market Makers. The Exchange believes that the proposal would lead to enhanced liquidity on the Exchange, which in turn will benefit and protect investors and the public interest through the potential for greater volume of orders and executions on the Exchange.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal adds value to market making on the Exchange. The Exchange does not believe the proposal would impose a burden on competition among the options exchanges because of vigorous competition for order flow among the options exchanges. In this highly competitive market, market participants can easily and readily direct order flow to competing venues. The proposal does not impose an undue burden on intramarket competition because the proposed change would apply to all Market Makers on the Exchange. The proposal is structured to offer the same enhancement to all Market Makers, regardless of size, and would not impose a competitive burden on any participant.

The proposed MMLO, which provides Market Makers with enhanced determinism over their quotes, may contribute to more aggressive quoting by Market Makers, resulting in more trading opportunities and tighter spreads. To the extent this purpose is achieved, the MMLO would enhance the market making function on the Exchange, which would improve overall market quality and improve competition on the Exchange to the benefit of all market participants.

The Exchange believes the proposal is pro-competitive because when an exchange offers enhanced functionality that distinguishes it from other exchanges and participants find it useful, it has been the Exchange's

<sup>25</sup> See supra note 5.

<sup>26</sup> See supra note 9.

<sup>27</sup> See supra note 11.

experience that competing exchanges will move to adopt similar functionality. Thus, the Exchange believes that this type of competition amongst exchanges is beneficial to the market place as a whole as it can result in enhanced processes, functionality, and technologies.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2017-17 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEArca-2017-17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements

with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2017-17 and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>30</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80074; File No. SR-Phlx-2016-105]

### Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rules 501, 507, 508, 510, and 511 of the Exchange

February 21, 2017.

#### I. Introduction

On December 21, 2016, NASDAQ PHLX LLC ("Phlx" or the "Exchange") 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 amend Rule 501 (Specialist Appointment), Rule 507 (Application for Approval as an SQT, RSQT, or RSQTO and Assignment in Options), Rule 508 (Transfer Application), Rule

510 (SQT and RSQT Performance Evaluation), and Rule 511 (Specialist Allocation and Performance Evaluation).<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on January 9, 2017.<sup>4</sup> On February 15, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the original filing in its entirety.<sup>5</sup> The Commission received no comments on the proposed rule change. The Commission is publishing this notice to solicit comment on Amendment No. 1 to the proposed rule change from interested persons, and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

#### II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to amend certain of its Series 500 Rules concerning the treatment of Specialists,<sup>6</sup> SQTs,<sup>7</sup> and RSQTs.<sup>8</sup>

<sup>3</sup> See *infra* notes 6-8 for definitions of Specialist, SQT, RSQT, and RSQTO.

<sup>4</sup> See Securities Exchange Act Release No. 79724 (January 3, 2017), 82 FR 2418 ("Notice").

<sup>5</sup> In Amendment No. 1, the Exchange: (1) Specified that members of the panel that may be appointed by the Board of Directors to consider certain appeals may not have been involved at all in the decision appealed from (rather than not being materially involved) and must otherwise have no conflict of interest; and (2) clarified that when selecting members for such panel, the Board of Directors shall choose individuals whose background, experience, and training qualify them to consider and make determinations regarding the subject matter to be presented to the panel (rather than considering these factors to the extent practicable). To promote transparency of its proposed amendment, when Phlx filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file for SR-Phlx-2016-105 (available at <https://www.sec.gov/comments/sr-phlx-2016-105/phlx2016105-1589879-132169.pdf>). The Exchange also posted a copy of its Amendment No. 1 on its Web site ([http://nasdaqphlx.cchwallstreet.com/NASDAQPHLX/pdf/phlx-filings/2016/SR-Phlx-2016-105\\_Amendment\\_1.pdf](http://nasdaqphlx.cchwallstreet.com/NASDAQPHLX/pdf/phlx-filings/2016/SR-Phlx-2016-105_Amendment_1.pdf)) when it filed Amendment No. 1 with the Commission.

<sup>6</sup> A "Specialist" is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a). A "Remote Specialist" is an options specialist that does not have a physical presence on an Exchange floor. See Rule 1020(a)(i) and (ii).

<sup>7</sup> An "ROT" is a regular member of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. See Rule 1014(b)(i). A "Streaming Quote Trader" or "SQT" is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. See Rule 1014(b)(ii)(A).

<sup>8</sup> A "Remote Streaming Quote Trader" or "RSQT" is an ROT that is a member affiliated with a "Remote Streaming Quote Trader Organization" or "RSQTO" with no physical trading floor presence

<sup>30</sup> 17 CFR 200.30-3(a)(12).

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

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

### A. Back-Up Specialist Unit

The Exchange proposes to amend Rule 501 to remove the concept of a back-up specialist unit.<sup>9</sup> Currently, an initial application to become a specialist unit must include, among other things, information about the proposed specialist unit's back-up arrangements, to include a back-up specialist unit and a substitute specialist unit. The back-up specialist unit provides staffing when necessary and is not associated with the specialist unit. The substitute specialist unit, which may be the same as the back-up specialist unit, serves as a substitute in the event that the specialist unit is unable to perform the duties of a Specialist.<sup>10</sup>

The Exchange believes that the function of providing back-up staffing when needed from one specialist unit on the floor to another is no longer feasible because multiple specialist units are no longer present on the floor.<sup>11</sup> The Exchange notes that the other initial application requirements in Rule 501 will remain unchanged.<sup>12</sup>

### B. Approval of SQT and RSQT Applications

The Exchange proposes to amend Rule 507(a) to replace the role of the Board of Directors ("Board") with Exchange staff with respect to deferring or limiting the approval of SQT and RSQT applications.<sup>13</sup> Currently, the Board may defer, for a period to be determined in the Board's discretion, approval of qualifying applications for SQT or RSQT status pending any action required to address the issue of concern to the Board based on system constraints, capacity restrictions, or other factors relevant to the maintenance of a fair and orderly market. Further, the Board may not defer a determination of the approval of the application of any SQT or RSQT applicant, or place any limitations on access to the Exchange's electronic quoting and trading system on any SQT or RSQT applicant, unless the basis for

who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. See Rule 1014(b)(ii)(B). See also Rule 507(a).

<sup>9</sup> Specifically, the Exchange proposes to remove references to back-up specialist units in Rule 501(b) and (f)(ii), and delete a provision in Rule 501, Commentary .01, concerning treatment under Rule 748(b), which relates to designation of supervisors by member organizations of individuals employed by the back-up specialist unit. See proposed Rule 501(b), (f)(ii), and Commentary .01.

<sup>10</sup> See Rule 501(b).

<sup>11</sup> See Notice, *supra*, note 4, at 2419 n.10.

<sup>12</sup> See *id.* at 2419 (citing Rule 501(a) and (b)).

<sup>13</sup> See proposed Rule 507(a) (replacing references to the "Board" with "Exchange").

such limitations or deferral have been objectively determined by the Board, subject to Commission approval or effectiveness pursuant to a rule change filing under Section 19(b) of the Act.<sup>14</sup> The Exchange proposes to have Exchange staff perform this role of deferring or limiting approval of SQT and RSQT applications, subject to the rule's existing restrictions.<sup>15</sup> The Exchange believes that this change will help with the administration and application of Rule 507.<sup>16</sup>

### C. Good Standing Requirement for Specialists, SQTs, and RSQTs

The Exchange proposes to revise Rule 510 to implement a good standing requirement for Specialists, SQTs, and RSQTs.<sup>17</sup> Currently, Rule 510 requires the Exchange to periodically conduct performance evaluations of member organizations that have SQTs and RSQTs to determine whether they have fulfilled specified performance standards. Rule 510 includes procedures the Exchange will follow if an SQT or RSQT fails to meet minimum performance standards and appeal rights.<sup>18</sup> Similarly, Rule 511 requires the Exchange to at least annually, and as frequently as monthly, conduct evaluations of Specialists to determine whether they have fulfilled specified performance standards. Rule 511 contains procedures for Specialists that fail to meet performance standards, including appeal rights. Rule 511 also contains provisions concerning the allocation of new options classes and transfers or reallocations of existing options classes, which can be based on the results of performance evaluations, including evaluations conducted upon special circumstances.<sup>19</sup> The Exchange proposes to delete existing Rules 510 and 511 in their entirety and replace them with a new Rule 510 that will apply to Specialists, SQTs, and RSQTs and include good standing requirements and procedures if the participants fail to meet such requirements, including appeal rights.<sup>20</sup>

Under the proposal, to remain in good standing as a Specialist, SQT, or RSQT,

<sup>14</sup> See Rule 507(a).

<sup>15</sup> The Exchange explains that its Membership department, which currently reviews membership applications for equities and options members of the Exchange, would review applications for SQTs and RSQTs. See Notice, *supra* note 4, at 2419 n.12.

<sup>16</sup> See *id.* at 2419.

<sup>17</sup> See proposed Rule 510.

<sup>18</sup> See Rule 510.

<sup>19</sup> See Rule 511.

<sup>20</sup> See proposed Rule 510. Consistent with this change, the proposal would conform the title of this rule. See *id.* Additionally, the proposal would reserve Rule 511. See proposed Rule 511.

the Specialist, SQT, or RSQT would be required to:

- Continue to meet the requirements established in Commission Rule 15c3-1(a)(6)(i),<sup>21</sup> and the requirements set forth in the Series 500 Rules in the Rules of the Exchange;
- continue to satisfy the Specialist, SQT, or RSQT qualification and market making requirements specified by the Exchange, as amended from time to time;
- comply with the Rules of the Exchange and the Options Rules as well as the rules of The Options Clearing Corporation and the rules of the Federal Reserve Board; and
- pay on a timely basis such member, transaction, and other fees as the Exchange shall prescribe.<sup>22</sup>

The Exchange believes that in light of the proposed continuous and extensive good standing requirements and other rule requirements, the periodic evaluations currently applicable to Specialists, SQTs, and RSQTs are no longer needed.<sup>23</sup> The Exchange represents that it will monitor compliance with good standing requirements across the Exchange.<sup>24</sup>

The proposal would also provide that the good standing of a Specialist, SQT, or RSQT may be suspended, terminated, or otherwise withdrawn if any of the conditions for approval cease to be maintained or the Specialist, SQT, or RSQT violates any of its agreements with the Exchange or any of the provisions of the Rules of the Exchange or of the Options Rules. The Exchange would be required to provide written notice to a Specialist, SQT, or RSQT of a contemplated action regarding good standing. Additionally, a Specialist, SQT, or RSQT would be able to request, and the Exchange might hold, an informal meeting to discuss the alleged failure to remain in good standing and to explore possible appropriate remedies. Written notice of the date and time of the meeting would need to be given to the Specialist, SQT, or RSQT and no verbatim record would be kept. If the Exchange were to believe that there were no mitigating circumstances that would demonstrate substantial improvement of or reasonable

<sup>21</sup> See 240 CFR 15c3-1(a)(6)(i) (net capital requirements for brokers or dealers).

<sup>22</sup> See proposed Rule 510(a).

<sup>23</sup> See Notice, *supra* note 4, at 2420 n.22.

<sup>24</sup> See *id.* at 2422 n.36. The Exchange explains that, for example, membership, listing, and finance groups monitor applications, allocations, and compliance with fee requirements, and the surveillance group will continue to monitor compliance with Exchange rules and pursue disciplinary actions for rule violations, as necessary (e.g., for failure to comply with continuous two-sided quoting requirements). See *id.*

justification for the failure to meet good standing requirements, the Exchange could take appropriate action. Nothing in the informal meeting process would limit the Exchange from bringing disciplinary actions for violations of these rules.<sup>25</sup> Finally, the Exchange notes that it will provide appeal rights from decisions concerning good standing, as described further below.<sup>26</sup>

With respect to Rule 511, the Exchange believes it is proper to delete this rule because Specialists will be covered by Rule 510, with respect to good standing requirements, and will also be covered by other rules of the Exchange.<sup>27</sup> The Exchange explains that it adopted Rule 511, with a process for Specialist evaluations and allocations, several decades ago for the purpose of dealing with an extensive on-floor open outcry Specialist system that had multiple competing specialist units. The Exchange adds that the current system is mainly electronic and off-floor, and the remaining hybrid options floor does not have numerous competing Specialists.<sup>28</sup>

#### D. Appeal Rights

The Exchange proposes to amend Rule 507(e) to change the composition of the deliberative body that will hear an appeal to the Board, upon request by a member or member organization, from a decision of the Exchange pursuant to Rule 507, which concerns SQT, RSQT, and RSQTO applications and options assignments.<sup>29</sup> Currently, an appeal from a decision pursuant to Rule 507 is heard by a special committee of the Board composed of three directors, at least one of whom must be independent.<sup>30</sup> Under the proposal, such appeal would be heard by the full Board or a panel appointed by the Board composed of three members not involved in the Exchange decision appealed from and who otherwise have no conflict of interest (“Board Panel”). If the Board appointed a Board Panel,

<sup>25</sup> See proposed Rule 510(b). The Exchange explains that, for example, it could pursue a disciplinary process against a member that commits an egregious market making violation evidenced by a pattern of repeated failure to make a two-sided market in assigned options. See Notice, *supra* note 4, at 2421 n. 32.

<sup>26</sup> See Notice, *supra* note 4, at 2421. See also *infra* Section 0.

<sup>27</sup> See Notice, *supra* note 4, at 2422.

<sup>28</sup> See *id.* The Exchange states that there is currently one specialist unit operating on the options floor. See *id.* The Exchange believes that even if additional Specialists begin to conduct business on the options floor, Rule 511 was designed for a very different, competitive floor environment and will not be needed. See *id.* at 2422 n. 38.

<sup>29</sup> See proposed Rule 507(e).

<sup>30</sup> See Rule 507(e).

the Board would select three individuals to serve on the Board Panel, choosing individuals whose background, experience, and training qualify them to consider and make determinations regarding the subject matter to be presented to the Board Panel. Further, the Board Panel would consist of two members of the Exchange, or general partners or officers of member organizations, and one other person who would qualify as a public member as defined in Article I of the Exchange’s By-Laws,<sup>31</sup> whom the Board considers to be qualified.<sup>32</sup>

The Exchange proposes to add Rule 510(c) to adopt parallel appeal rights for an appeal by a Specialist, SQT, or RSQT to the Board, upon request by a member or member organization interested therein, from a decision of the Exchange pursuant to Rule 510, which concerns good standing requirements.<sup>33</sup> Currently, Rule 511(f) contains appeal procedures for decisions concerning performance evaluations of Specialists, which procedures are equivalent to those found in Rule 507(e), while Rule 510(d) provides a right of direct appeal to the Board from a decision concerning performance evaluations of SQTs and RSQTs.<sup>34</sup>

Under the proposal, a Specialist, SQT, or RSQT could request an appeal by filing a written notice of appeal with the Secretary of the Exchange within ten days after the decision being appealed has been rendered. The appeal would be heard by the Board or a Board Panel, which would be subject to the same composition requirements discussed above.<sup>35</sup> The person requesting review would be permitted to submit a written statement to and appear before the Board or Board Panel. The Secretary of the Exchange would certify the record of the proceeding, if any, and the written decision, and would submit the

<sup>31</sup> Article I of the Exchange’s By-Laws defines “public member” as “a member of any committee appointed by the Board of Directors who has no material business relationship with a broker or dealer, the Exchange, or its affiliates.” See By-Laws, Article I(hh). The Exchange notes that while at least one member of the current special committee must be an independent director, the Board Panel would require the inclusion of one person who would qualify as a public member, which requirement also provides some measure of independence. See Notice, *supra* note 4, at 2419 n. 14.

<sup>32</sup> See proposed Rule 507(e). The proposal would make conforming changes to the remainder of Rule 507(e), which addresses process requirements for the appeal, to replace references to “special committee” with “Board or Board Panel.” The existing provision that there is no appeal to the Board from a decision of the special committee would be revised to apply to a decision of the Board Panel. See *id.*

<sup>33</sup> See proposed Rule 510(c).

<sup>34</sup> See Rules 507(e), 511(f).

<sup>35</sup> See *supra* notes 31–32 and accompanying text.

documents to the Board or Board Panel. The Board or Board Panel’s review of the action would be based solely on the record, the written decision, and any statement submitted by the person requesting the review. The Board or Board Panel would prepare and deliver to such person a written decision and reasons therefore. If the Board or Board Panel affirmed the action, the action would become effective ten days from the date of that decision. There would be no appeal to the Board from any decision of the Board Panel.<sup>36</sup>

The Exchange believes that the proposed appeal rights are appropriate because they would cover any decision of the Exchange regarding Rule 510 and any appeal would follow the proposed informal meeting process. The Exchange adds that the proposed process would serve as a secondary appeal to individuals not involved in making the initial decision and stated that it seeks to provide its members due process when seeking an appeal.<sup>37</sup>

#### E. Additional and Conforming Changes

The Exchange proposes to amend Rule 508, concerning transfer applications. First, the proposal would remove a reference to leasing.<sup>38</sup> The Exchange explains that leasing is no longer practiced on the Exchange and it therefore is deleting this obsolete term.<sup>39</sup> Second, the proposal would remove a reference to Rule 511.<sup>40</sup> The Exchange explains that Rule 511 would be deleted by the proposal<sup>41</sup> and Rule 508 will continue to indicate that failure to provide the exchange with prior notice of a transfer, in accordance with Rule 508, or failure to obtain Exchange approval of a transfer, permits the Exchange to recover the allocated securities and allocate them pursuant to Rule 506.<sup>42</sup>

Finally, the Exchange proposes to amend Rule 507(b)(iii)(C) to reflect the proposed changes to Rule 510 that would implement a good standing requirement.<sup>43</sup> Currently, this provision provides that, when making a decision concerning an application for assignment in an option when there are more applicants for assignment in a particular option than there are

<sup>36</sup> See proposed Rule 510(c).

<sup>37</sup> See Notice, *supra* note 4, at 2421 n. 33.

<sup>38</sup> See proposed Rule 508.

<sup>39</sup> See Notice, *supra* note 4, at 2420. The Exchange deleted another reference to leasing in its rules on the same basis. See Securities Exchange Act Release No. 77121 (February 11, 2016), 81 FR 8308 (February 18, 2016) (SR-Phlx-2016-22).

<sup>40</sup> See proposed Rule 508.

<sup>41</sup> See *supra* notes 19–20 and accompanying text.

<sup>42</sup> See Notice, *supra* note 4, at 2420 & n.21.

<sup>43</sup> See proposed Rule 507(b)(iii)(C).

positions available, the Exchange shall consider the applicant's prior performance as a Specialist, SQT, or RSQT based on evaluations conducted pursuant to Rule 510.<sup>44</sup> The Exchange explains that in light of the proposed good standing requirement, as discussed above,<sup>45</sup> it has proposed to update this provision to state that the Exchange can consider the applicant's prior performance as a Specialist, SQT, or RSQT based on good standing pursuant to Rule 510.<sup>46</sup>

### III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>47</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>48</sup> which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange represents that, because of the development of liquidity-enhancing electronic market makers on the Exchange that make markets in the same options issues as Specialists and the diminution of the role that the Specialist plays in managing the order book on the Exchange, Specialists no longer need to have both a back-up specialist unit and a substitute specialist unit.<sup>49</sup> The Commission notes that a substitute specialist unit will still be available if the specialist unit is unable to perform the duties of a Specialist and that the presence of SQTs and RSQTs, which have continuous quoting obligations, will serve as an additional source of liquidity for the Exchange if a

specialist unit on the floor experiences a staffing problem.<sup>50</sup>

The Commission notes that the proposal to require Exchange staff, rather than the Board, to make determinations to defer or limit an application of an SQT or RSQT is designed to facilitate the administration and application of Rule 507. The Commission also notes that any deferral or limitation would be objectively determined by the Exchange. The proposal would also require the Exchange to provide written notification to any SQT or RSQT applicant whose application is the subject of such limitation or deferral, describing the objective basis for such limitation or deferral. Further, an SQT or RSQT applicant would have the right to an appeal to the Board or a Board Panel from any such decision by Exchange staff pursuant to Rule 507(e).<sup>51</sup>

The Commission notes that the proposed good standing requirements are designed to evaluate compliance by Specialists, SQTs, and RSQTs with Exchange rules and the rules of the Commission and other regulators and are consistent with the rules of other options exchanges.<sup>52</sup> The Exchange represents that its staff, including its surveillance group, will monitor compliance with such rules.<sup>53</sup> The Commission notes that while Specialist allocation procedures are not included within proposed Rule 510, Specialists will continue to be subject to numerous existing rules, some of which address allocation of options.<sup>54</sup>

The Commission believes that the Exchange's use of the Board or a Board Panel to hear appeals of Exchange decisions pursuant to Rules 507 and 510, as opposed to a special committee of the Board, would retain an opportunity for the SQT, RSQT, or Specialist to be heard on the matter before the Exchange takes remedial action. The Commission notes the requirements that members of the Board Panel will not be involved in the Exchange decision appealed from, have no conflicts of interest, and be considered by the Board to be qualified, and that one member will be a person who would qualify as a public member

as defined in Article I of the By-Laws. The revised appeal procedures for decisions pursuant to Rule 510 concerning SQTs and RSQTs mirror procedures already in place in other contexts.

Finally, the Commission believes that the proposal's minor, conforming revisions to Rules 507 and 508 are consistent with the Act.

### IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2016-105 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-Phlx-2016-105. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

<sup>44</sup> See Rule 507(b)(iii)(C). Other factors for consideration include the financial and technical resources available to the applicant and the applicant's experience and expertise in market making or options trading. See Rule 507(b)(iii)(A), (B).

<sup>45</sup> See *supra* notes 17-20 and 22 and accompanying text.

<sup>46</sup> See Notice, *supra* note 4, at 2419.

<sup>47</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>48</sup> 15 U.S.C. 78f(b)(5).

<sup>49</sup> See Notice, *supra* note 4, at 2418-19.

<sup>50</sup> The Commission notes that currently Remote Specialists are not required to meet the back-up specialist unit requirement. See Rule 501(f)(ii). See also Securities Exchange Act Release No. 63717 (January 14, 2011), 76 FR 4141 (January 24, 2011) (SR-Phlx-2010-145).

<sup>51</sup> See Notice, *supra* note 4, at 2419. See also *supra* Section II.D.

<sup>52</sup> See BX Options Rules, Chapter VII, Section 4; Nasdaq Options Rules, Chapter VII, Section 4.

<sup>53</sup> See *supra* note 24 and accompanying text.

<sup>54</sup> See proposed Rule 508; Rules 506, 513. See also Rules 501, 1014, 1022.

available publicly. All submissions should refer to File Number SR-Phlx-2016-105, and should be submitted on or before March 20, 2017.

#### V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of the notice of Amendment No. 1 in the **Federal Register**. As described above, in Amendment No. 1, Phlx updated its proposal to reflect: (1) That members of the Board Panel may not have been involved at all in the decision appealed from and must otherwise have no conflict of interest; and (2) that the Board shall choose individuals whose background, experience, and training qualify them to consider and make determinations regarding the subject matter to be presented to the panel. The Commission believes that Amendment No. 1 clarifies the criteria for ensuring the independence of the Board Panel that could hear an appeal pursuant to Rules 507 and 510. Accordingly, for the reasons noted above, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.<sup>55</sup>

#### VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>56</sup> that the proposed rule change (SR-Phlx-2016-105), as modified by Amendment No. 1 thereto, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,<sup>57</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03729 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80080; File No. SR-ISE-2017-10]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

February 22, 2017.

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> notice is hereby given that on February 10, 2017, the International Securities Exchange, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange’s Schedule of Fees, as described in further detail below.

The text of the proposed rule change is available on the Exchange’s Web site at [www.ise.com](http://www.ise.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to amend the Exchange’s Schedule of Fees to increase, for all

symbols other than FX Option Symbols,<sup>3</sup> the fees applicable to Professional Customers<sup>4</sup> for the initiating or contra side of Qualified Contingent Cross (“QCC”) orders or orders executed in the Solicited Order Mechanism (“Solicitation”) orders. Accordingly, the proposed rule change will also increase the rebates that the Exchange currently provides to members using QCC and/or other solicited crossing orders, including solicited orders executed in the Solicitation, Facilitation, and Price Improvement Mechanisms (“solicited crossing orders”), in each case between Professional Customers or between a Professional Customer and a Priority Customer.<sup>5</sup>

Currently, the Exchange does not charge a fee to Professional Customers for QCC and Solicitation orders.<sup>6</sup> As such, Professional Customer volume in QCC and Solicitation orders are rebated in accordance with the standard “Customer to Customer” rebate tiers, which are lower than the rebates provided for QCC and other solicited crossing orders to all other market participants than Professional and Priority Customers, as further described below.

The Exchange presently offers members rebates in QCC and other solicited crossing orders. These rebates are provided for each originating contract side of a crossing order, based on a member’s volume in the crossing mechanisms during a given month. The applicable rebates will be applied on QCC and other solicited crossing order traded contracts once the specified volume threshold is met. Members receive the Non-“Customer to Customer” Rebate for all QCC and/or other solicited crossing orders except for QCC and other solicited crossing orders between two Priority and/or Professional Customers. QCC and other solicited crossing orders between two Priority and/or Professional Customers receive the “Customer to Customer” Rebate or “Customer to Customer”

<sup>3</sup> “FX Option Symbols” are options overlying AUM, GBP, EUU and NDO.

<sup>4</sup> A “Professional Customer” is a person or entity that is not a broker/dealer and is not a Priority Customer.

<sup>5</sup> A “Priority Customer” is a person or entity that: (i) is not a broker or dealer in securities; and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in ISE Rule 100(a)(37A).

<sup>6</sup> See Securities Exchange Act Release No. 79811 (January 17, 2017), 82 FR 8244 (January 24, 2017) (SR-ISE-2017-01) (eliminating the Professional Customer fee for the initiating or contra side of a QCC or Solicitation order) (the “January Fee Filing”).

<sup>55</sup> 15 U.S.C. 78s(b)(2).

<sup>56</sup> *Id.*

<sup>57</sup> 17 CFR 200.30-3(a)(12).

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

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

Rebate PLUS,<sup>7</sup> respectively. Currently, for the Non-“Customer to Customer” Rebate, for members that execute 0 to 99,999 originating contract sides (“Tier 1”) the rebate is \$0.00 per contract, for members that execute 100,000 to 199,999 originating contract sides (“Tier 2”) the rebate is \$0.05 per contract, for members that execute 200,000 to 499,999 originating contract sides (“Tier 3”) the rebate is \$0.07 per contract, for members that execute 500,000 to 699,999 originating contract sides (“Tier 4”) the rebate is \$0.08 per contract, for members that execute 700,000 to 999,999 originating contract sides (“Tier 5”) the rebate is \$0.09 per contract, and for members that execute 1,000,000 originating contract sides or more (“Tier 6”) the rebate is \$0.11 per contract.<sup>8</sup> Also, for the “Customer to Customer” Rebate, for Tier 1 the rebate is \$0.00, for Tiers 2 and 3 the rebate is \$0.01, and for Tiers 4 through 6 the rebate is \$0.03. Lastly, for the “Customer to Customer” Rebate PLUS, for Tier 1 the rebate is \$0.00, and for Tiers 2 through 6 the rebate is \$0.05.

The Exchange now proposes to charge a fee of \$0.10 per contract to Professional Customers for QCC and Solicitation orders. Accordingly, the Exchange also proposes that Professional Customer volume in QCC and Solicitation orders, as well as other solicited crossing orders, be rebated in the higher amounts set forth in the Non-“Customer to Customer” Rebate tiers as described above. As a result of the proposed changes, members would receive the “Customer to Customer” Rebate and the “Customer to Customer” Rebate PLUS for QCC and/or other solicited crossing orders between two Priority Customers only.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>9</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>10</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges

among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is reasonable and equitable to increase the fee for Professional Customer QCC and Solicitation orders because the proposed fee is designed to be attractive to Professional Customers that trade on ISE, and is generally lower than the fees applicable to other market participants, except for Priority Customers. Although the Exchange is increasing the Professional Customer fee for QCC and Solicitation orders, it is also increasing the associated rebates that the Exchange provides to members using such orders with the intent to attract greater order flow to ISE, which would ultimately benefit all market participants that trade on the Exchange.

In addition, the Exchange believes that it is equitable and not unfairly discriminatory to continue to provide lower fees for Priority Customer orders. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders than Priority Customers. The Exchange notes that a recent modification to its rules caused a number of its Priority Customers to be re-classified as Professional Customers.<sup>11</sup> Under the rule change, such market participants who were previously classified as Priority Customers, and incurred no fees for executing QCC and Solicitation orders, would have started incurring such fees after being re-classified as Professional Customers. The Exchange therefore decided to treat these market participants the same as Priority Customers for purposes of the QCC and Solicitation orders as a means of easing the transition process for such participants. Following the one month period, the Exchange has determined that it is reasonable to begin assessing fees for Professional Customer QCC and Solicitation orders, which are still lower than the original amounts assessed prior to the January Fee Filing.

## B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the degree to which fee changes in this market may impose any burden on competition is extremely limited.

## C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>12</sup> and Rule 19b-4(f)(2)<sup>13</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>7</sup> The PLUS rebates currently apply to “Customer to Customer” Orders (i.e. QCC and other solicited crossing orders between two Priority and/or Professional Customers) executed by members with (1) a specified volume of QCC and other solicited crossing orders in a given month and (2) 175,000 or more unsolicited originating Facilitation contract sides per month. The Exchange notes that members may receive either the “Customer to Customer” Rebate or the “Customer to Customer” Rebate PLUS—not both.

<sup>8</sup> The rebate is applied to the originating contract side of QCC and other solicited crossing orders traded in a given month once a member reaches the specified volume threshold/tier during that month.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>11</sup> See Securities Exchange Act Release No. 78788 (September 8, 2016), 81 FR 63252 (September 14, 2016) (SR-ISE-2016-19).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>13</sup> 17 CFR 240.19b-4(f)(2).

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2017-10 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2017-10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03799 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80082; File No. SR-NYSEArca-2017-14]

**Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. and the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc.**

February 22, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on February 8, 2017, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange"), filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change**

The Exchange proposes to amend (a) the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (the "ICE Holdings Certificate") to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc. (the "Fifth Amended NYSE Group Certificate") to update obsolete references. The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries,

set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to make non-substantive changes to (a) the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended NYSE Group Certificate to update obsolete references.

ICE Holdings Certificate

The Exchange's parent, NYSE Group, is a wholly-owned subsidiary of NYSE Holdings LLC, which is in turn 100% owned by Intercontinental Exchange Holdings, Inc. ("ICE Holdings"). Intercontinental Exchange, Inc. ("ICE"), a public company listed on the New York Stock Exchange, owns 100% of ICE Holdings.

The original certificate of incorporation of ICE Holdings was filed in 2000, under the name "IntercontinentalExchange, Inc." In 2014, ICE Holdings changed its name from "IntercontinentalExchange, Inc." to "Intercontinental Exchange Holdings, Inc." At the same time, ICE Holding's parent, ICE, changed its name from "IntercontinentalExchange Group, Inc." to "Intercontinental Exchange, Inc."<sup>4</sup>

In response to a comment received from the State of Delaware Department of State, the Exchange proposes to amend paragraph (1) of the ICE Holdings Certificate to add a reference to the fact that the original certificate of incorporation was filed under the name "IntercontinentalExchange, Inc." The revised paragraph would read as follows (*proposed new text italic*):

(1) The present name of the Corporation is Intercontinental Exchange Holdings, Inc. The original Certificate of Incorporation of the Corporation was filed on June 16, 2000 (*the "Original Certificate of Incorporation"*), and the name under which the Corporation filed the Original Certificate of Incorporation was *IntercontinentalExchange, Inc.*

Fifth Amended NYSE Group Certificate

The Securities and Exchange Commission approved the Fifth

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Release No. 72157 (May 13, 2014), 79 FR 28792 (May 19, 2014) (SR-NYSEArca-2014-52).

<sup>14</sup> 17 CFR 200.30-3(a)(12).



Amended NYSE Group Certificate on January 30, 2017.<sup>5</sup>

The Exchange proposes to amend the Fifth Amended NYSE Group Certificate to update obsolete references to the Fourth Amended and Restated Certificate of Incorporation of NYSE Group (“Fourth Amended NYSE Group Certificate”). More specifically, the Exchange proposes to:

- Amend Article XIV, “Effective Time,” to replace “Fourth” with “Fifth” and to replace December 29, 2014, the date of effectiveness of the Fourth Amended NYSE Group Certificate, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective; and
- on the signature page of the NYSE Group Certificate, replace “Fourth” with “Fifth” and replace December 29, 2014, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective.

No other changes to the ICE Holdings Certificate or Fifth Amended NYSE Group Certificate are proposed.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act<sup>6</sup> in general, and with Section 6(b)(1)<sup>7</sup> in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed amendment to the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation is a non-substantive, ministerial change requested by the State of Delaware Department of State that does not impact either the governance or ownership of the Exchange. The Exchange believes that the proposed change is consistent with Section 6(b)(1) because it would contribute to the orderly operation of the Exchange by adding clarity and transparency to the Exchange’s rules and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and

comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members.

For similar reasons, the Exchange also believes that the proposed change furthers the objectives of Section 6(b)(5) of the Exchange Act<sup>8</sup> because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the proposed changes to amend the Fifth Amended NYSE Group Certificate, which would replace obsolete references to the Fourth Amended NYSE Group Certificate with references to the Fifth Amended NYSE Group Certificate and update the date of effectiveness, removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having these references in the Fifth Amended NYSE Group Certificate. The Exchange further believes that the proposal removes impediments to and would perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Fifth Amended NYSE Group Certificate. The Exchange further believes that eliminating obsolete references would be consistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion. Removing such obsolete references will also further the goal of transparency and add clarity to the Exchange’s rules.

## B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not intended to address competitive issues but rather is to make non-substantive

changes concerned solely with the clarity and transparency of its parent entities’ governing documents.

## C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>9</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>10</sup>

A proposed rule change filed under Rule 19b-4(f)(6) of the Act<sup>11</sup> normally does not become operative before 30 days from the date of the filing. However, Rule 19b-4(f)(6)(iii)<sup>12</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and would provide clarity and transparency to its parent entities’ governing documents. The Exchange represents that the proposed rule change would have no impact on either the governance or ownership of the Exchange. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and will provide clarity to the Exchange’s rules. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.<sup>13</sup>

<sup>5</sup> See Securities Exchange Release No. 79901 (January 30, 2017), 82 FR 9251 (February 3, 2017) (SR-NYSE-2016-90, SR-NYSEMKT-2016-122, and SR-NYSEArca-2016-167).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(1).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2017-14 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-NYSEArca-2017-14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from

submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2017-14, and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03802 Filed 2-24-17; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80075; File No. SR-ISE-2017-03]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change To Amend Various Rules in Connection With a System Migration to Nasdaq INET Technology

February 21, 2017.

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> notice is hereby given that on February 8, 2017, the International Securities Exchange, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend various rules in connection with a system migration to Nasdaq INET technology.

The text of the proposed rule change is available on the Exchange's Web site at [www.ise.com](http://www.ise.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The purpose of this rule change is to amend certain rules to reflect the ISE technology migration to a Nasdaq, Inc. ("Nasdaq") supported architecture. INET is the proprietary core technology utilized across Nasdaq's global markets and utilized on The NASDAQ Options Market LLC ("NOM"), NASDAQ PHLX LLC ("Phlx") and NASDAQ BX, Inc. ("BX") (collectively, "Nasdaq Exchanges"). The migration of ISE to the Nasdaq INET architecture would result in higher performance, scalability, and more robust architecture. With this system migration, the Exchange intends to adopt certain trading functionality currently utilized at Nasdaq Exchanges. The functionality being adopted is described in this filing.

The Exchange is also separately filing<sup>3</sup> a rule change to amend the Exchange's Opening Process. ISE will replace its current opening process at Rule 701 with Phlx's Opening Process.<sup>4</sup>

The Exchange intends to begin implementation of the proposed rule changes in Q2 2017. The migration will be on a symbol by symbol basis, and the Exchange will issue an alert to members in the form of an Options Trader Alert to provide notification of the symbols that will migrate and the relevant dates.

##### Generally

With the re-platform, the Exchange will now be built on the Nasdaq INET architecture, which allows certain trading system functionality to be performed in parallel. The Exchange believes that this architecture change will improve the member experience by reducing overall latency compared to the current ISE system because of the manner in which the system is segregated into component parts to handle processing.

<sup>3</sup> See SR-ISE-2017-02 (not yet published).

<sup>4</sup> See Phlx Rule 1017. See also Securities Exchange Act Release No. 79274 (November 9, 2016), 81 FR 80694 (November 16, 2016) (SR-Phlx-2017-79) (notice of Filing of Partial Amendment No. 2 and Order Granting Approval of a Proposed Rule Change, as Modified by Partial Amendment No. 2, to Amend PHLX Rule 1017, Openings in Options).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

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

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

## Trading Halts

### Cancellation of Quotes

The Exchange proposes to amend ISE Rule 702 entitled "Trading Halts." Specifically, the Exchange proposes to amend Rule 702(a)(2) to note that during a halt, the Exchange will maintain existing orders on the book, but not existing quotes prior to the halt, accept orders and quotes, and process cancels and modifications for quotes and orders, except that existing quotes are cancelled. Today, ISE maintains existing orders and quotes during a trading halt. With respect to cancels and modifications, this behavior will not change. ISE does not have a quote purge today, so this functionality will be changed with the adoption of this trading rule. The Exchange believes that purging quotes upon a halt will remove uncertainty for market participants.

The Exchange proposes to conform the treatment of quotes and orders on ISE to Phlx Rule 1047(f) in conjunction with the replatform of ISE. The Exchange desires to handle halts in a similar manner as Phlx.

### Limit Up-Limit Down

The Exchange also proposes to add new ISE Rule 702(d) to replace rule text currently contained in ISE Rule 703A entitled "Trading During Limit Up-Limit Down States in Underlying Securities." Proposed ISE Rule 702(d) is similar to language currently in Phlx Rule 1047, entitled "Trading During Limit Up-Limit Down States in Underlying Securities." Proposed ISE Rule 702(d) is similar to language currently in Phlx Rule 1047(d), which provides for Exchange handling due to extraordinary market volatility. Currently ISE Rule 703A(a) and (b) provides modified order handling procedures when a security underlying an options class traded on the Exchange enters a Limit State or Straddle State under the Plan to Address Extraordinary Market Volatility (the "Plan").<sup>5</sup>

<sup>5</sup> Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan. As set forth in more detail in the Plan, Price Bands consisting of a Lower Price Band and an Upper Price Band for each NMS Stock are calculated by the Processors (Section V(A) of the Plan). When the National Best Bid (Offer) is below (above) the Lower (Upper) Price Band, the Processors shall disseminate such National Best Bid (Offer) with an appropriate flag identifying it as unexecutable. When the National Best Bid (Offer) is equal to the Upper (Lower) Price Band, the Processors shall distribute such National Best Bid (Offer) with an appropriate flag identifying it as a Limit State Quotation (Section VI(A) of the Plan). All trading centers in NMS stocks must maintain written policies and procedures that are reasonably designed to prevent the display of offers below the Lower Price Band and bids above the Upper Price Band for NMS stocks. Notwithstanding this

Specifically, during a Limit State or Straddle State: (1) Incoming Market Orders are automatically rejected, and all unexecuted Market Orders pending in the System are cancelled, and (2) incoming Stop Orders (which become Market Orders if elected) are automatically rejected, and unexecuted Stop Orders pending in the System cannot be elected and will be held until the end of the Limit State or Straddle State. In addition, ISE Rule 703A(c) provides that when the security underlying an option class is in a Limit State or Straddle State, the maximum quotation spread requirements for market maker quotes contained in ISE Rule 803(b)(5) and the continuous quotation requirements contained in ISE Rule 804(e) shall be suspended.<sup>6</sup>

With the re-platform, the Exchange will adopt opening limitation, Market Order and Stop Order handling consistent with handling today on Phlx.<sup>7</sup> Specifically, proposed ISE Rule 702(d) will provide that during a Limit State and Straddle State in the Underlying NMS stock: (i) The Exchange will not open an affected option, (ii) provided the Exchange has

requirement, the Processor shall display an offer below the Lower Price Band or a bid above the Upper Price Band, but with a flag that it is non-executable. Such bids or offers shall not be included in the National Best Bid or National Best Offer calculations (Section VI(A)(3) of the Plan). Trading in an NMS stock immediately enters a Limit State if the National Best Offer (Bid) equals but does not cross the Lower (Upper) Price Band (Section VI(B)(1) of the Plan). Trading for an NMS stock exits a Limit State if, within 15 seconds of entering the Limit State, all Limit State Quotations were executed or canceled in their entirety. If the market does not exit a Limit State within 15 seconds, then the Primary Listing Exchange would declare a five-minute trading pause pursuant to Section VII of the Plan, which would be applicable to all markets trading the security. The primary listing market would declare a Trading Pause in an NMS stock; upon notification by the primary listing market, the Processor would disseminate this information to the public. No trades in that NMS stock could occur during the trading pause, but all bids and offers may be displayed (Section VII(A) of the Plan). In addition, the Plan defines a Straddle State as when the National Best Bid (Offer) is below (above) the Lower (Upper) Price Band and the NMS stock is not in a Limit State. For example, assume the Lower Price Band for an NMS Stock is \$9.50 and the Upper Price Band is \$10.50, such NMS stock would be in a Straddle State if the National Best Bid were below \$9.50, and therefore unexecutable, and the National Best Offer were above \$9.50 (including a National Best Offer that could be above \$10.50). If an NMS stock is in a Straddle State and trading in that stock deviates from normal trading characteristics, the Primary Listing Exchange may declare a trading pause for that NMS stock if such Trading Pause would support the Plan's goal to address extraordinary market volatility.

<sup>6</sup> The time periods associated with Limit States and Straddle States are not considered by the Exchange when evaluating whether a market maker complied with the continuous quotation requirements contained in Rule 804(e).

<sup>7</sup> See proposed ISE Rule 702(d)(ii) and (iii).

opened an affected option for trading, the Exchange shall reject Market Orders,<sup>8</sup> as defined in ISE Rule 715(a), and shall notify Members of the reason for such rejection, and (iii) provided the Exchange has opened an affected option for trading, the Exchange will elect Stop Orders if the condition is met, and, because they become Market Orders, shall cancel them back and notify Members of the reason for such rejection. The language in proposed ISE Rule 703(d)(iv) concerning the maximum quotation spread requirements for market maker quotes and the continuous quotation requirements suspensions are the same language currently contained in ISE Rule 703A(c).

These amendments differ in certain respects from the manner in which ISE operates today during a Limit State or Straddle State. The current ISE rule does not address the opening. The Exchange proposes to adopt rule text to provide for how the Exchange shall treat the opening rotation.<sup>9</sup> The opening in an option will not commence in the event that the underlying NMS stock is open, but has entered into a Limit State or Straddle State. If this occurs, the opening will only commence and complete if the underlying NMS stock stays out of a Limit or Straddle State. Accordingly, proposed ISE Rule 702(d)(i) will provide that the Exchange will not open an affected option. As a result, if an opening process is occurring, it will cease and then start the opening process from the beginning once the Limit State or Straddle State is no longer occurring.

In addition, ISE currently cancels Market Orders pending in the System upon initiation of a Limit or Straddle State. Under the proposal to adopt the Phlx rule and implementation of the Limit Up-Limit Down procedures, Market Orders pending in the System will continue to be processed regardless of the Limit or Straddle State. The Exchange believes this is a reasonable handling of Market Orders in the system since these orders are only pending in the System if they are exposed at the NBBO pursuant to Supplementary Material .02 to ISE Rule 1901 or a complex order exposed for price improvement pursuant to ISE Rule 722(b)(3)(iii). In both cases, if at the end of the exposure period the affected underlying is in a Limit or Straddle State, the Market Order will be

<sup>8</sup> This includes complex orders as well as single leg orders. The Exchange shall cancel complex orders that are Market Orders residing in the System if they are about to be executed by the System.

<sup>9</sup> See note 3 above.

cancelled with no execution occurring. If at the end of the exposure period the underlying is no longer in a Limit or Straddle State, the Market Order will be handled under the normal operation of the rules.

Lastly, ISE does not currently elect Stop Orders that are pending in the System during a Limit or Straddle State. Under the proposal, and in-line with the Phlx implementation, Stop Orders that are pending in the System during a Limit or Straddle State will be elected, if conditions for such election are met, however because they become Market Orders will be cancelled back to the Member with a reason for such rejection.

While the implementation of Market and Stop Order handling varies from ISE today, both the current and proposed Rule provide for protections from erroneous executions in a highly volatile period.<sup>10</sup> The Exchange believes consistency across the six options markets operated by Nasdaq, Inc. provides clarity for Members as to how their orders, as well as the opening process, will be handled in a Limit or Straddle State.

#### Auction Handling During a Trading Halt

The Exchange proposes to amend various rules to add detail to ISE rules to account for the impact of a trading halt on the Exchange's auction mechanisms. The Exchange proposes to memorialize within ISE Rule 723, entitled "Price Improvement Mechanism for Crossing Transactions" the manner in which a trading halt will impact an order entered into PIM once it is migrated to the INET architecture.

Today, if a trading halt is initiated after a single leg order is entered into the Price Improvement Mechanism ("PIM") on ISE, such auction is terminated and eligible interest is executed or in the case of a complex order entered into PIM, the auction is terminated and eligible interest is cancelled without execution. The Exchange is amending the behavior with respect to single leg orders in PIM auctions to terminate the auction and not execute eligible interest when a trading halt occurs. In the event of a trading halt, terminating the auction and not executing eligible interest will provide certainty to participants in regard to how their interest will be handled. Introducing consistent order handling, regardless of single leg or complex, and memorializing the manner in which the system will handle all

orders entered into PIM during a trading halt will provide transparency for the benefit of members and investors. The Exchange is not amending the behavior with respect to complex orders in PIM auctions.

The Exchange proposes an amendment to ISE Rule 716, entitled "Block Trades" to memorialize that if a trading halt is initiated after an order is entered into the Block Order Mechanism, Facilitation Mechanism, or Solicited Order Mechanism, such auction will also be automatically terminated without execution. This is the current behavior today on ISE and will not be changing.

As discussed above, Phlx Rule 1047(c) provides that in the event the Exchange halts trading, all trading in the affected option shall be halted. This is interpreted to restrict executions after a halt unless there is a specific rule specifying that such trades should take place. The Exchange is proposing to add more specificity into the relevant rules. With respect to Block Order Mechanism, Facilitation Mechanism, or Solicited Order Mechanism, the Exchange notes that the current behavior is consistent with Phlx Rule 1047(c) generally, where all trading in the affected option shall be halted.<sup>11</sup> In the event of a trading halt, terminating these auction mechanisms and not executing eligible interest will provide certainty to participants in regard to how their interest will be handled. Memorializing the manner in which the system will handle orders during a trading halt will provide transparency for the benefit of members and investors.

#### Market Order Spread Protection

The Exchange proposes to amend ISE Rule 711, entitled "Acceptance of Quotes and Orders" to adopt a new mandatory risk protection entitled Market Order Spread Protection which will apply to single leg Market Orders. ISE does not have a similar feature today. This mandatory feature is currently offered on NOM to protect Market Orders from being executed in very wide markets.<sup>12</sup>

<sup>11</sup> See Phlx Rule 1047(c).

<sup>12</sup> See NOM Rules at Chapter VI, Section 6(c). NOM's current rule states, "System Orders that are Market Orders will be rejected if the *best of the* NBBO and the internal market BBO (the "Reference BBO") is wider than a preset threshold at the time the order is received by the System." NOM has two order types, Price-Improving and Post-Only Orders, which result in non-displayed pricing that may cause the internal market BBO to be better than the NBBO. ISE does not have similar non-displayed order types and therefore the reference to the internal market BBO is not necessary.

