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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9173; Airspace Docket No. 16–AAL–2]

Amendment of Class E Airspace; Barter Island, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace extending upward from 700 feet above the surface, and adjusts the airport's geographic coordinates at Barter Island LRRS Airport, Barter Island, AK. The Barter Island Borough is relocating the airport due to high maintenance caused by weather erosion. The FAA found modification of standard instrument approach and departure procedures and supporting airspace necessary for the safety and management of Instrument Flight Rules (IFR) operations at the new 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 7400.11A 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/.* 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: Robert LaPlante, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4566.

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 revises controlled airspace at Barter Island LRRS Airport, Barter Island, AK.

History

On October 13, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM), (81 FR 70649) Docket FAA–2016–9173, to amend Class E airspace extending upward from 700 feet above the surface at the new Barter Island LRRS Airport, Barter Island, AK, to support new RNAV (GPS) to RWY 7, and RNAV (GPS) to RWY 25. 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 7400.911A 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 revises Class E airspace extending upward from 700 feet above the surface at Barter Island LRRS Airport, Barter Island, AK. Due to oceanic erosion issues at this remote location, the North Slope Borough is relocating the airport approximately 2 miles southwest of the existing airport. The new airspace area is revised to within a 6.4-mile radius of the airport to support new instrument approach procedures for IFR operations at the airport. Additionally, the airport's geographic coordinates are revised to lat. 70°06′47″ N., long. 143°39′13″ W.

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.

* * * * *

AAL AK E5 Barter Island, AK [Revised]

Barter Island LRRS Airport, AK
(Lat. 70°06′47″ N., long. 143°39′13″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Barter Island LRRS Airport, and that airspace extending upward from 1,200 feet above the surface within a 83-mile radius of Barter Island LRRS Airport, excluding that airspace east of 141° west longitude, and excluding that airspace that extends beyond 12 miles of the shoreline.

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

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–04181 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–8835; Airspace Docket No. 16–ASW–14]

Amendment of Class E Airspace for the Paragould, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Kirk Field, Paragould, AR. 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 the airport.

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 online at *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*.

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 modifies Class E airspace at Kirk Field, Paragould, AR.

History

On August 25, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E airspace extending upward from 700 feet above the surface at Kirk Field, Paragould, AR, (81 FR 58414) Docket No. FAA–2016–8835. 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 modifies Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius (increased from the 6.4-mile radius) of Kirk Field, Paragould, AR, with an extension south of the airport from the 6.5-mile radius 10.1 miles.

Airspace reconfiguration is necessary due to the decommissioning of NDBs, cancellation of NDB approaches, and implementation of RNAV procedures at this airport for the safety and

management of the standard instrument approach procedures for IFR operations.

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

* * * * *

ASW AR E5 Paragould, AR [Amended]

Kirk Field, AR
(Lat. 36°03′50″ N., long. 90°30′33″ W.)
Jonesboro VOR
(Lat. 35°52′30″ N., long. 90°35′19″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Kirk Field, and within 3 miles each side of the 019° radial from the Jonesboro VOR extending from the 6.5-mile radius to 10.1 miles south of the airport.

Issued in Fort Worth, Texas, on February 22, 2017.

Walter Tweedy,

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

[FR Doc. 2017–04191 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–8834; Airspace Docket No. 16–ACE–9]

Amendment of Class E Airspace; Mapleton, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at James G. Whiting Memorial Field Airport, Mapleton, IA. Decommissioning of the Mapleton non-directional radio beacon (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 the airport.

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 online at *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.*

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 modifies Class E airspace at James G. Whiting Memorial Field Airport, Mapleton, IA.

History

On September 8, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM), (81 FR 62040) Docket No. FAA–2016–8834, to amend Class E airspace at James G. Whiting Memorial Field Airport, Mapleton, IA. 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 modifies Class E airspace extending upward from 700 feet above the surface within a 6.6-mile radius (increased from the 6.3-mile radius) of James G. Whiting Memorial Field Airport, Mapleton, IA, with an extension southwest of the airport from the 6.6-mile radius to 10.3 miles. The segment extending 10 miles northeast of the airport is removed.

Airspace reconfiguration is necessary due to the decommissioning of the Mapleton NDB, cancellation of NDB approaches, and implementation of RNAV procedures at the airport and for the safety and management of the standard instrument approach procedures for IFR operations at 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 5–6.5.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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Mapleton, IA [Amended]

Mapleton, James G. Whiting Memorial Field Airport, IA
(Lat. 42°10′42″ N., long. 95°47′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of James G. Whiting Memorial Field Airport, and within 4 miles each side of the 204° bearing from the airport extending from the 6.6-mile radius to 10.3 miles southwest of the airport.