Pursuant to proposed ISE Rule 711(c), if the NBBO is wider than a preset threshold at the time a Market Order is received, the order will be rejected. For example, if the Market Order Spread Protection is set to \$20.00, and a Market Order to buy is received while the NBBO is \$1.00–\$50.00, such Market Order will be rejected. The proposed feature would assist with the maintenance of fair and orderly markets by mitigating the risks associated with errors resulting in executions at prices that are away from the Best Bid or Offer and potentially erroneous. Further the proposal protects investors from potentially receiving executions away from the prevailing prices at any given time. The Exchange proposes this feature to avoid a series of improperly priced aggressive orders transacting in the Order Book.

Today, the NOM threshold is set at \$5. ISE will initially set the threshold to \$5. Similar to NOM, the Exchange will notify Members of the threshold with a notice, and, thereafter, Members will be notified of any subsequent changes to the threshold. NOM set the differential at \$5 to match the bid/ask differential permitted for quotes on the Exchange.<sup>13</sup> ISE has a similar \$5 differential.<sup>14</sup> Thus, the presence of a quote on the Exchange will ensure the NBBO is at least \$5 wide. The Exchange believes the presence of a quote on the Exchange, or a bid/ask differential of the NBBO, which is no more than \$5 wide affords Market Orders proper protection against erroneous execution and in the event a bid/ask differential is more than \$5, then a Market Order is rejected. The threshold is appropriate because it seeks to capture improperly priced Market Orders and reject them to reduce the risk of, and to potentially prevent, the automatic execution of Market Orders at prices that may be considered erroneous. The Exchange's proposed threshold is a reasonable measure to ensure prices remain within the reasonable limits. This protection will bolster the normal resilience and market behavior that persistently produces robust reference prices. This feature should create a level of protection that

<sup>13</sup> See Chapter VII, Section 6(d)(ii) of NOM Rules which describes the bid/ask differentials. Options on equities (including Exchange-Traded Fund Shares), and on index options must be quoted with a difference not to exceed \$5 between the bid and offer regardless of the price of the bid, including before and during the opening. However, respecting in-the-money series where the market for the underlying security is wider than \$5, the bid/ask differential may be as wide as the quotation for the underlying security on the primary market. The Exchange may establish differences other than the above for one or more series or classes of options.

<sup>14</sup> See ISE Rule 803(b)(4).

<sup>10</sup> The Exchange is introducing a Phlx protection, Acceptable Trade Range, into ISE Rules as discussed within this rule change.

prevents Market Orders from entering the Order Book outside of an acceptable range for the Market Order to execute.

Finally, the Market Order Spread Protection will be the same for all options traded on the Exchange, and is applicable to all Members that submit Market Orders.

**Acceptable Trade Range**

The Exchange proposes to amend ISE Rule 714, entitled “Automatic Execution of Orders,” at ISE Rule 714(b)(1) to adopt Phlx’s Acceptable Trade Range for single leg orders.<sup>15</sup> The Exchange is proposing to adopt similar functionality which is currently utilized on Phlx in connection with the replatform of ISE for single leg orders. Today, ISE places a limit on the number of price levels at which an incoming order or quote to sell (buy) will be executed automatically when there are no bids (offers) from other exchanges at any price for the options series. Orders and quotes are executed at each successive price level until the maximum number of price levels is reached, and any balance is either handled by the Primary Market Maker pursuant to Rule 803(c)(1) (in the case of Priority Customer Orders) or canceled (in the case of Professional Orders). The

number of price levels, may be between one (1) and ten (10). The Exchange determines the number of price levels from time-to-time on a class-by-class basis.

ISE proposes to replace the current Price Level Protection applied to single leg orders with Phlx’s Acceptable Trade Range.<sup>16</sup> The proposed Acceptable Trade Range is a mechanism to prevent the system from experiencing dramatic price swings by creating a level of protection that prevents the market from moving beyond set thresholds. The thresholds consist of a reference price plus (minus) set dollar amounts based on the nature of the option and the premium of the option.

The system will calculate an Acceptable Trade Range to limit the range of prices at which an order or quote will be allowed to execute. To bolster the normal resilience and market behavior that persistently produces robust reference prices, ISE is proposing to create a level of protection that prevents the market from moving beyond set thresholds. The Acceptable Trade Range is calculated (upon receipt of a new order or quote) by taking the reference price, plus or minus a value to be determined by the Exchange (*i.e.*, the reference price – (x) for sell orders/

quotes and the reference price + (x) for buy orders).<sup>17</sup> Upon receipt of a new order, the reference price is the National Best Bid (“NBB”) for sell orders/quotes and the National Best Offer (“NBO”) for buy orders/quotes. If an order or quote reaches the outer limit of the Acceptable Trade Range (the “Threshold Price”) without being fully executed, then any unexecuted balance will be cancelled. The proposed Acceptable Trade Range would work as follows: Prior to executing orders received by ISE, an Acceptable Trade Range is calculated to determine the range of prices at which orders/quotes may be executed.<sup>18</sup> When an order is initially received, the threshold is calculated by adding (for buy orders/quotes) or subtracting (for sell orders/quotes) a value,<sup>19</sup> as discussed below, to the National Best Offer for buy orders/quotes or the National Best Bid for sell orders/quotes to determine the range of prices that are valid for execution. A buy (sell) order or quote will be allowed to execute up (down) to and including the maximum (minimum) price within the Acceptable Trade Range.

For example, in a thinly traded option:

Away Exchange Quotes:

Exchange	Bid size	Bid price	Offer price	Offer size
NOM .....	10	\$1.00	\$1.05	10
NYSE Arca .....	10	1.00	1.05	10
NYSE MKT .....	10	1.00	1.10	10
BOX .....	10	1.00	1.15	10

**ISE Price Levels:**

Exchange	Bid size	Bid price	Offer price	Offer size
ISE orders .....	10	\$1.00	\$1.05	10
ISE orders .....	.....	.....	1.10	10
ISE orders .....	.....	.....	1.40	10
ISE orders .....	.....	.....	5.00	10

If ISE receives a routable market order to buy 80 contracts, the System will respond as described below:

—10 contracts will be executed at \$1.05 against ISE

—10 contracts will be executed at \$1.05 against NOM

—10 contracts will be executed at \$1.05 against NYSE Arca

—10 contracts will be executed at \$1.10 against ISE

—10 contracts will be executed at \$1.10 against NYSE MKT

—10 contracts will be executed at \$1.15 against BOX

After these executions, there are no other known valid away exchange

<sup>15</sup> See Phlx Rule 1080(p). Today, ISE places a limit on the number of price levels at which an incoming order or quote to sell (buy) will be executed automatically for single leg and complex orders when there are no bids (offers) from other exchanges at any price for the options series. Orders and quotes are executed at each successive price level until the maximum number of price levels is reached, and any balance is either handled by the Primary Market Maker pursuant to Rule 803(c)(1) (in the case of Priority Customer Orders) or canceled (in the case of Professional Orders). The

number of price levels, may be between one (1) and ten (10). The Exchange determines the number of price levels from time-to-time on a class-by-class basis. This proposal only impacts single leg orders.

<sup>16</sup> The Exchange notes that the version of Acceptable Trade Range to be implemented on ISE will not include the posting period functionality available today on Phlx. The proposed rules reflect this change.

<sup>17</sup> The Acceptable Trade Range settings are tied to the option premium.

<sup>18</sup> The Acceptable Trade Range will not be available for all-or-none orders. Today, ISE’s Price Level Protection rule is not available for all-or-none orders. The Exchange has determined that it would be difficult, from a technical standpoint, to apply this feature to those orders because their particular contingency makes it difficult to automate their handling.

<sup>19</sup> The value that is to be added to/subtracted from the reference price will be set by ISE and posted on its Web site.

quotes. The National Best Bid/Offer (“NBBO”) is therefore comprised of the remaining interest on the ISE book, specifically 10 contracts at \$1.40 and 10 contracts at \$5.00. In the absence of an Acceptable Trade Range mechanism, the order would execute against the remaining interest at \$1.40 and \$5.00, resulting in potential harm to investors.

ISE will set the parameters of the mechanism at levels that will ensure that it is triggered quite infrequently. Importantly, the Acceptable Trade Range is neutral with respect to away markets, an order may route to other destinations to access liquidity priced within the Acceptable Trade Range provided the order is designated as routable.

The options premium will be the dominant factor in determining the Acceptable Trade Range. Generally, options with lower premiums tend to be more liquid and have tighter bid/ask spreads; options with higher premiums have wider spreads and less liquidity. Accordingly, a table consisting of several steps based on the premium of the option will be used to determine how far the market for a given option will be allowed to move. This table or tables would be listed on the *NASDAQTrader.com* Web site and any periodic updates to the table would be announced via an Options Trader Alert.

For example, looking at some SPY May 2013 Call options on May 1st of 2013:

Bid/Offer of SPY May 160 Call (at or near-the-money): \$1.23 × \$1.24 (several hundred contracts on bid and offer)

Bid/Offer of SPY May 105 Call (deep in-the-money): \$54.10 × \$54.26 (11 contracts on each side)

The deep in-the-money calls (May 105 calls) have a wider spread (\$54.10 – \$54.26 = \$0.16) compared to a spread of \$0.01 for the at-the-money calls (May 160 calls). Therefore, it is appropriate to have different thresholds for the two options. For instance, it may make sense to have a \$0.05 threshold for the at-the-money strikes (Premium <\$2) and a \$0.50 threshold for the deep in-the-money strikes (Premium >\$10).

To consider another example, the May 2013 ORCL put options on May 1st of 2013:

Bid/Offer of ORCL 33 May Put (at or near-the-money): \$0.33 × \$0.34 (100 × 500)

Bid/Offer of ORCL 44 May Put (deep in-the-money): \$10.40 × \$10.55 (50 × 200)

Even though ORCL has a much lower share price than SPY, and is a different type of security (it is a common stock of a technology company whereas SPY is an ETF based on the S&P 500 Index), the pattern is the same. The option with

the lower premium has a very narrow spread of \$0.01 with significant size displayed whereas the higher premium option has a wide spread (\$0.15) and less size displayed.

The Acceptable Trade Range settings will be tied to the option premium. However, other factors will be considered when determining the exact settings. For example, acceptable ranges may change if market-wide volatility is as high as it was during the financial crisis in 2008 and 2009, or if overall liquidity is low based on historical trends. These different market conditions may present the need to adjust the threshold amounts from time to time to ensure a well-functioning market. Without adjustments, the market may become too constrained or conversely, prone to wide price swings. As stated above, the Exchange would publish the Acceptable Trade Range table or tables on the Exchange Web site. The Exchange does not foresee updating the table(s) often or intraday, although the exchange may determine to do so in extreme circumstances. The Exchange will provide sufficient advanced notice of changes to the Acceptable Trade Range table, generally the prior day, to its membership via an Exchange alert.

The Acceptable Trade Range settings would generally be the same across all options traded on ISE, although ISE proposes to maintain flexibility to set them separately based on characteristics of the underlying security. For instance, Google is a stock with a high share price (\$824.57 closing price on April 30, 2013). Google options therefore may require special settings due to the risk involved in actively quoting options on such a high-priced stock. Option spreads on Google are wider and the size available at the best bid and offer is smaller. Google could potentially need a wider threshold setting compared to other lower-priced stocks. There are other options that fit into this category (e.g., AAPL) which makes it necessary to have threshold settings that have flexibility based on the underlying security. Additionally, it is generally observed that options subject to the Penny Pilot program quote with tighter spreads than options not subject to the Penny Pilot. Currently, ISE expects to set Acceptable Trade Ranges for three categories of options: (1) Penny Pilot Options trading in one cent increments for options trading at less than \$3.00 and increments of five cents for options trading at \$3.00 or more, (2) Penny Pilot Options trading in one-cent increments for all prices, and (3) Non-Penny Pilot Options.

The Phlx rule contains language that references a posting period.<sup>20</sup> Specifically, the Phlx Rule provides if an order/quote reaches the outer limit of the Acceptable Trade Range (the “Threshold Price”) without being fully executed, it will be posted at the Threshold Price for a brief period, not to exceed one second (“Posting Period”), to allow more liquidity to be collected, unless a Quote Exhaust has occurred, in which case the Quote Exhaust process in Phlx Rule 1082(a)(ii)(B)(3) will ensue, triggering a new Reference Price.<sup>21</sup> The Exchange will not post interest that exceeds the outer limit of the Acceptable Trade Range, rather the interest will be cancelled. Only if the order limit does not exceed the Acceptable Trade Range will it post on the Exchange, if not otherwise executed. Further, the Phlx rule provides for the re-pricing of that order or quote and calculation of a new Acceptable Trade Range. Consistent with the current treatment of orders and quotes under ISE rules, the Exchange is not adopting the posting period. Unlike Phlx, ISE does not offer a general continuous re-pricing mechanism, and does not consider iterations in its current functionality.<sup>22</sup> ISE would cancel rather than reprice orders which exceed the outer limit of the Acceptable Trade Range. Orders which do not exceed the outer limit of the Acceptable Trade Range will post to the order book and will reside on the order book at such price until they are either executed in full or cancelled by the Member. Additionally, resting orders do not re-price on the order book as they do today on Phlx. For these reasons, the unexecuted balance which exceeds the outer limit of the Acceptable Trade

<sup>20</sup> See Phlx Rule 1080(p)(1)(B).

<sup>21</sup> The Quote Exhaust process occurs when the Exchange’s disseminated market at a particular price level includes a quote, and such market is exhausted by an inbound contra-side quote or order, and following such exhaustion, contracts remain to be executed from such quote or order through the initial execution price.

<sup>22</sup> With respect to trade-throughs and locked and crossed markets, a Phlx order will not be executed at a price that trades through another market or is displayed at a price that would lock or cross another market. If, at the time of entry, an order that the entering party has elected not to make eligible for routing would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price. See Phlx Rule 1080(m)(iv)(A). In the instance that the System automatically reprices an order or quote, the System would assign the orders or quote a new timestamp and the order or quote will be reprioritized within the Order Book in accordance with the priority rules in Phlx Rule 1014 (g).

Range will be cancelled, rather than posted to the order book.

For complex orders, the Exchange will continue to apply the Price Level Protection Rule which is being relocated to Rule 714(b)(4) and revised to specifically state that the Price Level Protection shall apply to complex orders. The functionality will remain the same. The Exchange is amending the current rule to remove references that specifically related to single leg order functionality. Primary Market Maker handling does not apply to complex orders and therefore is being removed from the rule text. The Exchange is also adding references to component legs to make clear the application to complex orders. Unlike single leg orders which are subject to trade-through protections, complex orders do not have similar restrictions and therefore the Exchange believes that the current Price Level Protection Rule provides a better protection for complex orders because the Acceptable Trade Range protection described within this filing utilizes the NBBO and the Price Level Protection does not rely on the NBBO but rather limits the number of price levels.

#### PMM Order Handling and Opening Obligations

Today, PMMs are responsible for handling Priority Customer orders that are not automatically executed pursuant to ISE Rule 714(b)(1), *i.e.*, the Price Level Protection, and to initiate the opening rotation in each series pursuant to ISE Rule 701. This responsibility is described in each of those rules, as well as in ISE Rule 803(c), which provides that:

In addition to the obligations contained in this Rule for market makers generally, for options classes to which a market maker is the appointed Primary Market Maker, it shall have the responsibility to: (1) As soon as practical, address Priority Customer Orders that are not automatically executed pursuant to Rule 714(b)(1) in a manner consistent with its obligations under paragraph (b) of this Rule by either (i) executing all or a portion of the order at a price that at least matches the NBBO and that improves upon the Exchange's best bid (in the case of a sell order) or the Exchange's best offer (in the case of a buy order); or (ii) releasing all or a portion of the order for execution against bids and offers on the Exchange. (2) Initiate trading in each series pursuant to Rule 701.

As described in more detail in the sections above, with the re-platform to Nasdaq technology, the Exchange is adopting Acceptable Trade Range and opening rotation functionality currently offered on NOM and Phlx, which do not contain similar requirements for the PMM. The Exchange therefore proposes

to eliminate the PMM order handling and opening obligations in Rule 803(c).

The Exchange believes that the elimination of the PMM obligation to initiate the opening rotation in this rule is appropriate because the proposed opening process<sup>23</sup> is initiated by the receipt of an appropriate number of valid width Primary Market Maker or Competitive Market Maker quotes as outlined in proposed ISE Rule 701(c)(i). Similarly, the Acceptable Trade Range functionality will continue to provide an important protection to members without imposing any Primary Market Maker obligations. Today, Phlx does not have similar roles for a Specialist on its market. In connection with the replatform, the Exchange will conform its rules with those of Phlx with respect to the manner in which it operates the Opening Process.

#### Back-Up PMM

The Exchange also proposes to amend ISE Supplementary Material .03 to Rule 803 to eliminate its Back-Up Primary Market Maker program. Today, any ISE Member that is approved to act in the capacity of a Primary Market Maker may voluntarily act as a "Back-Up Primary Market Maker" in options series in which it is quoting as a Competitive Market Maker. A Back-Up Primary Market Maker assumes all of the responsibilities and privileges of a Primary Market Maker under the Exchange's rules with respect to any series in which the appointed Primary Market Maker fails to have a quote in the System except that a Back-Up Primary Market Maker's quoting obligations are the same as the quoting obligations for Competitive Market Makers as described in ISE Rule 804(e)(2)(iii) and .02 of Supplementary Material to Rule 804.<sup>24</sup> If more than one Competitive Market Maker that has volunteered to be a Back-Up Primary Market Maker is quoting in an options series at the time that a Primary Market Maker ceases quoting, the Competitive Market Maker with the largest offer at the lowest price in the series at that time will be chosen to be the Back-Up Primary Market Maker. In the event of a tie based on price and size, the Competitive Market Maker with time priority will be automatically chosen. The Back-Up Primary Market Maker is

automatically restored to Competitive Market Maker status when the appointed Primary Market Maker initiates quoting in the series. The obligations of a Primary Market Maker include the initiation of a trading rotation pursuant to ISE Rule 701, quoting and other obligations pursuant to ISE Rules 803 and 804, and financial requirements pursuant to ISE Rule 809. The Exchange is proposing to amend the obligations of a PMM only with regard to the initiation of a trading rotation pursuant to ISE Rule 701. The quoting and financial requirements rules shall remain the same.

With the re-platform, a Back-Up Primary Market Maker is no longer necessary since the order handling obligations present on ISE today are not going to be present in the new system. Furthermore, the proposed Opening Process obviates the importance of such a role. The Opening Process describes the entry of quotes by both a Primary Market Maker and a Competitive Market Maker, provided they are Valid Width Quotes.<sup>25</sup> The Opening Process further describes alternative methods to open the market if such quotes are not entered at the opening by either of these market makers.<sup>26</sup> The reliance on a market maker to initiate the opening process is no longer present within the proposed rule.<sup>27</sup>

#### Market Maker Speed Bump

The Exchange proposes to amend ISE Rule 804, entitled "Market Maker Quotations" to establish default parameters for certain risk functionality. The Exchange offers a risk protection mechanism for market maker quotes that removes a member's quotes in an options class if a specified number of curtailment events occur during a set time period ("Market Maker Speed Bump"). In addition, the Exchange offers a market-wide risk protection that removes a market maker's quotes across all classes if a number of curtailment events occur ("Market-Wide Speed Bump").<sup>28</sup> ISE Rule 804(g) currently requires that market makers set curtailment parameters for both the Market Maker Speed Bump and the Market-Wide Speed Bump. Today, if a market maker does not set these parameters their quotes are rejected by

<sup>23</sup> See note 3 above.

<sup>24</sup> The Exchange notes that the current rule text for Back-up Primary Market Maker on ISE does not indicate that quoting obligations for Back-up Primary Market Makers are the same as for Competitive Market Makers. This, however, has been the Exchange's practice. See Securities Exchange Act Release No. 76936 (January 20, 2016), 81 FR 4347 (January 26, 2016) (SR-ISE-2016-02).

<sup>25</sup> A Valid Width Quote is a two-sided electronic quotation submitted by a Market Maker that consists of a bid/ask differential that is compliant with ISE proposed Rule 803(b)(4). See note 3 above.

<sup>26</sup> See note 3 above.

<sup>27</sup> *Id.*

<sup>28</sup> Market makers may request the Exchange to set the market wide parameter to apply to just ISE or across ISE and ISE Gemini.

the trading system for each of the speed bumps mentioned herein.

With the re-platform, the Exchange has determined to provide default curtailment parameters to assist market makers when they do not enter their own parameters into the system. The default parameters will be determined by the Exchange and announced to members. Rather than rejecting quotes, the default parameters would be instituted. The default parameters are important because market makers at ISE have quoting obligations as specified in ISE Rule 804. When a market maker's quotes are removed from the system, the time does not count toward the continuous quoting obligations. The Exchange believes that allowing for default settings would cause quotes not to be rejected and would assist market makers in meeting their quoting obligations because they would not have their quotes removed from the market. Today, Phlx indicates default parameters for its detection of loss of communication settings.<sup>29</sup>

#### Anti-Internalization

The Exchange proposes to amend the ISE Supplementary Material at .03 to Rule 804, entitled "Market Maker Quotations" to adopt Anti-Internalization rule. Today, ISE's functionality prevents Immediate-or-Cancel ("IOC")<sup>30</sup> orders entered by a market maker from trading with the market maker's own quote.<sup>31</sup> [sic] As implemented, if an IOC order entered by a market maker would trade with a quote entered by the same market maker, that order will instead be allocated to other interest at the same price, and the balance cancelled. The Exchange proposes to replace this self-trade protection functionality with Anti-Internalization functionality currently offered on Phlx.<sup>32</sup>

Today, Phlx provides anti-internalization ("AIQ") functionality to Specialists and Registered Options Traders ("collectively market makers"). Quotes and orders entered by Phlx market makers using the same badge<sup>33</sup> are not executed against quotes and orders entered on the opposite side of the market using the same badge. This automatically prevents these quotes and orders from interacting with each other

in the System. On Phlx, the system cancels the resting quote or order back to the entering party prior to execution. This functionality does not apply in any auction or with respect to complex transactions.

The Exchange proposes to adopt a similar rule that provides that quotes and orders entered by Market Makers using the same member identifier will not be executed against quotes and orders entered on the opposite side of the market by the same market maker using the same member identifier. In such a case, the system will cancel the resting quote or order back to the entering party prior to execution. This functionality shall not apply in any auction or with respect to complex transactions. AIQ is difficult to apply during auctions, and there is limited benefit in doing so. There is limited benefit because, generally speaking, auctions do not raise the same policy concerns for wash sales and ERISA<sup>34</sup> due to the semi-random manner in which trades are matched. AIQ is unnecessary with respect to complex orders due to the highly specialized nature of such orders and the high level of control that market participants exercise over complex orders.

This functionality does not relieve or otherwise modify the duty of best execution owed to orders received from public customers. Market Makers generally do not display public customer orders in market making quotations, opting instead to enter public customer orders using separate identifiers. In the event that a Market Maker opts to include a public customer order within a market making quotation, the Market Maker must take appropriate steps to ensure that public customer orders that do not execute due to anti-internalization functionality ultimately receive the same execution price (or better) they would have originally obtained if execution of the order was not inhibited by the functionality.

This Anti-Internalization functionality can assist Market Makers in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest

from the same firm when performing the same market making function.

#### Minimum Execution Quantity Orders

The Exchange proposes to amend ISE Rule 715, entitled "Types of Orders" at 715(q) to remove minimum quantity orders. Today, the Exchange allows members to enter minimum quantity orders, which is an order type that is available for partial execution, but each partial execution must be for a specified number of contracts or greater. If the balance of the order after one or more partial executions is less than the minimum, such balance is treated as all-or-none. Like all-or-none orders, minimum quantity orders are contingency orders that are not displayed in the Exchange's best bid or offer. However, the Exchange disseminates to market participants an indication that a minimum quantity order has been entered. The Exchange has found that the utilization of minimum quantity orders by its members has been very limited, and therefore proposes to remove this functionality.<sup>35</sup> Furthermore, the Exchange proposes to remove two references to minimum quantity orders in other rules. Specifically, the Exchange proposes to remove references to minimum quantity orders in ISE Supplementary Material .02 to Rule 713, which notes that minimum quantity orders are contingency orders that have no priority on the book, and in ISE Supplementary Material .04 to Rule 717, which explains that non-marketable minimum quantity orders are deemed "exposed" one second following a broadcast notifying the market that such an order to buy or sell a specified number of contracts at a specified with a specified minimum quantity has been received in the options series.

#### Delay of Implementation

The Exchange proposes to delay the implementation of Directed Order<sup>36</sup> functionality on ISE. The Exchange proposes to continue to offer this functionality on the current platform. The Exchange however would propose

<sup>29</sup> This functionality is currently being utilized to transact less than 1% of ISE's volume.

<sup>30</sup> ISE currently operates a Directed Order system in which Electronic Access Members ("EAMs") can send an order to a DMM for possible price improvement. If a DMM accepts Directed Orders generally, that DMM must accept all Directed Orders from all EAMs. Once such a DMM receives a Directed Order, it either (i) must enter the order into the Exchange's PIM auction and guarantee its execution at a price better than the ISE best bid or offer ("ISE BBO") by at least a penny and equal to or better than the NBBO or (ii) must release the order into the Exchange's limit order book, in which case there are certain restrictions on the DMM interacting with the order. See ISE Rule 811.

<sup>29</sup> Phlx Rule 1019(c).

<sup>30</sup> An IOC order is a limit order that is to be executed in whole or in part upon receipt. Any portion not so executed is to be treated as cancelled. See Rule 715(b)(3).

<sup>31</sup> This functionality is not memorialized in ISE's rules.

<sup>32</sup> See Phlx Rule 1080(p)(2).

<sup>33</sup> A badge is the same as a market participant identifier ("MPID").

<sup>34</sup> AIQ also is designed to assist market participants in complying with certain rules and regulations of the Employee Retirement Income Security Act ("ERISA") that preclude and/or limit managing broker-dealers of such accounts from trading as principal with orders generated for those accounts. It can also assist Market Makers in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm when performing the same market making function.



not to launch the Directed Order functionality on ISE at the same time as proposed herein for the proposals to amend other trading functions. The Exchange would instead issue an alert which specifies a different date for this functionality to commence on ISE. This functionality will remain the same on the new platform.

The Exchange proposes to amend the rule text in Rule 811 (Directed Orders) to note that this functionality will not be available as of a certain date in the second quarter of 2017 to be announced in a notice. The Exchange will recommence this functionality on ISE within one year from the date of filing of this rule change to be announced in a separate notice.

The Exchange intends to begin implementation of the functionality for Directed Orders after Q2 2017. The migration will also be on a symbol by symbol basis, and the Exchange will issue an alert to members in the form of an Options Trader Alert to provide notification of the symbols that will migrate and the relevant dates. The Exchange will introduce Directed Orders on ISE within one year from the date of this filing, otherwise the Exchange will file a rule proposal with the Commission to remove these rules.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>37</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>38</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest for the reasons stated below.

### Trading Halts

The Exchange's proposal to amend ISE Rule 702 concerning Trading Halts to specifically note that during a halt the Exchange will maintain existing orders on the book but not existing quotes is consistent with the Act because it provides market participants with clarity as to the manner in which interest will be handled by the system. During a trading halt, the market may move and create risk to market participants with respect to resting interest. The Exchange believes that cancelling existing quotes protects investors and the public interest by removing potentially stale quotes during the halt process.

The Exchange's proposal to amend its rules on order handling during Limit up-Limit Down states and trading halts is consistent with the Act because it will harmonize the way the Exchange treats orders during a Limit State or Straddle State in the equity market, or a trading halt in the option, with how those orders are handled on other Nasdaq Exchanges. The proposed rule text should provide certainty about how options orders and trades will be handled during periods of extraordinary volatility in the underlying security. Specifically, under the proposal, market participants will be able to continue to trade options overlying securities that are in a Limit State or Straddle State, while addressing specific order types that are subject to added risks during such periods. The Exchange believes that the rejection of options Market Orders (including elected Stop Orders) should help to prevent executions that might occur at prices that have not been reliably formed, which should, in turn, protect, in particular, retail investors from executions of un-priced orders during times of significant volatility. Specifically, with respect to Market Orders, Market Orders exposed at the NBBO pursuant to Supplementary Material .02 to ISE Rule 1901 or exposed for price improvement pursuant to ISE Rule 722(b)(3)(iii), which are pending in the system, will continue to be processed. The Exchange believes that it is consistent with the Act to cancel a Market Order, if at the end of either of these exposure periods the affected underlying is in a Limit or Straddle State, because of the uncertainty present which may result in executions that might occur at prices that have not been reliably formed. The Exchange would process the Market Order, with normal handling, provided the affected underlying is no longer in a Limit or Straddle State. The Exchange believes that this approach should, in turn, protect, in particular, retail investors from executions of un-priced orders during times of significant volatility. The Exchange believes that harmonizing these rules will provide a better experience to members that trade on multiple markets operated by Nasdaq, Inc.

### Cancellation of Quotes

The Exchange's proposal to amend ISE Rule 702 concerning Trading Halts to specifically note that during a halt the Exchange will maintain existing orders on the book but not existing quotes is consistent with the Act because it provides market participants with clarity as to the manner in which interest will be handled by the system.

During a trading halt, the market may move and create risk to market participants with respect to resting interest. The Exchange believes that cancelling existing quotes protects investors and the public interest by removing potentially stale quotes during the halt process.

### Limit Up-Limit Down

The Exchange's proposal to add new ISE Rule 702(d) to replace rule text currently contained in ISE Rule 703A entitled "Trading During Limit Up-Limit Down States in Underlying Securities" is consistent with the Act because the proposed rules provide for protections from erroneous executions in a highly volatile period. The proposed rule text in ISE Rule 702(d) is similar to language currently in Phlx Rule 1047(d), which provides for Exchange handling due to extraordinary market volatility. As noted within this proposal, the Exchange will adopt opening limitation, Market Order and Stop Order handling consistent with handling today on Phlx. The Exchange proposes to adopt rule text to provide for how the Exchange shall treat the opening rotation.<sup>39</sup> If an opening process is occurring, it will cease and then start the opening process from the beginning once the Limit State or Straddle State is no longer occurring. The Exchange believes that this treatment at the opening will protect investors and the public interest by halting trading to prevent unintended executions. Also, with this proposal, Market Orders pending in the System will continue to be processed regardless of the Limit or Straddle State. The Exchange believes that this treatment of Market Orders is consistent with the Act because these Market Orders are only pending in the System if they are exposed at the NBBO pursuant to Supplementary Material .02 to ISE Rule 1901 or a complex order exposed for price improvement pursuant to ISE Rule 722(b)(3)(iii). If at the end of the exposure period the affected underlying is in a Limit or Straddle State, the Market Order will be cancelled with no trade occurring. If at the end of the exposure period, the affected underlying is no longer in a Limit or Straddle State, the Market Order will be handled pursuant to the normal operation of the rules.

Lastly, ISE does not currently elect Stop Orders that are pending in the System during a Limit or Straddle State. Under the proposal, and in-line with the Phlx implementation, Stop Orders that are pending in the System during a

<sup>37</sup> 15 U.S.C. 78f(b).

<sup>38</sup> 15 U.S.C. 78f(b)(5).

<sup>39</sup> See note 3 above.

Limit or Straddle State will be elected, if conditions for such election are met, and, because they become Market Orders, will be cancelled back to the Member with a reason for such rejection. The Exchange believes that this is consistent with the Act because it affords the appropriate protections to an elected Stop Order once it becomes a Market Order after election. The Exchange believes that this approach provides the market participant with the intended result.

#### Auction Handling During a Trading Halt

The Exchange's proposal to amend various rules to add detail to ISE rules to account for the impact of a trading halt on the Exchange's auction mechanisms is consistent with the Act for the reasons which follow. The Exchange's proposal to amend today's current behavior and instead terminate the auction and not execute eligible interest when a trading halt occurs is consistent with the Act because during a trading halt, the market may move and create risk to market participants with respect to resting interest. The Exchange believes that terminating the PIM auction protects investors and the public interest by providing certainty to participants in regard to how their interest will be handled. Introducing consistent order handling and memorializing the manner in which the system will handle orders entered into PIM during a trading halt will provide transparency for the benefit of members and investors.

The Exchange's proposal to amend ISE Rule 716, entitled "Block Trades" to memorialize that if a trading halt is initiated after an order is entered into the Block Order Mechanism, Facilitation Mechanism, or Solicited Order Mechanism, such auction will also be automatically terminated without execution is consistent with the Act because in the event of a trading halt, terminating these auction mechanisms and not executing eligible interest will provide certainty to participants in regard to how their interest will be handled. Memorializing the manner in which the system will handle orders during a trading halt will provide transparency for the benefit of members and investors.

#### Market Order Spread Protection

The Exchange's proposal to amend ISE Rule 711 to adopt a mandatory risk protection entitled Market Order Spread Protection for single leg orders is consistent with the Act because it provides a protection for Market Orders that may encourage price continuity, which should, in turn, protect investors

and the public interest by reducing executions occurring at dislocated prices. Further, the Exchange believes that this rule proposal will mitigate risks to market participants.

#### Acceptable Trade Range

The Exchange's proposal to amend ISE Rule 714 to remove the current Price Level Protection rule and adopt Phlx's Acceptable Trade Range for single leg orders is consistent with the Act and will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest by making the Exchange's market more efficient, to the benefit of the investing public. Further, it should prevent the system from experiencing dramatic price swings by creating a level of protection that prevents the market from moving beyond set thresholds. The proposed rule change will reduce the negative impacts of sudden, unanticipated volatility in individual options, and serve to preserve an orderly market in a transparent and uniform manner, enhance the price-discovery process, increase overall market confidence, and promote fair and orderly markets and the protection of investors. Specifically, the Exchange believes that the NBBO is a fair representation of then-available prices and accordingly the proposal helps to avoid executions at prices that are significantly worse than the NBBO.

With respect to the posting information, which is described in the Phlx rule, but not contained in the proposed ISE rule, the Exchange believes that it is consistent with the Act to cancel unexecuted interest which is priced through an Acceptable Trade Range. Today, the Exchange does not have an iterative process wherein the Exchange will attempt to execute unexecuted balances for a period of time while that interest is automatically re-priced on the order book. Phlx has this type of functionality for Acceptable Trade Range, while the Exchange does not re-price interest on the order book. The Exchange transparently describes the cancellation of the interest within its rules.

The Exchange's proposal to amend the current Price Level Protection Rule in Rule 714(b)(1) to relocate the provision to Rule 714(b)(4) and remove references to PMM Order Handling is consistent with the Act because the Exchange will continue to offer this protection for complex orders. Unlike single leg orders which are subject to trade-through protections, complex orders do not have similar restrictions and therefore the Exchange believes that

the current Price Level Protection Rule provides a better protection for complex orders because the Acceptable Trade Range protection described within this filing utilizes the NBBO and the Price Level Protection does not rely on the NBBO but rather limits the number of price levels.

#### PMM Order Handling and Opening Obligations

The Exchange's proposal to eliminate the PMMs order handling and opening obligations is consistent with the Act because PMMs will no longer have these obligations due to the introduction of Acceptable Trade Range and opening rotation functionality that is offered today on NOM and Phlx. Because the PMM will no longer have these obligations, the Exchange believes that it is appropriate to remove these rules.

#### Back-Up PMM

The Exchange's proposal to remove certain responsibilities of Primary Market Makers with respect to Back-Up Primary Market Maker assignments is consistent with the Act because the Exchange believes this function is not necessary. Today, in addition to market making obligations, the Primary Market Maker has certain order handling and other obligations as prescribed by Exchange Rules. Specifically, the obligations of a Primary Market Maker include the initiation of a trading rotation pursuant to ISE Rule 701, quoting and other obligations pursuant to ISE Rules 803 and 804, and financial requirements pursuant to ISE Rule 809. The Exchange is proposing to amend the obligations of a PMM only with regard to the initiation of a trading rotation pursuant to ISE Rule 701. The quoting and financial requirements rules shall remain the same. With the re-platform, a Back-Up Primary Market Maker is no longer necessary since the order handling obligations present on ISE today are not going to be present in the new system. Furthermore, the proposed Opening Process,<sup>40</sup> obviates the importance of such a role. The Opening Process further describes alternative methods to open the market if such quotes are not entered at the opening by either of these market makers.<sup>41</sup> The reliance on a market maker to initiate the opening process is no longer present within the proposed rule.<sup>42</sup>

In addition, the Exchange does not believe there is an interest among market participants for the back-up assignment.

<sup>40</sup> See note 3 above.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

#### Default Settings for Market Maker Risk Protections

The Exchange's proposal to amend ISE Rule 804(g) to introduce default curtailment settings for the Market Maker Speed Bump and Market-Wide Speed Bump is consistent with the Act as it will allow market makers to use Exchange set default values for these risk protections. Today, these market makers would have their quotes rejected if they fail to enter the required curtailment parameters. The default settings provide an alternative for market makers that have not entered their curtailment settings. Default settings will be announced to members who will have the opportunity to avoid the defaults by entering their own curtailment settings as required under the rule.

#### Anti-Internalization

The Exchange's proposal to amend the ISE Supplementary Material at .03 to Rule 804 to add Anti-Internalization is consistent with the Act because it is designed to assist market makers in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm when performing the same market making function. Further, it is consistent with the Act to not apply this functionality in any auction or with respect to complex transactions because AIQ is difficult to apply during auctions, and there is limited benefit in doing so. There is limited benefit because, generally speaking, auctions do not raise the same policy concerns for wash sales and ERISA<sup>43</sup> due to the semi-random manner in which trades are matched. AIQ is unnecessary with respect to complex orders due to the highly specialized nature of such orders and the high level of control that market participants exercise over complex orders.

#### Minimum Quantity Orders

The Exchange believes that removing minimum quantity orders would remove impediments to and perfect the mechanism of a free and open market and a national market system by simplifying functionality available on the Exchange and reducing complexity of its order types.

#### Delay of Implementation

The Exchange believes that delaying the implementation of the Directed Order functionality on ISE is consistent with the Act because the Exchange desires to rollout this functionality at a

later date to allow additional time to rebuild this technology on the new platform. The Exchange is staging the replatform to provide maximum benefit to its Members while also ensuring a successful rollout. This delay will provide the Exchange additional time to implement this functionality, which is not being amended. Members will be given adequate notice of the implementation dates. The Exchange will continue to provide notifications to Members to ensure clarity about the delay of implementation of this functionality. The Exchange will note the applicable dates within the rule text.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As explained above, the Exchange is re-platforming its trading system onto the Nasdaq INET architecture, and is making certain other changes to its trading functionality in connection with this migration. A majority of the functionality that is being added with the proposed rule change already exists on one or more Nasdaq Exchanges. As a result, the Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market. In fact, the Exchange believes that adopting this functionality on ISE will allow the Exchange to more effectively compete for order flow with other options markets.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2017-03 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ISE-2017-03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2017-03 and should be submitted on or before March 20, 2017.

<sup>43</sup> See note 34 above.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>44</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03730 Filed 2-24-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC-32483; 812-14386]

### The RBB Fund, Inc. and Altair Advisers LLC; Notice of Application

February 21, 2017.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice of an application under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from section 15(a) of the Act and rule 18f-2 under the Act, as well as from certain disclosure requirements in rule 20a-1 under the Act, Item 19(a)(3) of Form N-1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and Sections 6-07(2)(a), (b), and (c) of Regulation S-X (“Disclosure Requirements”). The requested exemption would permit an investment adviser to hire and replace certain sub-advisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the sub-advisers.

**APPLICANTS:** The RBB Fund, Inc. (the “Company”), an open-end management investment company registered under the Act with multiple series, and Altair Advisers LLC, a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (“Altair” or the “Adviser,” and, collectively with the Company, the “Applicants”).

**FILING DATES:** The application was filed November 14, 2014, and amended on May 8, 2015, March 4, 2016, October 6, 2016 and February 3, 2017.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 20, 2017, and

should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. Applicants: Altair Advisers LLC, 303 W. Madison Street, Suite 600, Chicago, IL 60606; and Michael P. Malloy, Esq., Drinker Biddle & Reath LLP, One Logan Square, Ste. 2000, Philadelphia, PA 19103-6996.

**FOR FURTHER INFORMATION CONTACT:** Erin C. Loomis, Senior Counsel, at (202) 551-6721, or Parisa Haghshenas, Branch Chief, at (202) 551-6723 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission’s Web site by searching for the file number, or an Applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### Summary of the Application

1. The Adviser will serve as the investment adviser to each Subadvised Series pursuant to an investment advisory agreement with the Company (the “Investment Advisory Agreement”).<sup>1</sup> The Adviser will provide the Subadvised Series with continuous and comprehensive investment management services subject to the supervision of, and policies established by, each Subadvised Series’ board of directors (“Board”). The Investment Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more Sub-

<sup>1</sup> Applicants request relief with respect to the named Applicants, any future series of the Company and any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (a) Is advised by Altair or its successor or by any entity controlling, controlled by, or under common control with Altair or its successor (included in the term “Adviser”); (b) uses the multi-manager structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a “Subadvised Series”). For purposes of the requested order, “successor” is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

Advisers the responsibility to provide the day-to-day portfolio investment management of each Subadvised Series, subject to the supervision and direction of the Adviser.<sup>2</sup> The primary responsibility for managing the Subadvised Series will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Sub-Advisers, including determining whether a Sub-Adviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Sub-Advisers pursuant to sub-advisory agreements (each, a “Sub-Advisory Agreement” and collectively, the “Sub-Advisory Agreements”) and materially amend Sub-Advisory Agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f-2 under the Act.<sup>3</sup> Applicants also seek an exemption from the Disclosure Requirements to permit a Subadvised Series to disclose (as both a dollar amount and a percentage of the Subadvised Series’ net assets): (a) The aggregate fees paid to the Adviser and any Wholly-Owned Sub-Advisers; (b) the aggregate fees paid to Non-Affiliated Sub-Advisers, and (c) the fee paid to each Affiliated Sub-Adviser.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Subadvised Series’ shareholders and notification about sub-advisory changes and enhanced Board oversight to protect the interests of the Subadvised Series’ shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any

<sup>2</sup> A “Sub-Adviser” for a Series is (1) an indirect or direct “wholly owned subsidiary” (as such term is defined in the Act) of the Adviser for that Series, or (2) a sister company of the Adviser for that Series that is an indirect or direct “wholly-owned subsidiary” (as such term is defined in Section 2(a)(43) of the Act) of the same company that, indirectly or directly, wholly owns the Adviser (each of (1) and (2) a “Wholly-Owned Sub-Adviser” and collectively, the “Wholly-Owned Sub-Advisers”), or (3) an investment sub-adviser for that Series that is not an “affiliated person” (as such term is defined in Section 2(a)(3) of the Act) of the Series or the Adviser, except to the extent that an affiliation arises solely because the sub-adviser serves as a sub-adviser to one or more Series (each a “Non-Affiliated Sub-Adviser” and collectively, the “Non-Affiliated Sub-Advisers”).

<sup>3</sup> The requested relief will not extend to any sub-adviser, other than a Wholly-Owned Sub-Adviser, who is an affiliated person, as defined in section 2(a)(3) of the Act, of the Subadvised Series, the Company or of the Adviser, other than by reason of serving as a sub-adviser to one or more of the Subadvised Series (“Affiliated Sub-Adviser”).

person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Investment Advisory Agreements will remain subject to shareholder approval, while the role of the Sub-Advisers is substantially equivalent to that of individual portfolio managers, so that requiring shareholder approval of Sub-Advisory Agreements would impose unnecessary delays and expenses on the Subadvised Series. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's ability to negotiate fees paid to the Sub-Advisers that are more advantageous for the Subadvised Series.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-03741 Filed 2-24-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80081; File No. SR-NSX-2017-05]

### Self-Regulatory Organizations; NYSE National, Inc., Formerly National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. and the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc.

February 22, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on February 8, 2017, NYSE National, Inc., formerly National Stock Exchange, Inc. ("NYSE National" or the "Exchange"), filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory

organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend (a) the Eighth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (the "ICE Holdings Certificate") to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended and Restated Certificate of Incorporation of NYSE Group, Inc. (the "Fifth Amended NYSE Group Certificate") to update obsolete references. The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to make non-substantive changes to (a) the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation, and (b) the Fifth Amended NYSE Group Certificate to update obsolete references.

###### ICE Holdings Certificate

The Exchange's parent, NYSE Group, Inc. ("NYSE Group"), is a wholly-owned subsidiary of NYSE Holdings LLC, which is in turn 100% owned by Intercontinental Exchange Holdings, Inc. ("ICE Holdings"). Intercontinental Exchange, Inc. ("ICE"), a public company listed on the NYSE, owns 100% of ICE Holdings.

The original certificate of incorporation of ICE Holdings was filed in 2000, under the name

"IntercontinentalExchange, Inc." In 2014, ICE Holdings changed its name from "IntercontinentalExchange, Inc." to "Intercontinental Exchange Holdings, Inc." At the same time, ICE Holding's parent, ICE, changed its name from "IntercontinentalExchange Group, Inc." to "Intercontinental Exchange, Inc."<sup>4</sup>

In response to a comment received from the State of Delaware Department of State, the Exchange proposes to amend paragraph (1) of the ICE Holdings Certificate to add a reference to the fact that the original certificate of incorporation was filed under the name "IntercontinentalExchange, Inc." The revised paragraph would read as follows (proposed new text underlined):

(1) The present name of the Corporation is Intercontinental Exchange Holdings, Inc. The original Certificate of Incorporation of the Corporation was filed on June 16, 2000 (the "*Original Certificate of Incorporation*"), and the name under which the Corporation filed the *Original Certificate of Incorporation* was *IntercontinentalExchange, Inc.*

Fifth Amended NYSE Group Certificate

The Securities and Exchange Commission approved the Fifth Amended NYSE Group Certificate on January 30, 2017.<sup>5</sup>

The Exchange proposes to amend the Fifth Amended NYSE Group Certificate to update obsolete references to the Fourth Amended and Restated Certificate of Incorporation of NYSE Group ("Fourth Amended NYSE Group Certificate"). More specifically, the Exchange proposes to:

- Amend Article XIV, "Effective Time," to replace "Fourth" with "Fifth" and to replace December 29, 2014, the date of effectiveness of the Fourth Amended NYSE Group Certificate, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective; and
- on the signature page of the NYSE Group Certificate, replace "Fourth" with "Fifth" and replace December 29, 2014, with a placeholder which will be completed with the date that the Fifth Amended NYSE Group Certificate becomes effective.

No other changes to the ICE Holdings Certificate or Fifth Amended NYSE Group Certificate are proposed.

<sup>4</sup> See Securities Exchange Release No. 72158 (May 13, 2014), 79 FR 28784 (May 19, 2014) (SR-NYSE-2014-23).

<sup>5</sup> See Securities Exchange Release No. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR-NSX-2016-16).

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act<sup>6</sup> in general, and with Section 6(b)(1)<sup>7</sup> in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed amendment to the ICE Holdings Certificate to add a reference to the name under which it filed its original certificate of incorporation is a non-substantive, ministerial change requested by the State of Delaware Department of State that does not impact either the governance or ownership of the Exchange. The Exchange believes that the proposed change is consistent with Section 6(b)(1) because it would contribute to the orderly operation of the Exchange by adding clarity and transparency to the Exchange's rules and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members.