Issued in Fort Worth, Texas, on February 22, 2017.

Walter Tweedy

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

[FR Doc. 2017–04186 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3004

[Docket No. RM2017–2; Order No. 3812]

Revising Procedures for the Freedom of Information Act

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission issuing a set of rules amending existing regulations governing requests for agency records made under the Freedom of Information Act (FOIA), in accordance in with the FOIA Improvement Act of 2016.

DATES: *Effective* April 5, 2017.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

81 FR 95069 (Dec. 27, 2016)

Table of Contents

I. Introduction
II. Background
III. Review of Comments
IV. Changes to Proposed Rules
V. Ordering Paragraphs

I. Introduction

On December 19, 2016, the Commission issued a notice of proposed rulemaking to revise its regulations governing requests for agency records made under the Freedom of Information Act (FOIA), 5 U.S.C. 552, to comply with the FOIA Improvement Act of 2016 (the Act), Public Law 114–185, 130 Stat. 538 (2016).[1] For the reasons discussed below, the Commission adopts the following final rules, which include minor revisions to the proposed rules.

II. Background

The FOIA Improvement Act of 2016 was signed into law on June 30, 2016. Among other things, the Act expands the dispute resolution process available to requesters, limits the use of FOIA exemptions, and codifies the so-called ''Rule of 3'' for frequently requested records.

On December 19, 2016, the Commission issued Order No. 3671, introducing proposed revisions to its rules. As Order No. 3671 indicates, revisions to the affected sections of 39 CFR part 3004 are necessary to implement the Act.

III. Review of Comments

The Commission received two sets of comments on the proposed rules. The National Archives and Records Administration's Office of Government Information Services (OGIS) and the Public Representative submitted comments.[2]

A. OGIS Comments

Comments. OGIS notes that it has a statutory mandate under FOIA to offer

[1] Notice of Proposed Rulemaking to Revise Procedures for the Freedom of Information Act, December 19, 2016 (Order No. 3671).

[2] Comments of National Archives and Records Administration on Proposed Rulemaking to Change its Freedom of Information Act Regulation, 39 CFR part 3004, Docket No. 2016–30905, January 26, 2017 (OGIS Comments); Public Representative Comments on Notice of Proposed Rulemaking to Revise Procedures for the Freedom of Information Act, January 26, 2017 (PR Comments).

mediation services to resolve disputes between requesters and federal agencies. OGIS Comments at 1. As part of this mission, OGIS states that it regularly monitors and comments on FOIA-related proposed rules. *Id.*

OGIS has reviewed the Commission's proposed rules and commends the Commission for its efforts in reviewing its disclosure policies and revising its regulations to comply with the Act. *Id.* OGIS also suggests two modifications to the Commission's rules related to OGIS' mediation services. *Id.* at 1–3.

First, OGIS suggests that the Commission clarify proposed § 3004.43, governing request responses. *Id.* at 2. OGIS notes that FOIA requires the Commission to notify requesters of their ability to seek dispute resolution services from the Commission's FOIA Public Liaison or OGIS when the Commission makes an adverse determination on a given request. *Id.* OGIS recommends that the Commission restructure proposed § 3004.43 to more clearly state that these dispute resolution services are available even when the adverse determination is not a denial. *Id.*

Second, OGIS recommends that the Commission supplement its rule on final denials of appeals, set out in § 3004.44(c)(1). *Id.* at 2–3. OGIS proposes additional language to ensure requesters are made aware that dispute resolution with OGIS is available as a non-exclusive alternative to litigation. *Id.*

B. Public Representative Comments

Comments. The Public Representative comments that the proposed rules are ''effective in implementing the Act.'' PR Comments at 2. Furthermore, she commends the Commission for clarifying how requesters can file FOIA requests with the Commission and for making its records more accessible to the public. *Id.* She also offers several editorial suggestions designed to provide additional clarity.