For similar reasons, the Exchange also believes that the proposed change furthers the objectives of Section 6(b)(5) of the Exchange Act<sup>8</sup> because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

As discussed above, the proposed change to amend the Fifth Amended NYSE Group Certificate, which would replace obsolete references to the Fourth Amended NYSE Group Certificate with references to the Fifth Amended NYSE Group Certificate and update the date of effectiveness, removes impediments to

and perfects the mechanism of a free and open market by removing confusion that may result from having these references in the Fifth Amended NYSE Group Certificate. The Exchange further believes that the proposal removes impediments to and would perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Fifth Amended NYSE Group Certificate. The Exchange further believes that eliminating obsolete references would be consistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion. Removing such obsolete references will also further the goal of transparency and add clarity to the Exchange's rules.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not intended to address competitive issues but rather is to make non-substantive changes concerned solely with the clarity and transparency of its parent entities' governing documents.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>9</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>10</sup>

A proposed rule change filed under Rule 19b-4(f)(6) of the Act<sup>11</sup> normally does not become operative before 30

days from the date of the filing. However, Rule 19b-4(f)(6)(iii)<sup>12</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and would provide clarity and transparency to its parent entities' governing documents. The Exchange represents that the proposed rule change would have no impact on either the governance or ownership of the Exchange. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes are non-substantive and will provide clarity to the Exchange's rules. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.<sup>13</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NSX-2017-05 on the subject line.

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(1).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NSX-2017-05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NSX-2017-05, and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03800 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80086; File No. SR-CBOE-2017-015]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

February 22, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 10, 2017, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its Fees Schedule. The Exchange is changing fees for functionality related to

its PULSe workstation. The fees herein will be effective on February 10, 2017.

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of the Exchange. Exchange Trading Permit Holders ("TPHs") may also make workstations available to their customers, which may include TPHs, non-broker dealer public customers and non-TPH broker dealers.

###### Drop Copies

Financial Information eXchange ("FIX") language-based connectivity, upon request, provides customers (both TPH and non-TPH) of TPHs that are brokers and PULSe users ("PULSe brokers") with the ability to receive "drop-copy" order fill messages from their PULSe brokers. These fill messages allow customers to update positions, risk calculations and streamline back-office functions.

The Exchange is proposing reducing the monthly fee to be assessed on TPHs who are either receiving or sending drop copies via a PULSe workstation. Whether the drop copy sender or receiver is assessed the fee is dependent upon whether the customer receiving the drop copies is a TPH or non-TPH.

If a customer receiving drop copies is a TPH, that TPH customer (the receiving TPH) will now be charged a fee of \$425 per month (down from \$1000 per month), per PULSe broker from whom it receives drop copies via PULSe. For example, if TPH customer A receives drop copies from each of PULSe broker A, PULSe broker B, and PULSe broker C (all of which are TPHs), TPH A (the receiving TPH) will be charged a fee of \$1275 per month for receiving drop copies via PULSe from PULSe brokers A, B and C (the sending TPHs).

If a customer receiving drop copies is a non-TPH, the PULSe broker (the sending TPH) who sends drop copies via PULSe to that customer will now be charged a fee of \$400 per month (down from \$500 per month). If that PULSe broker sends drop copies via PULSe to multiple non-TPH customers, the PULSe broker will be charged the fee for each customer. For example, if PULSe broker A sends drop copies via its PULSe workstation to each of non-TPH customer A, non-TPH customer B and non-TPH customer C, PULSe broker A (the sending TPH) will be charged a fee of \$1200 per month for drop copies it sends via PULSe to non-TPH customers A, B and C (the receiving non-TPHs).

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

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

<sup>14</sup> 17 CFR 200.30-3(a)(12).

“OATS Reports” to “Equity Order Reports”

The Exchange is proposing to change the name of its fee relating to OATS Reports to “Equity Order Reports”. The Equity Order Reports related to this fee are provided for PULSe users’ own use. Electing to receive these reports does not currently and will not fulfill any PULSe users’ OATS reporting obligations. The change will eliminate any potential confusion as to whether the Exchange itself or the PULSe system is able to fulfill any OATS reporting obligation for a PULSe user. Neither the content of the reports nor the manner in which they are received from PULSe is changing.

#### SPX Liquidity Provider Sliding Scale

Lastly, the Exchange proposes to add a reference to Footnote 41 in the SPX Liquidity Provider Sliding Scale (“SPX LP Sliding Scale”) table. Particularly, the Exchange notes that when it adopted the SPX LP Sliding Scale, it had appended a reference to Footnote 41 in the rate table for Underlying Symbol List A products under the Market-Maker fees section for SPX, SPXW and SPXPM (which references the SPX LP Sliding Scale), but had inadvertently not appended the Footnote to the new SPX LP Sliding Scale table itself. As such, the Exchange proposes to append Footnote 41 to the SPX Liquidity Provider Sliding Scale Table to clarify its applicability. The Exchange notes no substantive changes are being made by this change, rather the Exchange merely seeks to add further clarification and alleviate potential confusion.

#### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>3</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>4</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect

investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>5</sup> which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that lowering the \$1000 per month fee to \$425 per month on a TPH receiving drop copies from PULSe is reasonable because the reduced fee will continue to allow the Exchange to monitor, develop and implement upgrade, maintain and customize PULSe to ensure the TPH customer receives timely and accurate drop copies while also reducing TPH customers’ costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed to any TPH electing to receive drop copies from a PULSe broker. Use of the drop copy functionality by a TPH customer is voluntary.

The Exchange believes that lowering the \$500 per month fee to \$400 per month on a TPH sending drop copies from PULSe to a non-TPH customer is reasonable because the reduced fee will continue to allow the Exchange to monitor, develop and implement upgrades, maintain and customize PULSe to ensure a non-TPH customer receives timely and accurate drop copies while also reducing the sending TPH’s costs. The Exchange believes the fee is equitable and not unfairly discriminatory because the monthly fee is assessed equally to any TPH sending drop copies to its non-TPH customers. The Exchange believes that assessing a TPH sending drop copies to a non-TPH a monthly fee of \$400, as opposed to the \$425 per month rate assessed to TPH customers receiving drop copies from PULSe, is reasonable, equitable, and not unfairly discriminatory. Specially, the lower rates are designed to encourage non-TPH market participants to interact with the Exchange, which will accordingly attract more volume and liquidity to the Exchange and benefit all Exchange participants through increased opportunities to trade. Use of the drop copy functionality by a non-TPH customer is voluntary.

The Exchange believes that changing the name of the “OATS reports” fee to “Equity Order Reports” alleviates potential confusion and maintains clarity in the Fees Schedule, which removes impediments to and perfects the mechanism of a free and open market and a national market system,

and, in general, protects investors and the public interest.

The Exchange believes adding a reference to Footnote 41 in the SPX LP Sliding Scale table alleviates potential confusion and maintains clarity in the Fees Schedule, which removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

#### B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed PULSe-related fees relate to optional reports and/or functionality and are assessed equally on PULSe users or TPH electing to use the functionality and/or receive the reports. The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed fees relate to use of an Exchange-provided order entry system. To the extent that any proposed change makes the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Exchange market participants.

#### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>6</sup> and paragraph (f) of Rule 19b-4<sup>7</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

<sup>3</sup> 15 U.S.C. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(b)(5).

<sup>5</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>7</sup> 17 CFR 240.19b-4(f).



Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2017-015 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2017-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2017-015 and should be submitted on or before March 20, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03805 Filed 2-24-17; 8:45 am]

**BILLING CODE 8011-01-P**

#### SMALL BUSINESS ADMINISTRATION

##### Data Collection Available for Public Comments

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before April 28, 2017.

**ADDRESSES:** Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Mary Frias, Loan Specialist, Office of Financial Assistance, [mary.frias@sba.gov](mailto:mary.frias@sba.gov), 202-401-8234, or Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** The Small Business Administration requires information to be disclosed to the buyer when a secondary market loan is transferred from one investor to another. This information includes a constant annual prepayment rate based upon the seller's analysis of prepayment histories of SBA guaranteed loans with similar maturities. Additionally, information is required on the terms, conditions and yield of the security being transferred.

##### Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of

information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

##### Summary of Information Collection

**Title:** Form of Detached Assignment for U.S. Small Business Administration Loan Pool or Guaranteed Interest Certificate.

**Description of Respondents:** Secondary Market Loan Programs.

**Form Number:** SBA Form 1088.

**Total Estimated Annual Responses:** 5,000.

**Total Estimated Annual Hour Burden:** 7,500.

**Curtis B. Rich,**

*Management Analyst.*

[FR Doc. 2017-03750 Filed 2-24-17; 8:45 am]

**BILLING CODE 8025-01-P**

#### SMALL BUSINESS ADMINISTRATION

##### Data Collection Available for Public Comments

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before April 28, 2017.

**ADDRESSES:** Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Mary Frias, Loan Specialist, Office of Financial Assistance, [mary.frias@sba.gov](mailto:mary.frias@sba.gov), 202-401-8234, or Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov);

**SUPPLEMENTARY INFORMATION:** The purpose of this data collection is to monitor loan payment information on SBA loan portfolios arising from the Immediate Disaster Assistance Program. This exercise will involve monthly updates on the payments received by lenders from small businesses that have received funding through this guaranty program. The Agency looks to better manage the program's effectiveness by

<sup>8</sup> 17 CFR 200.30-3(a)(12).

having lenders provide this form of periodic reporting to SBA.

#### Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

#### Summary of Information Collection:

*Title:* Guaranteed Disaster Assistance Program—Payment Reporting.

*Description of Respondents:* Lenders who received funding through this guaranty program.

*Form Number:* N/A.

*Total Estimated Annual Responses:* 5,604.

*Total Estimated Annual Hour Burden:* 467.

**Curtis B. Rich,**

*Management Analyst.*

[FR Doc. 2017-03774 Filed 2-24-17; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before April 28, 2017.

**ADDRESSES:** Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Mary Frias, Loan Specialist, Office of Financial Assistance, [mary.frias@sba.gov](mailto:mary.frias@sba.gov), 202-401-8234, or

Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov);

**SUPPLEMENTARY INFORMATION:** Small Business Administration (SBA) has established a loan program, the immediate Disaster Assistance Program, (IDAP) to assist small businesses affected by a federally declared disaster or economic disaster. The program will provide guaranteed loan through 7(a) lenders participating in IDAP to cover the short time frame between the data of the disaster damage and a small business. This requested information, which will be provided by the affected small businesses and IDAP participating lenders, will be used to determine eligibility for an IDAP loan and participation in the program.

#### Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

#### Summary of Information Collection

*Title:* Immediate Disaster Assistance Loan Program Application and Eligibility Data.

*Description of Respondents:* IDAP participating lenders.

*Form Number:* SBA Forms 2410, 2411, 2412.

*Total Estimated Annual Responses:* 984.

*Total Estimated Annual Hour Burden:* 543.

**Curtis B. Rich,**

*Management Analyst.*

[FR Doc. 2017-03760 Filed 2-24-17; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2016-0033]

### Motorcyclist Advisory Council to the Federal Highway Administration

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of extension of nomination deadline.

**SUMMARY:** The FHWA is announcing the extension of the deadline for

nomination applications for the Motorcyclist Advisory Council (MAC) until March 23, 2017.

**DATES:** The deadline for nominations for MAC membership is extended to March 23, 2017.

**ADDRESSES:** All nomination materials should be emailed to [MAC-FHWA@dot.gov](mailto:MAC-FHWA@dot.gov) or mailed attention to Mr. Michael Griffith, Federal Highway Administration, Office of Safety, Room E71-312, 1200 New Jersey Ave. SE., Washington, DC 20590. Any person needing accessibility accommodations should contact Michael Griffith at (202) 366-9469.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Griffith, Office of Safety, (202) 366-9469 or [MAC-FHWA@dot.gov](mailto:MAC-FHWA@dot.gov); 1200 New Jersey Ave. SE., Washington, DC 20590; or Ms. Seetha Srinivasan, Office of the Chief Counsel-Legislation, Regulations, and General Law Division, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366-4099 or [Seetha.Srinivasan@dot.gov](mailto:Seetha.Srinivasan@dot.gov).

**SUPPLEMENTARY INFORMATION:** The FHWA published its notice establishing the MAC and soliciting nominations for MAC membership on January 9, 2017, at 82 FR 2436. This notice extends the deadline for submitting nomination applications to March 23, 2017. Interested parties should refer to the January 9th notice for application submission instructions.

Issued on: February 17, 2017.

**Walter C. Waidelich, Jr.,**

*Acting Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2017-03711 Filed 2-24-17; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

### Notice of Funds Availability (NOFA) Inviting Applications for Financial Assistance (FA) Awards or Technical Assistance (TA) Grants Under the Community Development Financial Institutions Program (CDFI Program) Fiscal Year (FY) 2017 Funding Round

*Announcement Type:* Announcement of funding opportunity.

*Funding Opportunity Number:* CDFI-2017-FATA.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 21.020.

*Key Dates:*

TABLE 1—FY 2017 CDFI PROGRAM FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (eastern daylight time—EDT)	Submission method
CDFI Certification Applications .....	March 24, 2017 .....	11:59 p.m. EDT ...	Electronically via Award Management Information System (AMIS).
SF424 (Application for Federal Assistance) .....	March 24, 2017 .....	11:59 p.m. EDT ...	Electronically via <i>Grants.gov</i> .
Last day to contact CDFI Program staff .....	April 26, 2017 .....	5:00 p.m. EDT .....	Service Request via Award Management Information System (AMIS) or CDFI Fund Helpdesk: 202–653–0421 or <i>cdfihelp@cdfi.treas.gov</i> .
CDFI Program Application for Financial Assistance (FA) or Technical Assistance (TA).	April 28, 2017 .....	11:59 p.m. EDT ...	Electronically via Awards Management Information System (AMIS).

*Executive Summary:* Through the CDFI Program, the CDFI Fund provides (i) FA awards of up to \$2 million to Certified Community Development Financial Institutions (CDFIs) to build their financial capacity to lend to their Target Markets, and (ii) TA grants of up to \$125,000 to build Certified, Certifiable, and Emerging CDFIs’ organizational capacity to serve their Target Markets. All awards provided through this NOFA are subject to funding availability.

**I. Program Description**

*A. History:* The CDFI Fund was established by the Riegle Community Development Banking and Financial Institutions Act of 1994 to promote economic revitalization and community development through investment in and assistance to CDFIs. Since its creation in 1994, the CDFI Fund has awarded more than \$2.2 billion to CDFIs, community development organizations, and financial institutions through the Community Development Financial Institutions Program (CDFI Program), the Native American CDFI Assistance Program (NACA Program), the Bank Enterprise Award Program (BEA Program), the Capital Magnet Fund, and the Financial Education and Counseling Pilot Program. In addition, the CDFI Fund has allocated more than \$50.5 billion in tax credit allocation authority through the New Markets Tax Credit Program (NMTCC Program) and has obligated \$1.1 billion in bond guarantees to Eligible CDFIs through the CDFI Bond Guarantee Program.

*B. Priorities:* Through the CDFI Program’s FA awards and TA grants, the CDFI Fund invests in and builds the capacity of for-profit and non-profit community based lending organizations known as Community Development Financial Institutions, or CDFIs. These organizations, Certified as CDFIs by the CDFI Fund, serve rural and urban low-income people and communities across the nation that lack adequate access to affordable financial products and services.

*C. Authorizing Statutes and Regulations:* The CDFI Program is authorized by the Riegle Community Development Banking and Financial Institutions Act of 1994 (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*). The regulations governing the CDFI Program are found at 12 CFR parts 1805 and 1815 (the Regulations) and set forth evaluation criteria and other program requirements. The CDFI Fund encourages Applicants to review the Regulations; this NOFA; the Application; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200; 78 **Federal Register** 78590) (Uniform Administrative Requirements) for a complete understanding of the program. Capitalized terms in this NOFA are defined in the authorizing statute, the Regulations, this NOFA, the Application, or the Uniform Administrative Requirements. Details regarding Application content requirements are found in the Application and related materials.

*D. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200):* The Uniform Administrative Requirements codify financial, administrative, procurement, and program management standards that Federal award agencies must follow. When evaluating award applications, awarding agencies must evaluate the risks to the program posed by each applicant, and each applicant’s merits and eligibility. These requirements are designed to ensure that applicants for Federal assistance receive a fair and consistent review prior to an award decision. This review will assess items such as the Applicant’s financial stability, quality of management systems, the soundness of its business plan, history of performance, ability to achieve measurable impacts through its products and services, and audit findings. In addition, the Uniform Administrative Requirements include guidance on audit requirements and other award compliance requirements for award Recipients.

*E. Funding Limitations:* The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the Applications submitted in response to this NOFA.

**II. Federal Award Information**

*A. Funding Availability*

1. *FY 2017 Funding Round:* The CDFI Fund expects to award, through this NOFA, approximately \$175 million as indicated in the following table:

TABLE 2—FY 2017 FUNDING ROUND ANTICIPATED CATEGORY AMOUNTS

Funding categories (see definition in table 7)	Estimated total amount to be awarded (millions)	Award amount		Estimated number of awards for FY 2017	Estimate average amount awarded in FY 2017	Average amount awarded in FY 2016
		Minimum	Maximum			
FA: Category I/Small and/or Emerging CDFI Assistance (SECA) .....	\$19	\$125,000	\$700,000	43	\$442,000	\$487,000
FA: Category II/Core .....	130	500,000	2,000,000	174	707,000	1,382,000
TA .....	4	10,000	125,000	35	114,000	118,000

TABLE 2—FY 2017 FUNDING ROUND ANTICIPATED CATEGORY AMOUNTS—Continued

Funding categories (see definition in table 7)	Estimated total amount to be awarded (millions)	Award amount		Estimated number of awards for FY 2017	Estimate average amount awarded in FY 2017	Average amount awarded in FY 2016
		Minimum	Maximum			
Healthy Food Financing Initiative—Financial Assistance (HFFI-FA) * .....	22	500,000	5,000,000	10	2,200,000	2,400,000
Total .....	\$175	.....	.....	262	.....	.....

\* HFFI-FA appropriation will be allocated in one competitive round between the NACA and CDFI Program NOFAs.

The CDFI Fund reserves the right to award more or less than the amounts cited above in each category, based upon available funding and other factors, as appropriate.

2. *Funding Availability for the FY 2017 Funding Round:* Funds for the FY 2017 Funding Round are subject to change based on passage of a final FY 2017 budget; if Congress does not appropriate funds for the CDFI Program there will not be a FY 2017 Funding Round. If funds are appropriated, the amount of such funds may be greater or less than the amounts set forth above. The CDFI Fund reserves the right to contact applicants to seek additional information in the event that that final FY 2017 appropriations for the CDFI Program change any of the requirements of this NOFA. As of the date of this NOFA, the CDFI Fund is operating under a continuing funding resolution as enacted by the Further Continuing and Security Assistance Appropriations Act of 2017 (Pub. L. 114-254).

3. *Anticipated Start Date and Period of Performance:* The CDFI Fund anticipates the period of performance for the FY 2017 Funding Round will begin in late September 2017. Specifically, the period of performance for TA grants for certified CDFIs begins with the date of the notice of the award and includes an award Recipient's two full consecutive fiscal years after the date of the notice of the award, during which the Recipient must meet the performance goals set forth in the Assistance Agreement. The period of performance for TA grants for Certifiable CDFIs or Emerging CDFIs begins with the date of the notice of the award and includes an award Recipient's three full consecutive fiscal years after the date of the notice of the award, during which the Recipient must meet the performance goals set forth in the Assistance Agreement. The period of

performance for FA awards begins with the date of the notice of the award and includes an award Recipient's three full consecutive fiscal years after the date of the notice of the award, during which time the Recipient must meet its performance goals.

#### B. Types of Awards

Through the CDFI Program, the CDFI Fund provides two types of awards: Financial Assistance (FA) and Technical Assistance (TA) awards. *An Applicant may submit an Application for a TA grant or an FA award, but not both.*

1. *FA Awards:* FA awards can be in the form of loans, grants, Equity Investments, deposits and credit union shares. The form of the FA award is based on the form of the matching funds that the Applicant includes in its Application, unless Congress waives the matching funds requirement. Matching funds are required for FA awards, must be from non-Federal sources, and cannot have been used as matching funds for any other Federal award. The CDFI Fund reserves the right, in its sole discretion, to provide an FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant's award request as stated in its Application.

2. *Healthy Food Financing Initiative—Financial Assistance (HFFI-FA) Awards:* HFFI-FA awards will be provided as a supplement to FA awards; therefore, only those Applicants that have been selected to receive an FA award through the CDFI Program FY 2017 Funding Round will be eligible to receive an HFFI-FA award. HFFI-FA awards can be in the form of loans, grants, Equity Investments, deposits and credit union shares. The form of the HFFI-FA award is based on the form of the matching funds that the Applicant includes in its Application, unless

Congress waives the matching funds requirement. Matching funds are required for HFFI-FA awards, must be from non-Federal sources, and cannot have been used as matching funds for any other Federal award. The CDFI Fund reserves the right, in its sole discretion, to provide an HFFI-FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant's award request as stated in its Application.

3. *TA Grants:* TA is provided in the form of grants. The CDFI Fund reserves the right, in its sole discretion, to provide a TA grant in an amount other than which the Applicant requests; however, the TA grant amount will not exceed the Applicant's request as stated in its Application and the applicable budget chart.

#### C. Eligible Activities

1. *FA Awards:* FA and HFFI-FA award funds can be expended for activities serving Commercial Real Estate, Small Business, Microenterprise, Community Facilities, Consumer Financial Products, Consumer Financial Services, Commercial Financial Services, Affordable Housing, Intermediary Lending to Non-Profits and CDFIs, and other lines of business as deemed appropriate by the CDFI Fund in the following five categories: (i) Financial Products; (ii) Financial Services; (iii) Loan Loss Reserves; (iv) Development Services; and (v) Capital Reserves. FA awards can only be used for direct costs associated with an eligible activity; no indirect expenses are allowed. Up to 15 percent of the FA award can be used for Direct Administrative Expenses associated with an eligible FA activity. For purposes of this NOFA, the five eligible activity categories are defined as follows:

TABLE 3—FA AND HFFI-FA ELIGIBLE ACTIVITY CATEGORIES

FA eligible activity	FA eligible activity definition	Eligible CDFI institution types
i. Financial Products .....	FA expended as loans, Equity Investments and similar financing activities (as determined by the CDFI Fund) including the purchase of loans originated by certified CDFIs and the provision of loan guarantees; in the case of CDFI Intermediaries, Financial Products may also include loans to CDFIs and/or emerging CDFIs and deposits in Insured Credit Union CDFIs, emerging Insured Credit Union CDFIs, and/or State-Insured Credit Union CDFIs.	All.
ii. Financial Services .....	FA expended for providing checking, savings accounts, check cashing, money orders, certified checks, automated teller machines, deposit taking, safe deposit box services, and other similar services.	Insured Depository Institutions only. Not applicable for HFFI-FA Recipients.
iii. Loan Loss Reserves .....	FA set aside in the form of cash reserves, or through accounting-based accrual reserves, to cover losses on loans, accounts, and notes receivable made in the Applicant's Target Market, or for related purposes that the CDFI Fund deems appropriate.	All.
iv. Development Services .....	FA expended for activities undertaken by a CDFI, its Affiliate or contractor that promote community development and shall prepare or assist current or potential borrowers or investees to use the CDFI's Financial Products or Financial Services. For example, such activities include, financial or credit counseling; homeownership counseling; and business planning and management assistance.	All.
v. Capital Reserves .....	FA set aside as reserves to support the Applicant's ability to leverage other capital, for such purposes as increasing its net assets or serving the financing needs of its Target Market, or for related purposes as the CDFI Fund deems appropriate.	Insured Depository Institutions only.

2. *TA Grants:* TA grant funds can be expended for the following seven eligible activity categories: (i) Compensation—personnel services; (ii) Compensation—fringe benefits; (iii)

Professional Service Costs; (iv) Travel Costs; (v) Training and Education Costs; (vi) Equipment and other capital expenditures; and (vii) Supplies. Each of the eligible activity categories will

not be authorized for indirect costs or an associated indirect cost rate. For purposes of this NOFA, the seven eligible activity categories are defined as follows:

TABLE 4—TA ELIGIBLE ACTIVITY CATEGORIES

(i) Compensation—personnel services .....	TA paid to cover salaries of the Applicant's personnel that are paid currently or accrued by the Applicant for work performed directly related to carrying out the purpose of the TA grant (including activities related to becoming certified as a CDFI), subject to the applicable provisions of the Uniform Administrative Requirements.
(ii) Compensation—fringe benefits .....	TA paid to cover costs of the Applicant's personnel employment (other than the employees' salaries) in proportion to the salary charged to the TA grant, to the extent that such payments are made under formally established and consistently applied organizational policies, subject to the applicable provisions of the Uniform Administrative Requirements.
(iii) Professional service costs .....	TA used to pay for professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the Recipient, subject to the applicable provisions of the Uniform Administrative Requirements. Payment for a consultant's services may not exceed the daily equivalent of the current maximum rate paid to an Executive Schedule Level IV Federal employee.
(iv) Travel costs .....	TA used to pay expenses for transportation, lodging, subsistence, and related items incurred by the Applicant's personnel who are on travel status on business related to the TA grant, subject to the applicable provisions of the Uniform Administrative Requirements.
(v) Training and education costs .....	TA used to pay the cost of training and education provided for employee development, subject to the applicable provisions of the Uniform Administrative Requirements.
(vi) Equipment .....	TA used to pay for tangible personal property, having a useful life of more than one year and a per-unit acquisition cost of at least \$5,000, subject to the applicable provisions of the Uniform Administrative Requirements. Examples include office equipment, furnishings, and information technology equipment and systems.
(vii) Supplies .....	TA used to pay for tangible personal property with a per unit acquisition cost of less than \$5,000, subject to the applicable provisions of the Uniform Administrative Requirements.

3. *HFFI-FA Award:* HFFI-FA award funds can only be expended for eligible FA activities referenced in Table 3. The HFFI-FA investments must comply with the following guidelines:

a. Recipient must deploy loans, equity investments, and similar financing

activities, including the purchase of loans and the provision of loan guarantees for Healthy Food Retail Outlets and Healthy Food Non-Retail Outlets in its Target Market in an amount equal to or greater than 100% of the total HFFI Financial Assistance

provided. Eligible financing activities to Healthy Food Retail Outlets and Healthy Food Non-Retail Outlets require that the majority of the HFFI-supported loan or investment must be devoted to offering a range of Healthy Food choice, which may include, among other activities,

investments supporting an existing retail store or wholesale operation upgrading to offer an expanded range of Healthy Food choices, or supporting a nonprofit organization that expands the availability of Healthy Foods in underserved areas.

b. Recipient must also demonstrate that it has deployed loans, equity investments, and similar financing activities, including the purchase of loans and the provision of loan guarantees to Healthy Food Retail Outlets located in Food Deserts in the Recipient's Target Market in an amount equal to 75% of the total HFFI Financial Assistance provided.

c. Eligible financing activities to Healthy Food Retail Outlets require that the majority of the HFFI-supported loan or investment must be devoted to offering a range of Healthy Food choice, which may include, among other activities, investments supporting an existing retail store upgrading to offer an expanded range of Healthy Food choices.

**Definitions**

*Healthy Foods.* Healthy Foods include nutrient-dense foods and beverages as set forth in the USDA Dietary Guidelines for Americans 2015–2020 including whole fruits and vegetables, whole grains, fat free or low-fat dairy foods, lean meats and poultry (fresh, refrigerated, frozen or canned). Healthy

Foods should have low or no added sugars, and be low-sodium, reduced sodium, or no-salt-added. (See USDA Dietary Guidelines: <http://www.choosemyplate.gov/dietary-guidelines>).

*Healthy Food Retail Outlets.*

Commercial sellers of Healthy Foods including, but not limited to, grocery stores, mobile food retailers, farmers markets, retail cooperatives, corner stores, bodegas stores that sell other food and non-food items along with a range of Healthy Foods. As those terms are determined and defined by the CDFI Fund in the Assistance Agreement and related compliance materials.

*Healthy Food Non-Retail Outlets.*

Wholesalers of Healthy Foods including, but not limited to, wholesale food outlets, wholesale cooperatives, or other non-retail food producers that supply for sale a range of Healthy Food options; entities that produce or distribute Healthy Foods for eventual retail sale, and entities that provide consumer education regarding the consumption of Healthy Foods. As those terms are determined and defined by the CDFI Fund in the Assistance Agreement and related compliance materials.

*Food Deserts.* Distressed geographic areas where either a substantial number or share of residents has low access to a supermarket or large grocery store. For the purpose of satisfying the requirements of Goal 2, Measure 2, a

Food Desert must either: (1) Be a census tract determined to be a Food Desert by the U.S. Department of Agriculture (USDA), in its USDA Food Access Research Atlas; (2) be a census tract adjacent to a census tract determined to be a Food Desert by the USDA, in its USDA Food Access Research Atlas; which has a median family income less than or equal to 120 percent of the applicable Area Median Family Income; or (3) be a Geographic Unit as defined in 12 CFR part 1805.201(b)(3)(ii)(B), which (i) individually meets at least one of the criteria in 12 CFR part 1805.201(b)(3)(ii)(D), and (ii) has been identified as having low access to a supermarket or grocery store through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

**III. Eligibility Information**

*A. Eligible Applicants:* For the purposes of this NOFA, the following tables set forth the eligibility criteria to be in contention to receive an award from the CDFI Fund, along with certain definitions of terms. There are four categories of Applicant eligibility criteria: (1) CDFI certification criteria (Table 5); (2) requirements that apply to all Applicants (Table 6); (3) requirements that apply to TA Applicants (Table 7); and (4) requirements that apply to FA Applicants (Table 8).

TABLE 5—CDFI CERTIFICATION CRITERIA DEFINITIONS

Certified CDFI .....	<ul style="list-style-type: none"> <li>• An entity that the CDFI Fund has officially notified that it meets all CDFI certification requirements.</li> </ul>
Certifiable CDFI .....	<ul style="list-style-type: none"> <li>• An entity that has submitted a CDFI Certification Application to the CDFI Fund demonstrating that it meets the CDFI certification requirements but which has not yet been officially certified. (See Table 11 for application submission deadlines.)</li> <li>• The CDFI Fund will not enter into an Assistance Agreement or make an FA award payment unless and until an Applicant is a Certified CDFI.</li> <li>• The CDFI Fund will enter into an Assistance Agreement if the Applicant was awarded a TA award regardless of the Applicant's certification status.</li> </ul>
Emerging CDFI (TA Applicants) .....	<ul style="list-style-type: none"> <li>• A non-Certified entity that has not submitted a CDFI Certification Application but demonstrates to the CDFI Fund in its Application that it has an acceptable plan to meet certification requirements by the end of its period of performance, or another date that the CDFI Fund selects.</li> <li>• An Emerging CDFI that has prior award(s) will be held to the CDFI certification performance goal and measure(s) stated in its prior Assistance Agreement(s).</li> <li>• Emerging CDFIs may only apply for TA grants; they are not eligible to apply for FA awards.</li> <li>• Each Emerging CDFI selected to receive a TA grant will be required to become a Certified CDFI by a date specified in the Assistance Agreement.</li> </ul>

TABLE 6—ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS

Applicant .....	<ul style="list-style-type: none"> <li>• Only the entity that will carry out the proposed award activities can apply for an award (<i>i.e.</i>, the intended award Recipient).</li> <li>• The information in the Application should only reflect the activities of the Applicant, including the presentation of financial and portfolio information. Do not include financial or portfolio information from parent companies, Affiliates, or Subsidiaries in the Application unless it relates to the provision of Development Services.</li> <li>• An Applicant that applies on behalf of another organization will be rejected without further consideration, except for Depository Institution Holding Companies (see below).</li> </ul>
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TABLE 6—ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS—Continued

<p>Application type and submission overview through <i>Grants.gov</i> and Awards Management Information System (AMIS).</p>	<ul style="list-style-type: none"> <li>• Applicants must submit the required application documents listed in Table 10.</li> <li>• The CDFI Fund will only accept Applications that use the official application templates provided on the <i>Grants.gov</i> and AMIS websites. Applications submitted with alternative or altered templates will not be considered.</li> <li>• Applicants have a two-step process that requires the submission of application documents on two separate deadlines and locations: (1) <i>Grants.gov</i> and (2) AMIS.             <ul style="list-style-type: none"> <li>○ <i>Grants.gov</i>: Applicants must submit the Office of Management and Budget (OMB) Standard Form (SF) OMB SF-424, Application for Federal Assistance.</li> <li>○ AMIS: Applicants must submit all other required application materials.</li> <li>○ All Applicants must register in the <i>Grants.gov</i> and AMIS systems to successfully submit an application. The CDFI Fund strongly encourages applicants to register as early as possible.</li> </ul> </li> <li>• <i>Grants.gov</i> and the SF-424:             <ul style="list-style-type: none"> <li>○ The SF-424 must be submitted in <i>Grants.gov</i> on or before March 24, 2017, the deadline listed in Table 1 and Table 11. Applicants are strongly encouraged to submit their SF-424 as early as possible in the <i>Grants.gov</i> portal.</li> <li>○ The deadline for the <i>Grants.gov</i> submission is before the AMIS deadline.</li> <li>○ The SF-424 must be submitted under the CDFI Program Funding Opportunity Number.</li> <li>○ If the SF-424 is not accepted by <i>Grants.gov</i> by the deadline, the CDFI Fund will not review any material submitted in AMIS and the application will be deemed ineligible.</li> </ul> </li> <li>• AMIS:             <ul style="list-style-type: none"> <li>○ AMIS is an enterprise-wide information technology system that replaced the myCDFI Fund portal. Applicants will use AMIS to submit and store organization and application information with the CDFI Fund.</li> <li>○ Applicants are only allowed one CDFI Program Application submission in AMIS.</li> <li>○ Only the Authorized Representative or Application Point of Contact, included in the Application, can submit the Application in AMIS.</li> <li>○ All required application materials must be submitted in AMIS on or before the deadline specified in Tables 1 and 11.</li> </ul> </li> </ul>
<p>Employer Identification Number (EIN) .....</p>	<ul style="list-style-type: none"> <li>• Applicants must have a unique EIN assigned by the Internal Revenue Service (IRS).</li> <li>• The CDFI Fund will reject an Application submitted with the EIN of a parent or Affiliate organization.</li> </ul>
<p>Dun &amp; Bradstreet, (DUNS) number .....</p>	<ul style="list-style-type: none"> <li>• Pursuant to OMB guidance (68 FR 38402), an Applicant must apply using its unique DUNS number in <i>Grants.gov</i>.</li> <li>• The CDFI Fund will reject an Application submitted with the DUNS number of a parent or Affiliate organization.</li> </ul>
<p>Awards Management Information System (AMIS).</p>	<ul style="list-style-type: none"> <li>• Each Applicant must register as an organization in AMIS and submit all required application materials through the AMIS portal.</li> <li>• The Authorized Representative and/or Application Point of Contact must be included as “users” in the Applicant’s AMIS account.</li> <li>• An Applicant that fails to properly register and update its AMIS account may miss important communication from the CDFI Fund or not be able to successfully submit an Application.</li> </ul>
<p>501(c)(4) status .....</p>	<ul style="list-style-type: none"> <li>• Pursuant to 2 U.S.C. 1611, any 501(c)(4) organization that engages in lobbying activities is not eligible for the receipt of a CDFI or NACA Program award.</li> </ul>
<p>Compliance with Nondiscrimination and Equal Opportunity Statutes, Regulations, and Executive Orders.</p>	<ul style="list-style-type: none"> <li>• An Applicant may not be eligible to receive an award if proceedings have been instituted against it in, by, or before any court, governmental agency, or administrative body, and a final determination within the last three years indicates the Applicant has violated any of the following laws but not limited to: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975, (42 U.S.C. 6101–6107), and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.</li> </ul>
<p>Depository Institution Holding Company Applicant.</p>	<ul style="list-style-type: none"> <li>• In the case where a CDFI Depository Institution Holding Company Applicant intends to carry out the activities of an award through its Subsidiary CDFI Insured Depository Institution, the Application must be submitted by the CDFI Depository Institution Holding Company and reflect the activities and financial performance of the Subsidiary CDFI Insured Depository Institution.</li> <li>• Authorized representatives of both the Depository Institution Holding Company and the Subsidiary CDFI Insured Depository Institution must certify that the information included in the Application represents that of the Subsidiary CDFI Insured Depository Institution and that the award funds will be used to support the Subsidiary CDFI Insured Depository Institution for the eligible activities outlined in the Application.</li> </ul>
<p>Insured CDFI—Insured Credit Union and Insured Depository Institution.</p>	<ul style="list-style-type: none"> <li>• To be eligible for an award, each Insured Depository Institution Applicant must have a CAMELS/CAMEL rating (rating for banks and credit unions, respectively), by its Federal regulator of at least “4.”</li> </ul>
<p>Use of award .....</p>	<ul style="list-style-type: none"> <li>• Organizations with CAMELS/CAMEL ratings of “5” will not be eligible for awards.</li> <li>• All awards made through this NOFA must be used to support the Applicant’s activities in at least one of the FA or TA Eligible Activity Categories (see Section II.C).</li> <li>• Awards cannot be used to support the activities of, or otherwise be passed through, transferred, or co-awarded to, third-party entities, whether Affiliates, Subsidiaries, or others (except Depository Institution Holding Company Applicants.)</li> </ul>
<p>Requested award amount .....</p>	<ul style="list-style-type: none"> <li>• An Applicant must state its requested award amount in the Application in AMIS. An Application that does not include this amount will not be allowed to submit an Application.</li> </ul>

TABLE 6—ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS—Continued

Pending resolution of noncompliance .....	<ul style="list-style-type: none"> <li>• The CDFI Fund will consider an Application submitted by an Applicant that has pending noncompliance issues of any of its previously executed award agreement(s), if the CDFI Fund has not yet made a final compliance determination.</li> </ul>
Noncompliance status .....	<ul style="list-style-type: none"> <li>• The CDFI Fund will not consider an Application submitted by an Applicant that has a previously executed award agreement(s) if, as of the date of the Application, (i) the CDFI Fund has made a determination that such entity is noncompliant with a previously executed agreement and (ii) the CDFI Fund has provided written notification that such entity is ineligible to apply for or receive any future CDFI Fund awards or allocations. Such entities will be ineligible to submit an Application for such time period as specified by the CDFI Fund in writing.</li> <li>• The CDFI Fund will not consider any Applicant that has defaulted on a CDFI Program loan within five years of the Application deadline.</li> </ul>

TABLE 7—ELIGIBILITY REQUIREMENTS FOR TA APPLICANTS

CDFI certification status .....	<p>(1) Emerging CDFIs (see definitions in Table 5), or</p> <p>(2) Certifiable or Certified CDFIs (see Table 5) that meet the following criteria:</p> <p>(1) Have total assets* as of the end of the Applicant’s most recent fiscal year end in the following amounts:</p> <ul style="list-style-type: none"> <li>• Insured Depository Institutions and Depository Institution Holding Companies: Up to \$250 million.</li> <li>• Insured Credit Unions: Up to \$10 million.</li> <li>• Venture capital funds: Up to \$10 million.</li> <li>• Other CDFIs: Up to \$5 million or</li> </ul> <p>(2) Have begun operations** on or after January 1, 2013.</p> <p>*“Total assets” is defined as the Total Assets as of Fiscal Year End Date stated in the Applicant’s AMIS account and verified by internally prepared financial statements and/or audits.</p> <p>**“Have begun operations” is defined as the financing activity start date indicated in the Applicant’s AMIS account.</p>
Matching funds .....	<ul style="list-style-type: none"> <li>• Matching funds documentation is not required for TA awards.</li> </ul>
Limitation on Awards .....	<ul style="list-style-type: none"> <li>• An Emerging CDFI will be allowed to receive no more than three TA awards as an uncertified CDFI.</li> </ul>

TABLE 8—ELIGIBILITY REQUIREMENTS FOR FA APPLICANTS

CDFI certification status .....	<ul style="list-style-type: none"> <li>• Each FA Applicant must be a Certified CDFI prior to the announcement of award decisions.</li> <li>• An Applicant that is in a cure period to remedy CDFI recertification deficiencies at the time of award announcements will not be eligible for an FA award under this NOFA.</li> </ul>
Matching funds documentation .....	<ul style="list-style-type: none"> <li>• All Applicants must submit acceptable documentation attesting that they have received or will receive matching funds. Applicants that do not submit the Matching Funds Excel Workbook documenting the source of their matching funds will not be evaluated.</li> <li>• Awards will be limited to no more than two times the amount of In-Hand or Committed matching funds documentation provided at the time of Application.</li> <li>• Awards will be obligated in like form to the matching funds provided at time of Application. See Table 9. Matching Funds “Determination of Award Form” for additional guidance.</li> <li>• Award payments from the CDFI Fund will require eligible dollar-for-dollar In-Hand matching funds for the total payment amount. Recipients will not receive a payment until 100 percent of their matching funds are In-Hand.</li> <li>• The CDFI Fund will reduce and de-obligate the remaining balance of any Award that does not demonstrate full dollar-for-dollar matching funds equal to the announced award amount by the end of the Matching Funds Window.</li> </ul>
\$5 Million funding cap .....	<ul style="list-style-type: none"> <li>• The CDFI Fund is prohibited from obligating more than \$5 million in CDFI and NACA Program awards, in the aggregate, to any one organization and its Subsidiaries and Affiliates during any three-year period.</li> <li>• For purposes of this NOFA and subject to final FY 2017 appropriations language, the CDFI Fund will include CDFI and NACA Program final awards in the cap calculation that were provided to an Applicant (and/or its Subsidiaries or Affiliates) under the FY 2015, and 2016 funding rounds, as well as the requested FY 2017 award, excluding HFFI-FA awards. The CDFI Fund will make the FY 2017 funding round award announcements after September 23, 2017.</li> </ul>
FA Category I (SECA) .....	<ul style="list-style-type: none"> <li>• To be an eligible SECA Applicant, an Applicant must meet the following criteria:             <ol style="list-style-type: none"> <li>(1) Be a Certified or Certifiable CDFI;</li> <li>(2) Request \$700,000 or less in FA funds; AND EITHER</li> <li>(3) Have total assets* as of the end of the Applicant’s most recent fiscal year end in the following amounts:                 <ul style="list-style-type: none"> <li>• Insured Depository Institutions and Depository Institution Holding Companies: Up to \$250 million</li> <li>• Insured Credit Unions: Up to \$10 million</li> <li>• Venture capital funds: Up to \$10 million</li> <li>• Other CDFIs: Up to \$5 million OR</li> </ul> </li> <li>(4) Have begun operations** on or after January 1, 2013.</li> </ol> </li> </ul>



TABLE 8—ELIGIBILITY REQUIREMENTS FOR FA APPLICANTS—Continued

<p>FA Category II (Core) .....</p> <p>FA Applicants with Community Partners .....</p> <p>HFFI-FA .....</p>	<p>*“Total assets” is defined as the Total Assets of Fiscal Year End Date stated in the Applicant’s AMIS account and verified by internally prepared financial statements and/or audits.                  **“Have begun operations” is defined as the financing activity start date indicated in the Applicant’s AMIS account.</p> <ul style="list-style-type: none"> <li>• A Core Applicant must be either a Certified or Certifiable CDFI as defined in Table 5.</li> <li>• An Applicant that meets the SECA requirements stated above, that requests more than \$700,000 in award funds is categorized as an FA Category II (Core) Applicant, regardless of its total assets and/or years in operation.</li> <li>• A CDFI Applicant can apply for assistance jointly with a Community Partner. The CDFI Applicant would complete the CDFI Program Application for (FA) and would address the Community Partnership in its business plan and other sections of the Application as specified in the guidance materials.</li> <li>• The CDFI Applicant must be either a Certified or Certifiable CDFI as defined in Table 5.</li> <li>• An Application with a Community Partner must:                         <ul style="list-style-type: none"> <li>○ Describe how the CDFI Applicant and Community Partner will each participate in carrying out the partnership and how the partnership will enhance activities serving the investment area or targeted population.</li> <li>○ Demonstrate that the Community Partnership activities are consistent with the strategic plan submitted by the CDFI-Applicant.</li> </ul> </li> <li>• Assistance provided upon approval of an Application with a Community Partner shall only be entrusted to the CDFI Applicant and shall not be used to fund any activity carried out directly by the Community Partner or an Affiliate or Subsidiary thereof.</li> <li>• All HFFI-FA Applicants must:                         <ul style="list-style-type: none"> <li>○ Submit a CDFI or NACA Program FA Application;</li> <li>○ Meet all FA award eligibility requirements;</li> <li>○ Submit the HFFI-FA Application; and</li> <li>○ Provide an HFFI-FA award request amount in AMIS.</li> </ul> </li> </ul>
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B. *Matching Funds Requirements:* In order to receive an FA award, an Applicant must provide evidence of eligible dollar-for-dollar matching funds and attest that it can provide acceptable documentation upon the CDFI Fund’s request. An Applicant that uses Retained Earnings or Equity Investments must provide documentation of eligible dollar-for-dollar matching funds at the

time of application submission. The CDFI Fund will review summary matching funds information, attestations, and matching funds documentation, if applicable, prior to award payment and will pay funds based upon eligible In-Hand matching funds (see Table 9 for the definition of In-Hand). The CDFI Fund encourages Applicants to review the Regulations at

12 CFR 1805.500, the Uniform Administrative Requirements, and the matching funds guidance materials available on the CDFI Fund’s Web site. Table 9 provides a summary of the matching funds requirements; additional details are set forth in the Application materials.