Specifically, the Public Representative recommends that proposed § 3004.13 be revised to define how the Commission determines that a record is frequently requested. *Id.* The proposed language replaces the words ''frequently requested agency records'' with ''agency records that have been requested three or more times'' to explicitly state the standard. *Id.* Furthermore, the Public Representative suggests that the Commission add corresponding language to § 3004.12(b) and (c) to make clear that the Commission will provide frequently requested records for review in its public reading room. *Id.*

The Public Representative also recommends that the Commission include its deadline for requesters to appeal adverse determinations in § 3004.44, the section addressing FOIA appeals. *Id.* at 3. The current Commission rules provide the deadline in § 3004.43(d)(3), which covers responses to FOIA requests.

IV. Changes to Proposed Rules

The Commission's final rules incorporate the commenters' suggested revisions, as well as several additional changes that the Commission determined would be prudent upon review of guidance published by the Department of Justice, Office of Information Policy (OIP).[3] These changes provide greater clarity and improve the accessibility of the FOIA process. For this reason, the Commission adopts the changes in its final rules.

The Commission accepts OGIS' proposed changes to help accommodate OGIS' statutory role as a mediator between agencies and FOIA requesters. The Commission finds that the proposed revisions will assist requesters by raising awareness that dispute resolution is available through OGIS. Furthermore, the Commission makes conforming changes to proposed § 3004.44 to clarify that administrative appeal is available even when the adverse determination is not a denial.

The Commission finds that the Public Representative's suggested changes supplement the proposed rules with additional explanation and improve their accessibility to the public. Accordingly, the Commission accepts the Public Representative's proposed changes.

The final rules also incorporate OIP's guidance on two of the FOIA request fee rules. The revisions eliminate a cross reference in proposed § 3004.52(e)(2) and revise proposed § 3004.52(f) to clarify which fees the Commission can collect when it issues a timely partial response but an untimely complete response. These changes clarify the Act's modifications to the FOIA fee structure in accordance with OIP's template.

V. Ordering Paragraphs

It is ordered:

1. Part 3004 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Order, effective 30 days after publication in the **Federal Register**.

2. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

List of Subjects in 39 CFR Part 3004

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3004—PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 3004 continues to read as follows:

Authority: 5 U.S.C. 552; 39 U.S.C. 503.

■ 2. Revise § 3004.2 to read as follows:

§ 3004.2 Presumption of openness.

(a) The Commission shall be proactive and timely in identifying and posting public records and other frequently requested records to its Web site.

(b) It is the stated policy of the Commission that FOIA requests shall be administered with a clear presumption of openness. The Commission will only withhold information if it reasonably foresees that disclosure would harm an interest protected by a FOIA exemption, as enumerated in § 3004.11, or disclosure is otherwise prohibited by law.

■ 3. Add § 3004.3 to read as follows:

§ 3004.3 How to make a request.

(a) To request Commission records, please contact the Secretary of the Commission via letter or use the online request form provided on the Commission's Web site at *http://www.prc.gov/foia/onlinerequest.*

(b) Requests must describe the records sought in sufficient detail to enable the Commission to locate them with a reasonable amount of effort. To the extent possible, the requests should provide any specific information that might assist the Commission in responding to the request.

(c) Requesters must provide contact information to assist the Commission in communicating with them concerning requests and responding to the request.

■ 4. Amend § 3004.11 by revising paragraph (f) to read as follows:

§ 3004.11 Use of exemptions.

* * * * *

[3] OIP issued suggested language, in template form, to assist agencies in revising their regulations on its Web site, *https://www.justice.gov/oip/template-agency-foia-regulations* (last updated on February 22, 2017).

(f) Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency. This exemption shall not apply to records created 25 years or more before the date on which the records were requested.

* * * * *

■ 5. Amend § 3004.12 by revising paragraph (c) to read as follows:

§ 3004.12 Reading room.

* * * * *

(c) The Commission shall make available, in an electronic and physical reading room, records previously released under FOIA and which the Commission determines are or are likely to become of significant public interest, including agency records that have been requested three or more times.

■ 6. Amend § 3004.13 by revising paragraph (a) to read as follows:

§ 3004.13 Notice and publication of public information.

(a) Decisions, advisory opinions, orders, public reports, and agency records that have been requested three or more times will be made available to the public by posting on the Commission's Web site at *http://www.prc.gov*.

* * * * *

■ 7. Amend § 3004.43 by revising paragraph (a) to read as follows:

§ 3004.43 Response to requests.

(a) Within 20 days (excluding Saturdays, Sundays, and legal holidays) after receipt of a request for a Commission record, the Secretary or Assistant Secretary will notify the requester of its determination to grant or deny the request and the right to seek assistance from the Commission's FOIA Public Liaison. In the case of an adverse determination, the Commission will notify the requester of their right to appeal and right to seek dispute resolution services from the Commission's FOIA Public Liaison or the Office of Government Information Services.