TABLE 9—MATCHING FUNDS REQUIREMENTS

<p>Matching funds requirements by application type .....</p> <p>Amount of required match .....</p> <p>Determination of award form .....</p> <p>Matching Funds Window definition .....</p>	<p>The following Applicants must provide evidence of acceptable matching funds:</p> <ul style="list-style-type: none"> <li>• Category I/SECA FA Applicants (upon request) *;</li> <li>• Category II/Core FA Applicants; and</li> <li>• HFFI-FA Applicants. (upon request) *</li> </ul> <p>TA Applicants are not required to provide matching funds.</p> <p>*The matching funds requirement for HFFI-FA and SECA FA applicants was waived in the appropriations bill for FY 2016 and the final FY 2017 appropriations are still pending. HFFI-FA and SECA FA applicants are not required to submit matching funds for their award requests at the time of application. However, the CDFI Fund reserves the right to request matching funds from HFFI-FA and SECA FA applicants if matching funds are not waived in the final FY 2017 CDFI Program appropriation.</p> <p>Applicants must provide evidence of eligible, In-Hand, dollar-for-dollar, non-Federal matching funds for every FA award dollar to be paid by the CDFI Fund. If awarded, Applicants that did not demonstrate 100 percent In-Hand matching funds at the time of Application may experience a longer payment timeline.</p> <p>FA awards will be made in comparable form and value to the eligible In-Hand and/or Committed matching funds documentation submitted by the Applicant.</p> <ul style="list-style-type: none"> <li>• For example, if an FA Applicant provides documentation of eligible loan matching funds for \$200,000 and \$400,000 of its matching funds in the form of grant, the CDFI Fund will obligate \$200,000 of the FA award as a loan and \$400,000 as a grant.</li> <li>• After awards have been announced, Award Recipients may request the CDFI Fund’s permission to change the form of their award from loan to grant (by producing eligible grant matching funds), but will only be eligible to receive a grant equal to the federal credit subsidy amount associated with the original loan. Applicants will also experience delays in payments if requested award form changes are approved by the CDFI Fund.</li> </ul> <ul style="list-style-type: none"> <li>• The Applicant must receive eligible In-Hand matching funds between January 1, 2015 and January 15, 2018.</li> <li>• An Award Recipient must provide the CDFI Fund with all documentation demonstrating the receipt of In-Hand matching funds by January 31, 2018.</li> </ul>
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TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

Matching funds and form of award .....	<ul style="list-style-type: none"> <li>• Recipients will be approved for a maximum award size of two times the total amount of eligible In-Hand and/or Committed matching funds included in the Application, so long as they do not exceed the award amount limit.</li> <li>• The form of the matching funds documented in the Application determines the form of the award.</li> </ul>
In-Hand matching funds definition .....	<ul style="list-style-type: none"> <li>• Matching funds are In-Hand when the Applicant receives payment for the matching funds from the matching funds source and has acceptable documentation that can be provided to the CDFI Fund upon request. Acceptable In-Hand documentation must show the source, form (e.g., grant, loan, deposit, and Equity Investment), amount received, and the date the funds came into physical possession of the Applicant.</li> <li>• The following documentation, depending on the matching funds type, must be available to be provided to the CDFI Fund upon request: <ul style="list-style-type: none"> <li>• Loan—the loan agreement and/or promissory note;</li> <li>• grant—the grant letter or agreement for all grants;</li> <li>• equity investment—the stock certificate and shareholder agreement;</li> <li>• retained earnings—audits or call reports from regulating entity;</li> <li>• third party in-kind contribution—evidence of receipt of contribution and valuation;</li> <li>• deposits—certificates of deposit agreement;</li> <li>• secondary capital—secondary capital agreement and disclosure and acknowledgement statement; AND</li> <li>• clearly legible documentation that demonstrates actual receipt of the matching funds including the date of the transaction and the amount, such as a copy of a check or a wire transfer statement.</li> </ul> </li> <li>• Applicants must provide information on their In-Hand matching funds in the Matching Funds Breakout Table Excel Workbook (refer to Table 10—Required Application Documents) which must be submitted at the time of Application.</li> <li>• Although Applicants are not required to provide further documentation for In-Hand matching funds at the time of Application submission, except for Retained Earnings and Equity Investments, they must be able to provide documentation to the CDFI Fund upon request.</li> </ul>
Committed matching funds definition .....	<ul style="list-style-type: none"> <li>• Matching funds are Committed when the Applicant has entered into or received a legally binding commitment from the matching funds source showing the matching funds will be disbursed to the Applicant at a future date.</li> <li>• The Applicant must be able to provide the CDFI Fund, upon request, acceptable written documentation showing the source, form, and amount of the Committed matching funds (including, in the case of a loan, the terms thereof), as well as the anticipated payment date of the Committed funds.</li> <li>• Applicants must provide information on their Committed matching funds in the Matching Funds Breakout Table Excel Workbook (refer to Table 10—Required Application Documents) which must be submitted at the time of Application.</li> <li>• Although Applicants are not required to provide further documentation for Committed matching funds at the time of Application submission, except for Retained Earnings, it must be able to provide documentation to the CDFI Fund upon request.</li> </ul>
Limitations on matching funds .....	<ul style="list-style-type: none"> <li>• Matching funds must be from non-Federal sources.</li> <li>• Applicants cannot proffer matching funds that were accepted as matching funds for a prior FA award under the CDFI Program, NACA Program, or under another Federal grant or award program.</li> <li>• Matching funds must comply with Regulations at 12 C.F.R. 1805.500 <i>et seq.</i></li> <li>• Matching funds must be attributable to at least one of the five eligible FA activities (see Section II.C).</li> </ul>
Rights of the CDFI Fund .....	<ul style="list-style-type: none"> <li>• The CDFI Fund reserves the right to contact the matching funds source to discuss the matching funds and the documentation that the Applicant provided if required or requested.</li> <li>• The CDFI Fund may grant an extension of the Matching Funds Window (defined in Table 9), on a case-by-case basis, if the CDFI Fund deems it appropriate.</li> <li>• The CDFI Fund reserves the right to rescind all or a portion of an FA award and re-allocate the rescinded award amount to other qualified Applicant(s), if an Award Recipient fails to provide evidence of In-Hand Matching Funds totaling its award amount obtained during the Matching Funds Window.</li> </ul>
Matching funds in the form of third-party in-kind contributions.	<ul style="list-style-type: none"> <li>• Third party in-kind contributions are non-cash contributions (i.e., property or services) provided by non-Federal third parties to the Applicant.</li> <li>• Third party in-kind contributions will be considered to be in the form of a grant for matching funds purposes.</li> <li>• Third party in-kind contributions may be in the form of real property, equipment, supplies, and other expendable property, and the value of goods and services directly benefiting the eligible activities.</li> <li>• For third-party in-kind contributions, the fair market value of goods and services must be documented as the grant match.</li> <li>• Applicants will be responsible for documenting the value of all in-kind contributions as described in the Uniform Administrative Requirements.</li> </ul>
Matching funds in the form of a loan .....	<ul style="list-style-type: none"> <li>• An FA award made in the form of a loan will have the following standardized terms: <ul style="list-style-type: none"> <li>• A 13-year term with semi-annual interest-only payments due in years 1 through 10, and fully amortizing payments due each year in years 11 through 13; and</li> <li>• A fixed interest rate of 1.9 percent, which was calculated by the CDFI Fund based on the U.S. Department of the Treasury's 10-year Treasury note.</li> </ul> </li> <li>• The Applicant's matching funds loan(s) must:</li> </ul>

TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

Severe Constraints Waiver .....	<ul style="list-style-type: none"> <li>i. Have a minimum of a 3-year term (loans presented as matching funds with less than a 3-year term will not qualify as eligible match); and</li> <li>ii. be from a non-Federal source.</li> </ul> <ul style="list-style-type: none"> <li>• Not more than 25 percent of the total funds available for obligation under this funding round may be matched under the Severe Constraints Waiver.</li> <li>• In the case of an Applicant demonstrating severe constraints on available sources of matching funds, the CDFI Fund, in its sole discretion, may permit such Applicant to comply with the matching funds requirements by reducing such requirements by up to 50 percent.</li> <li>• In order to be considered eligible for a Severe Constraints Waiver, an Applicant must meet all of the SECA eligibility criteria described in Table 8. Instructions for requesting a Severe Constraints Waiver will be made available if required.</li> </ul>
Ineligible matching funds .....	<ul style="list-style-type: none"> <li>• If the CDFI Fund determines that any portion of the Applicant's matching funds is ineligible, the CDFI Fund will permit the Applicant to offer documentation of alternative matching funds as a substitute for the ineligible matching funds.</li> <li>• In such instances:             <ul style="list-style-type: none"> <li>i. The Applicant must provide acceptable evidence of the alternative matching funds within the period of time specified by the CDFI Fund, and</li> <li>ii. the alternative matching funds will not increase the total amount of FA requested.</li> </ul> </li> </ul>
Use of matching funds from a prior CDFI Program Recipient.	<p>If an Applicant offers matching funds documentation from an organization that was a prior Recipient under the CDFI Program or NACA Program, the Applicant must be able to prove to the CDFI Fund's satisfaction that such funds do not consist, in whole or in part, of CDFI Program funds, NACA Program funds, or other Federal funds.</p>
Matching funds in the form of retained earnings	<ul style="list-style-type: none"> <li>• Retained earnings are eligible for use as matching funds when the CDFI Fund calculates an amount equal to:             <ul style="list-style-type: none"> <li>i. The increase in retained earnings that occurred over any one of the Applicant's fiscal years within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>ii. the annual average of such increases that occurred over any three consecutive fiscal years of the Applicant with at least one of the fiscal years occurring within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>iii. any combination of (i) and (ii) above that does not include matching funds used for an award.</li> </ul> </li> <li>• Retained earnings will be matched with an FA award in the form of a grant.</li> </ul>
Special rule for Insured Credit Unions and Insured Depository Institutions.	<ul style="list-style-type: none"> <li>• An Insured Credit Union's and Insured Depository Institution's retained earnings are eligible for use as matching funds when the CDFI Fund calculates an amount equal to:             <ul style="list-style-type: none"> <li>i. The increase in retained earnings that occurred over any one of the Applicant's fiscal years within the Matching Funds Window, adjusted to remove revenue from Federal sources and matching funds used for an award; or</li> <li>ii. the annual average of such increases that occurred over any three consecutive fiscal years of the Applicant with at least one of the fiscal years occurring within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>iii. the entire retained earnings that have been accumulated since the inception of the Applicant, as provided in the Regulations.</li> </ul> </li> <li>• If option (iii) is used for Insured Credit Unions, the Applicant must increase its member and/or non-member shares and/or total loans outstanding by an amount equal to the amount of retained earnings committed as matching funds.             <ul style="list-style-type: none"> <li>• This increase will be measured on a quarterly basis from March 31, 2017; must occur by the end of Year 1 of the Recipient's Performance Period, as set forth in its Assistance Agreement; and will be based on amounts reported in the Applicant's National Credit Union Administration (NCUA) form 5300 Call Report.</li> <li>• The CDFI Fund will assess the likelihood of this increase during the Application review process.</li> <li>• An award will not be made to any Applicant that has not demonstrated in the relevant NCUA form 5300 Call Reports that it has increased shares and/or total loans outstanding by at least 25 percent of the requested FA award amount between December 31, 2015, and December 31, 2016.</li> <li>• The matching funds are not In-Hand until the Recipient has increased its member and/or non-member shares, deposits and/or total loans outstanding by the amount of retained earnings since inception used as matching funds within the time period specified.</li> </ul> </li> <li>• If option (iii) is used for Insured Depository Institutions or Depository Institution Holding Companies, the Applicant or its Subsidiary Insured Depository Institution (in the case of a Depository Institution Holding Company) must increase deposits and/or total loans outstanding by an amount equal to the amount of retained earnings committed as matching funds. Please note that Depository Institution Holding Company Applicants must use the call reports of the CDFI Subsidiary Insured Depository Institution that the requested FA award will support.             <ul style="list-style-type: none"> <li>• This increase will be measured on a quarterly basis from March 31, 2017; must occur by the end of Year 1 of the Recipient's Performance Period, as set forth in its Assistance Agreement; and will be based on amounts reported in the Bank Call Report.</li> <li>• The CDFI Fund will assess the likelihood of this increase during the Application review process.</li> </ul> </li> </ul>

TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

	<ul style="list-style-type: none"> <li>• An award will not be made to any Applicant that has not demonstrated in the relevant call reports that it has increased deposits and/or total loans outstanding by at least 25 percent of the requested FA award amount between December 31, 2015, and December 31, 2016.</li> <li>• The matching funds are not In-Hand until the Recipient has increased its deposits and/or total loans outstanding by the amount of retained earnings since inception used as matching funds within the time period specified.</li> <li>• All regulated Applicants utilizing the part (iii) Since Inception rule should refer to the Retained Earnings Guidance included in the Matching Funds Breakout Table Excel Workbook found on the CDFI Fund Web site.</li> </ul>
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**IV. Application and Submission Information**

*A. Address to Request an Application Package:* Application materials can be found on the CDFI Fund’s Web site at [www.cdfifund.gov/cdfi](http://www.cdfifund.gov/cdfi). Applicants may request a paper version of any Application material by contacting the CDFI Fund Help Desk at [cdfihelp@cdfi.treas.gov](mailto:cdfihelp@cdfi.treas.gov).

*B. Content and Form of Application Submission:* All Applications must be prepared using the English language and calculations must be made in U.S. dollars. The following table lists the required Application documents for the FY 2017 Funding Round. The CDFI Fund reserves the right to request and review other pertinent or public information that has not been specifically requested in this NOFA or

the Application. Information submitted by the Applicant that the CDFI Fund has not specifically requested will not be reviewed or considered as part of the Application. Information submitted must accurately reflect the Applicant’s activities. Financial data, portfolio, and activity information provided in the Application should only include the Applicant’s activities.

TABLE 10—REQUIRED APPLICATION DOCUMENTS

Application documents	Applicant type	Submission format
SF-424 .....	All Applicants .....	Fillable PDF in <i>Grants.gov</i> . AMIS.
CDFI Program Application Components: <ul style="list-style-type: none"> <li>• Funding Application Detail.</li> <li>• Data, Charts, and Narrative sections as listed in AMIS and outlined in Application materials.</li> </ul>	All Applicants .....	
HFFI-FA Application Components: <ul style="list-style-type: none"> <li>• Funding Application Detail</li> <li>• Narratives.</li> </ul>	HFFI-FA Applicants—Must create new funding application.	AMIS.
<b>Attachments to the Application: Add to “Related Attachments” related list in application</b>		
Matching Funds Breakout Table Excel Workbook .....	FA Core Applicants .....	Excel in AMIS.
Key Staff Resumes .....	All Applicants .....	PDF or Word document in AMIS.
Organizational Chart .....	All Applicants .....	PDF in AMIS.
Audited Financial Statements .....	FA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.
Management Letters .....	FA Applicants: Loan funds and other non-Insured Depository Institutions, TA Applicants: If available.	PDF in AMIS.
Unaudited Financial Statements (if Audited Financial Statements are not available).	TA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.
Call Reports .....	FA and TA Applicants: Insured Depository Institutions only.	PDF in AMIS.
Current Year to Date—December 31, 2016 Unaudited Financial Statements.	FA and TA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.
Additional Documents As Applicable: Community Partnership Agreement 501(c)(4) Questionnaire Explanation Environmental Review Form Explanation Retained Earnings or Equity Investment Matching Funds Documentation	All Applicants, if applicable .....	PDF or Word document in AMIS.

*C. Application Submission:* The CDFI Fund has a two-step process that requires the submission of application documents on separate deadlines and locations. The SF-424 must be submitted through *Grants.gov* and all other application documents through the AMIS portal. The CDFI Fund will not accept Applications via email, mail,

facsimile, or other forms of communication, except in extremely rare circumstances that have been pre-approved by the CDFI Fund. Applicants are only required to submit the OMB SF-424, Application for Federal Assistance form in *Grants.gov* as all other application information (listed in Table 10) will be submitted through

AMIS. The deadline for submitting the SF 424 is listed in Tables 1 and 11. All other application information must be submitted in AMIS and only the Authorized Representative or Application Point of Contact can submit the application.

Applicants are encouraged to submit the SF-424 as early as possible through

*Grants.gov* to provide time to resolve any submission problems. Applicants should contact *Grants.gov* directly with questions related to the registration or submission process as the CDFI Fund does not maintain the *Grants.gov* system.

The CDFI Fund strongly encourages Applicants to start the *Grants.gov* registration process as soon as possible (refer to the following link: <http://www.grants.gov/web/grants/register.html>) as it may take several weeks to complete. An Applicant that has previously registered with *Grants.gov* must verify that its registration is current and active.

**D. Dun & Bradstreet Universal Numbering System (DUNS):** Pursuant to the Uniform Administrative Requirements, each Applicant must provide as part of its Application

submission, a Dun and Bradstreet Universal Numbering System (DUNS) number. Applicants without a DUNS number will not be able to register and submit an Application in the *Grants.gov* system. Please allow sufficient time for Dun & Bradstreet to respond to inquiries and/or requests for DUNS numbers.

**E. System for Award Management (SAM):** Any entity applying for Federal grants or other forms of Federal financial assistance through *Grants.gov* must be registered in SAM before submitting its Application. The SAM registration process can take several weeks to complete. Applicants that have previously completed the SAM registration process must verify that their SAM accounts are current and active. Each Applicant must continue to maintain an active SAM registration

with current information at all times during which it has an active Federal award or an Application under consideration by a Federal awarding agency. The CDFI Fund will not consider any Applicant that fails to properly register or activate its SAM account and, as a result, is unable to submit its Application by the Application deadline. Applicants must contact SAM directly with questions related to registration or SAM account changes as the CDFI Fund does not maintain this system. For more information about SAM, please visit <https://www.sam.gov>.

**F. Submission Dates and Times:**

**1. Submission Deadlines:** The following table provides the critical deadlines for the FY 2017 Funding Round.

TABLE 11—FY 2017 FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (EDT)	Submission method
CDFI Certification Applications .....	March 24, 2017 .....	11:59 p.m. EDT ...	Electronically via Award Management Information System (AMIS).
SF-424 (Application for Federal Assistance) .....	March 24, 2017 .....	11:59 p.m. EDT ...	Electronically via <i>Grants.gov</i> .
Last day to contact CDFI Program staff .....	April 26, 2017 .....	5:00 p.m. EDT .....	Service Request via Award Management Information System (AMIS) or CDFI Fund Helpdesk: 202-653-0421 or <a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a> .
CDFI Program Application for Financial Assistance (FA) or Technical Assistance (TA).	April 28, 2017 .....	11:59 p.m. EDT ...	Electronically via Awards Management Information System (AMIS).

**2. Confirmation of Application Submission in Grants.gov and AMIS:** Applicants are required to submit the OMB SF-424, Application for Federal Assistance through the *Grants.gov* system, under the CDFI Program Funding Opportunity Number. All other required application materials must be submitted through the AMIS Web site. Application materials submitted through both systems are due by the applicable deadlines. Applicants must submit the SF-424 on an earlier deadline from the other required application materials in AMIS. If the SF-424 is not successfully accepted by *Grants.gov* by the deadline, the CDFI Fund will not review any of the material submitted in AMIS and the Application will be deemed ineligible.

**a. Grants.gov Submission Information:** Each Applicant will receive an email from *Grants.gov* immediately after submitting the SF-424 confirming that the submission has entered the *Grants.gov* system. This email will contain a tracking number for the submitted SF-424. Within 48 hours, the Applicant will receive a second email, which will indicate if the submitted SF-424 was either successfully validated or

rejected with errors. However, Applicants should not rely on the email notification from *Grants.gov* to confirm that their SF-424 was validated. Applicants are strongly encouraged to use the tracking number provided in the first email to closely monitor the status of their SF-424 by contacting the helpdesk at *Grants.gov* directly. The Application material submitted in AMIS is not officially accepted by the CDFI Fund until *Grants.gov* has validated the SF-424.

**b. Award Management Information System (AMIS) Submission Information:** AMIS is a web-based portal where Applicants will directly enter their application information and add required attachments listed in Table 10. AMIS will verify that the Applicant provided the minimum information required to submit an Application. Applicants are responsible for the quality and accuracy of the information and attachments included in the Application submitted in AMIS. The CDFI Fund strongly encourages the Applicant to allow sufficient time to confirm the Application content, review the material submitted, and remedy any issues prior to the Application deadline.

Only the Authorized Representative or an Application Point of Contact can submit the Application. Applicants can only submit one Application. Upon submission, the Application will be locked and cannot be resubmitted, edited, or modified in any way. The CDFI Fund will not unlock or allow multiple Application submissions.

**3. Late Submission:** The CDFI Fund will not accept an Application submitted after the Application deadline except where the submission delay was a direct result of a Federal government administrative or technological error. In such case, the Applicant must submit a written request for acceptance of late Application submission and include documentation of the error no later than two business days after the Application deadline. The CDFI Fund will not respond to request for acceptance of late Application submissions after that time period. Applicants must submit late Application submission requests to the CDFI Fund via an AMIS service request to the CDFI Program with a subject line of "Late Application Submission Request."

G. *Funding Restrictions*: FA, HFFI-FA and TA awards are limited by the following:

1. *FA awards*:

a. An award Recipient shall use FA funds only for the eligible activities described in Section II.(C)(1) of this NOFA and its Assistance Agreement.

b. A Recipient may not distribute FA funds to an Affiliate, Subsidiary, or any other entity, without the CDFI Fund's prior written approval.

c. FA funds shall only be paid to the Recipient.

d. The CDFI Fund, in its sole discretion, may pay FA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

2. *HFFI-FA awards*:

a. An award Recipient shall use HFFI-FA funds only for the eligible activities described in Section II.(C)(1) of this NOFA and its Assistance Agreement.

b. A Recipient may not distribute HFFI-FA funds to an Affiliate, Subsidiary, or any other entity, without the CDFI Fund's prior written approval.

c. HFFI-FA funds shall only be paid to the Recipient.

d. The CDFI Fund, in its sole discretion, may pay HFFI-FA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

3. *TA grants*:

a. An award Recipient shall use TA funds only for the eligible activities described in Section II.(C)(2) of this NOFA and its Assistance Agreement.

b. A Recipient may not distribute TA funds to an Affiliate, Subsidiary or any

other entity, without the CDFI Fund's prior written consent.

c. TA funds shall only be paid to the Recipient.

d. The CDFI Fund, in its sole discretion, may pay TA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

**V. Application Review Information**

A. *Criteria*: If the Applicant has submitted an eligible Application, the CDFI Fund will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFA, the Application guidance, and the Uniform Administrative Requirements. The CDFI Fund reserves the right to contact the Applicant by telephone, email, or mail for the sole purpose of clarifying or confirming Application information. If contacted, the Applicant must respond within the time period communicated by the CDFI Fund or run the risk that its Application will be rejected. The CDFI Fund will review the FA, HFFI-FA, and TA Applications according the below process.

1. *Financial Assistance (FA) Application Scoring, Award Selection, Review, and Selection Process*: The CDFI Fund will evaluate each Application using a five step review process illustrated in the sections below. Applicants that meet the minimum criteria will advance to the next step in the review process. Applicants applying as a Community Partnership must describe partnership in the Application per requirements set

forth in Table 8 and will be evaluated per the review process described below.

a. Step 1: Eligibility Review: The CDFI Fund will evaluate each Application to determine its eligibility status per Section III. Eligibility Information of this NOFA.

b. Step 2: Financial Analysis: An external non-CDFI Fund reviewer will evaluate the financial health and viability of each Application using the financial information provided in the Application. The Reviewer will evaluate the Financial Analysis Components listed in Table 12 and assign a score on a scale of one (1) to five (5), which will be used to calculate a Total Financial Composite Score on a scale of one (1) to five (5), with one (1) being the highest rating. All Applications will be reviewed in accordance with standard reviewer evaluation materials for the financial analysis described in supplemental guidance located on the CDFI Fund's Web site. Applications will be grouped based on the Total Financial Composite Score. Applicants must receive a Total Financial Composite Score of one (1), two (2), or three (3) to advance to Step 3. Applicants that receive a Total Financial Composite Score of four (4) or five (5) will be evaluated and scored by a second external, non-Federal reviewer. Applicants that receive a Total Financial Composite Score of four (4) or five (5) will not advance to Step 3. In instances an Applicant receives an initial score of four (4) or five (5) and a second score of one (1), two (2), or three (3), the two reviewers will discuss their evaluations and decide on one final Total Financial Composite Score.

TABLE 12—STEP 2: FA FINANCIAL ANALYSIS SCORING CRITERIA

Financial analysis component	Possible scores	High score	Score needed to advance
Capital Adequacy .....	1, 2, 3, 4, or 5 .....	1	N/A.
Asset Quality .....	1, 2, 3, 4, or 5 .....	1	N/A.
Earnings .....	1, 2, 3, 4, or 5 .....	1	N/A.
Capital Liquidity .....	1, 2, 3, 4, or 5 .....	1	N/A.
Operating Liquidity .....	1, 2, 3, 4, or 5 .....	1	N/A.
Total Financial Composite Score .....	1, 2, 3, 4, or 5 .....	1	1, 2, or 3.

c. Step 3: Business Plan Review: Applicants that proceed to Step 3 will be evaluated on the soundness of each Applicant's comprehensive business plan. The two external non-CDFI Fund Reviewers conducting the Step 3 evaluation will be different than those that conduct the Step 2 evaluation. Reviewers will evaluate the Application

sections listed in Table 13. All Applications will be reviewed in accordance with standard reviewer evaluation materials for the business plan review. Applications will be ranked based on Total Business Plan Scores, in descending order. In order to advance to Step 4, Applicants must receive a Total Business Plan Score

within the top 60 percent of the applicant pool. In the case of tied Total Business Plan Scores that would prevent an Applicant from moving to Step 4, Applicants will be ranked according to their Step 2 Total Financial Composite Score and standard anomaly procedures.

TABLE 13—STEP 3: FA BUSINESS PLAN REVIEW SCORING CRITERIA

FA application sections	Possible score	Score needed to advance
Executive Summary .....	Not Scored .....	N/A.
Business Strategy .....	7 .....	N/A.
Products and Services .....	7 .....	N/A.
Market and Competitive Analysis .....	7 .....	N/A.
Management and Staffing .....	7 .....	N/A.
Financial Position .....	7 .....	N/A.
Growth and Financial Projections .....	7 .....	N/A.
Total Business Plan Score .....	49 .....	Within Top 60 percent of all Step 3 Scores.

d. Step 4: Policy Objective Review: For Applicants that advance to Step 4, the CDFI Fund internal reviewers will evaluate each Application to determine its ability to meet policy objectives of the CDFI Fund authorizing statute. The policy objectives considered in this evaluation are listed in Table 14 below. Each Applicant will be evaluated in

each of the categories, which will result in a Total Policy Objective Review Score on a scale of one (1) to five (5), with one (1) being the highest score. Applicants are then grouped according to Total Policy Objective Review Scores. In Step 4, the CDFI Fund also conducts a due diligence review for Applications that includes an analysis of programmatic risk factors including,

but not limited to: History of performance in managing Federal awards (including timeliness of reporting and compliance); reports and findings from audits; and the Applicant's ability to effectively implement Federal requirements, which could impact the Total Policy Objective Review Score.

TABLE 14—STEP 4: FA POLICY REVIEW SCORING CRITERIA

Section	Possible scores	High score	Score needed to advance
Economic Distress .....	1, 2, 3, 4, or 5 .....	1	N/A.
Economic Opportunities .....	1, 2, 3, 4, or 5 .....	1	N/A.
Partnerships .....	1, 2, 3, 4, or 5 .....	1	N/A.
Total Policy Objective Review Score .....	1, 2, 3, 4, or 5 .....	1	All Scores Advance.

e. Step 5: Award Amount Determination: The CDFI Fund determines an award amount for each Application based on the Step 4 Total Policy Objective Review Score, the Applicant's request amount, and on certain variables, including but not limited to: An Applicant's deployment track record, minimum award size, and funding availability. Award amounts may be reduced from the requested award amount as a result of this analysis. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

2. *Healthy Food Financing Initiative-FA (HFFI-FA) Application Scoring, Award Selection, Review, and Selection Process:* Two external non-CDFI Fund

reviewers will evaluate each HFFI-FA Application whose associated FA application that progress to Step 4 of the FA Application review process. Reviewers will evaluate the Application sections listed in Table 15 and assign a Total HFFI-FA Score up to 25 points. All Applications will be reviewed in accordance with standard reviewer evaluation materials. Applications will be ranked based on total scores, in descending order. Applicants that fail to receive an FA award will not be considered for an HFFI-FA award. The CDFI Fund conducts additional levels of due diligence for Applications that are in scoring contention for an award. This due diligence includes an analysis of programmatic and financial risk factors including, but not limited to:

Financial stability, quality of management systems and ability to meet award management standards, history of performance in managing Federal awards (including timeliness of reporting and compliance), reports and findings from audits, and the Applicant's ability to effectively implement Federal requirements. Award amounts may be reduced from the requested award amount as a result of this analysis. The CDFI Fund may reduce awards sizes from requested amounts based on certain variables, including an Applicant's loan disbursement activity, total portfolio outstanding, and similar factors. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

TABLE 15—STEP 3 HFFI-FA APPLICATION SCORING CRITERIA

HFFI-FA narrative sections	HFFI-FA applicants (points)
HFFI Target Market Profile .....	4
Healthy Food Financial Products .....	5
Healthy Food Development Services .....	2
Projected HFFI-FA Activities .....	7
HFFI Track Record, Management Capacity for Providing Healthy Food Financing, Healthy Food Financing Outcomes .....	7
Total HFFI-FA Score .....	25

3. *Technical Assistance (TA) Application Scoring, Award Selection, Review, and Selection Process:* The CDFI Fund will evaluate each Application to determine its eligibility status per Section III. Eligibility Information of this NOFA. If the Application meets the eligibility criteria, the CDFI Fund will evaluate each TA Application using standard scoring criteria in the Business Plan Review (Table 16). An Applicant must receive a minimum 60 points of the Total TA Business Plan Score for the TA

components in order to be considered for an award. Emerging CDFI or Certifiable CDFI Applicants must achieve a minimum score of 35 points in Section I to be considered for an award and reviewed in Section II.

An Applicant that is a Certified CDFI will be rated on the demonstrated need for TA funding to build the CDFI's capacity, further the Applicant's strategic goals, and achieve impact within the Applicant's Target Market. An Applicant that is an Emerging CDFI or Certifiable CDFI will be rated on the

Applicant's demonstrated capability and plan to achieve CDFI certification within three years, or if a prior awardee, the certification performance goal and measure stated in its prior Assistance Agreement. An Applicant that is an Emerging CDFI and Certifiable CDFI will also be rated on its demonstrated need for TA funding to build the CDFI's capacity and further its strategic goals.

The CDFI Fund will score each part of the TA Business Plan Review as indicated in Table 16.

TABLE 16—TA BUSINESS PLAN REVIEW SCORING CRITERIA

TA application sections	Emerging CDFI or certifiable CDFI (points)	Certified CDFI (points)
<b>Section I:</b>		
Primary Mission .....	15	N/A
Financing Entity .....	15	N/A
Target Market .....	15	N/A
Accountability .....	15	N/A
Development Services .....	15	N/A
<b>Section II:</b>		
Organization Overview .....	5	20
Management and Staff .....	5	20
Community Coordination .....	5	20
Financial Performance .....	5	20
Organizational Impact .....	5	20
<b>Total TA Business Plan Score .....</b>	<b>100</b>	<b>100</b>

Each TA Application will be evaluated by one internal CDFI Fund reviewer. Internal reviewers must complete the CDFI Fund's conflict of interest process. The CDFI Fund's application conflict of interest policy is located on the CDFI Fund's Web site. All Applications will be reviewed in accordance with CDFI Fund standard reviewer evaluation materials for the Business Plan Review. Applications will be ranked based on Total TA Business Plan Score, in descending order. In the case of tied scores that would prohibit the Application from progressing to the next level of review, Certified Applicants will be ranked first according to each Organization Overview score and Emerging CDFI and Certifiable CDFI Applicants will be ranked first according to the total Section I score.

The CDFI Fund conducts additional levels of due diligence for Applications that are in scoring contention for an award. This due diligence includes an analysis of programmatic and financial risk factors including, but not limited to: Financial stability, history of performance in managing Federal awards (including timeliness of reporting and compliance), reports and findings from audits, and the

Applicant's ability to effectively implement Federal requirements. Award amounts may be reduced as a result of this analysis, the eligibility of an Applicant's funding request and similar factors. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

4. *Insured Depository Institutions:* The CDFI Fund will consider safety and soundness information from the Appropriate Federal or State Banking Agency. If the Applicant is a CDFI Depository Institution Holding Company, the CDFI Fund will consider information provided by the Appropriate Federal or State Banking Agencies about both the CDFI Depository Institution Holding Company and the Subsidiary CDFI Certified Insured Depository Institution that will expend and carry out the award. If the Appropriate Federal Banking Agency or Appropriate State Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the Applicant to be incapable of undertaking the activities for which funding has been requested.

5. *Non-Regulated Institutions:* In accordance with the CDFI Program's

authorizing statute and regulations, the CDFI Fund must ensure, to the maximum extent practicable, that recipients that are non-regulated CDFIs are financially and managerially sound and maintain appropriate internal controls (12 U.S.C. 4707(f)(1)(A) and 12 CFR 1805.800(b)). Further, the CDFI Fund must determine that an Applicant's capacity to operate as a CDFI and its continued viability will not be dependent upon assistance from the CDFI Fund (12 U.S.C. 4704(b)(2)(A)). If it is determined the Applicant is incapable of meeting these requirements, the CDFI Fund reserves the right to deem the Applicant ineligible or terminate the award.

B. *Anticipated Award Announcement:* The CDFI Fund anticipates making CDFI Program award announcements after September 23, 2017 and before September 30, 2017.

C. *Application Rejection:* The CDFI Fund reserves the right to reject an Application if information (including administrative error) comes to the CDFI Fund's attention that either: Adversely affects an Applicant's eligibility for an award; adversely affects the Recipient's certification as a CDFI (to the extent that the award is conditional upon CDFI certification); adversely affects the CDFI



Fund’s evaluation or scoring of an Application; or indicates fraud or mismanagement on the Applicant’s part. If the CDFI Fund determines any portion of the Application is incorrect in a material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application. The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the CDFI Fund deems it appropriate. If the changes materially affect the CDFI Fund’s award decisions, the CDFI Fund will provide information about the changes through its Web site. The CDFI Fund’s award decisions are final and there is no right to appeal the decisions.

**D. External Non-CDFI Fund Reviewers:** All external non-CDFI Fund reviewers are selected based on criteria that includes a professional background in community and economic development finance and experience reviewing the financial statements of all CDFI institution types. Reviewers must complete the CDFI Fund’s conflict of interest process and be approved by the CDFI Fund. The CDFI Fund’s application reader conflict of interest policy is located on the CDFI Fund’s Web site.

**VI. Federal Award Administration Information**

**A. Award Notification:** Each successful Applicant will receive an email “notice of award” notification from the CDFI Fund stating that its Application has been approved for an award. Each Applicant not selected for an award will receive an email stating that a debriefing notice has been provided in its AMIS account.

**B. Assistance Agreement:** Each Applicant selected to receive an award must enter into an Assistance Agreement with the CDFI Fund in order to receive a payment(s). The Assistance Agreement will set forth the award’s terms and conditions, including but not be limited to the: (i) Award amount; (ii)

award type; (iii) award uses; (iv) eligible use of funds; (v) performance goals and measures; and (vi) reporting requirements. FA Assistance Agreements have three-year periods of performance; TA Assistance Agreements have two-year periods of performance for Certified CDFIs and three-year periods of performance for Emerging CDFIs or Certifiable CDFIs.

**1. Certificate of Good Standing:** All FA and TA Recipients that are not Insured Depository Institutions will be required to provide the CDFI Fund with a certificate of good standing from the secretary of state for the Recipient’s State of incorporation prior to closing. This certificate can often be acquired online on the secretary of state Web site for the Recipient’s State of incorporation and must generally be dated within 180 days before the date the Recipient executes the Assistance Agreement. Due to potential backlogs in State government offices, Applicants are advised to submit requests for certificates of good standing no later than 60 days after they submit their Applications.

**2. Closing:** Pursuant to the Assistance Agreement, there will be an initial closing at which point the Assistance Agreement and related documents will be properly executed and delivered, and an initial payment of FA or TA may be made. FA Recipients that are subject to the matching funds requirement will not receive a payment until 100 percent of their matching funds are In-Hand. The first payment is the estimated amount of award that the Recipient states in its Application that it will use for eligible FA or TA activities in the first 12 months after the award. The CDFI Fund reserves the right to increase the first payment amount on any award to ensure that any subsequent payments are greater than \$25,000 for FA and \$5,000 for TA awards.

The CDFI Fund will minimize the time between the Recipient incurring costs for eligible activities and award

payment in accordance with the Uniform Administrative Requirements. The advanced payments for eligible activities will occur no more than one year in advance of the Recipient incurring costs for the eligible activities. Following the initial closing, there may be subsequent closings involving additional award payments. Any documents in addition to the Assistant Agreement that are connected with such subsequent closings and payments shall be properly executed and timely delivered by the Recipient to the CDFI Fund.

**3. Requirements Prior to Entering into an Assistance Agreement:** If, prior to entering into an Assistance Agreement, information (including administrative error) comes to the CDFI Fund’s attention that: Adversely affects the Recipient’s eligibility for an award; adversely affects the Recipient’s certification as a CDFI (to the extent that the award is conditional upon CDFI certification); adversely affects the CDFI Fund’s evaluation of the Application; indicates that the Recipient is not in compliance with any requirement listed the Uniform Administrative Requirements; or indicates fraud or mismanagement on the Recipient’s part, the CDFI Fund may, in its discretion and without advance notice to the Recipient, terminate the award or take such other actions as it deems appropriate. The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient fails to return the Assistance Agreement, signed by the authorized representative of the Recipient, and/or provide the CDFI Fund with any other requested documentation, within the CDFI Fund’s deadlines.

In addition, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA pending the criteria described in the following table:

TABLE 17—REQUIREMENTS PRIOR TO EXECUTING AN ASSISTANCE AGREEMENT

Requirement	Criteria
Failure to meet reporting requirements .....	<ul style="list-style-type: none"> <li>• If a Recipient received a prior award under any CDFI Fund program and is not current with the reporting requirements in the previously executed agreement(s), the CDFI Fund can delay entering into an Assistance Agreement or disbursing an award until reporting requirements are met.</li> <li>• If such a Recipient is unable to meet the requirement within the timeframe specified, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> <li>• The automated systems the CDFI Fund uses only acknowledge a report’s receipt, not a determination of meeting reporting requirements.</li> </ul>
Failure to maintain CDFI Certification .....	<ul style="list-style-type: none"> <li>• An FA Recipient must be a Certified CDFI prior to entering into an Assistance Agreement.</li> <li>• If an FA Recipient fails to maintain CDFI Certification, the CDFI Fund will terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>

TABLE 17—REQUIREMENTS PRIOR TO EXECUTING AN ASSISTANCE AGREEMENT—Continued

Requirement	Criteria
Pending resolution of noncompliance .....	<ul style="list-style-type: none"> <li>• The CDFI Fund will delay entering into an Assistance Agreement with a Recipient that has pending noncompliance issues of any of its previously executed award agreement(s), if the CDFI Fund has not yet made a final compliance determination.</li> <li>• If the Recipient is unable to satisfactorily resolve the compliance issues, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Noncompliance status .....	<ul style="list-style-type: none"> <li>• If, at any time prior to entering into an Assistance Agreement, the CDFI Fund determines that a Recipient is noncompliant with a previously executed agreement and the CDFI Fund has provided written notification that the Recipient is ineligible to apply for or receive any future awards or allocations for a time period specified by the CDFI Fund in writing. The CDFI Fund can delay entering into an Assistance Agreement, until the Recipient has cured the default by taking actions the CDFI Fund has specified within the specified timeframe. If the Recipient is unable to meet the cure requirement within the specified timeframe, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Compliance with Federal civil rights requirements.	<ul style="list-style-type: none"> <li>• If prior to entering into an Assistance Agreement under this NOFA, the Recipient receives a final determination, made within the last three years, in any proceeding instituted against the Recipient in, by, or before any court, governmental, or administrative body or agency, declaring that the Recipient has violated the following laws: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107), and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, the CDFI Fund will terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Do Not Pay .....	<ul style="list-style-type: none"> <li>• The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government.</li> <li>• The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient is identified as an ineligible recipient on the Do Not Pay database.</li> </ul>
Safety and soundness .....	<ul style="list-style-type: none"> <li>• If it is determined the Recipient is or will be incapable of meeting its award obligations, the CDFI Fund will deem the Recipient to be ineligible or require it to improve safety and soundness conditions prior to entering into an Assistance Agreement.</li> </ul>

*C. Reporting:*  
 1. *Reporting requirements:* On an annual basis for the period of performance, the CDFI Fund may collect information from each Recipient including, but not limited to, an Annual Report with the following components:

TABLE 18—ANNUAL REPORTING REQUIREMENTS

Financial Report (Financial Statements and Related Auditor's and Accountant's Review Reports, if applicable).	The Financial Report will be reviewed by the CDFI Fund to determine the Recipient's financial and managerial soundness.
Single Audit (if applicable) (or similar report) .....	<p>If a Recipient is required to complete a Single Audit Report, it should be submitted to the Federal Audit Clearinghouse (see 2 CFR subpart F-Audit Requirements in the Uniform Administrative Requirements).</p> <p>For-profit Recipients will be required to complete and submit a similar report directly to the CDFI Fund.</p>
Institution Level Report (ILR) .....	The ILR is a report used to collect compliance and performance data from CDFI Fund award Recipients. The ILR is submitted through the Community Investment Impact System (CIIS) and captures organizational information, financial position, lending and investing activities, community development outputs, and development services.
Transaction Level Report (TLR) .....	<p>The TLR is a report used to collect compliance and performance data from CDFI Fund award Recipients. The TLR is submitted through the CIIS and captures data on each individual loan and investment in the award Recipient's portfolio.</p> <ul style="list-style-type: none"> <li>• For CDFI Depository Institution Holding Company award Recipients, the TLR captures data on the individual loans and investments by its CDFI Subsidiary Insured Depository Institution's portfolio.</li> <li>• TLR is not required for TA Recipients.</li> </ul>
Federal Financial Report/OMB Standard Form 425.	If the Recipient receives a TA award, it must submit the Federal Financial Report/OMB Standard Form 425 via AMIS.
Uses of Funds Report .....	If the Recipient receives an FA or TA award, it must submit the Uses of Funds Report via AMIS.
Shareholders Report .....	If the Assistance is in the form of an Equity Investment, the Recipient must submit shareholder information to the CDFI Fund showing the class, series, and number of shares and valuation of capital stock held or to be held by each shareholder. The Shareholder Report must be submitted for as long as the CDFI Fund is an equity holder.
Financial Assistance Objectives Report (or similar report).	If the Recipient receives an FA award, it must submit information on the status of complying with the FA Objectives and Impacts.

Each Recipient is responsible for the timely and complete submission of the Annual Reporting requirements. The CDFI Fund reserves the right to contact the Recipient and additional entities or signatories to the Assistance Agreement to request additional information and documentation. The CDFI Fund will use such information to monitor each Recipient's compliance with the requirements in the Assistance Agreement and to assess the impact of the CDFI Program. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements, including increasing the scope and frequency of reporting, if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Recipients.

2. *Financial Management and Accounting*: The CDFI Fund will require

Recipients to maintain financial management and accounting systems that comply with Federal statutes, regulations, and the terms and conditions of the Federal award. These systems must be sufficient to permit the preparation of reports required by general and program specific terms and conditions, including the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

The cost principles used by Recipients must be consistent with Federal cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the CDFI Program award. In addition, the CDFI Fund will require Recipients to: Maintain effective

internal controls; comply with applicable statutes, regulations, and the Assistance Agreement; evaluate and monitor compliance; take action when not in compliance; and safeguard personally identifiable information.

**VII. Agency Contacts**

A. The CDFI Fund will respond to questions concerning this NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Daylight Savings Time, starting on the date that the NOFA is published through the date listed in Table 1 and Table 11. The CDFI Fund will post on its Web site responses to reoccurring questions received about this Application. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's Web site at <http://www.cdfifund.gov>. Table 19 lists CDFI Fund contact information:

TABLE 19—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Program .....	202-653-0421, option 1 .....	<a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a>
Certification, Compliance Monitoring, and Evaluation .....	202-653-0423 .....	<a href="mailto:ccme@cdfi.treas.gov">ccme@cdfi.treas.gov</a>
AMIS—IT Help Desk .....	202-653-0422 .....	<a href="mailto:AMIS@cdfi.treas.gov">AMIS@cdfi.treas.gov</a>

B. *Information Technology Support*: For IT Assistance, submit an AMIS Service Request (Record Type of "General Inquiry"). In the Service Request form, select the appropriate program, then select "AMIS Technical Problem" as the Type. People who have visual or mobility impairments that prevent them from using the CDFI Fund's Web site should call (202) 653-0422 for assistance (this is not a toll free number).

C. *Communication with the CDFI Fund*: The CDFI Fund will use contact information in AMIS to communicate with Applicants and Recipients. It is imperative, therefore, that Applicants, Recipients, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information such as contact names (especially for the authorized representative) listed in this NOFA's application materials, email addresses, fax and phone numbers, and office locations.

D. *Civil Rights and Diversity*: Any person who is eligible to receive benefits or services from the CDFI Fund or Recipients under any of its programs is entitled to those benefits or services without being subject to prohibited discrimination. The Department of the Treasury's Office of Civil Rights and Diversity enforces various Federal

statutes and regulations that prohibit discrimination in financially assisted and conducted programs and activities of the CDFI Fund. If a person believes that s/he has been subjected to discrimination and/or reprisal because of membership in a protected group, s/he may file a complaint with: Associate Chief Human Capital Officer, Office of Civil Rights, and Diversity, 1500 Pennsylvania Ave. NW., Washington, DC 20220 or (202) 622-1160 (not a toll-free number).

**VIII. Other Information**

A. *Paperwork Reduction Act*: Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. If applicable, the CDFI Fund may inform Applicants that they do not need to provide certain Application information otherwise required. Pursuant to the Paperwork Reduction Act, the CDFI Program, and NACA Program Application has been assigned the following control number: 1559-0021.

B. *Application Information Sessions*: The CDFI Fund may conduct webinars or host information sessions for organizations that are considering

applying to, or are interested in learning about, the CDFI Fund's programs. For further information, please visit the CDFI Fund's Web site at <http://www.cdfifund.gov>.

**Authority**: 12 U.S.C. 4701, *et seq.*; 12 CFR parts 1805 and 1815; 2 CFR part 200.

**Mary Ann Donovan**,  
Director, Community Development Financial Institutions Fund.

[FR Doc. 2017-03743 Filed 2-24-17; 8:45 am]

**BILLING CODE 4810-70-P**

**DEPARTMENT OF THE TREASURY**

**Community Development Financial Institutions Fund**

**Notice of Funds Availability (NOFA) Inviting Applications for Financial Assistance (FA) Awards or Technical Assistance (TA) Grants Under the Native American CDFI Assistance Program (NACA Program) Fiscal Year (FY) 2017 Funding Round**

*Announcement Type*: Announcement of funding opportunity.

*Funding Opportunity Number*: CDFI-2017-NACA.

*Catalog of Federal Domestic Assistance (CFDA) Number*: 21.020.

*Key Dates*:

TABLE 1—FY 2017 NACA PROGRAM FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (eastern daylight time—EDT)	Submission method
CDFI Certification Applications .....	March 24, 2017 .....	11:59 p.m. EDT .....	Electronically via Award Management Information System (AMIS).
SF424 (Application for Federal Assistance) ....	March 24, 2017 .....	11:59 p.m. EDT .....	Electronically via <i>Grants.gov</i> .
Last day to contact NACA Program staff .....	April 26, 2017 .....	5:00 p.m. EDT .....	Service Request via Award Management Information System (AMIS) or CDFI Fund Helpdesk: 202–653–0421 or <i>cdfihelp@cdfi.treas.gov</i> .
NACA Program Application for Financial Assistance (FA) or Technical Assistance (TA).	April 28, 2017 .....	11:59 p.m. EDT .....	Electronically via Awards Management Information System (AMIS).

*Executive Summary:* Through the NACA Program, the CDFI Fund provides (i) FA awards of up to \$1 million to Certified Community Development Financial Institutions (CDFIs) serving Native American, Alaska Native, or Native Hawaiian populations or Native American areas defined as Federally-designated reservations, Hawaiian homelands, Alaska Native Villages and U.S. Census Bureau-designated Tribal Statistical Areas (collectively, “Native Communities”) to build their financial capacity to lend to their Target Markets, and (ii) TA grants of up to \$150,000 to build Certified, Certifiable, and Emerging CDFIs’ organizational capacity to serve their Target Markets and Sponsoring Entities ability to create Certified CDFIs that serve Native Communities. All awards provided through this NOFA are subject to funding availability.

### I. Program Description

*A. History:* The CDFI Fund was established by the Riegle Community Development Banking and Financial Institutions Act of 1994 to promote economic revitalization and community development through investment in and assistance to CDFIs. Since its creation in 1994, the CDFI Fund has awarded more than \$2.2 billion to CDFIs, community development organizations, and financial institutions through the Community Development Financial Institutions Program (CDFI Program), the Native American CDFI Assistance Program (NACA Program), the Bank Enterprise Award Program (BEA Program), the Capital Magnet Fund, and the Financial Education and Counseling Pilot Program. In addition, the CDFI

Fund has allocated more than \$50.5 billion in tax credit allocation authority through the New Markets Tax Credit Program (NMTC Program) and has obligated \$1.1 billion in bond guarantees to Eligible CDFIs through the CDFI Bond Guarantee Program.

*B. Priorities:* Through the NACA Program’s FA awards and TA grants, the CDFI Fund invests in and builds the capacity of for-profit and non-profit community based lending organizations known as Community Development Financial Institutions, or CDFIs. These organizations, Certified as CDFIs by the CDFI Fund, serve Native Communities.

*C. Program Regulations:* The regulations governing the CDFI Program are found at 12 CFR parts 1805 and 1815 (the Regulations), and are used by the CDFI Fund to govern, in general, the NACA Program, setting forth evaluation criteria and other program requirements. The CDFI Fund encourages Applicants to review the Regulations; this NOFA; the Application; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200; 78 **Federal Register** 78590) (Uniform Administrative Requirements) for a complete understanding of the NACA Program. Capitalized terms in this NOFA are defined in the authorizing statute, the Regulations, this NOFA, the Application, or the Uniform Administrative Requirements. Details regarding Application content requirements are found in the Application and related materials.

*D. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200):* The Uniform Administrative Requirements codifies

financial, administrative, procurement, and program management standards that Federal award agencies must follow. When evaluating award applications, awarding agencies must evaluate the risks to the program posed by each applicant, and each applicant’s merits and eligibility. These requirements are designed to ensure that applicants for Federal assistance receive a fair and consistent review prior to an award decision. This review will assess items such as the Applicant’s financial stability, quality of management systems, the soundness of its business plan, history of performance, ability to achieve measurable impacts through its products and services, and audit findings. In addition, the Uniform Administrative Requirements include guidance on audit requirements and other award compliance requirements for award Recipients.

*E. Funding limitations:* The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the Applications submitted in response to this NOFA. The CDFI Fund also reserves the right to reallocate funds from the amount that is anticipated to be available through this NOFA to other CDFI Fund initiatives that are designed to benefit Native American, Native Hawaiian, and Alaskan Native communities, particularly if the CDFI Fund determines that the number of awards made through this NOFA is fewer than projected.

### II. Federal Award Information

#### A. Funding Availability:

1. *FY 2017 Funding Round:* The CDFI Fund expects to award, through this NOFA, approximately \$15.5 million as indicated in the following table:

TABLE 2—FY 2017 FUNDING ROUND ANTICIPATED CATEGORY AMOUNTS

Funding categories (see definition in table 7)	Estimated total amount to be awarded (millions)	Award amount		Estimated number of awards for FY 2017	Estimate average amount awarded in FY 2017	Average amount awarded in FY 2016
		Minimum	Maximum			
FA .....	\$12.5	\$150,000	\$1,000,000	26	\$500,000	\$600,000
TA .....	3	10,000	150,000	16	145,000	145,000
Total .....	15.5	.....	.....	42	.....	.....
Healthy Food Financing Initiative—Financial Assistance (HFFI-FA) * .....	22	500,000	5,000,000	10	2,200,000	2,400,000

\* HFFI-FA appropriation will be allocated in one competitive round between the NACA and CDFI Program NOFAs.

The CDFI Fund reserves the right to award more or less than the amounts cited above in each category, based upon available funding and other factors, as appropriate.

2. *Funding Availability for the FY 2017 Funding Round:* Funds for the FY 2017 Funding Round are subject to change based on passage of a final FY 2017 budget; if Congress does not appropriate funds for the NACA Program there will not be a FY 2017 Funding Round. If funds are appropriated, the amount of such funds may be greater or less than the amounts set forth above. The CDFI Fund reserves the right to contact applicants to seek additional information in the event that that final FY 2017 appropriations for the NACA Program change any of the requirements of this NOFA. As of the date of this NOFA, the CDFI Fund is operating under a continuing funding resolution as enacted by the Further Continuing and Security Assistance Appropriations Act of 2017 (Pub. L. 114–254).

3. *Anticipated Start Date and Period of Performance:* The CDFI Fund anticipates the period of performance for the FY 2017 Funding Round will begin in late September 2017. Specifically, the period of performance for TA grants begins with the date of the notice of the award and includes either (i) an Emerging or Certifiable CDFI award Recipient’s three full consecutive fiscal years after the date of the notice of the award or (ii) a Certified CDFI Recipient’s two full consecutive fiscal years after the notice of the award, or (iii) a Sponsoring Entity award Recipient’s four full consecutive fiscal years after the date of the notice of the award, during which the Recipient must meet the performance goals set forth in the Assistance Agreement. The period of performance for FA awards begins with

the date of the notice of the award and includes an award Recipient’s three full consecutive fiscal years after the date of the notice of the award, during which time the Recipient must meet its performance goals.

B. *Types of Awards:* Through the NACA Program, the CDFI Fund provides two types of awards: Financial Assistance (FA) and Technical Assistance (TA) awards. *An Applicant may submit an Application for a TA grant or an FA award, but not both.*

1. *FA Awards:* FA awards can be in the form of loans, grants, Equity Investments, deposits and credit union shares. The form of the FA award is based on the form of the matching funds that the Applicant includes in its Application, unless Congress waives the matching funds requirement. Matching funds are required for FA awards, must be from non-Federal sources, and cannot have been used as matching funds for any other Federal award. The CDFI Fund reserves the right, in its sole discretion, to provide an FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant’s award request as stated in its Application.

2. *Healthy Food Financing Initiative—Financial Assistance (HFFI-FA) Awards:* HFFI-FA awards will be provided as a supplement to FA awards; therefore, only those Applicants that have been selected to receive an FA award through the NACA Program FY 2017 Funding Round will be eligible to receive an HFFI-FA award. HFFI-FA awards can be in the form of loans, grants, Equity Investments, deposits and credit union shares. The form of the HFFI-FA award is based on the form of the matching funds that the Applicant includes in its Application, unless Congress waives the matching funds

requirement. Matching funds are required for HFFI-FA awards, must be from non-Federal sources, and cannot have been used as matching funds for any other Federal award. The CDFI Fund reserves the right, in its sole discretion, to provide an HFFI-FA award in an amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant’s award request as stated in its Application.

3. *TA Grants:* TA is provided in the form of grants. The CDFI Fund reserves the right, in its sole discretion, to provide a TA grant in an amount other than which the Applicant requests; however, the TA grant amount will not exceed the Applicant’s request as stated in its Application and the applicable budget chart.

C. *Eligible Activities:*

1. *FA Awards:* FA and HFFI-FA award funds can be expended for activities serving Commercial Real Estate, Small Business, Microenterprise, Community Facilities, Consumer Financial Products, Consumer Financial Services, Commercial Financial Services, Affordable Housing, Intermediary Lending to Non-Profits and CDFIs, and other lines of business as deemed appropriate by the CDFI Fund in the following five categories: (i) Financial Products; (ii) Financial Services; (iii) Loan Loss Reserves; (iv) Development Services; and (v) Capital Reserves. FA awards can only be used for direct costs associated with an eligible activity; no indirect expenses are allowed. Up to 15 percent of the FA award can be used for Direct Administrative Expenses associated with an eligible FA activity. For purposes of this NOFA, the five eligible activity categories are defined as follows:

TABLE 3—FA AND HFFI-FA ELIGIBLE ACTIVITY CATEGORIES

FA eligible activity	FA eligible activity definition	Eligible CDFI institution types
i. Financial Products .....	FA expended as loans, Equity Investments and similar financing activities (as determined by the CDFI Fund) including the purchase of loans originated by certified CDFIs and the provision of loan guarantees; in the case of CDFI Intermediaries, Financial Products may also include loans to CDFIs and/or emerging CDFIs and deposits in Insured Credit Union CDFIs, emerging Insured Credit Union CDFIs, and/or State-Insured Credit Union CDFIs.	All.
ii. Financial Services .....	FA expended for providing checking, savings accounts, check cashing, money orders, certified checks, automated teller machines, deposit taking, safe deposit box services, and other similar services.	Insured Depository Institutions only. Not applicable for HFFI-FA Recipients.
iii. Loan Loss Reserves .....	FA set aside in the form of cash reserves, or through accounting-based accrual reserves, to cover losses on loans, accounts, and notes receivable made in the Applicant's Target Market, or for related purposes that the CDFI Fund deems appropriate.	All.
iv. Development Services .....	FA expended for activities undertaken by a CDFI, its Affiliate or contractor that promote community development and shall prepare or assist current or potential borrowers or investees to use the CDFI's Financial Products or Financial Services. For example, such activities include, financial or credit counseling; homeownership counseling; and business planning and management assistance.	All.
v. Capital Reserves .....	FA set aside as reserves to support the Applicant's ability to leverage other capital, for such purposes as increasing its net assets or serving the financing needs of its Target Market, or for related purposes as the CDFI Fund deems appropriate.	Insured Depository Institutions only.

2. *TA Grants:* TA grant funds can be expended for the following seven eligible activity categories: (i) Compensation—personnel services; (ii) Compensation—fringe benefits; (iii)

Professional Service Costs; (iv) Travel Costs; (v) Training and Education Costs; (vi) Equipment and other capital expenditures; and (vii) Supplies. Each of the eligible activity categories will

not be authorized for indirect costs or an associated indirect cost rate. For purposes of this NOFA, the seven eligible activity categories are defined as follows:

TABLE 4—TA ELIGIBLE ACTIVITY CATEGORIES

(i) Compensation—personnel services .....	TA paid to cover salaries of the Applicant's personnel that are paid currently or accrued by the Applicant for work performed directly related to carrying out the purpose of the TA grant (including activities related to becoming certified as a CDFI), subject to the applicable provisions of the Uniform Administrative Requirements.
(ii) Compensation—fringe benefits .....	TA paid to cover costs of the Applicant's personnel employment (other than the employees' salaries) in proportion to the salary charged to the TA grant, to the extent that such payments are made under formally established and consistently applied organizational policies, subject to the applicable provisions of the Uniform Administrative Requirements.
(iii) Professional service costs .....	TA used to pay for professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the Recipient, subject to the applicable provisions of the Uniform Administrative Requirements. Payment for a consultant's services may not exceed the daily equivalent of the current maximum rate paid to an Executive Schedule Level IV Federal employee.
(iv) Travel costs .....	TA used to pay expenses for transportation, lodging, subsistence, and related items incurred by the Applicant's personnel who are on travel status on business related to the TA grant, subject to the applicable provisions of the Uniform Administrative Requirements.
(v) Training and education costs .....	TA used to pay the cost of training and education provided for employee development, subject to the applicable provisions of the Uniform Administrative Requirements.
(vi) Equipment .....	TA used to pay for tangible personal property, having a useful life of more than one year and a per-unit acquisition cost of at least \$5,000, subject to the applicable provisions of the Uniform Administrative Requirements. Examples include office equipment, furnishings, and information technology equipment and systems.
(vii) Supplies .....	TA used to pay for tangible personal property with a per unit acquisition cost of less than \$5,000, subject to the applicable provisions of the Uniform Administrative Requirements.

3. *HFFI-FA Award:* HFFI-FA award funds can only be expended for eligible FA activities referenced in Table 3. The HFFI-FA investments must comply with the following guidelines:

- Recipient must deploy loans, equity investments, and similar financing

activities, including the purchase of loans and the provision of loan guarantees for Healthy Food Retail Outlets and Healthy Food Non-Retail Outlets in its Target Market in an amount equal to or greater than 100% of the total HFFI Financial Assistance

provided. Eligible financing activities to Healthy Food Retail Outlets and Healthy Food Non-Retail Outlets require that the majority of the HFFI-supported loan or investment must be devoted to offering a range of Healthy Food choice, which may include, among other activities,

investments supporting an existing retail store or wholesale operation upgrading to offer an expanded range of Healthy Food choices, or supporting a nonprofit organization that expands the availability of Healthy Foods in underserved areas.

- Recipient must also demonstrate that it has deployed loans, equity investments, and similar financing activities, including the purchase of loans and the provision of loan guarantees to Healthy Food Retail Outlets located in Food Deserts in the Recipient’s Target Market in an amount equal to 75% of the total HFFI Financial Assistance provided.

- Eligible financing activities to Healthy Food Retail Outlets require that the majority of the HFFI-supported loan or investment must be devoted to offering a range of Healthy Food choice, which may include, among other activities, investments supporting an existing retail store upgrading to offer an expanded range of Healthy Food choices.

**Definitions**

**Healthy Foods.** Healthy Foods include nutrient-dense foods and beverages as set forth in the USDA Dietary Guidelines for Americans 2015–2020 including whole fruits and vegetables, whole grains, fat free or low-fat dairy foods, lean meats and poultry (fresh, refrigerated, frozen or canned). Healthy

Foods should have low or no added sugars, and be low-sodium, reduced sodium, or no-salt-added. (See USDA Dietary Guidelines: <http://www.choosemyplate.gov/dietary-guidelines>.)

**Healthy Food Retail Outlets.**

Commercial sellers of Healthy Foods including, but not limited to, grocery stores, mobile food retailers, farmers markets, retail cooperatives, corner stores, bodegas stores that sell other food and non-food items along with a range of Healthy Foods. As those terms are determined and defined by the CDFI Fund in the Assistance Agreement and related compliance materials.

**Healthy Food Non-Retail Outlets.**

Wholesalers of Healthy Foods including, but not limited to, wholesale food outlets, wholesale cooperatives, or other non-retail food producers that supply for sale a range of Healthy Food options; entities that produce or distribute Healthy Foods for eventual retail sale, and entities that provide consumer education regarding the consumption of Healthy Foods. As those terms are determined and defined by the CDFI Fund in the Assistance Agreement and related compliance materials.

**Food Deserts.** Distressed geographic areas where either a substantial number or share of residents has low access to a supermarket or large grocery store. For the purpose of satisfying the requirements of Goal 2, Measure 2, a

Food Desert must either: (1) Be a census tract determined to be a Food Desert by the U.S. Department of Agriculture (USDA), in its USDA Food Access Research Atlas; (2) be a census tract adjacent to a census tract determined to be a Food Desert by the USDA, in its USDA Food Access Research Atlas; which has a median family income less than or equal to 120 percent of the applicable Area Median Family Income; or (3) be a Geographic Unit as defined in 12 CFR part 1805.201(b)(3)(ii)(B), which (i) individually meets at least one of the criteria in 12 CFR part 1805.201(b)(3)(ii)(D), and (ii) has been identified as having low access to a supermarket or grocery store through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

**III. Eligibility Information**

**A. Eligible Applicants:** For the purposes of this NOFA, the following tables set forth the eligibility criteria to be in contention to receive an award from the CDFI Fund, along with certain definitions of terms. There are four categories of Applicant eligibility criteria: (1) CDFI certification criteria (Table 5); (2) requirements that apply to all Applicants (Table 6); (3) requirements that apply to TA Applicants (Table 7); and (4) requirements that apply to FA Applicants (Table 8).

TABLE 5—CDFI CERTIFICATION CRITERIA DEFINITIONS

Certified CDFI .....	<ul style="list-style-type: none"> <li>• An entity that the CDFI Fund has officially notified that it meets all CDFI certification requirements.</li> </ul>
Certifiable CDFI .....	<ul style="list-style-type: none"> <li>• An entity that has submitted a CDFI Certification Application to the CDFI Fund demonstrating that it meets the CDFI certification requirements but which has not yet been officially certified. (See Table 11 for application submission deadlines.)</li> <li>• The CDFI Fund will not enter into an Assistance Agreement or make an FA award payment unless and until an Applicant is a Certified CDFI.</li> <li>• The CDFI Fund will enter into an Assistance Agreement if the Applicant was awarded a TA award regardless of the Applicant’s certification status.</li> </ul>
Emerging CDFI (TA Applicants) .....	<ul style="list-style-type: none"> <li>• A non-Certified entity that has not submitted a CDFI Certification Application but demonstrates to the CDFI Fund in its Application that it has an acceptable plan to meet certification requirements by the end of its period of performance, or another date that the CDFI Fund selects.</li> <li>• An Emerging CDFI that has prior award(s) will be held to the CDFI certification performance goal and measure(s) stated in its prior Assistance Agreement(s).</li> <li>• Emerging CDFIs may only apply for TA grants; they are not eligible to apply for FA awards.</li> <li>• Each Emerging CDFI selected to receive a TA grant will be required to become a Certified CDFI by a date specified in the Assistance Agreement.</li> </ul>
Sponsoring Entity .....	<ul style="list-style-type: none"> <li>• Sponsoring Entities include any legal organization that primarily serves Native Community with “primary” meaning, at least 50 percent of its activities are directed toward the Native Community.</li> <li>• An eligible organization that proposes to create a separate legal organization that will become a Certified CDFI serving Native Communities.</li> <li>• Sponsoring Entities may only apply for TA grants; they are not eligible to apply for FA awards.</li> <li>• Each Sponsoring Entity selected to receive a TA grant will be required to create and certify an Emerging CDFI by the dates specified in the Assistance Agreement.</li> </ul>

TABLE 5—CDFI CERTIFICATION CRITERIA DEFINITIONS—Continued

Definition of Native Other Targeted Population as Target Market.	The CDFI Fund uses the following definitions, set forth in the Office of Management and Budget (OMB) Notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity (October 30, 1997), as amended and supplemented: (a) American Indian, Native American, or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment; and (b) Native Hawaiian (living in Hawaii): A person having origins in any of the original peoples of Hawaii.
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TABLE 6—ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS

Applicant .....	<ul style="list-style-type: none"> <li>• Only the entity that will carry out the proposed award activities can apply for an award (<i>i.e.</i>, the intended award Recipient).</li> <li>• The information in the Application should only reflect the activities of the Applicant, including the presentation of financial and portfolio information. Do not include financial or portfolio information from parent companies, Affiliates, or Subsidiaries in the Application unless it relates to the provision of Development Services.</li> <li>• An Applicant that applies on behalf of another organization will be rejected without further consideration, except for Depository Institution Holding Companies (see below).</li> <li>• Applicants must submit the required application documents listed in Table 10.</li> <li>• The CDFI Fund will only accept Applications that use the official application templates provided on the <i>Grants.gov</i> and AMIS Web sites. Applications submitted with alternative or altered templates will not be considered.</li> <li>• Applicants have a two-step process that requires the submission of application documents on two separate deadlines and locations: (1) <i>Grants.gov</i> and (2) AMIS.                             <ul style="list-style-type: none"> <li>○ <i>Grants.gov</i>: Applicants must submit the Office of Management and Budget (OMB) Standard Form (SF) OMB SF-424, Application for Federal Assistance.</li> <li>○ AMIS: Applicants must submit all other required application materials.</li> <li>○ All Applicants must register in the <i>Grants.gov</i> and AMIS systems to successfully submit an application. The CDFI Fund strongly encourages applicants to register early as possible.</li> </ul> </li> <li>• <i>Grants.gov</i> and the SF-424:                             <ul style="list-style-type: none"> <li>○ The SF-424 must be submitted in <i>Grants.gov</i> on or before March 24 2017, the deadline listed in Table 1 and Table 11. Applicants are strongly encouraged to submit their SF-424 as early as possible in the <i>Grants.gov</i> portal.</li> <li>○ The deadline for the <i>Grants.gov</i> submission is before the AMIS deadline.</li> <li>○ The SF-424 must be submitted under the NACA Program Funding Opportunity Number.</li> <li>○ If the SF-424 is not accepted by <i>Grants.gov</i> by the deadline, the CDFI Fund will not review any material submitted in AMIS and the application will be deemed ineligible.</li> </ul> </li> <li>• AMIS:                             <ul style="list-style-type: none"> <li>○ AMIS is an enterprise-wide information technology system that replaced the myCDFI Fund portal. Applicants will use AMIS to submit and store organization and application information with the CDFI Fund.</li> <li>○ Applicants are only allowed one NACA Program Application submission in AMIS.</li> <li>○ Only the Authorized Representative or Application Point of Contact, included in the Application, can submit the Application in AMIS.</li> <li>○ All required application materials must be submitted in AMIS on or before the deadline specified in Tables 1 and 11.</li> </ul> </li> </ul>
Application type and submission overview through <i>Grants.gov</i> and Awards Management Information System (AMIS).	
Employer Identification Number (EIN) .....	<ul style="list-style-type: none"> <li>• Applicants must have a unique EIN assigned by the Internal Revenue Service (IRS).</li> <li>• The CDFI Fund will reject an Application submitted with the EIN of a parent or Affiliate organization.</li> </ul>
Dun & Bradstreet, (DUNS) number .....	<ul style="list-style-type: none"> <li>• Pursuant to OMB guidance (68 FR 38402), an Applicant must apply using its unique DUNS number in <i>Grants.gov</i>.</li> <li>• The CDFI Fund will reject an Application submitted with the DUNS number of a parent or Affiliate organization.</li> </ul>
Awards Management Information System (AMIS).	<ul style="list-style-type: none"> <li>• Each Applicant must register as an organization in AMIS and submit all required application materials through the AMIS portal.</li> <li>• The Authorized Representative and/or Application Point of Contact must be included as “users” in the Applicant’s AMIS account.</li> <li>• An Applicant that fails to properly register and update its AMIS account may miss important communication from the CDFI Fund or not be able to successfully submit an Application.</li> </ul>
501 (c)(4) status .....	<ul style="list-style-type: none"> <li>• Pursuant to 2 U.S.C. 1611, any 501(c)(4) organization that engages in lobbying activities is not eligible for the receipt of a CDFI or NACA Program award.</li> </ul>
Compliance with Nondiscrimination and Equal Opportunity Statutes, Regulations, and Executive Orders.	<ul style="list-style-type: none"> <li>• An Applicant may not be eligible to receive an award if proceedings have been instituted against it in, by, or before any court, governmental agency, or administrative body, and a final determination within the last three years indicates the Applicant has violated any of the following laws but not limited to: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975, (42 U.S.C. 6101–6107), and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.</li> </ul>



TABLE 6—ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS—Continued

Depository Institution Holding Company Applicant.	<ul style="list-style-type: none"> <li>• In the case where a CDFI Depository Institution Holding Company Applicant intends to carry out the activities of an award through its Subsidiary CDFI Insured Depository Institution, the Application must be submitted by the CDFI Depository Institution Holding Company and reflect the activities and financial performance of the Subsidiary CDFI Insured Depository Institution.</li> <li>• Authorized representatives of both the Depository Institution Holding Company and the Subsidiary CDFI Insured Depository Institution must certify that the information included in the Application represents that of the Subsidiary CDFI Insured Depository Institution and that the award funds will be used to support the Subsidiary CDFI Insured Depository Institution for the eligible activities outlined in the Application.</li> <li>• To be eligible for an award, each Insured Depository Institution Applicant must have a CAMELS/CAMEL rating (rating for banks and credit unions, respectively), by its Federal regulator of at least “4.”</li> <li>• Organizations with CAMELS/CAMEL ratings of “5” will not be eligible for awards.</li> <li>• All awards made through this NOFA must be used to support the Applicant’s activities in at least one of the FA or TA Eligible Activity Categories (see Section II.C).</li> <li>• Awards cannot be used to support the activities of, or otherwise be passed through, transferred, or co-awarded to, third-party entities, whether Affiliates, Subsidiaries, or others (except Depository Institution Holding Company Applicants).</li> <li>• An Applicant must state its requested award amount in the Application in AMIS. An Application that does not include this amount will not be allowed to submit an Application.</li> <li>• The CDFI Fund will consider an Application submitted by an Applicant that has pending noncompliance issues of any of its previously executed award agreement(s), if the CDFI Fund has not yet made a final compliance determination.</li> <li>• The CDFI Fund will not consider an Application submitted by an Applicant that has a previously executed award agreement(s) if, as of the date of the Application, (i) the CDFI Fund has made a determination that such entity is noncompliant with a previously executed agreement and (ii) the CDFI Fund has provided written notification that such entity is ineligible to apply for or receive any future CDFI Fund awards or allocations. Such entities will be ineligible to submit an Application for such time period as specified by the CDFI Fund in writing.</li> <li>• The CDFI Fund will not consider any Applicant that has defaulted on a CDFI Program loan within five years of the Application deadline.</li> </ul>
Insured CDFI-Insured Credit Union and Insured Depository Institution.	
Use of award .....	
Requested award amount .....	
Pending resolution of noncompliance .....	
Noncompliance status .....	

TABLE 7—ELIGIBILITY REQUIREMENTS FOR TA APPLICANTS

CDFI certification status ..... Matching funds ..... Limitation on Awards .....	Certified, Certifiable, Emerging CDFIs, or Sponsoring Entities (see definitions in Table 5). <ul style="list-style-type: none"> <li>• Matching funds documentation is not required for TA awards.</li> <li>• An Emerging CDFI serving Native Communities will be allowed to receive no more than three TA awards as an uncertified CDFI.</li> <li>• A Sponsoring Entity is only eligible to apply for an award if (i) it does not have an active prior award or (ii) the certification goal in its active award’s Assistance Agreement has been satisfied and it proposes to create another CDFI that will serve one or more Native Communities.</li> </ul>
Target Market .....	

TABLE 8—ELIGIBILITY REQUIREMENTS FOR FA APPLICANTS

CDFI certification status .....	<ul style="list-style-type: none"> <li>• Each FA Applicant must be a Certified CDFI prior to the announcement of award decisions.</li> <li>• An Applicant that is in a cure period to remedy CDFI recertification deficiencies at the time of award announcements will not be eligible for an FA award under this NOFA.</li> <li>• For consideration under this NOFA, each FA Applicant must:                         <ul style="list-style-type: none"> <li>○ Demonstrate that at least 50 percent of its past activities were in one or more Native Communities; and</li> <li>○ describe how it will target its lending/investing activities to one or more Native Communities.</li> </ul> </li> <li>• For consideration under this NOFA, an FA Applicant’s certification Target Market must have one or more of the following characteristics:                         <ul style="list-style-type: none"> <li>○ For qualifying with an <i>investment area</i> Target Market, the Applicant must demonstrate that the investment area approved for certification is <i>also</i> a geographic area of Federally-designated reservations, Hawaiian homelands, Alaska Native Villages and U.S. Census Bureau designated Tribal Statistical Areas; and/or</li> <li>○ For qualifying with an <i>Other Targeted Population (OTP)</i> Target Market, the applicant’s Target Market approved for certification must be an OTP of Native Americans or American Indians, including Alaska Natives living in Alaska and Native Hawaiians living in Hawaii.</li> </ul> </li> <li>• Any FA Applicant whose certification Target Market does not meet either of the conditions above will not be eligible for an FA award under this NOFA.</li> <li>• All FA Applicants must demonstrate strong community collaboration with Native Communities.</li> </ul>
Activities in Native Communities .....	
Target Market .....	
Community collaboration .....	

TABLE 8—ELIGIBILITY REQUIREMENTS FOR FA APPLICANTS—Continued

Matching funds documentation .....	<ul style="list-style-type: none"> <li>• All Applicants must submit acceptable documentation attesting that they have received or will receive matching funds. Applicants that do not submit the Matching Funds Excel Workbook documenting the source of their matching funds will not be evaluated.</li> <li>• Awards will be limited to no more than two times the amount of In-Hand or Committed matching funds documentation provided at the time of Application.</li> <li>• Awards will be obligated in like form to the matching funds provided at time of Application. See Table 9. Matching Funds “Determination of Award Form” for additional guidance.</li> <li>• Award payments from the CDFI Fund will require eligible dollar-for-dollar In-Hand matching funds for the total payment amount. Recipients will not receive a payment until 100 percent of their matching funds are In-Hand.</li> <li>• The CDFI Fund will reduce and de-obligate the remaining balance of any Award that does not demonstrate full dollar-for-dollar matching funds equal to the announced award amount by the end of the Matching Funds Window.</li> </ul>
FA Applicants with Community Partners .....	<ul style="list-style-type: none"> <li>• A NACA Applicant can apply for assistance jointly with a Community Partner. The NACA Applicant would complete the NACA Program Application for (FA) and would address the Community Partnership in its business plan and other sections of the Application as specified in the guidance materials.</li> <li>• The NACA Applicant must be either a Certified or Certifiable CDFI as defined in Table 5.</li> <li>• An Application with a Community Partner must:                         <ul style="list-style-type: none"> <li>○ Describe how the NACA Applicant and Community Partner will each participate in carrying out the partnership and how the partnership will enhance activities serving the investment area or targeted population.</li> <li>○ Demonstrate that the Community Partnership activities are consistent with the strategic plan submitted by the NACA Applicant.</li> </ul> </li> <li>• Assistance provided upon approval of an Application with a Community Partner shall only be entrusted to the NACA Applicant and shall not be used to fund any activity carried out directly by the Community Partner or an Affiliate or Subsidiary thereof.</li> </ul>
\$5 Million funding cap .....	<ul style="list-style-type: none"> <li>• The CDFI Fund is prohibited from obligating more than \$5 million in CDFI and NACA Program awards, in the aggregate, to any one organization and its Subsidiaries and Affiliates during any three-year period.</li> <li>• For purposes of this NOFA and subject to final FY 2017 appropriations language, the CDFI Fund will include CDFI and NACA Program final awards in the cap calculation that were provided to an Applicant (and/or its Subsidiaries or Affiliates) under the FY 2015, and 2016 funding rounds, as well as the requested FY 2017 award, excluding HFFI-FA awards. The CDFI Fund will make the FY 2017 funding round award announcements after September 23, 2017.</li> </ul>
HFFI-FA .....	<ul style="list-style-type: none"> <li>• All HFFI-FA Applicants must:                         <ul style="list-style-type: none"> <li>○ Submit a CDFI or NACA Program FA Application;</li> <li>○ Meet all NACA FA award eligibility requirements;</li> <li>○ Submit the HFFI-FA Application; and</li> <li>○ Provide an HFFI-FA award request amount in AMIS.</li> </ul> </li> </ul>

B. *Matching Funds Requirements:* In order to receive an FA award, an Applicant must provide evidence of eligible dollar-for-dollar matching funds and attest that it can provide acceptable documentation upon the CDFI Fund’s request. An Applicant that uses Retained Earnings or Equity Investments must provide documentation of eligible dollar-for-dollar matching funds at the

time of application submission. The CDFI Fund will review summary matching funds information, attestations, and matching funds documentation, if applicable, prior to award payment and will pay funds based upon eligible In-Hand matching funds (see Table 9 for the definition of In-Hand). The CDFI Fund encourages Applicants to review the Regulations at

12 CFR 1805.500, the Uniform Administrative Requirements, and the matching funds guidance materials available on the CDFI Fund’s Web site. Table 9 provides a summary of the matching funds requirements; additional details are set forth in the Application materials.

TABLE 9—MATCHING FUNDS REQUIREMENTS

Matching funds requirements by application type	<p>The following Applicants must provide evidence of acceptable matching funds:</p> <ul style="list-style-type: none"> <li>• NACA FA Applicants (upon request)*;</li> <li>• HFFI-FA Applicants. (upon request)*</li> </ul> <p>TA Applicants are not required to provide matching funds.</p> <p>*The matching funds requirement for HFFI-FA and NACA FA applicants was waived in the appropriations bill for FY 2016 and the final FY 2017 appropriations are still pending. HFFI-FA and NACA FA applicants are not required to submit matching funds for their award requests at the time of application. However, the CDFI Fund reserves the right to request matching funds from HFFI-FA and NACA FA applicants if matching funds are not waived in the final FY 2017 NACA Program appropriation.</p>
Amount of required match .....	<p>Applicants must provide evidence of eligible, In-Hand, dollar-for-dollar, non-Federal matching funds for every FA award dollar to be paid by the CDFI Fund. If awarded, Applicants that did not demonstrate 100 percent In-Hand matching funds at the time of Application may experience a longer payment timeline.</p>

TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

Determination of award form .....	<p>FA awards will be made in comparable form and value to the eligible In-Hand and/or Committed matching funds documentation submitted by the Applicant.</p> <ul style="list-style-type: none"> <li>• For example, if an FA Applicant provides documentation of eligible loan matching funds for \$200,000 and \$400,000 of its matching funds in the form of grant, the CDFI Fund will obligate \$200,000 of the FA award as a loan and \$400,000 as a grant.</li> <li>• After awards have been announced, Award Recipients may request the CDFI Fund's permission to change the form of their award from loan to grant (by producing eligible grant matching funds), but will only be eligible to receive a grant equal to the federal credit subsidy amount associated with the original loan. Applicants will also experience delays in payments if requested award form changes are approved by the CDFI Fund.</li> </ul>
Matching Funds Window definition .....	<ul style="list-style-type: none"> <li>• The Applicant must receive eligible In-Hand matching funds between January 1, 2015 and January 15, 2018.</li> <li>• An Award Recipient must provide the CDFI Fund with all documentation demonstrating the receipt of In-Hand matching funds by January 31, 2018.</li> </ul>
Matching funds and form of award .....	<ul style="list-style-type: none"> <li>• Recipients will be approved for a maximum award size of two times the total amount of eligible In-Hand and/or Committed matching funds included in the Application, so long as they do not exceed the award amount limit.</li> <li>• The form of the matching funds documented in the Application determines the form of the award.</li> </ul>
In-Hand matching funds definition .....	<ul style="list-style-type: none"> <li>• Matching funds are In-Hand when the Applicant receives payment for the matching funds from the matching funds source and has acceptable documentation that can be provided to the CDFI Fund upon request. Acceptable In-Hand documentation must show the source, form (e.g., grant, loan, deposit, and Equity Investment), amount received, and the date the funds came into physical possession of the Applicant.</li> <li>• The following documentation, depending on the matching funds type, must be available to be provided to the CDFI Fund upon request:             <ul style="list-style-type: none"> <li>• Loan—the loan agreement and/or promissory note;</li> <li>• grant—the grant letter or agreement for all grants;</li> <li>• equity investment—the stock certificate and shareholder agreement;</li> <li>• retained earnings—audits or call reports from regulating entity;</li> <li>• third party in-kind contribution—evidence of receipt of contribution and valuation;</li> <li>• deposits—certificates of deposit agreement;</li> <li>• secondary capital—secondary capital agreement and disclosure and acknowledgement statement;</li> </ul> </li> </ul>
	<p>AND</p> <ul style="list-style-type: none"> <li>• clearly legible documentation that demonstrates actual receipt of the matching funds including the date of the transaction and the amount, such as a copy of a check or a wire transfer statement.</li> <li>• Applicants must provide information on their In-Hand matching funds in the Matching Funds Breakout Table Excel Workbook (refer to Table 10—Required Application Documents) which must be submitted at the time of Application.</li> <li>• Although Applicants are not required to provide further documentation for In-Hand matching funds at the time of Application submission, except for Retained Earnings and Equity Investments, they must be able to provide documentation to the CDFI Fund upon request.</li> </ul>
Committed matching funds definition .....	<ul style="list-style-type: none"> <li>• Matching funds are Committed when the Applicant has entered into or received a legally binding commitment from the matching funds source showing the matching funds will be disbursed to the Applicant at a future date.</li> <li>• The Applicant must be able to provide the CDFI Fund, upon request, acceptable written documentation showing the source, form, and amount of the Committed matching funds (including, in the case of a loan, the terms thereof), as well as the anticipated payment date of the Committed funds.</li> <li>• Applicants must provide information on their Committed matching funds in the Matching Funds Breakout Table Excel Workbook (refer to Table 10—Required Application Documents) which must be submitted at the time of Application.</li> <li>• Although Applicants are not required to provide further documentation for Committed matching funds at the time of Application submission, except for Retained Earnings, it must be able to provide documentation to the CDFI Fund upon request.</li> </ul>
Limitations on matching funds .....	<ul style="list-style-type: none"> <li>• Matching funds must be from non-Federal sources.</li> <li>• Applicants cannot proffer matching funds that were accepted as matching funds for a prior FA award under the CDFI Program, NACA Program, or under another Federal grant or award program.</li> <li>• Matching funds must comply with Regulations at 12 CFR 1805.500 <i>et seq.</i></li> <li>• Matching funds must be attributable to at least one of the five eligible FA activities (see Section II.C).</li> </ul>
Rights of the CDFI Fund .....	<ul style="list-style-type: none"> <li>• The CDFI Fund reserves the right to contact the matching funds source to discuss the matching funds and the documentation that the Applicant provided if required or requested.</li> <li>• The CDFI Fund may grant an extension of the Matching Funds Window (defined in Table 9), on a case-by-case basis, if the CDFI Fund deems it appropriate.</li> <li>• The CDFI Fund reserves the right to rescind all or a portion of an FA award and re-allocate the rescinded award amount to other qualified Applicant(s), if an Award Recipient fails to provide evidence of In-Hand Matching Funds totaling its award amount obtained during the Matching Funds Window.</li> </ul>
Matching funds in the form of third-party in-kind contributions.	<ul style="list-style-type: none"> <li>• Third party in-kind contributions are non-cash contributions (i.e., property or services) provided by non-Federal third parties to the Applicant.</li> </ul>

TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

<p>Matching funds in the form of a loan .....</p>	<ul style="list-style-type: none"> <li>• Third party in-kind contributions will be considered to be in the form of a grant for matching funds purposes.</li> <li>• Third party in-kind contributions may be in the form of real property, equipment, supplies, and other expendable property, and the value of goods and services directly benefiting the eligible activities.</li> <li>• For third-party in-kind contributions, the fair market value of goods and services must be documented as the grant match.</li> <li>• Applicants will be responsible for documenting the value of all in-kind contributions as described in the Uniform Administrative Requirements.</li> </ul>
<p>Severe Constraints Waiver .....</p>	<ul style="list-style-type: none"> <li>• An FA award made in the form of a loan will have the following standardized terms:             <ul style="list-style-type: none"> <li>• A 13-year term with semi-annual interest-only payments due in years 1 through 10, and fully amortizing payments due each year in years 11 through 13; and</li> <li>• A fixed interest rate of 1.9 percent, which was calculated by the CDFI Fund based on the U.S. Department of the Treasury’s 10-year Treasury note.</li> </ul> </li> <li>• The Applicant’s matching funds loan(s) must:             <ul style="list-style-type: none"> <li>i. Have a minimum of a 3-year term (loans presented as matching funds with less than a 3-year term will not qualify as eligible match); and</li> <li>ii. be from a non-Federal source.</li> </ul> </li> </ul>
<p>Ineligible matching funds .....</p>	<ul style="list-style-type: none"> <li>• Not more than 25 percent of the total funds available for obligation under this funding round may be matched under the Severe Constraints Waiver.</li> <li>• In the case of an Applicant demonstrating severe constraints on available sources of matching funds, the CDFI Fund, in its sole discretion, may permit such Applicant to comply with the matching funds requirements by reducing such requirements by up to 50 percent.</li> <li>• In order to be considered eligible for a Severe Constraints Waiver, an Applicant must meet all of the NACA FA eligibility criteria described in Table 8. Instructions for requesting a Severe Constraints Waiver will be made available if required.</li> </ul>
<p>Use of matching funds from a prior CDFI Program Recipient.</p>	<ul style="list-style-type: none"> <li>• If the CDFI Fund determines that any portion of the Applicant’s matching funds is ineligible, the CDFI Fund will permit the Applicant to offer documentation of alternative matching funds as a substitute for the ineligible matching funds.</li> <li>• In such instances:             <ul style="list-style-type: none"> <li>i. The Applicant must provide acceptable evidence of the alternative matching funds within the period of time specified by the CDFI Fund, and</li> <li>ii. the alternative matching funds will not increase the total amount of FA requested.</li> </ul> </li> </ul>
<p>Matching funds in the form of retained earnings</p>	<ul style="list-style-type: none"> <li>• If an Applicant offers matching funds documentation from an organization that was a prior Recipient under the CDFI Program or NACA Program, the Applicant must be able to prove to the CDFI Fund’s satisfaction that such funds do not consist, in whole or in part, of CDFI Program funds, NACA Program funds or other Federal funds.</li> </ul>
<p>Special rule for Insured Credit Unions and Insured Depository Institutions.</p>	<ul style="list-style-type: none"> <li>• Retained earnings are eligible for use as matching funds when the CDFI Fund calculates an amount equal to:             <ul style="list-style-type: none"> <li>i. The increase in retained earnings that occurred over any one of the Applicant’s fiscal years within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>ii. the annual average of such increases that occurred over any three consecutive fiscal years of the Applicant with at least one of the fiscal years occurring within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>iii. any combination of (i) and (ii) above that does not include matching funds used for an award.</li> </ul> </li> <li>• Retained earnings will be matched with an FA award in the form of a grant.</li> <li>• An Insured Credit Union’s and Insured Depository Institution’s retained earnings are eligible for use as matching funds when the CDFI Fund calculates an amount equal to:             <ul style="list-style-type: none"> <li>i. The increase in retained earnings that occurred over any one of the Applicant’s fiscal years within the Matching Funds Window, adjusted to remove revenue from Federal sources and matching funds used for an award; or</li> <li>ii. the annual average of such increases that occurred over any three consecutive fiscal years of the Applicant with at least one of the fiscal years occurring within the Matching Funds Window, adjusted to remove revenue and expenses derived from Federal sources and matching funds used for an award; or</li> <li>iii. the entire retained earnings that have been accumulated since the inception of the Applicant, as provided in the Regulations.</li> </ul> </li> <li>• If option (iii) is used for Insured Credit Unions, the Applicant must increase its member and/or non-member shares and/or total loans outstanding by an amount equal to the amount of retained earnings committed as matching funds.             <ul style="list-style-type: none"> <li>• This increase will be measured on a quarterly basis from March 31, 2017; must occur by the end of Year 1 of the Recipient’s Performance Period, as set forth in its Assistance Agreement; and will be based on amounts reported in the Applicant’s National Credit Union Administration (NCUA) form 5300 Call Report.</li> <li>• The CDFI Fund will assess the likelihood of this increase during the Application review process.</li> <li>• An award will not be made to any Applicant that has not demonstrated in the relevant NCUA form 5300 Call Reports that it has increased shares and/or total loans outstanding by at least 25 percent of the requested FA award amount between December 31, 2015, and December 31, 2016.</li> </ul> </li> </ul>

TABLE 9—MATCHING FUNDS REQUIREMENTS—Continued

	<ul style="list-style-type: none"> <li>• The matching funds are not In-Hand until the Recipient has increased its member and/or non-member shares, deposits and/or total loans outstanding by the amount of retained earnings since inception used as matching funds within the time period specified.</li> <li>• If option (iii) is used for Insured Depository Institutions or Depository Institution Holding Companies, the Applicant or its Subsidiary Insured Depository Institution (in the case of a Depository Institution Holding Company) must increase deposits and/or total loans outstanding by an amount equal to the amount of retained earnings committed as matching funds. Please note that Depository Institution Holding Company Applicants must use the call reports of the CDFI Subsidiary Insured Depository Institution that the requested FA award will support.</li> <li>• This increase will be measured on a quarterly basis from March 31, 2017; must occur by the end of Year 1 of the Recipient’s Performance Period, as set forth in its Assistance Agreement; and will be based on amounts reported in the Bank Call Report.</li> <li>• The CDFI Fund will assess the likelihood of this increase during the Application review process.</li> <li>• An award will not be made to any Applicant that has not demonstrated in the relevant call reports that it has increased deposits and/or total loans outstanding by at least 25 percent of the requested FA award amount between December 31, 2015, and December 31, 2016.</li> <li>• The matching funds are not In-Hand until the Recipient has increased its deposits and/or total loans outstanding by the amount of retained earnings since inception used as matching funds within the time period specified.</li> <li>• All regulated Applicants utilizing the part (iii) Since Inception rule should refer to the Retained Earnings Guidance included in the Matching Funds Breakout Table Excel Workbook found on the CDFI Fund’s Web site.</li> </ul>
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**IV. Application and Submission Information**

*A. Address to Request an Application Package:* Application materials can be found on the CDFI Fund’s Web site at [www.cdfifund.gov/native](http://www.cdfifund.gov/native). Applicants may request a paper version of any Application material by contacting the CDFI Fund Help Desk at [cdfihelp@cdfi.treas.gov](mailto:cdfihelp@cdfi.treas.gov).

*B. Content and Form of Application Submission:* All Applications must be prepared using the English language and calculations must be made in U.S. dollars. The following table lists the required Application documents for the FY 2017 Funding Round. The CDFI Fund reserves the right to request and review other pertinent or public information that has not been specifically requested in this NOFA or

the Application. Information submitted by the Applicant that the CDFI Fund has not specifically requested will not be reviewed or considered as part of the Application. Information submitted must accurately reflect the Applicant’s activities. Financial data, portfolio, and activity information provided in the Application should only include the Applicant’s activities.

TABLE 10—REQUIRED APPLICATION DOCUMENTS

Application documents	Applicant type	Submission format
SF-424 .....	All Applicants .....	Fillable PDF in <i>Grants.gov</i> .
NACA Program Application Components .....	All Applicants .....	AMIS.
<ul style="list-style-type: none"> <li>• Funding Application Detail</li> <li>• Data, Charts, and Narrative sections as listed in AMIS and outlined in Application materials</li> </ul>		
HFFI-FA Application Components .....	HFFI-FA Applicants .....	AMIS.
<ul style="list-style-type: none"> <li>• Funding Application Detail</li> <li>• Narratives</li> </ul>	—Must create new funding application.	

ATTACHMENTS TO THE APPLICATION:  
Add to “Related Attachments” related list in application

Matching Funds Breakout Table Excel Workbook .....	CDFI Program FA Core Applicants (the CDFI Fund reserves the right to request matching funds from HFFI-FA and NACA FA applicants if matching funds are not waived in the final FY 2017 NACA Program appropriation).	Excel in AMIS.
Key Staff Resumes .....	All Applicants .....	PDF or Word document in AMIS.
Organizational Chart .....	All Applicants .....	PDF in AMIS.
Audited Financial Statements .....	FA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.
Management Letters .....	FA Applicants: Loan funds and other non-Insured Depository Institutions, TA Applicants: If available.	PDF in AMIS.
Unaudited Financial Statements (if Audited Financial Statements are not available).	TA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.
Call Reports .....	FA and TA Applicants: Insured Depository Institutions only.	PDF in AMIS.
Current Year to Date—December 31, 2016, Unaudited Financial Statements.	FA and TA Applicants: Loan funds and other non-Insured Depository Institutions.	PDF in AMIS.

TABLE 10—REQUIRED APPLICATION DOCUMENTS—Continued

Application documents	Applicant type	Submission format
Additional Documents As Applicable: Community Partnership Agreement 501(c)(4) Questionnaire Explanation Environmental Review Form Explanation Retained Earnings or Equity Investment Matching Funds Documentation.	All Applicants, if applicable .....	PDF or Word document in AMIS.

C. *Application Submission*: The CDFI Fund has a two-step process that requires the submission of application documents on separate deadlines and locations. The SF-424 must be submitted through *Grants.gov* and all other application documents through the AMIS portal. The CDFI Fund will not accept Applications via email, mail, facsimile, or other forms of communication, except in extremely rare circumstances that have been pre-approved by the CDFI Fund. Applicants are only required to submit the OMB SF-424, Application for Federal Assistance form in *Grants.gov* as all other application information (listed in Table 10) will be submitted through AMIS. The deadline for submitting the SF 424 is listed in Tables 1 and 11. All other application information must be submitted in AMIS and only the Authorized Representative or Application Point of Contact can submit the application.

Applicants are encouraged to submit the SF-424 as early as possible through *Grants.gov* to provide time to resolve any submission problems. Applicants should contact *Grants.gov* directly with

questions related to the registration or submission process as the CDFI Fund does not maintain the *Grants.gov* system.

The CDFI Fund strongly encourages Applicants to start the *Grants.gov* registration process as soon as possible (refer to the following link: <http://www.grants.gov/web/grants/register.html>) as it may take several weeks to complete. An Applicant that has previously registered with *Grants.gov* must verify that its registration is current and active.

D. *Dun & Bradstreet Universal Numbering System (DUNS)*: Pursuant to the Uniform Administrative Requirements, each Applicant must provide as part of its Application submission, a Dun and Bradstreet Universal Numbering System (DUNS) number. Applicants without a DUNS number will not be able to register and submit an Application in the *Grants.gov* system. Please allow sufficient time for Dun & Bradstreet to respond to inquiries and/or requests for DUNS numbers.

E. *System for Award Management (SAM)*: Any entity applying for Federal grants or other forms of Federal financial assistance through *Grants.gov*

must be registered in SAM before submitting its Application. The SAM registration process can take several weeks to complete. Applicants that have previously completed the SAM registration process must verify that their SAM accounts are current and active. Each Applicant must continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an Application under consideration by a Federal awarding agency. The CDFI Fund will not consider any Applicant that fails to properly register or activate its SAM account and, as a result, is unable to submit its Application by the Application deadline. Applicants must contact SAM directly with questions related to registration or SAM account changes as the CDFI Fund does not maintain this system. For more information about SAM, please visit <https://www.sam.gov>.

F. *Submission Dates and Times*:

1. *Submission Deadlines*: The following table provides the critical deadlines for the FY 2017 Funding Round.

TABLE 11—FY 2017 FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (EDT)	Submission method
CDFI Certification Applications .....	March 24, 2017 .....	11:59 p.m. EDT ....	Electronically via Award Management Information System (AMIS).
SF424 (Application for Federal Assistance) .....	March 24, 2017 .....	11:59 p.m. EDT ....	Electronically via <i>Grants.gov</i> .
Last day to contact NACA Program staff .....	April 26, 2017 .....	5:00 p.m. EDT .....	Service Request via Awards Management Information System (AMIS) Or CDFI Fund Helpdesk: 202-653-0421 or <a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a> .
NACA Program Application for Financial Assistance (FA) or Technical Assistance (TA).	April 28, 2017 .....	11:59 p.m. EDT ....	Electronically via Awards Management Information System (AMIS).

2. *Confirmation of Application Submission in Grants.gov and AMIS*: Applicants are required to submit the OMB SF-424, Application for Federal Assistance through the *Grants.gov* system, under the NACA Program Funding Opportunity Number. All other required application materials must be submitted through the AMIS Web site. Application materials submitted through both systems are due by the

applicable deadlines. Applicants must submit the SF-424 on an earlier deadline from the other required application materials in AMIS. If the SF-424 is not successfully accepted by *Grants.gov* by the deadline, the CDFI Fund will not review any of the material submitted in AMIS and the Application will be deemed ineligible.

a. *Grants.gov Submission Information*: Each Applicant will receive an email

from *Grants.gov* immediately after submitting the SF-424 confirming that the submission has entered the *Grants.gov* system. This email will contain a tracking number for the submitted SF-424. Within 48 hours, the Applicant will receive a second email, which will indicate if the submitted SF-424 was either successfully validated or rejected with errors. However, Applicants should not rely on the email

notification from *Grants.gov* to confirm that their SF-424 was validated. Applicants are strongly encouraged to use the tracking number provided in the first email to closely monitor the status of their SF-424 by contacting the helpdesk at *Grants.gov* directly. The Application material submitted in AMIS is not officially accepted by the CDFI Fund until *Grants.gov* has validated the SF-424.

b. Award Management Information System (AMIS) Submission Information: AMIS is a web-based portal where Applicants will directly enter their application information and add required attachments listed in Table 10. AMIS will verify that the Applicant provided the minimum information required to submit an Application. Applicants are responsible for the quality and accuracy of the information and attachments included in the Application submitted in AMIS. The CDFI Fund strongly encourages the Applicant to allow sufficient time to confirm the Application content, review the material submitted, and remedy any issues prior to the Application deadline. Only the Authorized Representative or an Application Point of Contact can submit the Application. Applicants can only submit one Application. Upon submission, the Application will be locked and cannot be resubmitted, edited, or modified in any way. The CDFI Fund will not unlock or allow multiple Application submissions.

3. *Late Submission*: The CDFI Fund will not accept an Application submitted after the Application deadline except where the submission delay was a direct result of a Federal government administrative or technological error. In such case, the Applicant must submit a written request for acceptance of late Application submission and include documentation of the error no later than two business days after the Application deadline. The CDFI Fund will not respond to request for acceptance of late Application submissions after that time period. Applicants must submit late Application submission requests to the CDFI Fund via an AMIS service request to the CDFI Program with a subject line of "Late Application Submission Request."

G. *Funding Restrictions*: FA, HFFI-FA and TA awards are limited by the following:

1. *FA awards*:

a. An award Recipient shall use FA funds only for the eligible activities described in Section II. (C)(1) of this NOFA and its Assistance Agreement.

b. A Recipient may not distribute FA funds to an Affiliate, Subsidiary, or any other entity, without the CDFI Fund's prior written approval.

c. FA funds shall only be paid to the Recipient.

d. The CDFI Fund, in its sole discretion, may pay FA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

2. *HFFI-FA awards*:

a. An award Recipient shall use HFFI-FA funds only for the eligible activities described in Section II. (C) (1) of this NOFA and its Assistance Agreement.

b. A Recipient may not distribute HFFI-FA funds to an Affiliate, Subsidiary, or any other entity, without the CDFI Fund's prior written approval.

c. HFFI-FA funds shall only be paid to the Recipient.

d. The CDFI Fund, in its sole discretion, may pay HFFI-FA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

3. *TA grants*:

a. An award Recipient shall use TA funds only for the eligible activities described in Section II. (C) (2) of this NOFA and its Assistance Agreement.

b. A Sponsoring Entity award Recipient must create, as a legal entity, the Emerging CDFI no later than the end of the first year of the period of performance, whereupon the Sponsoring Entity must request the CDFI Fund to amend the Assistance Agreement and add the Emerging CDFI as a co-Recipient thereto, with the Sponsoring Entity, thereby transferring any and all remaining balances and/or assets derived from the TA award to the Emerging CDFI.

c. A Recipient may not distribute TA funds to an Affiliate, Subsidiary or any other entity, without the CDFI Fund's prior written consent.

d. TA funds shall only be paid to the Recipient.

e. The CDFI Fund, in its sole discretion, may pay TA funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

**V. Application Review Information**

A. *Criteria*: If the Applicant has submitted an eligible Application, the CDFI Fund will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFA, the Application guidance, and the Uniform Administrative Requirements. The CDFI

Fund reserves the right to contact the Applicant by telephone, email, or mail for the sole purpose of clarifying or confirming Application information. If contacted, the Applicant must respond within the time period communicated by the CDFI Fund or run the risk that its Application will be rejected. The CDFI Fund will review the FA, HFFI-FA, and TA Applications according to the below process.

1. *Financial Assistance (FA) Application Scoring, Award Selection, Review, and Selection Process*: The CDFI Fund will evaluate each Application using a five step review process illustrated in the sections below. Applicants that meet the minimum criteria will advance to the next step in the review process. Applicants applying as a Community Partnership must describe partnership in the Application per requirements set forth in Table 8 and will be evaluated per the review process described below.

a. *Step 1: Eligibility Review*: The CDFI Fund will evaluate each Application to determine its eligibility status per Section III. Eligibility Information of this NOFA.

b. *Step 2: Financial Analysis*: An external non-CDFI Fund reviewer will evaluate the financial health and viability of each Application using the financial information provided in the Application. The Reviewer will evaluate the Financial Analysis Components listed in Table 12 and assign a score on a scale of one (1) to five (5), which will be used to calculate a Total Financial Composite Score on a scale of one (1) to five (5), with one (1) being the highest rating.

All Applications will be reviewed in accordance with standard reviewer evaluation materials for the financial analysis described in supplemental guidance located on the CDFI Fund's Web site. Applications will be grouped based on the Total Financial Composite Score. Applicants must receive a Total Financial Composite Score of one (1), two (2), or three (3) to advance to Step 3. Applicants that receive a Total Financial Composite Score of four (4) or five (5) will be evaluated and scored by a second external, non-Federal reviewer. Applicants that receive a Total Financial Composite Score of four (4) or five (5) will not advance to Step 3. In instances an Applicant receives an initial score of four (4) or five (5) and a second score of one (1), two (2), or three (3), the two reviewers will discuss their evaluations and decide on one final Total Financial Composite Score.

TABLE 12—STEP 2: FA FINANCIAL ANALYSIS SCORING CRITERIA

Financial analysis component	Possible scores	High score	Score needed to advance
Capital Adequacy .....	1, 2, 3, 4, or 5 .....	1	N/A.
Asset Quality .....	1, 2, 3, 4, or 5 .....	1	N/A.
Earnings .....	1, 2, 3, 4, or 5 .....	1	N/A.
Capital Liquidity .....	1, 2, 3, 4, or 5 .....	1	N/A.
Operating Liquidity .....	1, 2, 3, 4, or 5 .....	1	N/A.
Total Financial Composite Score .....	1, 2, 3, 4, or 5 .....	1	1, 2, or 3.

c. Step 3: Business Plan Review: Applicants that proceed to Step 3 will be evaluated on the soundness of each Applicant’s comprehensive business plan. The two external non-CDFI Fund Reviewers conducting the Step 3 evaluation will be different than those that conduct the Step 2 evaluation. Reviewers will evaluate the Application

sections listed in Table 13. All Applications will be reviewed in accordance with standard reviewer evaluation materials for the business plan review. Applications will be ranked based on Total Business Plan Scores, in descending order. In order to advance to Step 4, Applicants must receive a Total Business Plan Score

within the top 70 percent of the applicant pool. In the case of tied Total Business Plan Scores that would prevent an Applicant from moving to Step 4, Applicants will be ranked according to their Step 2 Total Financial Composite Score and standard anomaly procedures.

TABLE 13—STEP 3: FA BUSINESS PLAN REVIEW SCORING CRITERIA

FA application sections	Possible score	Score needed to advance
Executive Summary .....	Not Scored .....	N/A.
Business Strategy .....	7 .....	N/A.
Products and Services .....	7 .....	N/A.
Market and Competitive Analysis .....	7 .....	N/A.
Management and Staffing .....	7 .....	N/A.
Financial Position .....	7 .....	N/A.
Growth and Financial Projections .....	7 .....	N/A.
Total Business Plan Score .....	49 .....	Within Top 70 percent of all Step 3 Scores.

d. Step 4: Policy Objective Review: For Applicants that advance to Step 4, the CDFI Fund internal reviewers will evaluate each Application to determine its ability to meet policy objectives of the CDFI Fund authorizing statute. The policy objectives considered in this evaluation are listed in Table 14 below. Each Applicant will be evaluated in

each of the categories, which will result in a Total Policy Objective Review Score on a scale of one (1) to five (5), with one (1) being the highest score. Applicants are then grouped according to Total Policy Objective Review Scores. In Step 4, the CDFI Fund also conducts a due diligence review for Applications that includes an analysis of programmatic risk factors including,

but not limited to: History of performance in managing Federal awards (including timeliness of reporting and compliance); reports and findings from audits; and the Applicant’s ability to effectively implement Federal requirements, which could impact the Total Policy Objective Review Score.

TABLE 14—STEP 4: FA POLICY REVIEW SCORING CRITERIA

Section	Possible scores	High score	Score needed to advance
Economic Distress .....	1, 2, 3, 4, or 5 .....	1	N/A.
Economic Opportunities .....	1, 2, 3, 4, or 5 .....	1	N/A.
Partnerships .....	1, 2, 3, 4, or 5 .....	1	N/A.
Total Policy Objective Review Score .....	1, 2, 3, 4, or 5 .....	1	All Scores Advance.

e. Step 5: Award Amount Determination: The CDFI Fund determines an award amount for each Application based on the Step 4 Total Policy Objective Review Score, the Applicant’s request amount, and on certain variables, including but not limited to: An Applicant’s deployment track record, minimum award size, and

funding availability. Award amounts may be reduced from the requested award amount as a result of this analysis. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

2. Healthy Food Financing Initiative-FA (HFFI-FA) Application Scoring,

*Award Selection, Review, and Selection Process:* Two external non-CDFI Fund reviewers will evaluate each HFFI-FA Application whose associated FA application that progress to Step 4 of the FA Application review process. Reviewers will evaluate the Application sections listed in Table 15 and assign a Total HFFI-FA Score up to 25 points.



All Applications will be reviewed in accordance with standard reviewer evaluation materials. Applications will be ranked based on total scores, in descending order. Applicants that fail to receive an FA award will not be considered for an HFFI-FA award.

The CDFI Fund conducts additional levels of due diligence for Applications that are in scoring contention for an award. This due diligence includes an

analysis of programmatic and financial risk factors including, but not limited to: Financial stability, quality of management systems and ability to meet award management standards, history of performance in managing Federal awards (including timeliness of reporting and compliance), reports and findings from audits, and the Applicant's ability to effectively implement Federal requirements.

Award amounts may be reduced from the requested award amount as a result of this analysis. The CDFI Fund may reduce awards sizes from requested amounts based on certain variables, including an Applicant's loan disbursement activity, total portfolio outstanding, and similar factors. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

TABLE 15—STEP 3 HFFI-FA APPLICATION SCORING CRITERIA

HFFI-FA narrative sections	HFFI-FA applicants (points)
HFFI Target Market Profile .....	4
Healthy Food Financial Products .....	5
Healthy Food Development Services .....	2
Projected HFFI-FA Activities .....	7
HFFI Track Record, Management Capacity for Providing Healthy Food Financing, Healthy Food Financing Outcomes .....	7
<b>Total HFFI-FA Score .....</b>	<b>25</b>

3. *Technical Assistance (TA) Application Scoring, Award Selection, Review, and Selection Process:* The CDFI Fund will evaluate each Application to determine its eligibility status per Section III. Eligibility Information of this NOFA.

If the Application meets the eligibility criteria, the CDFI Fund will evaluate each TA Application using standard scoring criteria in the Business Plan Review. An Applicant must receive a minimum of 50 points of the Total TA Business Plan Score for the TA components in order to be considered for an award. Sponsoring Entity, Emerging CDFI, or Certifiable CDFI

Applicants must achieve a minimum score of 35 points in Section I to be considered for an award and reviewed in Section II.

An Applicant that is a Certified CDFI will be rated on the demonstrated need for TA funding to build the CDFI's capacity, further the Applicant's strategic goals, and achieve impact within the Applicant's Target Market. An Applicant that is an Emerging CDFI or Certifiable CDFI will be rated on the Applicant's demonstrated capability and plan to achieve CDFI certification within three years, or if a prior awardee, the certification performance goal and measure stated in its prior Assistance

Agreement. An Applicant that is an Emerging CDFI and Certifiable CDFI will also be rated on its demonstrated need for TA funding to build the CDFI's capacity and further its strategic goals. An Applicant that is a Sponsoring Entity will be rated on the Applicant's demonstrated capability to create a separate legal entity within one year that will achieve CDFI certification within four years. An Applicant that is a Sponsoring Entity will also be rated on its demonstrated need for TA funding to build the CDFI's capacity and further its strategic goals. The CDFI Fund will score each part of the TA Business Plan Review as indicated in Table 16.

TABLE 16—TA BUSINESS PLAN REVIEW SCORING CRITERIA

TA application sections	Emerging CDFI or certifiable CDFI (points)	Certified CDFI (points)
<b>Section I:</b>		
Primary Mission .....	15	N/A
Financing Entity .....	15	N/A
Target Market .....	15	N/A
Accountability .....	15	N/A
Development Services .....	15	N/A
<b>Section II:</b>		
Organization Overview .....	5	20
Management and Staff .....	5	20
Community Coordination .....	5	20
Financial Performance .....	5	20
Organizational Impact .....	5	20
<b>Total TA Business Plan Score .....</b>	<b>100</b>	<b>100</b>

Each TA Application will be evaluated by one internal CDFI Fund reviewer. Internal reviewers must complete the CDFI Fund's conflict of

interest process. The CDFI Fund's application conflict of interest policy is located on the CDFI Fund's Web site. All Applications will be reviewed in

accordance with CDFI Fund standard reviewer evaluation materials for the Business Plan Review. Applications will be ranked based on Total TA Business

Plan Score, in descending order. In the case of tied scores that would prohibit the Application from progressing to the next level of review, Certified Applicants will be ranked first according to each Organization Overview score and Emerging CDFI, Certifiable CDFI, and Sponsoring Entity Applicants will be ranked first according to the total Section I score.

The CDFI Fund conducts additional levels of due diligence for Applications that are in scoring contention for an award. This due diligence includes an analysis of the eligibility of an Applicant's funding request and similar factors. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

The CDFI Fund conducts additional levels of due diligence for Applications that are in scoring contention for an award. This due diligence includes an analysis of programmatic and financial risk factors including, but not limited to: Financial stability, history of performance in managing Federal awards (including timeliness of reporting and compliance), reports and findings from audits, and the Applicant's ability to effectively implement Federal requirements. Award amounts may be reduced as a result of this analysis, the eligibility of an Applicant's funding request and similar factors. Lastly, the CDFI Fund may consider the geographic diversity of Applicants when making its funding decisions.

4. *Insured Depository Institutions:* The CDFI Fund will consider safety and soundness information from the Appropriate Federal or State Banking Agency. If the Applicant is a CDFI Depository Institution Holding Company, the CDFI Fund will consider information provided by the Appropriate Federal or State Banking Agencies about both the CDFI Depository Institution Holding Company and the Subsidiary CDFI Certified Insured Depository Institution that will expend and carry out the award. If the Appropriate Federal Banking Agency or Appropriate State Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the Applicant to be incapable of undertaking the activities for which funding has been requested.

5. *Non-Regulated Institutions:* In accordance with the NACA Program's authorizing statute and regulations, the CDFI Fund must ensure, to the maximum extent practicable, that recipients that are non-regulated CDFIs are financially and managerially sound

and maintain appropriate internal controls (12 U.S.C. 4707(f)(1)(A) and 12 CFR 1805.800(b)). Further, the CDFI Fund must determine that an Applicant's capacity to operate as a CDFI and its continued viability will not be dependent upon assistance from the CDFI Fund (12 U.S.C. 4704(b)(2)(A)). If it is determined the Applicant is incapable of meeting these requirements, the CDFI Fund reserves the right to deem the Applicant ineligible or terminate the award.

B. *Anticipated Award Announcement:* The CDFI Fund anticipates making the NACA Program award announcements after September 23, 2017 and before September 30, 2017.

C. *Application Rejection:* The CDFI Fund reserves the right to reject an Application if information (including administrative error) comes to the CDFI Fund's attention that either: Adversely affects an Applicant's eligibility for an award; adversely affects the Recipient's certification as a CDFI (to the extent that the award is conditional upon CDFI certification); adversely affects the CDFI Fund's evaluation or scoring of an Application; or indicates fraud or mismanagement on the Applicant's part. If the CDFI Fund determines any portion of the Application is incorrect in a material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application. The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the CDFI Fund deems it appropriate. If the changes materially affect the CDFI Fund's award decisions, the CDFI Fund will provide information about the changes through its Web site. The CDFI Fund's award decisions are final and there is no right to appeal the decisions.

D. *External Non-CDFI Fund Reviewers:* All external non-CDFI Fund reviewers are selected based on criteria that includes a professional background in community and economic development finance and experience reviewing the financial statements of all CDFI institution types. Reviewers must complete the CDFI Fund's conflict of interest process and be approved by the CDFI Fund. The CDFI Fund's application reader conflict of interest policy is located on the CDFI Fund's Web site.

## VI. Federal Award Administration Information

A. *Award Notification:* Each successful Applicant will receive an email "notice of award" notification from the CDFI Fund stating that its Application has been approved for an award. Each Applicant not selected for

an award will receive an email stating that a debriefing notice has been provided in its AMIS account.

B. *Assistance Agreement:* Each Applicant selected to receive an award must enter into an Assistance Agreement with the CDFI Fund in order to receive a payment(s). The Assistance Agreement will set forth the award's terms and conditions, including but not be limited to the: (i) Award amount; (ii) award type; (iii) award uses; (iv) eligible use of funds; (v) performance goals and measures; and (vi) reporting requirements. FA Assistance Agreements have three-year periods of performance; TA Assistance Agreements have two-year periods of performance for Certified NACATA Recipients, three-year periods of performance for Emerging and Certifiable NACA TA Recipients, and four-year periods of performance for Sponsoring Entity TA Recipients. Upon creation of the Emerging CDFI, the Sponsoring Entity will request the CDFI Fund to amend the Assistance Agreement and add the Emerging CDFI as a party thereto; the Emerging CDFI, as co-awardee, must comply with all of the requirements in the Assistance Agreement, including all program goals and measures.

1. *Certificate of Good Standing:* All FA and TA Recipients that are not Insured Depository Institutions will be required to provide the CDFI Fund with a certificate of good standing from the secretary of state for the Recipient's State of incorporation prior to closing. This certificate can often be acquired online on the secretary of state Web site for the Recipient's State of incorporation and must generally be dated within 180 days before the date the Recipient executes the Assistance Agreement. Due to potential backlogs in State government offices, Applicants are advised to submit requests for certificates of good standing no later than 60 days after they submit their Applications.

2. *Closing:* Pursuant to the Assistance Agreement, there will be an initial closing at which point the Assistance Agreement and related documents will be properly executed and delivered, and an initial payment of FA or TA may be made. FA Recipients that are subject to the matching funds requirement will not receive a payment until 100 percent of their matching funds are In-Hand. The first payment is the estimated amount of award that the Recipient states in its Application that it will use for eligible FA or TA activities in the first 12 months after the award. The CDFI Fund reserves the right to increase the first payment amount on any award to ensure that any subsequent payments

are greater than \$25,000 for FA and \$5,000 for TA awards.

The CDFI Fund will minimize the time between the Recipient incurring costs for eligible activities and award payment in accordance with the Uniform Administrative Requirements. The advanced payments for eligible activities will occur no more than one year in advance of the Recipient incurring costs for the eligible activities. Following the initial closing, there may be subsequent closings involving additional award payments. Any documents in addition to the Assistant Agreement that are connected with such subsequent closings and payments shall be properly executed and timely

delivered by the Recipient to the CDFI Fund.

3. *Requirements Prior to Entering into an Assistance Agreement:* If, prior to entering into an Assistance Agreement, information (including administrative error) comes to the CDFI Fund's attention that: Adversely affects the Recipient's eligibility for an award; adversely affects the Recipient's certification as a CDFI (to the extent that the award is conditional upon CDFI certification); adversely affects the CDFI Fund's evaluation of the Application; indicates that the Recipient is not in compliance with any requirement listed the Uniform Administrative Requirements; or indicates fraud or mismanagement on the Recipient's part,

the CDFI Fund may, in its discretion and without advance notice to the Recipient, terminate the award or take such other actions as it deems appropriate. The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient fails to return the Assistance Agreement, signed by the authorized representative of the Recipient, and/or provide the CDFI Fund with any other requested documentation, within the CDFI Fund's deadlines.

In addition, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA pending the criteria described in the following table:

TABLE 17—REQUIREMENTS PRIOR TO EXECUTING AN ASSISTANCE AGREEMENT

Requirement	Criteria
Failure to meet reporting requirements .....	<ul style="list-style-type: none"> <li>• If a Recipient received a prior award under any CDFI Fund program and is not current with the reporting requirements in the previously executed agreement(s), the CDFI Fund can delay entering into an Assistance Agreement or disbursing an award until reporting requirements are met.</li> <li>• If such a Recipient is unable to meet the requirement within the timeframe specified, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> <li>• The automated systems the CDFI Fund uses only acknowledge a report's receipt, not a determination of meeting reporting requirements.</li> </ul>
Failure to maintain CDFI Certification .....	<ul style="list-style-type: none"> <li>• An FA Recipient must be a Certified CDFI prior to entering into an Assistance Agreement.</li> <li>• If an FA Recipient fails to maintain CDFI Certification, the CDFI Fund will terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Pending resolution of noncompliance .....	<ul style="list-style-type: none"> <li>• The CDFI Fund will delay entering into an Assistance Agreement with a Recipient that has pending noncompliance issues of any of its previously executed award agreement(s), if the CDFI Fund has not yet made a final compliance determination.</li> <li>• If the Recipient is unable to satisfactorily resolve the compliance issues, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Noncompliance status .....	<ul style="list-style-type: none"> <li>• If, at any time prior to entering into an Assistance Agreement, the CDFI Fund determines that a Recipient is noncompliant with a previously executed agreement and the CDFI Fund has provided written notification that the Recipient is ineligible to apply for or receive any future awards or allocations for a time period specified by the CDFI Fund in writing. The CDFI Fund can delay entering into an Assistance Agreement, until the Recipient has cured the default by taking actions the CDFI Fund has specified within the specified timeframe. If the Recipient is unable to meet the cure requirement within the specified timeframe, the CDFI Fund may terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Compliance with Federal civil rights requirements.	<ul style="list-style-type: none"> <li>• If prior to entering into an Assistance Agreement under this NOFA, the Recipient receives a final determination, made within the last three years, in any proceeding instituted against the Recipient in, by, or before any court, governmental, or administrative body or agency, declaring that the Recipient has violated the following laws: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975, (42 U.S.C. 6101–6107), and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, the CDFI Fund will terminate and rescind the Assistance Agreement and the award made under this NOFA.</li> </ul>
Do Not Pay .....	<ul style="list-style-type: none"> <li>• The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government.</li> <li>• The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient is identified as an ineligible recipient on the Do Not Pay database.</li> </ul>
Safety and soundness .....	<ul style="list-style-type: none"> <li>• If it is determined the Recipient is or will be incapable of meeting its award obligations, the CDFI Fund will deem the Recipient to be ineligible or require it to improve safety and soundness conditions prior to entering into an Assistance Agreement.</li> </ul>

C. Reporting

1. *Reporting requirements:* On an annual basis for the period of

performance, the CDFI Fund may collect information from each Recipient

including, but not limited to, an Annual Report with the following components:

TABLE 18—ANNUAL REPORTING REQUIREMENTS

Financial Report (Financial Statements and Related Auditor's and Accountant's Review Reports, if applicable). Single Audit (if applicable) (or similar report) .....	The Financial Report will be reviewed by the CDFI Fund to determine the Recipient's financial and managerial soundness.  If a Recipient is required to complete a Single Audit Report, it should be submitted to the Federal Audit Clearinghouse (see 2 CFR Subpart F—Audit Requirements in the Uniform Administrative Requirements). For-profit Recipients will be required to complete and submit a similar report directly to the CDFI Fund.
Institution Level Report (ILR) .....	The ILR is a report used to collect compliance and performance data from CDFI Fund award Recipients. The ILR is submitted through the Community Investment Impact System (CIIS) and captures organizational information, financial position, lending and investing activities, community development outputs, and development services.
Transaction Level Report (TLR) .....	The TLR is a report used to collect compliance and performance data from CDFI Fund award Recipients. The TLR is submitted through the CIIS and captures data on each individual loan and investment in the award Recipient's portfolio. <ul style="list-style-type: none"> <li>• For CDFI Depository Institution Holding Company award Recipients, the TLR captures data on the individual loans and investments by its CDFI Subsidiary Insured Depository Institution's portfolio.</li> <li>• TLR is not required for TA Recipients.</li> </ul>
Federal Financial Report/OMB Standard Form 425. Uses of Funds Report .....	If the Recipient receives a TA award, it must submit the Federal Financial Report/OMB Standard Form 425 via AMIS. If the Recipient receives an FA or TA award, it must submit the Uses of Funds Report via AMIS.
Shareholders Report .....	If the Assistance is in the form of an Equity Investment, the Recipient must submit shareholder information to the CDFI Fund showing the class, series, and number of shares and valuation of capital stock held or to be held by each shareholder. The Shareholder Report must be submitted for as long as the CDFI Fund is an equity holder.
Financial Assistance Objectives Report (or similar report).	If the Recipient receives an FA award, it must submit information on the status of complying with the FA Objectives and Impacts.

Each Recipient is responsible for the timely and complete submission of the Annual Reporting requirements. Sponsoring Entities with co-awardees will be informed of any reporting shifts at the time the Emerging CDFI is adjoined to the Agreement. The CDFI Fund reserves the right to contact the Recipient and additional entities or signatories to the Assistance Agreement to request additional information and documentation. The CDFI Fund will use such information to monitor each Recipient's compliance with the requirements in the Assistance Agreement and to assess the impact of the NACA Program. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements, including increasing the scope and frequency of reporting, if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Recipients.

**2. Financial Management and Accounting:** The CDFI Fund will require Recipients to maintain financial management and accounting systems that comply with Federal statutes, regulations, and the terms and conditions of the Federal award. These systems must be sufficient to permit the preparation of reports required by general and program specific terms and conditions, including the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

The cost principles used by Recipients must be consistent with Federal cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the NACA Program award. In addition, the CDFI Fund will require Recipients to: Maintain effective

internal controls; comply with applicable statutes, regulations, and the Assistance Agreement; evaluate and monitor compliance; take action when not in compliance; and safeguard personally identifiable information.

**VII. Agency Contacts**

A. The CDFI Fund will respond to questions concerning this NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Daylight Savings Time, starting on the date that the NOFA is published through the date listed in Table 1 and Table 11. The CDFI Fund will post on its Web site responses to reoccurring questions received about this Application. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's Web site at <http://www.cdfifund.gov>. Table 19 lists CDFI Fund contact information:

TABLE 19—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
NACA Program .....	202-653-0421, option 1 .....	<a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a> .
Certification, Compliance Monitoring, and Evaluation .....	202-653-0423 .....	<a href="mailto:ccme@cdfi.treas.gov">ccme@cdfi.treas.gov</a> .
AMIS—IT Help Desk .....	202-653-0422 .....	<a href="mailto:AMIS@cdfi.treas.gov">AMIS@cdfi.treas.gov</a> .

**B. Information Technology Support:** For IT Assistance, submit an AMIS Service Request (Record Type of "General Inquiry"). In the Service Request form, select the appropriate program, then select "AMIS Technical Problem" as the Type. People who have visual or mobility impairments that prevent them from using the CDFI Fund's Web site should call (202) 653-0422 for assistance (this is not a toll free number).

**C. Communication with the CDFI Fund:** The CDFI Fund will use contact information in AMIS to communicate with Applicants and Recipients. It is imperative, therefore, that Applicants, Recipients, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information such as contact names (especially for the authorized representative) listed in this NOFA's application materials, email addresses, fax and phone numbers, and office locations.

**D. Civil Rights and Diversity:** Any person who is eligible to receive benefits or services from the CDFI Fund or Recipients under any of its programs is entitled to those benefits or services without being subject to prohibited discrimination. The Department of the Treasury's Office of Civil Rights and Diversity enforces various Federal statutes and regulations that prohibit discrimination in financially assisted and conducted programs and activities of the CDFI Fund. If a person believes that s/he has been subjected to discrimination and/or reprisal because of membership in a protected group, s/he may file a complaint with: Associate Chief Human Capital Officer, Office of Civil Rights, and Diversity, 1500 Pennsylvania Ave. NW., Washington, DC 20220 or (202) 622-1160 (not a toll-free number).

### VIII. Other Information

**A. Paperwork Reduction Act:** Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. If applicable, the CDFI Fund may inform Applicants that they do not need to provide certain Application information otherwise required. Pursuant to the Paperwork Reduction Act, the CDFI Program, and NACA Program Application has been assigned the following control number: 1559-0021.

**B. Application Information Sessions:** The CDFI Fund may conduct webinars or host information sessions for

organizations that are considering applying to, or are interested in learning about, the CDFI Fund's programs. For further information, please visit the CDFI Fund's Web site at <http://www.cdfifund.gov>.

**Authority:** 12 U.S.C. 4701, et seq.; 12 CFR parts 1805 and 1815; 2 CFR 200.

**Mary Ann Donovan,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. 2017-03744 Filed 2-24-17; 8:45 am]

**BILLING CODE 4810-70-P**

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

**AGENCY:** Departmental Offices, U.S. Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collections listed below.

**DATES:** Comments should be received on or before March 29, 2017 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submissions may be obtained by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622-0489, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

##### Internal Revenue Service (IRS)

**Title:** Application to Use LIFO Inventory Method.

**OMB Control Number:** 1545-0042.

**Type of Review:** Extension without change of a currently approved collection.

**Form:** 970.

**Abstract:** Form 970 is filed by individuals, partnerships, trusts, estates, or corporations to elect to use the LIFO inventory method or to extend the LIFO method to additional goods. The IRS uses Form 970 to determine if the election was properly made.

**Affected Public:** Businesses or other for-profits.

**Estimated Total Annual Burden Hours:** 42,220.

**Title:** Form 1099-INT—Interest Income.

**OMB Control Number:** 1545-0112.

**Type of Review:** Revision of a currently approved collection.

**Form:** 1099-INT.

**Abstract:** This form is used for reporting interest income paid, as required by sections 6049 and 6041 of the Internal Revenue Code. It is used to verify that payees are correctly reporting their income.

**Affected Public:** Businesses or other for-profits.

**Estimated Total Annual Burden Hours:** 46,403,150.

**Title:** Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A.

**OMB Control Number:** 1545-0757.

**Type of Review:** Revision of a currently approved collection.

**Form:** 13925.

**Abstract:** Section 6324A permits the executor of a decedent's estate to elect a lien on section 6166 property in favor of the United States in lieu of a bond or personal liability if an election under section 6166 was made and the executor files an agreement under section 6323A(c). Form 13925 lists the information required in Regulation section 301.6324A-1(b)(1) and was drafted to help taxpayers file liens that will be valid under section 6324A and the regulations.

**Affected Public:** Individuals.

**Estimated Total Annual Burden Hours:** 500.

**Title:** EE-12-78 Non-Bank Trustees.

**OMB Control Number:** 1545-0806.

**Type of Review:** Extension without change of a currently approved collection.

**Form:** None.

**Abstract:** IRC section 408(a)(2) permits an institution other than a bank to be the trustee of an individual retirement account (IRA). To do so, an application needs to be filed and various requirements need to be met. IRS uses the information to determine whether an institution qualifies to be a non-bank trustee.

**Affected Public:** Businesses or other for-profits.

**Estimated Total Annual Burden Hours:** 13.

*Title:* TD 8124—Time and Manner of Making Certain Elections under the Tax Reform Act of 1986.

*OMB Control Number:* 1545–0982.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* Section 301.9100–7T lists certain elections that are provided by Tax Reform Act of 1986 and provides general rules regarding the time and the manner for making the elections. These regulations enable taxpayers to take advantage of the benefits of various Code provisions.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 9,750.

*Title:* INTL–952–86 (Final-TD 8410) and TD 8228 Allocation and Apportionment of Interest Expense and Certain Other Expenses.

*OMB Control Number:* 1545–1072.

*Type of Review:* Revision of a currently approved collection.

*Form:* None.

*Abstract:* The regulations provide rules concerning the allocation and apportionment of expenses to foreign source income for purposes of the foreign tax credit and other provisions.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 3,250.

*Title:* TD–8350 (Final) Requirements For Investments to Qualify under Section 936(d)(4) as Investments in Qualified Caribbean Basin Countries.

*OMB Control Number:* 1545–1138.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* The collection of information is required by the Internal Revenue Service to verify that an investment qualifies under IRC section 936(d)(4). The respondents will be possession corporations, certain financial institutions located in Puerto Rico, and borrowers of funds covered by this regulation.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 1,500.

*Title:* Tax Information Authorization.

*OMB Control Number:* 1545–1165.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* 8821, 8821–A.

*Abstract:* Form 8821 is used to appoint someone to receive or inspect certain tax information. Data is used

to identify appointees and to ensure that confidential information is not divulged to unauthorized persons. Form 8821–A is an authorization signed by a taxpayer for the IRS to disclose returns and return information to local law enforcement in the event of a possible identity theft.

*Affected Public:* Individuals.

*Estimated Total Annual Burden*

*Hours:* 147,800.

*Title:* FI–3–91 (TD 8456—Final)

Capitalization of Certain Policy Acquisition Expenses.

*OMB Control Number:* 1545–1287.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* Insurance companies that enter into reinsurance agreement must determine the amounts to be capitalized under those agreements consistently. The regulations provide elections to permit companies to shift the burden of capitalization for their mutual benefit.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 2,070.

*Title:* TD 8449 (Final) Election, Revocation, Termination, and Tax Effect of Subchapter S Status.

*OMB Control Number:* 1545–1308.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* Section 1–1362–1 through 1.1362–7 of the Income Tax Regulations provide the specific procedures and requirements necessary to implement section 1362, including the filing of various elections and statements with the Internal Revenue Service.

*Affected Public:* Individuals, Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 322.

*Title:* Arbitrage Restrictions and Guidance on Issue Price Definition for Tax Exempt Bonds.

*OMB Control Number:* 1545–1347.

*Type of Review:* Revision of a currently approved collection.

*Form:* None.

*Abstract:* Section 148 of the Internal Revenue Code requires issuers of tax-exempt bonds to rebate certain arbitrage profits earned on nonpurpose investments acquired with the bond proceeds. Issuers are required to file a Form 8038–T and remit the rebate. Issuers are also required to keep records of certain interest rate hedges so that the hedges are taken into account in determining arbitrage profits. The scope of interest rate hedging transactions covered by the arbitrage regulations was

broadened by requiring that hedges entered into prior to the sale date of the bonds are covered as well.

The collection of information for TD 9777 is in § 1.148–4(h)(2)(viii), which contains a requirement that the issuer maintain in its records a certificate from the hedge provider. For a hedge to be a qualified hedge, existing regulations require, among other items, that the actual issuer identify the hedge on its books and records. The identification must specify the hedge provider, the terms of the contract, and the hedged bonds. These final regulations require that the identification also include a certificate from the hedge provider specifying certain information regarding the hedge.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 91,558.

*Title:* Requirements to Ensure Collection of Section 2056A Estate Tax—TD 8686.

*OMB Control Number:* 1545–1443.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* The regulation provides guidance relating to the additional requirements necessary to ensure the collection of the estate tax imposed under Section 2056A(b) with respect to taxable events involving qualified domestic trusts (QDOT'S). In order to ensure collection of the tax, the regulation provides various security options that may be selected by the trust and the requirements associated with each option. In addition, under certain circumstances the trust is required to file an annual statement with the IRS disclosing the assets held by the trust.

*Affected Public:* Individuals.

*Estimated Total Annual Burden Hours:* 6,070.

*Title:* Student Loan Interest Statement.

*OMB Control Number:* 1545–1576.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* 1098–E.

*Abstract:* Section 6050S(b)(2) of the Internal Revenue Code requires persons (financial institutions, governmental units, etc.) to report \$600 or more of interest paid on student loans to the IRS and the students.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 2,657,789.

*Title:* Revenue Procedure 2004–19—Probable or Prospective Reserves Safe Harbor.

*OMB Control Number:* 1545–1861.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* This revenue procedure requires a taxpayer to file an election statement with the Service if the taxpayer wants to use the safe harbor to estimate the taxpayers' oil and gas properties' probable or prospective reserves for purposes of computing cost depletion under Sec. 611 of the Internal Revenue Code.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 50.

*Title:* IRS e-file Signature Authorization for an Exempt Organization.

*OMB Control Number:* 1545–1878.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* 8879–EO.

*Abstract:* Form 8879–EO authorizes an officer of an exempt organization and electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an organization's electronic income tax return and, if applicable, Electronic Funds Withdrawal Consent.

*Affected Public:* Not-for-profit Institutions.

*Estimated Total Annual Burden Hours:* 425,714.

*Title:* Exempt Organization Declaration and Signature for Electronic Filing.

*OMB Control Number:* 1545–1879.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* 8453–EO.

*Abstract:* Form 8453–EO is used to authenticate an electronic Forms 990, 990–EZ, 990–PF, 1120–POL or 8868 authorize the electronic return originator, and/or intermediate service provider, if any, to transmit via a third-party transmitter; and provide the organization's consent to directly deposit any refund and/or authorize an electronic funds withdrawal for payment of Federal taxes owed.

*Affected Public:* Not-for-profit Institutions.

*Estimated Total Annual Burden Hours:* 1,046.

*Title:* Election to Treat a Qualified Revocable Trust as Part of an Estate.

*OMB Control Number:* 1545–1881.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* 8855.

*Abstract:* Form 8855 is used to make a section 645 election that allows a qualified revocable trust to be treated and taxed (for income tax purposes) as part of its related estate during the election period.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 28,200.

*Title:* Intake/Interview & Quality Review Sheets.

*OMB Control Number:* 1545–1964.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* The SPEC function developed the Form 13614–C, Intake/Interview & Quality Review Sheet that contains a standardized list of required intake and quality review questions to guide volunteers in asking taxpayers basic questions about themselves and conducting a quality review of the completed return. The intake/interview and quality review sheet is an effective tool for ensuring critical taxpayer information is obtained and applied during the interview and completion of the tax return process. In addition to English and Spanish, the form has been translated and is made available in 9 additional languages: Arabic, Chinese Traditional and Simplified, Creole (French), Korean, Polish, Portuguese, Tagalog, and Vietnamese.

*Affected Public:* Individuals.

*Estimated Total Annual Burden Hours:* 555,000.

*Title:* IRS Form 990–N Electronic Filing System (e-Postcard).

*OMB Control Number:* 1545–2085.

*Type of Review:* Extension with change of a currently approved collection.

*Form:* 990–N.

*Abstract:* Section 1223 of the Pension Protection Act of 2006 (PPA 06), enacted on August 17, 2006, amended Internal Revenue Code (Code) section 6033 by adding Code section 6033(i), which requires certain tax-exempt organizations to file an annual electronic notice (Form 990–N) for tax years beginning after December 31, 2006. These organizations are not required to file Form 990 (or Form 990–EZ) because their gross receipts are normally \$25,000 or less.

*Affected Public:* Not-for-profit Institutions.

*Estimated Total Annual Burden Hours:* 75,000.

*Title:* Waiver of 60-Day Rollover Requirement.

*OMB Control Number:* 1545–2269.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* This information will be used by plan administrators and IRA trustees to accept contributions as rollover contributions and to report these contributions as rollover contributions. The IRS may also use the information to determine if a taxpayer meets the requirements for a waiver of the 60-day requirement.

*Affected Public:* Individuals.

*Estimated Total Annual Burden Hours:* 450.

*Authority:* 44 U.S.C. 3501 *et seq.*

Dated: February 22, 2017.

**Spencer W. Clark,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2017–03780 Filed 2–24–17; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Regulation Agency Protests

**AGENCY:** Departmental Offices, U.S. Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection listed below.

**DATES:** Comments should be received on or before March 29, 2017 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submissions may be obtained by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622–0934, or viewing the

entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

**SUPPLEMENTARY INFORMATION:**

**Departmental Offices (DO)**

*Title:* Regulation Agency Protests.

*OMB Control Number:* 1505-0107.

*Type of Review:* Extension without change of a currently approved collection.

*Form:* None.

*Abstract:* Information is requested of contractors so that the Government will be able to evaluate protests effectively and provide prompt resolution of issues in dispute when contractors file protests.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden*

*Hours:* 18.

**Authority:** 44 U.S.C. 3501 *et seq.*

Dated: February 22, 2017.

**Spencer W. Clark,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2017-03813 Filed 2-24-17; 8:45 am]

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Part II

## Department of Commerce

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National Oceanic and Atmospheric Administration

50 CFR Part 679

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2017 and 2018 Harvest Specifications for Groundfish; Final Rule

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 160920866–7167–02]

RIN 0648–XE904

**Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2017 and 2018 Harvest Specifications for Groundfish**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; harvest specifications and closures.

**SUMMARY:** NMFS announces final 2017 and 2018 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2017 and 2018 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Harvest specifications and closures are effective at 1200 hours, Alaska local time (A.l.t.), February 27, 2017, through 2400 hrs, A.l.t., December 31, 2018.

**ADDRESSES:** Electronic copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), Record of Decision (ROD), and the Supplementary Information Report (SIR) to the EIS prepared for this action are available from <http://alaskafisheries.noaa.gov>. The final 2016 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2016, is available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510–2252, phone 907–271–2809, or from the Council's Web site at <http://www.npfmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the GOA groundfish fisheries in the exclusive economic zone of the GOA under the Fishery Management

Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (50 CFR 679.20(a)(1)(i)(B)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. Upon consideration of public comment received under § 679.20(c)(1), NMFS must publish notice of final harvest specifications for up to two fishing years as annual TACs, per § 679.20(c)(3)(ii). The final harvest specifications set forth in Tables 1 through 30 of this document reflect the outcome of this process, as required at § 679.20(c).

The proposed 2017 and 2018 harvest specifications for groundfish of the GOA and Pacific halibut PSC limits were published in the **Federal Register** on December 6, 2016 (81 FR 87881). Comments were invited and accepted through January 5, 2017. NMFS did not receive any comments on the proposed harvest specifications. In December 2016, NMFS consulted with the Council regarding the 2017 and 2018 harvest specifications. After considering public testimony, as well as biological and economic data that were available at the Council's December 2016 meeting, NMFS is implementing the final 2017 and 2018 harvest specifications, as recommended by the Council. For 2017, the sum of the TAC amounts is 535,863 mt. For 2018, the sum of the TAC amounts is 483,588 mt.

**Other Actions Potentially Affecting the 2017 and 2018 Harvest Specifications***Amendment 103: Chinook Salmon Prohibited Species Catch Limit Reapportionment Provisions for Trawl Sectors in the Western and Central GOA*

In December 2015, the Council recommended for Secretary of Commerce (Secretary) review Amendment 103 to the FMP to reapportion unused Chinook salmon PSC limits among the GOA pollock and non-pollock trawl sectors. Amendment 103 allows NMFS to reapportion the

Chinook salmon PSC limits established by Amendments 93 and 97 to the FMP to prevent or limit fishery closures due to attainment of sector-specific Chinook salmon PSC limits, while maintaining the annual, combined 32,500 Chinook salmon PSC limit for all sectors. The Secretary approved Amendment 103 on August 24, 2016. The final rule implementing Amendment 103 published on September 12, 2016, (81 FR 62659) and became effective on October 12, 2016.

*Amendment 101: Authorize Longline Pot Gear for Use in the Sablefish IFQ Fishery in the GOA*

In April 2015, the Council recommended for Secretarial review Amendment 101 to the FMP for the sablefish individual fishing quota (IFQ) fisheries in the GOA. Amendment 101 authorizes the use of longline pot gear in the GOA sablefish IFQ fishery. The objective of that amendment is to increase efficiency in harvesting sablefish IFQ and decrease the depredation of sablefish caught on hook-and-line gear by whales. The Secretary approved Amendment 101 on November 4, 2016. NMFS issued a final rule to implement Amendment 101 to the FMP for the sablefish individual fishing quota (IFQ) fisheries in the GOA on December 28, 2016 (81 FR 95435). The effective date of this final rule has been temporarily stayed in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," published in the **Federal Register** on January 24, 2017. While the effective date of the final rule is currently delayed (see 82 FR 8810, January 31, 2017), NMFS advises the public that the date of the stay, and therefore the effective date of the final rule, may change in the future.

**Acceptable Biological Catch (ABC) and TAC Specifications**

In December 2016, the Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed the most recent biological and harvest information about the condition of groundfish stocks in the GOA. This information was compiled by the Council's GOA Groundfish Plan Team and was presented in the draft 2016 SAFE report for the GOA groundfish fisheries, dated November 2016 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the

groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an overfishing level (OFL) and ABC for each species or species group. The 2016 report was made available for public review during the public comment period for the proposed harvest specifications.

In previous years, the greatest changes from the proposed to the final harvest specifications have been based on recent NMFS stock surveys, which provide updated estimates of stock biomass and spatial distribution, and changes to the models used for producing stock assessments. At the November 2016 Plan Team meeting, NMFS scientists presented updated and new survey results, changes to stock assessment models, and accompanying stock assessment estimates for all groundfish species and species groups that are included in the final 2016 SAFE report. The SSC reviewed this information at the December 2016 Council meeting. Changes from the proposed to the final 2017 and 2018 harvest specifications are discussed below.

The final 2017 and 2018 OFLs, ABCs, and TACs are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used to compute OFLs and ABCs. The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers to define OFL and ABC amounts, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFL and ABC amounts for each groundfish species. The SSC adopted the final 2017 and 2018 OFLs and ABCs recommended by the Plan Team for all groundfish species, with the exception of an adjustment to the sablefish OFLs. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations. The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the sum of all TACs within the required OY range of 116,000 to 800,000 mt.

The Council recommended 2017 and 2018 TACs that are equal to ABCs for pollock, sablefish, deep-water flatfish, rex sole, Pacific ocean perch, northern

rockfish, shorttraker rockfish, dusky rockfish, rougheye rockfish, demersal shelf rockfish, thornyhead rockfish, big skate, longnose skate, other skates, sculpins, sharks, squids, and octopuses in the GOA. The Council recommended TACs for 2017 and 2018 that are less than the ABCs for Pacific cod, shallow-water flatfish in the Western GOA, arrowtooth flounder, flathead sole in the Western and Central GOA, "other rockfish" in the Southeast Outside (SEO) District, and Atka mackerel. The Pacific cod TACs are set to accommodate the State of Alaska's (State's) guideline harvest levels (GHLs) for Pacific cod so that the ABCs are not exceeded. The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries. The "other rockfish" TAC in the SEO District is set to reduce the amount of discards of the species in that complex. The Atka mackerel TAC is set to accommodate incidental catch amounts in other fisheries.

The final 2017 and 2018 harvest specifications approved by the Secretary are unchanged from those recommended by the Council and are consistent with the preferred harvest strategy alternative in the EIS (see **ADDRESSES**). NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the biological condition of the groundfish stocks as described in the final 2016 SAFE report. NMFS also finds that the Council's recommendations for OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the OY range. NMFS reviewed the Council's recommended TAC specifications and apportionments, and NMFS approves these harvest specifications under 50 CFR 679.20(c)(3)(ii). The apportionment of TAC amounts among gear types and sectors, processing sectors, and seasons is discussed below.

Tables 1 and 2 list the final 2017 and 2018 OFLs, ABCs, TACs, and area apportionments of groundfish in the GOA. The sums of the 2017 and 2018 ABCs are 667,877 mt and 597,052 mt, respectively, which are lower in 2017 and 2018 than the 2016 ABC sum of 727,684 mt (81 FR 14740, March 18, 2016). The 2017 harvest specifications set in this final action will supersede the 2017 harvest specifications previously set in the final 2016 and 2017 harvest specifications (81 FR

14740, March 18, 2016). The 2018 harvest specifications herein will be superseded in early 2018 when the final 2018 and 2019 harvest specifications are published. Pursuant to this final action, the 2017 harvest specifications therefore will apply for the remainder of the current year (2017), while the 2018 harvest specifications are projected only for the following year (2018) and will be superseded in early 2018 by the final 2018 and 2019 harvest specifications. Because this final action (published in early 2017) will be superseded in early 2018 by the publication of the final 2018 and 2019 harvest specifications, it is projected that this final action will implement the harvest specifications for the Gulf of Alaska for approximately one year.

#### *Specification and Apportionment of TAC Amounts*

NMFS' apportionment of groundfish species is based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the apportionment of pollock, Pacific cod, and sablefish. Additional detail on the apportionment of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the combined Western, Central, and West Yakutat Regulatory Areas (W/C/WYK) includes the amount for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2017 and 2018, the SSC recommended and the Council approved the W/C/WYK pollock ABC, including the amount to account for the State's PWS GHL. At the November 2016 Plan Team meeting, State fisheries managers recommended setting the PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2017, this yields a PWS pollock GHL of 5,094 mt, a decrease of 1,264 mt from the 2016 PWS GHL of 6,358 mt. For 2018, the PWS pollock GHL is 3,937 mt, a decrease of 2,421 mt from the 2016 PWS pollock GHL. After the GHL reductions, the 2017 and 2018 pollock ABC for the combined W/C/WYK areas is then apportioned between four statistical areas (Areas 610, 620, 630, and 640) as both ABCs and TACs, as described below and detailed in Tables 1 and 2. The total ABCs and TACs for the four statistical areas, plus the State GHL, do not exceed the combined W/C/WYK ABC.

Apportionments of pollock to the W/C/WYK management areas are

considered to be “apportionments of annual catch limits (ACLs)” rather than “ABCs.” This more accurately reflects that such apportionments address management, rather than biological or conservation, concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC from one area to another pursuant to § 679.20(a)(5)(iv)(B) to ensure that the area-wide ACL and ABC are not exceeded.

NMFS establishes pollock TACs in the Western, Central, West Yakutat Regulatory Areas, and the Southeast Outside District of the GOA (see Tables 1 and 2). NMFS also establishes seasonal apportionments of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630. These apportionments are divided equally among each of the following four seasons: The A season (January 20 through March 10), the B season (March 10 through May 31), the C season (August 25 through October 1), and the D season (October 1 through November 1) (§ 679.23(d)(2)(i) through (iv), and § 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided below; Tables 3 and 4 list these amounts.

The 2017 and 2018 Pacific cod TACs are set to accommodate the State’s GHL for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS. The Plan Team, SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council set the 2017 and 2018 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLS. Therefore, the 2017 Pacific cod TACs are less than the ABCs by the following amounts: (1) Western GOA, 10,887 mt; (2) Central GOA, 11,045 mt; and (3) Eastern GOA, 1,968 mt. The 2018 Pacific cod TACs are less than the ABCs by the following amounts: (1) Western GOA, 9,770 mt; (2) Central GOA, 9,911 mt; and (3) Eastern GOA, 1,766 mt. These amounts reflect the State’s 2017 and 2018 GHLS in these areas, which are 30 percent of the Western GOA ABC and 25 percent of the Eastern and Central ABCs.

NMFS establishes seasonal apportionments of the annual Pacific cod TAC in the Western and Central Regulatory Areas. Sixty percent of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. Forty percent of the annual TAC is apportioned to the B

season for hook-and-line, pot, and jig gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. The Pacific cod sector apportionments are discussed in detail in a subsequent section of this preamble.

The Council’s recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area and makes available 5 percent of the combined Eastern Regulatory Area ABCs to trawl gear for use as incidental catch in other groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Tables 7 and 8 list the final 2017 and 2018 allocations of sablefish TAC to hook-and-line and trawl gear in the GOA.

#### *Changes From the Proposed 2017 and 2018 Harvest Specifications in the GOA*

In October 2016, the Council’s recommendations for the proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016) were based largely on information contained in the final 2015 SAFE report for the GOA groundfish fisheries, dated November 2015. The final 2015 SAFE report for the GOA is available from the Council (see ADDRESSES). The Council proposed that the final OFLs, ABCs, and TACs established for the 2017 groundfish fisheries (81 FR 14740, March 18, 2016) be used for the proposed 2017 and 2018 harvest specifications, pending completion and review of the final 2016 SAFE report at its December 2016 meeting.

As described previously, the SSC adopted the final 2017 and 2018 OFLs and ABCs recommended by the Plan Team, except for the sablefish OFL. The SSC deducted the amount calculated for whale depredation from the sablefish OFL. The Council adopted the SSC’s OFL and ABC recommendations and the AP’s TAC recommendations for 2017 and 2018. The final 2017 ABCs are higher than the proposed 2017 ABCs published in the proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016) for Pacific cod, sablefish, shallow-water flatfish, deep-water flatfish, rex sole, flathead sole, northern rockfish, and rougheye rockfish. The final 2017 ABCs are lower than the proposed 2017 and 2018 ABCs for pollock, arrowtooth flounder, Pacific ocean perch, dusky rockfish, demersal shelf rockfish, and squids.

The final 2018 ABCs are higher than the proposed ABCs for sablefish,

shallow-water flatfish, deep-water flatfish, rex sole, and flathead sole. The final 2018 ABCs are lower than the proposed ABCs for pollock, Pacific cod, arrowtooth flounder, Pacific ocean perch, northern rockfish, dusky rockfish, rougheye rockfish, demersal shelf rockfish, and squids. For the remaining target species, the Council recommended the final 2017 and 2018 ABCs that are the same as the proposed 2017 and 2018 ABCs.

Additional information explaining the changes between the proposed and final ABCs is included in the final 2016 SAFE report, which was not available when the Council made its proposed ABC and TAC recommendations in October 2016. At that time, the most recent stock assessment information was contained in the final 2015 SAFE report. The final 2016 SAFE report contains the best and most recent scientific information on the condition of the groundfish stocks, as previously discussed in this preamble, and is available for review (see ADDRESSES). The Council considered the final 2016 SAFE report in December 2016 when it made recommendations for the final 2017 and 2018 harvest specifications. In the GOA, the total final 2017 TAC amount is 535,863 mt, a decrease of 7 percent from the total proposed 2017 TAC amount of 573,872 mt. The total final 2018 TAC amount is 483,588 mt, a decrease of 16 percent from the total proposed 2018 TAC amount of 573,872 mt. Table 1a summarizes the difference between the proposed and final TACs. Annual stock assessments incorporate a variety of new or revised inputs, such as survey data or catch information, as well as changes to the statistical models used to estimate a species’ biomass and population trend. In 2016, most stocks were not directly surveyed, as the GOA trawl survey is conducted every other year. Thus, most changes to biomass and ABC estimates are based on fishery catch updates to species’ assessment models. Some species, such as pollock and sablefish, have additional surveys conducted on an annual basis, which result in additional data being available for the assessments for these stocks.

Based on changes in the estimates of overall biomass made by stock assessment scientists for 2017 and 2018, as compared to the estimates previously made for 2015 and 2016, the greatest TAC percentage increases are for sablefish, shallow-water flatfish, rex sole, and Atka mackerel. One notable increase includes that made for sablefish. The increase in the sablefish ABC and TAC is a result of the inclusion of new catch, abundance, and age datasets, as well as adjustments to

the sablefish assessment model. Another notable increase between the proposed and final TACs includes the 2017 and 2018 TACs for Atka mackerel, which increased because of public interest in additional opportunities to catch and retain Atka mackerel. The AP recommended, and the Council adopted, this increase.

Based on changes in the estimates of biomass, the greatest decrease in TACs is for pollock. The pollock assessment model incorporated 2016 survey data, as well as changes to the model. A notable model change included using a random-

effects model to calculate the weight-at-age of pollock, rather than a 5-year average weight-at-age. This change resulted in a downward calculation of biomass and ABC, with additional declines expected in the short-term.

For all other species and species groups, changes from the proposed 2017 TACs to the final 2017 TACs are within a range of plus or minus 4 percent. The changes from the proposed 2018 TACs to the final 2018 TACs are within a range of plus or minus 8 percent. These TAC changes correspond to associated changes in the ABCs and TACs, as

recommended by the SSC, AP, and Council.

Detailed information providing the basis for the changes described above is contained in the final 2016 SAFE report. The final TACs are based on the best scientific information available. These TACs are specified in compliance with the harvest strategy described in the proposed and final rules for the 2017 and 2018 harvest specifications. The changes in TACs between the proposed rule and this final rule are compared in Table 1a.

TABLE 1a—COMPARISON OF PROPOSED AND FINAL 2017 AND 2018 GOA TOTAL ALLOWABLE CATCH LIMITS

[Values are rounded to the nearest metric ton and percentage]

Species	2017 and 2018 proposed TAC	2017 Final TAC	2017 Final minus 2017 proposed TAC	Percentage difference	2018 Final TAC	2018 Final minus 2018 proposed TAC	Percentage difference
Pollock	254,200	208,595	-45,605	-18	163,479	-90,721	-36
Pacific cod	62,150	64,442	2,292	4	57,825	-4,325	-7
Sablefish	8,307	10,074	1,767	21	10,207	1,900	23
Shallow-water flatfish	34,855	36,843	1,988	6	36,979	2,124	6
Deep-water flatfish	9,281	9,292	11	0	9,382	101	1
Rex sole	7,507	8,311	804	11	8,421	914	12
Arrowtooth flounder	103,300	103,300	0	0	103,300	0	0
Flathead sole	27,850	27,856	6	0	27,920	70	0
Pacific ocean perch	24,189	23,918	-271	-1	23,454	-735	-3
Northern rockfish	3,768	3,786	18	0	3,508	-260	-7
Shortraker rockfish	1,286	1,286	0	0	1,286	0	0
Dusky rockfish	4,284	4,278	-6	0	3,954	-330	-8
Rougheye rockfish	1,325	1,327	2	0	1,318	-7	-1
Demersal shelf rockfish	231	227	-4	-2	227	-4	-2
Thornyhead rockfish	1,961	1,961	0	0	1,961	0	0
Other rockfish	2,308	2,308	0	0	2,308	0	0
Atka mackerel	2,000	3,000	1,000	50	3,000	1,000	50
Big skate	3,814	3,814	0	0	3,814	0	0
Longnose skate	3,206	3,206	0	0	3,206	0	0
Other skates	1,919	1,919	0	0	1,919	0	0
Sculpins	5,591	5,591	0	0	5,591	0	0
Sharks	4,514	4,514	0	0	4,514	0	0
Squids	1,148	1,137	-11	-1	1,137	-11	-1
Octopuses	4,878	4,878	0	0	4,878	0	0
Total	573,872	535,863	-38,009	-7	483,588	-90,284	-16

The final 2017 and 2018 TAC recommendations for the GOA are within the OY range established for the

GOA and do not exceed the ABC for any species or species group. Tables 1 and 2 list the final OFL, ABC, and TAC

amounts for GOA groundfish for 2017 and 2018, respectively.

TABLE 1—FINAL 2017 OFLs, ABCs, AND TACS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup>	Shumagin (610)	n/a	43,602	43,602
	Chirikof (620)	n/a	98,652	98,652
	Kodiak (630)	n/a	48,929	48,929
	WYK (640)	n/a	7,492	7,492
	W/C/WYK (subtotal) <sup>2</sup>	235,807	203,769	198,675
	SEO (650)	13,226	9,920	9,920
	Total		249,033	213,689
Pacific cod <sup>3</sup>	W	n/a	36,291	25,404
	C	n/a	44,180	33,135

TABLE 1—FINAL 2017 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	E .....	n/a	7,871	5,903
	Total .....	105,378	88,342	64,442
Sablefish <sup>4</sup> .....	W .....	n/a	1,349	1,349
	C .....	n/a	4,514	4,514
	WYK .....	n/a	1,605	1,605
	SEO .....	n/a	2,606	2,606
	E (WYK and SEO) (subtotal) .....	n/a	4,211	4,211
	Total .....	11,885	10,074	10,074
Shallow-water flatfish <sup>5</sup> .....	W .....	n/a	20,921	13,250
	C .....	n/a	19,306	19,306
	WYK .....	n/a	3,188	3,188
	SEO .....	n/a	1,099	1,099
	Total .....	54,583	44,514	36,843
Deep-water flatfish <sup>6</sup> .....	W .....	n/a	256	256
	C .....	n/a	3,454	3,454
	WYK .....	n/a	3,017	3,017
	SEO .....	n/a	2,565	2,565
	Total .....	11,182	9,292	9,292
Rex sole .....	W .....	n/a	1,459	1,459
	C .....	n/a	4,930	4,930
	WYK .....	n/a	850	850
	SEO .....	n/a	1,072	1,072
	Total .....	10,860	8,311	8,311
Arrowtooth flounder .....	W .....	n/a	28,100	14,500
	C .....	n/a	107,934	75,000
	WYK .....	n/a	37,405	6,900
	SEO .....	n/a	12,654	6,900
	Total .....	219,327	186,093	103,300
Flathead sole .....	W .....	n/a	11,098	8,650
	C .....	n/a	20,339	15,400
	WYK .....	n/a	2,949	2,949
	SEO .....	n/a	857	857
	Total .....	43,128	35,243	27,856
Pacific ocean perch <sup>7</sup> .....	W .....	n/a	2,679	2,679
	C .....	n/a	16,671	16,671
	WYK .....	n/a	2,786	2,786
	W/C/WYK subtotal .....	25,753	22,136	22,136
	SEO .....	2,073	1,782	1,782
	Total .....	27,826	23,918	23,918
Northern rockfish <sup>8</sup> .....	W .....	n/a	432	432
	C .....	n/a	3,354	3,354
	E .....	n/a	4	
	Total .....	4,522	3,790	3,786
Shortraker rockfish <sup>9</sup> .....	W .....	n/a	38	38
	C .....	n/a	301	301
	E .....	n/a	947	947
	Total .....	1,715	1,286	1,286
Dusky rockfish <sup>10</sup> .....	W .....	n/a	158	158
	C .....	n/a	3,786	3,786
	WYK .....	n/a	251	251
	SEO .....	n/a	83	83
	Total .....	5,233	4,278	4,278
Rougheye and Blackspotted rockfish <sup>11</sup> .....	W .....	n/a	105	105
	C .....	n/a	706	706
	E .....	n/a	516	516

TABLE 1—FINAL 2017 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	Total .....	1,594	1,327	1,327
Demersal shelf rockfish <sup>12</sup> .....	SEO .....	357	227	227
Thornyhead rockfish .....	W .....	n/a	291	291
	C .....	n/a	988	988
	E .....	n/a	682	682
	Total .....	2,615	1,961	1,961
Other rockfish <sup>13 14</sup> .....	W and C .....	n/a	1,534	1,534
	WYK .....	n/a	574	574
	SEO .....	n/a	3,665	200
	Total .....	7,424	5,773	2,308
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skate <sup>15</sup> .....	W .....	n/a	908	908
	C .....	n/a	1,850	1,850
	E .....	n/a	1,056	1,056
	Total .....	5,086	3,814	3,814
Longnose skate <sup>16</sup> .....	W .....	n/a	61	61
	C .....	n/a	2,513	2,513
	E .....	n/a	632	632
	Total .....	4,274	3,206	3,206
Other skates <sup>17</sup> .....	GW .....	2,558	1,919	1,919
Sculpins .....	GW .....	7,338	5,591	5,591
Sharks .....	GW .....	6,020	4,514	4,514
Squids .....	GW .....	1,516	1,137	1,137
Octopus .....	GW .....	6,504	4,878	4,878
Total .....	.....	796,158	667,877	535,863

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 203,769 mt. After deducting 2.5 percent (5,094 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 198,675 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3. In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 5 lists the final 2017 Pacific cod seasonal apportionments.

<sup>4</sup> Sablefish is allocated to trawl and hook-and-line gear in 2017. Table 7 lists the final 2017 allocations of sablefish TACs.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinis*. For management purposes the 4 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.

<sup>9</sup> "Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup> "Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup> "Rougheye rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup> "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermilion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis*.

<sup>14</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>15</sup> "Big skate" means *Raja binoculata*.

<sup>16</sup> "Longnose skate" means *Raja rhina*.

<sup>17</sup> "Other skates" means *Bathyraja* spp.

TABLE 2—FINAL 2018 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup>	Shumagin (610)	n/a	33,701	33,701
	Chirikof (620)	n/a	76,249	76,249
	Kodiak (630)	n/a	37,818	37,818
	WYK (640)	n/a	5,791	5,791
	W/C/WYK (subtotal) <sup>2</sup>	182,204	157,496	153,559
	SEO (650)	13,226	9,920	9,920
	Total	195,430	167,416	163,479
Pacific cod <sup>3</sup>	W	n/a	32,565	22,795
	C	n/a	39,644	29,733
	E	n/a	7,063	5,297
	Total	94,188	79,272	57,825
Sablefish <sup>4</sup>	W	n/a	1,367	1,367
	C	n/a	4,574	4,574
	WYK	n/a	1,626	1,626
	SEO	n/a	2,640	2,640
	E (WYK and SEO) (subtotal)	n/a	4,266	4,266
	Total	12,045	10,207	10,207
Shallow-water flatfish <sup>5</sup>	W	n/a	21,042	13,250
	C	n/a	19,418	19,418
	WYK	n/a	3,206	3,206
	SEO	n/a	1,105	1,105
	Total	54,893	44,771	36,979
Deep-water flatfish <sup>6</sup>	W	n/a	257	257
	C	n/a	3,488	3,488
	WYK	n/a	3,047	3,047
	SEO	n/a	2,590	2,590
	Total	11,290	9,382	9,382
Rex sole	W	n/a	1,478	1,478
	C	n/a	4,995	4,995
	WYK	n/a	861	861
	SEO	n/a	1,087	1,087
	Total	11,004	8,421	8,421
Arrowtooth flounder	W	n/a	25,747	14,500
	C	n/a	98,895	75,000
	WYK	n/a	34,273	6,900
	SEO	n/a	11,595	6,900
	Total	196,635	170,510	103,300
Flathead sole	W	n/a	11,282	8,650
	C	n/a	20,677	15,400
	WYK	n/a	2,998	2,998
	SEO	n/a	872	872
	Total	43,872	35,829	27,920
Pacific ocean perch <sup>7</sup>	W	n/a	2,627	2,627
	C	n/a	16,347	16,347
	WYK	n/a	2,733	2,733
	W/C/WYK	25,252	21,707	21,707
	SEO	2,032	1,747	1,747
	Total	27,284	23,454	23,454
Northern rockfish <sup>8</sup>	W	n/a	400	400
	C	n/a	3,108	3,108
	E	n/a	4	
	Total	4,175	3,512	3,508
Shortraker rockfish <sup>9</sup>	W	n/a	38	38
	C	n/a	301	301
	E	n/a	947	947
	Total	1,715	1,286	1,286
Dusky rockfish <sup>10</sup>	W	n/a	146	146
	C	n/a	3,499	3,499



TABLE 2—FINAL 2018 OFLs, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	WYK .....	n/a	232	232
	SEO .....	n/a	77	77
	Total .....	4,837	3,954	3,954
Rougeye and Blackspotted rockfish <sup>11</sup> .....	W .....	n/a	104	104
	C .....	n/a	702	702
	E .....	n/a	512	512
	Total .....	1,583	1,318	1,318
Demersal shelf rockfish <sup>12</sup> .....	SEO .....	357	227	227
Thornyhead rockfish .....	W .....	n/a	291	291
	C .....	n/a	988	988
	E .....	n/a	682	682
	Total .....	2,615	1,961	1,961
Other rockfish <sup>13 14</sup> .....	W and C .....	n/a	1,534	1,534
	WYK .....	n/a	574	574
	SEO .....	n/a	3,665	200
	Total .....	7,424	5,773	2,308
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skate <sup>15</sup> .....	W .....	n/a	908	908
	C .....	n/a	1,850	1,850
	E .....	n/a	1,056	1,056
	Total .....	5,086	3,814	3,814
Longnose skate <sup>16</sup> .....	W .....	n/a	61	61
	C .....	n/a	2,513	2,513
	E .....	n/a	632	632
	Total .....	4,274	3,206	3,206
Other skates <sup>17</sup> .....	GW .....	2,558	1,919	1,919
Sculpins	GW .....	7,338	5,591	5,591
Sharks	GW .....	6,020	4,514	4,514
Squids	GW .....	1,516	1,137	1,137
Octopus	GW .....	6,504	4,878	4,878
Total .....	.....	708,843	597,052	483,588

<sup>1</sup> Regulatory areas and districts are defined at §679.2. (W=Western Gulf of Alaska; C=Central Gulf of Alaska; E=Eastern Gulf of Alaska; WYK=West Yakutat District; SEO=Southeast Outside District; GW=Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 157,496 mt. After deducting 2.5 percent (3,937 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 153,559 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3. In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 6 lists the final 2017 Pacific cod seasonal apportionments.

<sup>4</sup> Sablefish is only allocated to trawl gear for 2018. Table 8 lists the final 2018 allocation of sablefish TACs to trawl gear.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinis*. For management purposes the 4 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.

<sup>9</sup> "Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup> "Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup> "Rougeye rockfish" means *Sebastes aleutianus* (rougeye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup> "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis*.

<sup>14</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>15</sup> "Big skate" means *Raja binoculata*.

<sup>16</sup> "Longnose skate" means *Raja rhina*.

<sup>17</sup> "Other skates" means *Bathyrja* spp.

*Apportionment of Reserves*

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses in reserve for possible apportionment at a later date during the fishing year. For 2017 and 2018, NMFS proposed reapportionment of all the reserves in the proposed 2017 and 2018 harvest specifications published in the **Federal Register** on December 6, 2016 (81 FR 87881). NMFS did not receive any public comments on the proposed reapportionments. For the final 2017 and 2018 harvest specifications, NMFS reapportioned, as proposed, all the reserves for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses back into the original TAC limit from which the reserve was derived. This was done because NMFS expects, based on recent harvest patterns, that such reserves are not necessary and the entire TAC for each of these species will be caught. The TACs listed in Tables 1 and 2 reflect reapportionments of reserve amounts to the original TAC limit for these species and species groups; *i.e.*, each proposed TAC for the above mentioned species categories contains the full TAC recommended by the Council.

*Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components*

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into four equal seasonal allowances of 25 percent. As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630, pursuant to § 679.20(a)(5)(iv)(A). In the A and B seasons, the apportionments were in proportion to the distribution of pollock biomass based on the four most recent NMFS winter surveys. In the C and D seasons, the apportionments were in proportion to the distribution of pollock biomass based on the four most recent NMFS summer surveys. For 2017 and 2018, the Council recommended, and NMFS approved, following the apportionment methodology, which was used previously for the 2016 and 2017 harvest specifications. This methodology averages the winter and summer distribution of pollock in the Central Regulatory Area for the A season instead of using the distribution based on only the winter surveys. The average is intended to reflect the best available information about migration patterns, distribution of pollock, and the performance of the fishery in the area during the A season for the 2017 and 2018 fishing years. For the A season, the apportionment is based on an adjusted estimate of the relative distribution of pollock biomass of approximately 5 percent, 72 percent, and 23 percent in Statistical Areas 610, 620, and 630, respectively. For the B season, the apportionment is based on the relative distribution of pollock biomass at 5 percent, 82 percent, and 13 percent in Statistical Areas 610, 620, and 630, respectively. For the C and D seasons, the apportionment is based on the relative distribution of pollock biomass at 41 percent, 26 percent, and 33 percent in Statistical Areas 610, 620, and 630, respectively. The pollock chapter of the 2016 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment process and reasons for the minor changes from past apportionments.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be

added to, or subtracted from, subsequent seasonal allowances for the Western and Central Regulatory Areas in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the other statistical areas, in proportion to the estimated biomass in the subsequent season in those statistical areas and in an amount no more than 20 percent of the seasonal TAC apportionment for the statistical area (§ 679.20(a)(5)(iv)(B)). The pollock TACs in the WYK and SEO District of 7,492 mt and 9,920 mt, respectively, in 2017, and 5,791 mt and 9,920 mt, respectively, in 2018, are not allocated by season.

Section 679.20(a)(6)(i) requires the allocation of 100 percent of the pollock TAC in all regulatory areas and all seasonal allowances to vessels catching pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available for harvest by vessels harvesting pollock for processing by the offshore component is that amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these incidental catch amounts of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component.

Tables 3 and 4 list the final 2017 and 2018 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances. The amounts of pollock for processing by the inshore and offshore components are not shown.

**TABLE 3—FINAL 2017 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC**

[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season <sup>1</sup>	Shumagin (area 610)		Chirikof (area 620)		Kodiak (area 630)		Total <sup>2</sup>
A (Jan 20–Mar 10) .....	2,232	4.67%	34,549	72.29%	11,014	23.04%	47,796
B (Mar 10–May 31) .....	2,232	4.67%	39,420	82.48%	6,143	12.85%	47,796
C (Aug 25–Oct 1) .....	19,569	40.94%	12,341	25.82%	15,886	33.24%	47,796
D (Oct 1–Nov 1) .....	19,569	40.94%	12,341	25.82%	15,886	33.24%	47,796

TABLE 3—FINAL 2017 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC—Continued  
[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Annual Total .....	43,602	.....	98,652	.....	48,929	.....	191,183
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<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

TABLE 4—FINAL 2018 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION, AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC  
[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season <sup>1</sup>	Shumagin (area 610)		Chirikof (area 620)		Kodiak (area 630)		Total <sup>2</sup>
A (Jan 20–Mar 10) .....	1,725	4.67%	26,704	72.29%	8,513	23.04%	36,942
B (Mar 10–May 31) .....	1,725	4.67%	30,469	82.48%	4,748	12.85%	36,942
C (Aug 25–Oct 1) .....	15,125	40.94%	9,538	25.82%	12,278	33.24%	36,942
D (Oct 1–Nov 1) .....	15,125	40.94%	9,538	25.82%	12,278	33.24%	36,942
Annual Total .....	33,701	.....	76,249	.....	37,818	.....	147,768

<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

*Annual and Seasonal Apportionments of Pacific Cod TAC*

Pursuant to § 679.20(a)(12)(i), NMFS allocates the Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. NMFS also allocates the 2017 and 2018 Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern GOA (§ 679.20(a)(6)(ii)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among catcher vessels (CVs) less than 50 feet in length overall using hook-and-line gear, CVs equal to or greater than 50 feet in length overall using hook-and-line gear, catcher/processors (C/Ps) using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs using hook-and-line gear, C/Ps using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). The overall seasonal apportionments in the Western and Central GOA are 60 percent of the annual TAC to the A season and 40 percent of the annual TAC to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod allowance

from the A season will be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that NMFS determines is likely to go unharvested by a sector may be reapportioned to other sectors for harvest during the remainder of the fishery year in accordance with § 679.20(a)(12)(ii).

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal Fisheries Permit (FFP) that use jig gear before TAC is apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum of 2 years. NMFS has evaluated the 2016 harvest performance of the jig sector in the Western and Central GOA, and is establishing the 2017 and 2018 Pacific cod apportionments to this sector as follows.

NMFS allocates the jig sector 2.5 percent of the annual Pacific cod TAC in the Western GOA. This is a decrease

from the 2016 jig sector allocation because in both 2015 and 2016 this sector harvested less than its initial annual allocation. The 2017 and 2018 allocations include a base allocation of 1.5 percent, and an additional 1.0 percent because this sector harvested greater than 90 percent of its initial 2014 annual allocation. Since 2012, the jig sector in the Western GOA has received two separate increases to its annual allocation, for a total of 3.5 percent. This percentage is decreased by 1 percent for 2017 and 2018 due to the jig sector's 2016 harvest performance, in which 5 percent of the Western GOA jig allocation was harvested. Annual jig sector allocation increases or decreases occur in 1 percent increments; so if the Western GOA jig sector catches less than 90 percent of its 2017 annual allocation, it will be subject to another 1 percent decrease in 2018.

NMFS allocates the jig sector 1.0 percent of the annual Pacific cod TAC in the Central GOA. This is the same percent as the 2016 jig sector allocation because in 2016 this sector harvested less than 90 percent of the initial 2016 allocation. The 2017 and 2018 allocations consist of a base allocation of 1.0 percent, and no additional performance increase in the Central GOA. Tables 5 and 6 list the seasonal apportionments and allocations of the 2017 and 2018 Pacific cod TACs.

TABLE 5—FINAL 2017 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (2.5% of TAC) .....	635	N/A	381	N/A	254
Hook-and-line CV .....	347	0.70	173	0.70	173
Hook-and-line C/P .....	4,904	10.90	2,700	8.90	2,204
Trawl CV .....	9,511	27.70	6,861	10.70	2,650
Trawl C/P .....	594	0.90	223	1.50	372
All Pot CV and Pot C/P .....	9,412	19.80	4,904	18.20	4,508
<b>Total .....</b>	<b>25,404</b>	<b>60.00</b>	<b>15,242</b>	<b>40.00</b>	<b>10,161</b>
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	331	N/A	199	N/A	133
Hook-and-line <50 CV .....	4,790	9.32	3,056	5.29	1,734
Hook-and-line ≥50 CV .....	2,200	5.61	1,840	1.10	360
Hook-and-line C/P .....	1,674	4.11	1,347	1.00	327
Trawl CV <sup>1</sup> .....	13,641	21.14	6,933	20.45	6,708
Trawl C/P .....	1,377	2.00	657	2.19	720
All Pot CV and Pot C/P .....	9,121	17.83	5,849	9.97	3,272
<b>Total .....</b>	<b>33,135</b>	<b>60.00</b>	<b>19,881</b>	<b>40.00</b>	<b>13,254</b>
Eastern GOA .....	5,903	Inshore (90% of Annual TAC) 5,313		Offshore (10% of Annual TAC) 590	

<sup>1</sup> Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 1,262 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 12).

TABLE 6—FINAL 2018 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (2.5% of TAC) .....	570	N/A	342	N/A	228
Hook-and-line CV .....	311	0.70	156	0.70	156
Hook-and-line C/P .....	4,400	10.90	2,422	8.90	1,978
Trawl CV .....	8,534	27.70	6,156	10.70	2,378
Trawl C/P .....	533	0.90	200	1.50	333
All Pot CV and Pot C/P .....	8,445	19.80	4,400	18.20	4,045
<b>Total .....</b>	<b>22,795</b>	<b>60.00</b>	<b>13,677</b>	<b>40.00</b>	<b>9,118</b>
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	297	N/A	178	N/A	119
Hook-and-line <50 CV .....	4,298	9.32	2,742	5.29	1,556
Hook-and-line ≥50 CV .....	1,974	5.61	1,651	1.10	323
Hook-and-line C/P .....	1,502	4.11	1,209	1.00	294
Trawl CV <sup>1</sup> .....	12,241	21.14	6,221	20.45	6,019
Trawl C/P .....	1,236	2.00	590	2.19	646
All Pot CV and Pot C/P .....	8,185	17.83	5,248	9.97	2,936
<b>Total .....</b>	<b>29,733</b>	<b>60.00</b>	<b>17,840</b>	<b>40.00</b>	<b>11,893</b>
Eastern GOA .....		Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	

TABLE 6—FINAL 2018 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
	5,297		4,768		530

<sup>1</sup> Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 1,133 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 13).

*Allocations of the Sablefish TACs Amounts to Vessels Using Hook-and-Line and Trawl Gear*

Section 679.20(a)(4)(i) and (ii) require allocations of sablefish TACs for each of the regulatory areas and districts to hook-and-line and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to hook-and-line gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, which is comprised of the WYK and SEO Districts, 95 percent of the TAC is allocated to hook-and-line gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used to support incidental catch of sablefish in directed trawl fisheries for other target species (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS approves the allocation of 5 percent of the Eastern Regulatory Area sablefish TAC to trawl gear in the WYK District, making the remainder of the WYK sablefish TAC available to vessels using hook-and-line

gear. NMFS allocates 100 percent of the sablefish TAC in the SEO District to vessels using hook-and-line gear. This action results in a 2017 allocation of 211 mt to trawl gear and 1,394 mt to hook-and-line gear in the WYK District, a 2017 allocation of 2,606 mt to hook-and-line gear in the SEO District, and a 2018 allocation of 213 mt to trawl gear in the WYK District. Table 7 lists the allocations of the 2017 sablefish TACs to hook-and-line and trawl gear. Table 8 lists the allocations of the 2018 sablefish TACs to trawl gear.

The Council recommended that a trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Both the 2017 and 2018 trawl allocations are specified in these final harvest specifications, in Tables 7 and 8, respectively.

The Council also recommended that the hook-and-line sablefish TAC be established annually to ensure that this IFQ fishery is conducted concurrently with the halibut IFQ fishery and is based on recent sablefish survey

information. Since there is an annual assessment for sablefish and since the final harvest specifications are expected to be published before the IFQ season begins on March 11, 2017, the Council recommended that the hook-and-line sablefish TAC be set on an annual basis, rather than for two years, so that the best scientific information available could be considered in establishing the sablefish ABCs and TACs. Accordingly, while the 2017 hook-and-line allocations are specified in Table 7, the 2018 hook-and-line allocations will be specified in the 2018 and 2019 harvest specifications.

With the exception of the trawl allocations that were provided to the Central GOA Rockfish Program (Rockfish Program) cooperatives (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear is closed during the fishing year. Also, fishing for groundfish with trawl gear is prohibited prior to January 20. Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2017 and 2018 harvest specifications.

TABLE 7—FINAL 2017 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATIONS TO HOOK-AND-LINE AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Hook-and-line allocation	Trawl allocation
Western .....	1,349	1,079	270
Central .....	4,514	3,611	903
West Yakutat <sup>1</sup> .....	1,605	1,394	211
Southeast Outside .....	2,606	2,606	0
Total .....	10,074	8,691	1,383

<sup>1</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside combined) sablefish TAC to trawl gear in the West Yakutat District.

TABLE 8—FINAL 2018 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATION TO TRAWL GEAR<sup>1</sup>  
 [Values are rounded to the nearest metric ton]

Area/district	TAC	Hook-and-line allocation	Trawl allocation
Western .....	1,367	n/a	273
Central .....	4,574	n/a	915
West Yakutat <sup>2</sup> .....	1,626	n/a	213
Southeast Outside .....	2,640	n/a	0
<b>Total .....</b>	<b>10,207</b>	<b>n/a</b>	<b>1,402</b>

<sup>1</sup> The Council recommended that 2018 harvest specifications for the hook-and-line gear sablefish Individual Fishing Quota fisheries be specified in the final 2018 and 2019 harvest specifications.

<sup>2</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside combined) sablefish TAC to trawl gear in the West Yakutat District.

*Demersal Shelf Rockfish (DSR)*

The recommended 2017 and 2018 DSR TAC is 227 mt, and management of DSR is delegated to the State. The Alaska Board of Fisheries has apportioned the annual SEO District DSR TACs between the commercial fishery (84 percent) and the sport fishery (16 percent) after deductions were made for anticipated subsistence harvests (7 mt). This results in 2017 and 2018 allocations of 185 mt to the commercial fishery and 35 mt to the sport fishery.

The State deducts estimates of incidental catch of DSR in the commercial halibut fishery and pre-season “test fishery” DSR mortality from the DSR commercial fishery allocation. In 2016, this resulted in 29 mt being available for the directed commercial DSR fishery apportioned in one DSR district. The State estimated that there was not sufficient DSR TAC available to have orderly fisheries in the three other DSR districts. DSR harvest in the halibut fishery is linked to the annual halibut catch limits; therefore, the State can only estimate potential DSR incidental catch because halibut catch limits are established by the International Pacific Halibut Commission (IPHC). Federally permitted CVs using hook-and-line or jig gear fishing for groundfish and Pacific halibut in the SEO District of the GOA are required to retain all DSR (§ 679.20(j)).

*Apportionments to the Rockfish Program*

These final 2017 and 2018 harvest specifications for the GOA include the

fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Program participants are primarily trawl CVs and trawl C/Ps, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to participants for primary (Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (Pacific cod, rougheye rockfish, sablefish, shortraker rockfish, and thornyhead rockfish); allows a participant holding a license limitation program (LLP) license with rockfish quota share to form a rockfish cooperative with other persons; and allows holders of C/P LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed groundfish fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR part 679). Rockfish Program sideboards and halibut PSC limits are discussed below.

Also, the Rockfish Program establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions are discussed in a subsequent section titled “Rockfish Program Groundfish Sideboard and Halibut PSC Limitations.”

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 requires allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2017 and 2018. The allocation for the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of a species. The incremental increase in the allocation would continue each year until it is the maximum percent of the TAC for that species. In 2016, the dusky rockfish catch exceeded 90 percent of that species’ allocation. Therefore, NMFS is increasing the entry level longline fishery 2017 and 2018 allocations of dusky rockfish to 50 mt in the Central GOA. The catch of the other two species, Pacific ocean perch and northern rockfish, did not attain the 90 percent threshold, and those allocations remain at 5 mt each. The remainder of the TACs for the rockfish primary species would be allocated to the CV and C/P cooperatives. Table 9 lists the allocations of the 2017 and 2018 TACs for each rockfish primary species to the entry level longline fishery, the incremental increase for future years, and the maximum percent of the TAC for the entry level longline fishery.

TABLE 9—FINAL 2017 AND INITIAL 2018 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	2017 and 2018 allocations	Incremental increase in 2018 if > 90% of 2017 allocation is harvested	Up to maximum % of TAC
Pacific ocean perch .....	5 metric tons .....	5 metric tons .....	1
Northern rockfish .....	5 metric tons .....	5 metric tons .....	2

TABLE 9—FINAL 2017 AND INITIAL 2018 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA—Continued

Rockfish primary species	2017 and 2018 allocations	Incremental increase in 2018 if > 90% of 2017 allocation is harvested	Up to maximum % of TAC
Dusky rockfish .....	50 metric tons .....	20 metric tons .....	5

Section 679.81(a)(2) requires allocations of the rockfish primary species among various sectors of the Rockfish Program. Tables 10 and 11 list the final 2017 and 2018 allocations of rockfish primary species in the Central GOA to the entry level longline fishery, and CV and C/P cooperatives in the Rockfish Program. NMFS also is setting aside incidental catch amounts (ICAs) for other directed fisheries in the

Central GOA of 2,000 mt of Pacific ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or C/P cooperatives are not included in these final harvest specifications. Rockfish Program applications for CV cooperatives and C/

P cooperatives are not due to NMFS until March 1 of each calendar year; therefore, NMFS cannot calculate 2017 and 2018 allocations in conjunction with these final harvest specifications. NMFS will post these allocations on the Alaska Region Web site at <http://alaska.fisheries.noaa.gov/fisheries/central-goa-rockfish-program> when they become available after March 1.

TABLE 10—FINAL 2017 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM  
[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the rockfish cooperatives <sup>2</sup>
Pacific ocean perch .....	16,671	2,000	14,671	5	14,666
Northern rockfish .....	3,354	300	3,054	5	3,049
Dusky rockfish .....	3,786	250	3,536	50	3,486
Total .....	23,811	2,550	21,261	60	21,201

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear.  
<sup>2</sup> Rockfish cooperatives include vessels in CV and C/P cooperatives.

TABLE 11—FINAL 2018 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM  
[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the Rockfish cooperatives <sup>2</sup>
Pacific ocean perch .....	16,347	2,000	14,347	5	14,342
Northern rockfish .....	3,108	300	2,808	5	2,803
Dusky rockfish .....	3,499	250	3,249	50	3,199
Total .....	22,954	2,550	20,404	60	20,344

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear.  
<sup>2</sup> Rockfish cooperatives include vessels in CV and C/P cooperatives.

Section 679.81(c) and Table 28c to 50 CFR part 679 requires allocations of rockfish secondary species to CV and C/P cooperatives in the Central GOA. CV cooperatives receive allocations of

Pacific cod, sablefish from the trawl gear allocation, and thornyhead rockfish. C/P cooperatives receive allocations of sablefish from the trawl allocation, roughey rockfish, shorttraker rockfish,

and thornyhead rockfish. Tables 12 and 13 list the apportionments of the 2017 and 2018 TACs of rockfish secondary species in the Central GOA to CV and C/P cooperatives.

TABLE 12—FINAL 2017 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual Central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod .....	33,135	3.81	1,262	0.00	.....
Sablefish .....	4,514	6.78	306	3.51	158
Shorthead rockfish .....	301	0.00	.....	40.00	120
Rougheye rockfish .....	706	0.00	.....	58.87	416
Thornyhead rockfish .....	988	7.84	77	26.50	262

TABLE 13—FINAL 2018 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual Central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod .....	29,733	3.81	1,133	0.00	.....
Sablefish .....	4,574	6.78	310	3.51	161
Shorthead rockfish .....	301	0.00	.....	40.00	120
Rougheye rockfish .....	702	0.00	.....	58.87	413
Thornyhead rockfish .....	988	7.84	77	26.50	262

*Halibut PSC Limits*

Section 679.21(d) establishes the annual halibut PSC limit apportionments to trawl and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In December 2016, the Council recommended halibut PSC limits of 1,706 mt for trawl gear, 257 mt for hook-and-line gear, and 9 mt for the DSR fishery in the SEO District for both 2017 and 2018.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(i)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). NMFS estimates low halibut bycatch in the DSR fishery because (1) the duration of the DSR fisheries and the gear soak times are short, (2) the DSR fishery occurs in the winter when less overlap occurs in the distribution of DSR and halibut, and (3) the directed commercial DSR fishery has a low DSR TAC. The Alaska Department of Fish and Game sets the commercial GHL for the DSR fishery after deducting the following: (1) Estimates of DSR incidental catch in all fisheries (including halibut and subsistence); and (2) the allocation to the DSR sport fish fishery. Of the 231 mt TAC for DSR in 2016, 188 mt were available for the DSR commercial

directed fishery, of which 8 mt were harvested.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the non-trawl halibut PSC limit for 2017 and 2018. The Council recommended, and NMFS approves, these exemptions because: (1) The pot gear fisheries have low annual halibut bycatch mortality, (2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a catcher vessel holds unused halibut IFQ (§ 679.7(f)(11)), (3) some sablefish IFQ fishermen hold halibut IFQ permits and are therefore required to retain the halibut they catch while fishing sablefish IFQ, and (4) NMFS estimates negligible halibut mortality for the jig gear fisheries. NMFS estimates that halibut mortality is negligible in the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2016. The calculated halibut bycatch mortality through December 31, 2016, is 1,336 mt for trawl gear and 241 mt for hook-and-line gear for a total

halibut mortality of 1,577 mt. This halibut mortality was calculated using groundfish and halibut catch data from the NMFS Alaska Region’s catch accounting system. This accounting system contains historical and recent catch information compiled from each Alaska groundfish fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require the Council and NMFS to consider the following information in seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. The Council considered information from the 2016 SAFE report, NMFS catch data, State of Alaska catch data, IPHC stock assessment and mortality data, and public testimony when apportioning the halibut PSC limits. NMFS concurs with the Council’s recommendations listed in



Table 14, which show the final 2017 and 2018 Pacific halibut PSC limits, allowances, and apportionments.

Section 679.21(d)(4)(iii) and (iv) specify that any underages or overages of a seasonal apportionment of a PSC

limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

TABLE 14—FINAL 2017 AND 2018 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS  
[Values are in metric tons]

Trawl gear			Hook-and-line gear <sup>1</sup>				
Season	Percent	Amount	Other than DSR			DSR	
			Season	Percent	Amount	Season	Amount
January 20–April 1 .....	27.5	469	January 1–June 10 .....	86	221	January 1–December 31.	9
April 1–July 1 .....	20	341	June 10–September 1 .....	2	5	.....	.....
July 1–September 1 .....	30	512	September 1–December 31.	12	31	.....	.....
September 1–October 1 .....	7.5	128	.....	.....	.....	.....	.....
October 1–December 31.	15	256	.....	.....	.....	.....	.....
Total .....	.....	1,706	.....	.....	257	.....	9

<sup>1</sup> The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. The hook-and-line sablefish IFQ fishery is exempt from halibut PSC limits, as are pot and jig gear for all groundfish fisheries. Note: Seasonal or sector apportionments may not total precisely due to rounding.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category’s proportional share of the anticipated halibut bycatch mortality during the fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) A deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and “other species” (sculpins, sharks, squids, and octopuses).

NMFS will combine available trawl halibut PSC limit apportionments in the

second season deep-water and shallow-water fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the deep-water and shallow-water trawl fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 15 lists the final 2017 and 2018 apportionments of halibut PSC trawl limits between the trawl gear deep-water and shallow-water species fishery categories.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and C/P sectors that are participating in the Rockfish Program. This includes 117 mt

of halibut PSC limit to the CV sector and 74 mt of halibut PSC limit to the C/P sector. These amounts are allocated from the trawl deep-water species fishery’s halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries during the current fishing year to no more than 55 percent of the unused annual halibut PSC apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by vessels directed fishing with trawl gear for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 15—FINAL 2017 AND 2018 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20–April 1 .....	384	85 .....	469
April 1–July 1 .....	85	256 .....	341
July 1–September 1 .....	171	341 .....	512
September 1–October 1 .....	128	Any remainder	128
Subtotal January 20–October 1 .....	768	682 .....	1,450
October 1–December 31 <sup>2</sup> .....	.....	.....	256
Total .....	.....	.....	1,706

<sup>1</sup> Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

Section 679.21(d)(2)(i)(B) requires that the “other hook-and-line fishery” halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and C/Ps in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the “other hook-and-line fishery” halibut PSC limit between the hook-and-line CV and C/P sectors were included in the proposed rule to implement Amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit is apportioned between the CV and C/P sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod

biomass. Pacific cod is apportioned among these two management areas based on the percentage of overall biomass per area, as calculated in the 2016 Pacific cod stock assessment. Updated information in the final 2016 SAFE report describes this distributional calculation, which is based on allocating ABC among regulatory areas on the basis of the three most recent stock surveys. For 2017 and 2018, the distribution of the total GOA Pacific cod ABC is 41 percent to the Western GOA, 50 percent to the Central GOA, and 9 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution with respect to establishing the annual halibut PSC limits for the CV and C/P hook-and-line sectors. The annual halibut PSC limits are divided into three seasonal apportionments, using seasonal

percentages of 86 percent, 2 percent, and 12 percent.

For 2017 and 2018, NMFS apportions halibut PSC limits of 129 mt and 128 mt to the hook-and-line CV and hook-and-line C/P sectors, respectively. Table 16 lists the final 2017 and 2018 apportionments of halibut PSC limits between the hook-and-line CV and hook-and-line C/P sectors.

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the hook-and-line sectors for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations (§ 679.21(d)(2)(iii)(C)).

TABLE 16—FINAL 2017 AND 2018 APPORTIONMENTS OF THE “OTHER HOOK-AND-LINE FISHERIES” ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS

[Values are in metric tons]

“Other than DSR” allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257 .....	Catcher Vessel .....	129	January 1–June 10 .....	86	111
			June 10–September 1 .....	2	3
			September 1–December 31 .....	12	15
	Catcher/Processor .....	128	January 1–June 10 .....	86	110
			June 10–September 1 .....	2	3
			September 1–December 31 .....	12	15

*Estimates of Halibut Biomass and Stock Condition*

The IPHC annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC’s 2016 Pacific halibut stock assessment (December 2016), available on the IPHC Web site at [www.iphc.int](http://www.iphc.int). The IPHC considered the 2016 Pacific halibut stock assessment at its January 2017 annual meeting when it set the 2017 commercial halibut fishery catch limits.

*Halibut Discard Mortality Rates*

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal

apportionment is reached. Halibut incidental catch rates are based on observers’ estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best information available in conjunction with the annual GOA stock assessment process. The DMR methodology and findings are included as an appendix to the annual GOA groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council’s directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the GOA Plan Team, SSC, and the Council. A summary of the revised methodology is

contained in the GOA proposed 2017 and 2018 harvest specifications (81 FR 87881, December 6, 2016), and the comprehensive discussion of the working group’s statistical methodology is available from the Council (see **ADDRESSES**). While the DMR working group’s revised methodology is intended to improve estimation accuracy, as well as transparency and transferability in the methodology used, for calculating DMRs, the working group will continue to consider improvements to the methodology used to calculate halibut mortality. Future DMRs, including the 2018 DMRs, may change based on an additional year of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology.

At the December 2016 meeting, the SSC, AP, and Council concurred with the revised DMR estimation methodology. The Council recommended adopting the halibut

DMRs derived from that process for 2017 and 2018, with no changes except a minor increase in the rate assigned to non-pelagic trawl catcher vessels that do not participate in the Rockfish Program

(a two percent increase) and a decrease in the rate assigned to non-pelagic trawl catcher vessels that do participate in the Rockfish Program (an eighteen percent decrease). These changes reflect

corrections that were made in programming code associated with calculating the DMRs for the trawl gear categories. Table 17 lists the proposed 2017 and 2018 DMRs.

TABLE 17—FINAL 2017 AND 2018 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA  
[Values are percent of halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	67
	Catcher vessel	All others	65
	Mothership and catcher/processor	All	85
Hook-and-line	Catcher/processor	All	11
	Catcher vessel	All	12
Pot	Catcher vessel and catcher/processor	All	10

*Chinook Salmon Prohibited Species Catch Limits*

Amendment 93 to the FMP (77 FR 42629, July 20, 2012) established separate Chinook salmon PSC limits in the Western and Central GOA in the directed pollock fishery. These limits require NMFS to close the pollock directed fishery in the Western and Central Regulatory Areas of the GOA if the applicable limit is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set at § 679.21(h)(2)(i) and (ii). In addition, all salmon (regardless of species) taken in the pollock directed fisheries in the Western and Central GOA must be retained until the manager of a shoreside processor or stationary floating processor has accurately recorded the number of salmon by species in the eLandings at-sea production report or eLandings groundfish landing report. If an observer is present at the processing facility that takes delivery of the catch, then the observer is provided an opportunity to count the number of salmon and to collect any scientific data or biological samples from the salmon (§ 679.21(h)(6)).

Amendment 97 to the FMP (79 FR 71350, December 2, 2014) established an initial annual PSC limit of 7,500 Chinook salmon for the non-pollock groundfish fisheries. This limit is apportioned among three sectors: 3,600 Chinook salmon to trawl C/Ps; 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and 2,700 Chinook salmon to trawl CVs not participating in the Rockfish Program that are fishing for groundfish species other than pollock

(§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl C/Ps and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limits its use of Chinook salmon PSC to a specified threshold amount in 2016, that sector will receive an incremental increase to its 2017 Chinook salmon PSC limit (§ 679.21(h)(4)). In 2016, the trawl C/P sector did not exceed 3,120 Chinook salmon PSC; therefore, the 2017 trawl C/Ps Chinook salmon PSC limit will be 4,080 Chinook salmon. In 2016, the Non-Rockfish Program CV sector did not exceed 2,340 Chinook salmon PSC; therefore, the 2017 Non-Rockfish Program CV sector limit will be 3,060 Chinook salmon.

As described earlier in this preamble, Amendment 103 to the FMP became effective in 2016. The regulations associated with Amendment 103 authorize NMFS to use inseason management actions to reapportion unused Chinook salmon PSC limits among the pollock and non-pollock sectors. NMFS did not exercise this authority in 2016, as none of the trawl sectors needed reapportionments. NMFS may use this authority in 2017 and 2018 for inseason management actions if a trawl sector needs reapportionment of unused Chinook salmon PSC limits.

*American Fisheries Act (AFA) Catcher/Processor and Catcher Vessel Groundfish Harvest and PSC Limits*

Section 679.64 establishes groundfish harvesting and processing sideboard limitations on AFA C/Ps and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA C/Ps and C/Ps designated on a listed AFA C/P permit from harvesting any species of groundfish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA C/Ps and C/Ps designated on a listed AFA C/P permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 ft (38.1 meters) length overall, have annual landings of pollock in the Bering Sea and Aleutian Islands less than 5,100 mt, and have made at least 40 GOA groundfish landings from 1995 through 1997 are exempt from GOA sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered by the FMP. Section 679.64(b)(3)(iv) establishes the groundfish sideboard limitations in the GOA based on the aggregate retained catch of non-exempt AFA CVs of each sideboard species from 1995 through 1997 divided by the sum of the TACs for that species or species group available to CVs over the same period.

Tables 18 and 19 list the final 2017 and 2018 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Tables 18 and 19.

TABLE 18—FINAL 2017 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2017 TACs	Final 2017 non-exempt AFA CV sideboard limit
Pollock	A Season—January 20–March 10	Shumagin (610)	0.6047	2,232	1,350
		Chirikof (620)	0.1167	34,549	4,032
		Kodiak (630)	0.2028	11,014	2,234
	B Season—March 10–May 31	Shumagin (610)	0.6047	2,232	1,350
		Chirikof (620)	0.1167	39,420	4,600
		Kodiak (630)	0.2028	6,143	1,246
	C Season—August 25–October 1	Shumagin (610)	0.6047	19,569	11,834
		Chirikof (620)	0.1167	12,341	1,440
		Kodiak (630)	0.2028	15,886	3,222
	D Season—October 1–November 1	Shumagin (610)	0.6047	19,569	11,834
		Chirikof (620)	0.1167	12,341	1,440
		Kodiak (630)	0.2028	15,886	3,222
Annual	WYK (640)	0.3495	7,492	2,618	
	SEO (650)	0.3495	9,920	3,467	
Pacific cod	A Season <sup>1</sup> —January 1–June 10	W	0.1331	15,242	2,029
		C	0.0692	19,881	1,376
	B Season <sup>2</sup> —September 1–December 31	W	0.1331	10,161	1,352
		C	0.0692	13,254	917
	Annual	E inshore	0.0079	5,313	42
		E offshore	0.0078	590	5
Sablefish	Annual, trawl gear	W	0.0000	270	
		C	0.0642	903	58
		E	0.0433	211	9
Shallow-water flatfish	Annual	W	0.0156	13,250	207
		C	0.0587	19,306	1,133
		E	0.0126	4,287	54
Deep-water flatfish	Annual	W	0.0000	256	
		C	0.0647	3,454	223
		E	0.0128	5,582	71
Rex sole	Annual	W	0.0007	1,459	1
		C	0.0384	4,930	189
		E	0.0029	1,922	6
Arrowtooth flounder	Annual	W	0.0021	14,500	30
		C	0.0280	75,000	2,100
		E	0.0002	13,800	3
Flathead sole	Annual	W	0.0036	8,650	31
		C	0.0213	15,400	328
		E	0.0009	3,806	3
Pacific ocean perch	Annual	W	0.0023	2,679	6
		C	0.0748	16,671	1,247
		E	0.0466	4,568	213
Northern rockfish	Annual	W	0.0003	432	0
		C	0.0277	3,354	93
		E	0.0000	38	
Shortraker rockfish	Annual	C	0.0218	301	7
		E	0.0110	947	10
		W	0.0001	158	0
Dusky rockfish	Annual	C	0.0000	3,786	
		E	0.0067	334	2
		W	0.0000	105	
Rougheye rockfish	Annual	C	0.0237	706	17
		E	0.0124	516	6
		SEO	0.0020	227	0
Demersal shelf rockfish	Annual	W	0.0280	291	8
		C	0.0280	988	28
		E	0.0280	682	19
Thornyhead rockfish	Annual	C	0.1699	1,534	261
		E	0.0000	774	
		Gulfwide	0.0309	3,000	93
Atka mackerel	Annual	W	0.0063	908	6
		C	0.0063	1,850	12

TABLE 18—FINAL 2017 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2017 TACs	Final 2017 non-exempt AFA CV sideboard limit
Longnose skates	Annual	E	0.0063	1,056	7
		W	0.0063	61	0
		C	0.0063	2,513	16
		E	0.0063	632	4
Other skates	Annual	Gulfwide	0.0063	1,919	12
Sculpins	Annual	Gulfwide	0.0063	5,591	35
Sharks	Annual	Gulfwide	0.0063	4,514	28
Squids	Annual	Gulfwide	0.0063	1,137	7
Octopuses	Annual	Gulfwide	0.0063	4,878	31

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

TABLE 19—FINAL 2018 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2018 TACs	Final 2018 non-exempt AFA CV sideboard limit	
Pollock	A Season—January 20–March 10	Shumagin (610)	0.6047	1,725	1,043	
		Chirikof (620)	0.1167	26,704	3,116	
		Kodiak (630)	0.2028	8,513	1,726	
	B—Season March 10–May 31	Shumagin (610)	0.6047	1,725	1,043	
		Chirikof (620)	0.1167	30,469	3,556	
		Kodiak (630)	0.2028	4,748	963	
	C Season—August 25–October 1	Shumagin (610)	0.6047	15,125	9,146	
		Chirikof (620)	0.1167	9,538	1,113	
		Kodiak (630)	0.2028	12,278	2,490	
	D Season—October 1–November 1	Shumagin (610)	0.6047	15,125	9,146	
		Chirikof (620)	0.1167	9,538	1,113	
		Kodiak (630)	0.2028	12,278	2,490	
	Annual	WYK (640)	0.3495	5,791	2,024	
		SEO (650)	0.3495	9,920	3,467	
	Pacific cod	A Season <sup>1</sup> —January 1–June 10	W	0.1331	13,677	1,820
			C	0.0692	17,840	1,235
E			0.0692	11,893	823	
B Season <sup>2</sup> —September 1–December 31		W	0.1331	9,118	1,214	
		C	0.0692	11,893	823	
Annual		E inshore	0.0079	4,768	38	
Sablefish	Annual, trawl gear	E offshore	0.0078	530	4	
		W	0.0000	273	.....	
		C	0.0642	915	59	
		E	0.0433	213	9	
Shallow-water flatfish	Annual	W	0.0156	13,250	207	
		C	0.0587	19,418	1,140	
		E	0.0126	4,311	54	
Deep-water flatfish	Annual	W	0.0000	257	.....	
		C	0.0647	3,488	226	
		E	0.0128	5,637	72	
		W	0.0007	1,478	1	
Rex sole	Annual	C	0.0384	4,995	192	
		E	0.0029	1,948	6	
		W	0.0021	14,500	30	
		C	0.0280	75,000	2,100	
Arrowtooth flounder	Annual	E	0.0002	13,800	3	
		W	0.0036	8,650	31	
		C	0.0213	15,400	30	
Flathead sole	Annual	E	0.0009	3,870	3	
		W	0.0023	2,627	6	
		C	0.0748	16,347	1,223	
Pacific ocean perch	Annual	E	0.0466	4,480	209	

TABLE 19—FINAL 2018 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2018 TACs	Final 2018 non-exempt AFA CV sideboard limit
Northern rockfish	Annual	W	0.0003	400	0
		C	0.0277	3,108	86
Shortraker rockfish	Annual	W	0.0000	38	7
		C	0.0218	301	10
		E	0.0110	947	0
Dusky rockfish	Annual	W	0.0001	146	2
		C	0.0000	3,499	17
		E	0.0067	309	6
Rougeye rockfish	Annual	W	0.0000	104	0
		C	0.0237	702	8
		E	0.0124	512	19
Demersal shelf rockfish	Annual	SEO	0.0020	227	0
Thornyhead rockfish	Annual	W	0.0280	291	28
		C	0.0280	988	19
		E	0.0280	682	261
Other rockfish	Annual	W/C	0.1699	1,534	93
		E	0.0000	774	6
Atka mackerel	Annual	Gulfwide	0.0309	3,000	12
Big skates	Annual	W	0.0063	908	7
		C	0.0063	1,850	0
		E	0.0063	1,056	16
Longnose skates	Annual	W	0.0063	61	4
		C	0.0063	2,513	12
		E	0.0063	632	35
Other skates	Annual	Gulfwide	0.0063	1,919	28
Sculpins	Annual	Gulfwide	0.0063	5,591	7
Sharks	Annual	Gulfwide	0.0063	4,514	1
Squids	Annual	Gulfwide	0.0063	1,137	31
Octopuses	Annual	Gulfwide	0.0063	4,878	

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

*Non-Exempt AFA Catcher Vessel Halibut PSC Limits*

The halibut PSC sideboard limits for non-exempt AFA CVs in the GOA are

based on the aggregate retained groundfish catch by non-exempt AFA CVs in each PSC target category from 1995 through 1997 divided by the retained catch of all vessels in that

fishery from 1995 through 1997 (§ 679.64(b)(4)(ii)). Table 20 lists the final 2017 and 2018 non-exempt AFA CV halibut PSC limits for vessels using trawl gear in the GOA, respectively.

TABLE 20—FINAL 2017 AND 2018 NON-EXEMPT AFA CV HALIBUT PROHIBITED SPECIES CATCH (PSC) LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2017 and 2018 PSC limit	2017 and 2018 non-exempt AFA CV PSC limit
1	January 20–April 1	shallow-water	0.340	384	131
		deep-water	0.070	85	6
2	April 1–July 1	shallow-water	0.340	85	29
		deep-water	0.070	256	18
3	July 1–September 1	shallow-water	0.340	171	58
		deep-water	0.070	341	24
4	September 1–October 1	shallow-water	0.340	128	44
		deep-water	0.070	0	0
5	October 1–December 31	all targets	0.205	256	52
Total				1,706	362

*Non-AFA Crab Vessel Groundfish Harvest Limitations*

Section 680.22 establishes groundfish catch limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization Program to expand their level of participation in the GOA groundfish fisheries. Sideboard limits restrict these vessels' catch to their collective historical landings in each GOA

groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to catch made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP

(76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015).

Tables 21 and 22 list the final 2017 and 2018 groundfish sideboard limitations for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 21—FINAL 2017 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS  
[Values are rounded to nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2017 TACs	Final 2017 non-AFA crab vessel sideboard limit		
Pollock	A Season—January 20–March 10	Shumagin (610)	0.0098	2,232	22		
		Chirikof (620)	0.0031	34,549	107		
		Kodiak (630)	0.0002	11,014	2		
	B Season—March 10–May 31	Shumagin (610)	0.0098	2,232	22		
		Chirikof (620)	0.0031	39,420	122		
		Kodiak (630)	0.0002	6,143	1		
	C Season—August 25–October 1	Shumagin (610)	0.0098	19,569	192		
		Chirikof (620)	0.0031	12,341	38		
		Kodiak (630)	0.0002	15,886	3		
	D Season—October 1–November 1	Shumagin (610)	0.0098	19,569	192		
		Chirikof (620)	0.0031	12,341	38		
		Kodiak (630)	0.0002	15,886	3		
	Annual	WYK (640)	0.0000	7,492			
		SEO (650)	0.0000	9,920			
Pacific cod	A Season—January 1–June 10 <sup>1</sup>	WG Jig	0.0000	15,242			
		WG Hook-and-line CV	0.0004	15,242	6		
		WG Pot CV	0.0997	15,242	1,520		
		WG Pot C/P	0.0078	15,242	119		
		WG Trawl CV	0.0007	15,242	11		
		CG Jig	0.0000	19,881			
		CG Hook-and-line CV	0.0001	19,881	2		
		CG Pot CV	0.0474	19,881	942		
		CG Pot C/P	0.0136	19,881	270		
		CG Trawl CV	0.0012	19,881	24		
		WG Jig	0.0000	10,161			
		WG Hook-and-line CV	0.0004	10,161	4		
		WG Pot CV	0.0997	10,161	1,013		
		WG Pot C/P	0.0078	10,161	79		
	WG Trawl CV	0.0007	10,161	7			
	B Season <sup>2</sup>	CG Jig	0.0000	13,254			
		CG Hook-and-line CV	0.0001	13,254	1		
		CG Pot CV	0.0474	13,254	628		
		CG Pot C/P	0.0136	13,254	180		
		CG Trawl CV	0.0012	13,254	16		
		EG inshore	0.0110	5,313	58		
		EG offshore	0.0000	590			
		Sablefish	Annual, trawl gear	W	0.0000	270	
				C	0.0000	903	
				E	0.0000	211	
		Shallow-water flatfish	Annual	W	0.0059	13,250	78
				C	0.0001	19,306	2
E				0.0000	4,287		
Deep-water flatfish	Annual	W	0.0035	256	1		
		C	0.0000	3,454			
		E	0.0000	5,582			
Rex sole	Annual	W	0.0000	1,459			
		C	0.0000	4,930			
		E	0.0000	1,922			
Arrowtooth flounder	Annual	W	0.0004	14,500	6		
		C	0.0001	75,000	8		

TABLE 21—FINAL 2017 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2017 TACs	Final 2017 non-AFA crab vessel sideboard limit
Flathead sole	Annual	E	0.0000	13,800	
		W	0.0002	8,650	2
		C	0.0004	15,400	6
Pacific ocean perch	Annual	E	0.0000	3,806	
		W	0.0000	2,679	
		C	0.0000	16,671	
Northern rockfish	Annual	E	0.0000	4,568	
		W	0.0005	432	0
		C	0.0000	3,354	
Shortraker rockfish	Annual	W	0.0013	38	0
		C	0.0012	301	0
		E	0.0009	947	1
Dusky rockfish	Annual	W	0.0017	158	0
		C	0.0000	3,786	
		E	0.0000	334	
Rougheye rockfish	Annual	W	0.0067	105	1
		C	0.0047	706	3
		E	0.0008	516	0
Demersal shelf rockfish	Annual	SEO	0.0000	227	
	Thornyhead rockfish	Annual	W	0.0047	291
		Annual	C	0.0066	988
	E		0.0045	682	3
	W/C		0.0033	1,534	5
Other rockfish	Annual	E	0.0000	774	
		Gulfwide	0.0000	3,000	
Atka mackerel	Annual	W	0.0392	908	36
		C	0.0159	1,850	29
Longnose skate	Annual	E	0.0000	1,056	
		W	0.0392	61	2
		C	0.0159	2,513	40
Other skates	Annual	E	0.0000	632	
		Gulfwide	0.0176	1,919	34
Sculpins	Annual	Gulfwide	0.0176	5,591	98
Sharks	Annual	Gulfwide	0.0176	4,514	79
Squids	Annual	Gulfwide	0.0176	1,137	20
Octopuses	Annual	Gulfwide	0.0176	4,878	86

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.  
<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

TABLE 22—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS [Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
Pollock	A Season—January 20–March 10	Shumagin (610)	0.0098	1,725	17
		Chirikof (620)	0.0031	26,704	83
		Kodiak (630)	0.0002	8,513	2
	B Season—March 10–May 31	Shumagin (610)	0.0098	1,725	17
		Chirikof (620)	0.0031	30,469	94
		Kodiak (630)	0.0002	4,748	1
	C Season—August 25–October 1	Shumagin (610)	0.0098	15,125	148
		Chirikof (620)	0.0031	9,538	30
		Kodiak (630)	0.0002	12,278	2
	D Season—October 1–November 1	Shumagin (610)	0.0098	15,125	148
		Chirikof (620)	0.0031	9,538	30
		Kodiak (630)	0.0002	12,278	2
	Annual	WYK (640)	0.0000	5,791	
		SEO (650)	0.0000	9,920	
Pacific cod	A Season <sup>1</sup> —January 1–June 10	WG Jig	0.0000	13,677	
		WG Hook-and-line CV	0.0004	13,677	5



TABLE 22—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
		WG Pot CV .....	0.0997	13,677	1,364
		WG Pot C/P .....	0.0078	13,677	107
		WG Trawl CV .....	0.0007	13,677	10
		CG Jig .....	0.0000	17,840	.....
		CG Hook-and-line CV ..	0.0001	17,840	2
		CG Pot CV .....	0.0474	17,840	846
		CG Pot C/P .....	0.0136	17,840	243
		CG Trawl CV .....	0.0012	17,840	21
	B Season <sup>2</sup> —Jig Gear: June 10–December 31; All other gears: September 1–December 31.	WG Jig .....	0.0000	9,118	.....
		WG Hook-and-line CV	0.0004	9,118	4
		WG Pot CV .....	0.0997	9,118	909
		WG Pot C/P .....	0.0078	9,118	71
		WG Trawl CV .....	0.0007	9,118	6
		CG Jig .....	0.0000	11,893	.....
		CG Hook-and-line CV ..	0.0001	11,893	1
		CG Pot CV .....	0.0474	11,893	564
		CG Pot C/P .....	0.0136	11,893	162
		CG Trawl CV .....	0.0012	11,893	14
	Annual .....	E inshore .....	0.0110	4,768	52
		E offshore .....	0.0000	530	.....
Sablefish .....	Annual, trawl gear .....	W .....	0.0000	273	.....
		C .....	0.0000	915	.....
		E .....	0.0000	213	.....
Shallow-water flatfish ....	Annual .....	W .....	0.0059	13,250	78
		C .....	0.0001	19,418	2
		E .....	0.0000	4,311	.....
Deep-water flatfish .....	Annual .....	W .....	0.0035	257	1
		C .....	0.0000	3,488	.....
		E .....	0.0000	5,637	.....
Rex sole .....	Annual .....	W .....	0.0000	1,478	.....
		C .....	0.0000	4,995	.....
		E .....	0.0000	1,948	.....
Arrowtooth flounder .....	Annual .....	W .....	0.0004	14,500	6
		C .....	0.0001	75,000	8
		E .....	0.0000	13,800	.....
Flathead sole .....	Annual .....	W .....	0.0002	8,650	2
		C .....	0.0004	15,400	6
		E .....	0.0000	3,870	.....
Pacific ocean perch .....	Annual .....	W .....	0.0000	2,627	.....
		C .....	0.0000	16,347	.....
		E .....	0.0000	4,480	.....
Northern rockfish .....	Annual .....	W .....	0.0005	400	0
		C .....	0.0000	3,108	.....
Shortraker rockfish .....	Annual .....	W .....	0.0013	38	0
		C .....	0.0012	301	0
		E .....	0.0009	947	1
Dusky rockfish .....	Annual .....	W .....	0.0017	146	0
		C .....	0.0000	3,499	.....
		E .....	0.0000	309	.....
Rougheye rockfish .....	Annual .....	W .....	0.0067	104	1
		C .....	0.0047	702	3
		E .....	0.0008	512	0
Demersal shelf rockfish	Annual .....	SEO .....	0.0000	227	.....
Thornyhead rockfish .....	Annual .....	W .....	0.0047	291	1
		C .....	0.0066	988	7
		E .....	0.0045	682	3
Other rockfish .....	Annual .....	W/C .....	0.0033	1,534	5
		E .....	0.0000	774	.....
Atka mackerel .....	Annual .....	Gulfwide .....	0.0000	3,000	.....
Big skate .....	Annual .....	W .....	0.0392	908	36
		C .....	0.0159	1,850	29
		E .....	0.0000	1,056	.....
Longnose skate .....	Annual .....	W .....	0.0392	61	2
		C .....	0.0159	2,513	40
		E .....	0.0000	632	.....

TABLE 22—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
Other skates .....	Annual .....	Gulfwide .....	0.0176	1,919	34
Sculpins .....	Annual .....	Gulfwide .....	0.0176	5,591	98
Sharks .....	Annual .....	Gulfwide .....	0.0176	4,514	79
Squids .....	Annual .....	Gulfwide .....	0.0176	1,137	20
Octopuses .....	Annual .....	Gulfwide .....	0.0176	4,878	86

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.  
<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

*Rockfish Program Groundfish Sideboard and Halibut PSC Limitations*

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, C/P rockfish sideboard restrictions, and C/P opt-out vessel sideboard restrictions. These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West

Yakutat District and Western GOA from July 1 through July 31. Also, CVs may not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)(3)–(4)).

C/Ps participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These C/Ps are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West Yakutat District

and Western GOA from July 1 through July 31 (§ 679.82(e)(2)). Holders of C/P-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that portion of each sideboard limit that is not assigned to rockfish cooperatives. Tables 23 and 24 list the final 2017 and 2018 Rockfish Program C/P sideboard limits in the West Yakutat District and the Western GOA. Due to confidentiality requirements associated with fisheries data, the sideboard limits for the West Yakutat District are not displayed.

TABLE 23—FINAL 2017 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WEST YAKUTAT DISTRICT AND WESTERN GOA BY FISHERY FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2017 TACs	Final 2017 C/P limit
Western GOA .....	Dusky rockfish .....	72.3 .....	158 .....	114.
	Pacific ocean perch .....	50.6 .....	2,679 .....	1,356.
	Northern rockfish .....	74.3 .....	432 .....	321.
West Yakutat District .....	Dusky rockfish .....	Confidential <sup>1</sup> .....	251 .....	Confidential. <sup>1</sup>
	Pacific ocean perch .....	Confidential <sup>1</sup> .....	2,786 .....	Confidential. <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

TABLE 24—FINAL 2018 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WEST YAKUTAT DISTRICT AND WESTERN GOA BY FISHERY FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2018 TACs	Final 2018 C/P limit
Western GOA .....	Dusky rockfish .....	72.3 .....	146 .....	106.
	Pacific ocean perch .....	50.6 .....	2,627 .....	1,329.
	Northern rockfish .....	74.3 .....	400 .....	297.
West Yakutat District .....	Dusky rockfish .....	Confidential <sup>1</sup> .....	232 .....	Confidential. <sup>1</sup>
	Pacific ocean perch .....	Confidential <sup>1</sup> .....	2,733 .....	Confidential. <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the C/P sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31. No halibut PSC sideboard limits apply to

the CV sector, as vessels participating in cooperatives receive a portion of the annual halibut PSC limit. C/Ps that opt out of the Rockfish Program are able to access that portion of the deep-water and shallow-water halibut PSC

sideboard limit not assigned to C/P rockfish cooperatives. The sideboard provisions for C/Ps that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch

history of specific vessels that may choose to opt out. After March 1, NMFS will determine which C/Ps have opted-out of the Rockfish Program in 2017, and NMFS will know the ratios and

amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboards and post these allocations on the Alaska Region Web site at <http://>

[alaskafisheries.noaa.gov/sustainable-fisheries/rockfish/](http://alaskafisheries.noaa.gov/sustainable-fisheries/rockfish/). Table 25 lists the 2017 and 2018 Rockfish Program halibut PSC limits for the C/P sector.

TABLE 25—FINAL 2017 AND 2018 ROCKFISH PROGRAM HALIBUT MORTALITY LIMITS FOR THE CATCHER/PROCESSOR SECTOR

(Values are rounded to the nearest metric ton)

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	2017 and 2018 halibut mortality limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor .....	0.10	2.50	1,706	2	43

*Amendment 80 Program Groundfish and PSC Sideboard Limits*

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl C/P sector. The Amendment 80 Program established groundfish and halibut PSC catch limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment

80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 program vessels, other than the F/V *Golden Fleece*, to amounts no greater than the limits listed in Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels operating in the GOA are based on their average aggregate harvests from 1998 through 2004. Tables 26 and 27 list the final 2017 and 2018 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Tables 26 and 27.

TABLE 26—FINAL 2017 GOA GROUNDFISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2017 TAC (mt)	2017 Amendment 80 vessel sideboards (mt)
Pollock .....	A Season—January 20–February 25 .....	Shumagin (610) .....	0.003	2,232	7
		Chirikof (620) .....	0.002	34,549	69
		Kodiak (630) .....	0.002	11,014	22
	B Season—March 10–May 31 .....	Shumagin (610) .....	0.003	2,232	7
		Chirikof (620) .....	0.002	39,420	79
		Kodiak (630) .....	0.002	6,143	12
	C Season—August 25–September 15 .....	Shumagin (610) .....	0.003	19,569	59
		Chirikof (620) .....	0.002	12,341	25
		Kodiak (630) .....	0.002	15,886	32
	D Season—October 1–November 1 .....	Shumagin (610) .....	0.003	19,569	59
		Chirikof (620) .....	0.002	12,341	25
		Kodiak (630) .....	0.002	15,886	32
Annual .....	WYK (640) .....	0.002	7,492	15	
	W .....	0.020	15,242	305	
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10 .....	W .....	0.044	19,881	875
		C .....	0.044	13,254	583
	B Season <sup>2</sup> —September 1–December 31	W .....	0.020	10,161	203
		C .....	0.044	13,254	583
Annual .....	WYK .....	0.034	5,903	201	
	W .....	0.994	2,679	2,663	
Pacific ocean perch .....	WYK .....	0.961	2,786	2,677	
	W .....	1.000	432	432	
Northern rockfish .....	W .....	0.764	158	121	
	WYK .....	0.896	251	225	

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.

<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

TABLE 27—FINAL 2018 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS  
[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2018 TAC (mt)	2018 Amendment 80 vessel sideboards (mt)
Pollock	A Season—January 20–February 25.	Shumagin (610)	0.003	1,725	5
		Chirikof (620)	0.002	26,704	53
		Kodiak (630)	0.002	8,513	17
	B Season—March 10–May 31.	Shumagin (610)	0.003	1,725	5
		Chirikof (620)	0.002	30,469	61
		Kodiak (630)	0.002	4,748	9
	C Season—August 25–September 15.	Shumagin (610)	0.003	15,125	45
		Chirikof (620)	0.002	9,538	19
		Kodiak (630)	0.002	12,278	25
	D Season—October 1–November 1.	Shumagin (610)	0.003	15,125	45
		Chirikof (620)	0.002	9,538	19
		Kodiak (630)	0.002	12,278	25
Annual	WYK (640)	0.002	5,791	12	
Pacific cod	A Season <sup>1</sup> —January 1–June 10.	W	0.020	13,677	274
		C	0.044	17,840	785
	B Season <sup>2</sup> —September 1–December 31.	W	0.020	9,118	182
		C	0.044	11,893	523
Annual	WYK	0.034	5,297	180	
Pacific ocean perch	Annual	W	0.994	2,627	2,611
		WYK	0.961	2,733	2,626
Northern rockfish	Annual	W	1.000	400	400
Dusky rockfish	Annual	W	0.764	146	112
		WYK	0.896	232	208

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.  
<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

The PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historic use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historic use to accommodate two factors:

Allocation of halibut PSC cooperative quota under the Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 28 lists the final 2017 and 2018 halibut PSC limits for Amendment 80 Program vessels. These tables incorporate the maximum percentages

of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 sideboard halibut PSC limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 28—FINAL 2017 AND 2018 HALIBUT PSC LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA  
[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Historic Amendment 80 use of the annual halibut PSC limit catch (ratio)	2017 and 2018 annual PSC limit (mt)	2017 and 2018 Amendment 80 vessel PSC limit
1	January 20–April 1	shallow-water	0.0048	1,706	8
		deep-water	0.0115	1,706	20
2	April 1–July 1	shallow-water	0.0189	1,706	32
		deep-water	0.1072	1,706	183
3	July 1–September 1	shallow-water	0.0146	1,706	25
		deep-water	0.0521	1,706	89
4	September 1–October 1	shallow-water	0.0074	1,706	13
		deep-water	0.0014	1,706	2
5	October 1–December 31	shallow-water	0.0227	1,706	39
		deep-water	0.0371	1,706	63
Total					474

*Directed Fishing Closures*

Pursuant to § 679.20(d)(1)(i), if the Regional Administrator determines (1)

that any allocation or apportionment of a target species or species group allocated or apportioned to a fishery

will be reached; or (2) with respect to pollock and Pacific cod, that an allocation or apportionment to an

inshore or offshore component or sector allocation will be reached, then the Regional Administrator may establish a directed fishing allowance (DFA) for that species or species group. If the Regional Administrator establishes a DFA and that allowance is or will be

reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified GOA subarea, regulatory area, or district (§ 679.20(d)(1)(iii)).  
The Regional Administrator has determined that the TACs for the

species listed in Table 29 are necessary to account for the incidental catch of these species in other anticipated groundfish fisheries for the 2017 and 2018 fishing years.

TABLE 29—2017 AND 2018 DIRECTED FISHING CLOSURES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Target	Area/component/gear	Incidental catch amount and year (if amounts differ by year)
Pollock .....	all/offshore .....	not applicable. <sup>1</sup>
Sablefish <sup>2</sup> .....	all/rawl .....	1,383 (2017), 1,402 (2018).
Pacific cod .....	Western, catcher/processor, trawl .....	594 (2017), 528 (2018).
	Central, catcher/processor, trawl .....	1,377 (2017), 1,236 (2018).
Shortraker rockfish <sup>2</sup> .....	all .....	1,286.
Rougheye rockfish <sup>2</sup> .....	all .....	1,327 (2017), 1,318 (2018).
Thornyhead rockfish <sup>2</sup> .....	all .....	1,961.
Other rockfish .....	all .....	2,308.
Atka mackerel .....	all .....	3,000.
Big skate .....	all .....	3,814.
Longnose skate .....	all .....	3,206.
Other skates .....	all .....	1,919.
Sharks .....	all .....	4,514.
Squids .....	all .....	1,137.
Octopuses .....	all .....	4,878.

<sup>1</sup> Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).

<sup>2</sup> Closures not applicable to participants in cooperatives conducted under the Central GOA Rockfish Program.

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species or species groups listed in Table 29 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species, areas, gear types, and components in the GOA listed in Table 29. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2018.

Section 679.64(b)(5) provides for management of AFA CV groundfish harvest limits and PSC bycatch limits using directed fishing closures and PSC closures according to procedures set out at §§ 679.20(d)(1)(iv), 679.21(d)(6), and 679.21(e)(3)(v). The Regional Administrator has determined that, in addition to the closures listed above, many of the non-exempt AFA CV sideboard limits listed in Tables 18 and 19 are necessary as incidental catch to support other anticipated groundfish

fisheries for the 2017 and 2018 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator sets the DFAs for the species and species groups in Table 30 at zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by non-exempt AFA CVs in the GOA for the species and specified areas listed in Table 30. These closures will remain in effect through 2400 hrs, A.l.t., December 31, 2018.

TABLE 30—2017 AND 2018 NON-EXEMPT AFA CV SIDEBOARD DIRECTED FISHING CLOSURES FOR ALL GEAR TYPES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Species	Regulatory area/district	Incidental catch amount
Pacific cod .....	Eastern .....	42 (inshore) and 5 (offshore) [2017]. 38 (inshore) and 4 (offshore) [2018].
Shallow-water flatfish .....	Eastern .....	54 in 2017, 49 in 2018.
Deep-water flatfish .....	Western .....	0.
Rex sole .....	Eastern and Western .....	6 and 1 (2017), 5 and 1 (2018).
Arrowtooth flounder .....	Eastern and Western .....	3 and 30.
Flathead sole .....	Eastern and Western .....	3 and 31.
Pacific ocean perch .....	Western .....	6.
Northern rockfish .....	Western .....	0.
Dusky rockfish .....	Entire GOA .....	2.
Demersal shelf rockfish .....	SEO District .....	0.
Sculpins .....	Entire GOA .....	35.
Squids .....	Entire GOA .....	7.

Section 680.22 provides for the management of non-AFA crab vessel

sideboards using directed fishing closures in accordance with

§ 680.22(e)(2) and (3). The Regional Administrator has determined that the

non-AFA crab vessel sideboards listed in Tables 21 and 22 are insufficient to support a directed fishery and has set the sideboard DFA at zero mt, with the exception of Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas. Therefore, NMFS is prohibiting directed fishing by non-AFA crab vessels in the GOA for all species and species groups listed in Tables 21 and 22, with the exception of the Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas.

Closures implemented under the 2016 and 2017 GOA harvest specifications for groundfish (81 FR 14740, March 18, 2016) remain effective under authority of these final 2017 and 2018 harvest specifications, and are posted at the following Web site: <http://alaska.fisheries.noaa.gov/infobulletins/search>. While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679. NMFS may implement other closures during the 2017 and 2018 fishing years as necessary for effective conservation and management.

#### Comments and Responses

NMFS did not receive any comments about the proposed harvest specifications.

#### Classification

NMFS has determined that these final harvest specifications are consistent with the FMP and with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Orders 12866 and 13563.

NMFS prepared an EIS for this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the EIS. In January 2017, NMFS prepared a Supplemental Information Report (SIR) for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see **ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The preferred alternative is a harvest strategy in which TACs are set at a level that falls within the range of ABCs recommended by the

Council's SSC; the sum of the TACs must achieve the OY specified in the FMP. The SIR evaluates the need to prepare a Supplemental EIS (SEIS) for the 2017 and 2018 groundfish harvest specifications.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2017 and 2018 harvest specifications, which were set according to the preferred harvest strategy in the EIS, do not constitute a substantial change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2017 and 2018 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental National Environmental Policy Act documentation is not necessary to implement the 2017 and 2018 harvest specifications.

Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under section 553 of Title 5 of the United States Code, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis (FRFA).

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of

the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 6, 2016 (81 FR 87881). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany this action, and included a summary in the proposed rule. The comment period closed on January 5, 2017. No comments were received on the IRFA or the economic impacts of the rule more generally. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

The entities directly regulated by this action include: (1) Entities operating vessels with groundfish FFPs catching FMP groundfish in Federal waters; (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State-waters parallel fisheries; and (3) all entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$11 million for all its affiliated operations worldwide.

Based on data from 2015 fishing activity, there were 969 individual catcher vessel entities with gross revenues meeting small entity criteria. Of these entities, 827 used hook-and-line gear, 115 used pot gear, and 30 used trawl gear (some of these entities used more than one gear type, thus the counts of entities using the different gear types

do not sum to the total number of entities above). Three individual catcher/processors met the small entity criterion; two used hook-and-line gear, and one used trawl gear. Catcher/processor gross revenues were not reported for confidentiality reasons; however, hook-and-line small entities had average gross revenues of \$350,000, small pot entities had average gross revenues of \$760,000, and small trawl entities had average gross revenues of \$1.85 million.

Some of these vessels are members of AFA inshore pollock cooperatives, of GOA rockfish cooperatives, or of Bering Sea and Aleutian Islands crab rationalization cooperatives, and, therefore, under the RFA it is the aggregate gross receipts of all participating members of the cooperative that must meet the threshold. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA. These relationships are accounted for, along with corporate affiliations among vessels, to the extent that they are known, in the estimated number of small entities. If affiliations exist of which NMFS is unaware, or if entities had non-fishing revenue sources, the estimates above may overstate the number of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements.

NMFS considered alternative harvest strategies when choosing the preferred harvest strategy (Alternative 2) in December 2006. These included the following:

- Alternative 1: Set TACs to produce fishing mortality rates,  $F$ , that are equal to  $maxFABC$ , unless the sum of the TACs is constrained by the OY established in the fishery management plans. This is equivalent to setting TACs to produce harvest levels equal to the maximum permissible ABCs, as constrained by OY. The term “ $maxFABC$ ” refers to the maximum permissible value of  $FABC$  under Amendment 56 to the BSAI and GOA groundfish fishery management plans. Historically, the TAC has been set at or below the ABC; therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.

- Alternative 3: For species in Tiers 1, 2, and 3, set TAC to produce  $F$  equal to the most recent 5-year average actual  $F$ . For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TACs would be set to produce harvest levels

equal to the most recent 5-year average actual fishing mortality rates. For stocks with insufficient scientific information, TACs would be set equal to the most recent 5-year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABCs, and recent average  $F$  may provide a better indicator of actual  $F$  than  $FABC$  does.

- Alternative 4: (1) Set TACs for rockfish species in Tier 3 at  $F75\%$ . Set TACs for rockfish species in Tier 5 at  $F = 0.5M$ . Set spatially explicit TACs for shortraker and rougheye rockfish in the GOA. (2) Taking the rockfish TACs as calculated above, reduce all other TACs by a proportion that does not vary across species, so that the sum of all TACs, including rockfish TACs, is equal to the lower bound of the area OY (116,000 mt in the GOA). This alternative sets conservative and spatially explicit TACs for rockfish species that are long-lived and late to mature and sets conservative TACs for the other groundfish species.

- Alternative 5: (No Action) Set TACs at zero.

These four alternatives (1, 3, 4, and 5) do not meet the objectives of this action, and although Alternatives 1 and 3 may have a smaller adverse economic impact on small entities than the preferred alternative, Alternatives 4 and 5 would have a significant adverse economic impact on small entities. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary did so in 2007.

Alternative 2 is the preferred alternative chosen by the Council: Set TACs that fall within the range of ABCs recommended through the Council harvest specifications process and TACs recommended by the Council. Under this scenario,  $F$  is set equal to a constant fraction of  $maxFABC$ . The recommended fractions of  $maxFABC$  may vary among species or stocks, based on other considerations unique to each. This is the method for determining TACs that has been used in the past.

Alternative 2 selected harvest rates that will allow fishermen to harvest stocks at the level of ABCs, unless total harvests are constrained by the upper bound of the GOA OY of 800,000 mt. The sums of ABCs in 2017 and 2018 are 667,877 mt and 597,052 mt, respectively. The sums of the TACs in 2017 and 2018 are 535,863 mt and 483,588 mt, respectively. Thus, although the sum of ABCs in each year is less than 800,000 mt, the sums of the TACs in each year are less than the sums of the ABCs.

In most cases, the Council has set TACs equal to ABCs. The divergence

between aggregate TACs and aggregate ABCs reflects a variety of special species- and fishery-specific circumstances:

- Pacific cod TACs are set equal to 70 percent in the Western GOA and 75 percent in the Central and Eastern GOA of the Pacific cod ABCs in each year to account for the GHL set by the State for its GHL Pacific cod fisheries (30 percent of the Western GOA ABC and 25 percent of the Central and Eastern GOA ABCs). Thus, the difference between the Federal TACs and ABCs does not actually reflect a Pacific cod harvest below the Pacific cod ABC, as the balance is available for the State's cod GHL fisheries.

- Shallow-water flatfish and flathead sole TACs are set below ABCs in the Western Regulatory Area. Arrowtooth flounder TACs are set below ABC in all GOA regulatory areas. Catches of these flatfish species rarely, if ever, approach the proposed ABCs or TACs. Important trawl fisheries in the GOA take halibut PSC, and are constrained by limits on the allowable halibut PSC mortality. These limits may force the closure of trawl fisheries before they have harvested the available groundfish ABC. Thus, actual harvests of groundfish in the GOA routinely fall short of some ABCs and TACs. Markets can also constrain harvests below the TACs, as has been the case with arrowtooth flounder, in the past. These TACs are set to allow for increased harvest opportunities for these targets while conserving the halibut PSC limit for use in other, more fully utilized, fisheries.

- The other rockfish TAC is set below the ABC in the Southeast Outside District based on several factors. In addition to conservation concerns for the rockfish species in this group, there is a regulatory prohibition against using trawl gear east of 140° W. longitude. Because most species of other rockfish are caught exclusively with trawl gear, the catch of such species with other gear types, such as hook-and-line, is low. The commercial catch of other rockfish in the Eastern Regulatory Area, which includes the West Yakutat and Southeast Outside Districts, has ranged from approximately 70 mt to 248 mt per year over the last decade.

- The GOA-wide Atka mackerel TAC is set below the ABC. The estimates of survey biomass continue to be unreliable in the GOA. Therefore, the Council recommended and NMFS agrees that the Atka mackerel TAC in the GOA be set at an amount to support incidental catch in other directed fisheries.

Alternative 3 selects harvest rates based on the most recent 5 years of

harvest rates (for species in Tiers 1 through 3) or for the most recent 5 years of harvests (for species in Tiers 4 through 6). This alternative is inconsistent with the objectives of this action because it does not take account of the most recent biological information for this fishery.

Alternative 4 would lead to significantly lower harvests of all species to reduce TACs from the upper end of the OY range in the GOA to its lower end of 116,000 mt. Overall, this alternative would reduce 2017 TACs by about 80 percent. This would lead to significant reductions in harvests of species by small entities. While production declines in the GOA would undoubtedly be associated with price increases in the GOA, these increases would still be constrained by the availability of substitutes, and are very unlikely to offset revenue declines from smaller production. Thus, this action would have a detrimental economic impact on small entities.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS and SIR (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule would be contrary to the public interest. The Plan Team review occurred in November 2016, and the Council considered and recommended the final harvest specifications in December 2016. Accordingly, NMFS' review could not begin until January 2017. For all fisheries not currently closed because the TACs established under the final 2016 and 2017 harvest specifications (81 FR 14740, March 18, 2016) were not reached, it is possible that they would be closed prior to the expiration of a 30-day delayed effectiveness period because their TACs could be reached within that period. If implemented immediately, this rule would allow these fisheries to continue because some of the new TACs implemented by this rule are higher than the ones under which they are currently fishing.

Certain fisheries, such as those for pollock and Pacific cod, are intensive,

fast-paced fisheries. Other fisheries, such as those for sablefish, flatfish, rockfish, Atka mackerel, skates, sculpins, sharks, squids, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in many of these fisheries. If this rule allowed for a 30-day delay in effectiveness and if a TAC were reached during those 30 days, NMFS would close directed fishing or prohibit retention for the applicable species. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards, thus undermining the intent of this rule. Waiving the 30-day delay allows NMFS to prevent economic loss to fishermen that could otherwise occur should the 2017 TACs (set under the 2016 and 2017 harvest specifications) be reached.

Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

In fisheries subject to declining sideboard limits, a failure to implement the updated sideboard limits before initial season's end could deny the intended economic protection to the non-sideboarded sectors. Conversely, in fisheries with increasing sideboard limits, economic benefit could be denied to the sideboard limited sectors.

If the final harvest specifications are not effective by March 11, 2017, which is the start of the 2017 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. This would result in confusion for the industry and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2017 and 2018 harvest

specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

In addition, the immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly true for those species that have lower 2017 ABCs and TACs than those established in the 2016 and 2017 harvest specifications (81 FR 14740, March 18, 2016). Immediate effectiveness also would give the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TACs. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

### Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2017 and 2018 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2017 and 2018 fishing years, and to accomplish the goals and objectives of the FMP. This action affects all fishermen who participate in the GOA fisheries. The specific amounts of OFL, ABC, TAC, and PSC are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540 (f), 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.

Dated: February 21, 2017.

**Alan D. Risenhoover,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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