* * * * *

■ 8. Amend § 3004.44 by revising paragraphs (b) and (c)(1) to read as follows:

§ 3004.44 Appeals.

* * * * *

(b) A requester who seeks to appeal any adverse determination must file an appeal with the Commission within 1 year of the date of the Commission's response.

(c)(1) The Commission will grant or deny the appeal in writing within 20 days (excluding Saturdays, Sundays, and legal holidays) of the date the appeal is received. If on appeal the adverse determination is upheld, the Commission will notify the requester of the availability of dispute resolution services from the Office of Government Information Services as a voluntary, non-exclusive alternative to litigation and the provisions for judicial review of that determination pursuant to 5 U.S.C. 552(c).

* * * * *

■ 9. Revise § 3004.45 to read as follows:

§ 3004.45 Extension of response time limit.

(a) The Commission may extend the time limit for a response to a request or appeal for up to 10 business days due to unusual circumstances, as specified in 5 U.S.C. 552(a)(6)(B)(iii). In such a case, the Commission will notify the requester in writing of the unusual circumstance causing the extension and the date by which the Commission estimates that the request can be processed.

(b) If an extension will exceed 10 business days, the Commission will:

(1) Provide the requester with an opportunity to limit the scope of the request or to arrange an alternative timeframe for processing the request or a modified request. The applicable time limits are not tolled while the Commission waits for a response from the requester under this subsection; and

(2) Make its FOIA Public Liaison available to the requester and apprise the requester of their right to seek dispute resolution services from the Office of Government Information Services.

■ 10. Amend § 3004.52 by revising paragraph (e) and adding paragraph (f) to read as follows:

§ 3004.52 Fees—general provisions.

* * * * *

(e) No requester will be charged a fee after any search or response which occurs after the applicable time limits as described in §§ 3004.43 and 3004.44, unless:

(1) The Commission extends the time limit for its response due to unusual circumstances, pursuant to § 3004.45(a), and the Commission completes its response within the extension of time provided under that section; or

(2) The Commission extends the time limit for its response due to unusual circumstances and more than 5,000 pages are necessary to respond to the request and the Commission has discussed with the requester how they could effectively limit the scope of the request or made at least three good faith attempts to do so; or

(3) A court has determined that exceptional circumstances exist and excused the Commission from responding by court order.

(f) The Commission may, however, charge fees for review, and in some cases duplication, for a partial grant of a request while it reviews records that may be exempt and may be responsive to the request, so long as the partial grant is made within the applicable time limits.

[FR Doc. 2017–04308 Filed 3–3–17; 8:45 am]

BILLING CODE 7710–FW–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 10

RIN 0906–AA89

340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties; Delay of Effective Date

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action temporarily delays for 60 days from the date of the memorandum the effective date of the final rule titled ''340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation,'' published in the January 5, 2017, **Federal Register**. This document announces that the effective date is delayed until March 21, 2017.

DATES: *Effective date:* This regulation is effective March 3, 2017. The effective date of the final rule published in the January 5, 2017, **Federal Register** (82 FR 1210), is delayed until March 21, 2017. *Compliance date:* HHS recognizes that the effective date falls in the middle of a quarter. As such, HHS plans to begin enforcing the requirements of this final rule at the start of the next quarter, which begins April 1, 2017.

FOR FURTHER INFORMATION CONTACT: CAPT Krista Pedley, Director, Office of Pharmacy Affairs (OPA), Healthcare Systems Bureau (HSB), HRSA, 5600 Fishers Lane, Mail Stop 08W05A, Rockville, MD 20857, or by telephone at 301–594–4353.

SUPPLEMENTARY INFORMATION: The January 20, 2017 memorandum from the Assistant to the President and Chief of Staff, titled ''Regulatory Freeze Pending Review,'' published in the **Federal**

Register on January 24, 2017 (82 FR 8346) instructed federal agencies to delay the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days from the date of the memorandum. The final rule sets forth the calculation of the 340B ceiling price and application of civil monetary penalties (CMPs). The effective date of that rule, which would have been March 6, 2017, is now March 21, 2017. The temporary delay in the effective date of this final rule is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President and Chief of Staff's memorandum.

Dated: February 23, 2017.

James Macrae,

Acting Administrator, Health Resources and Services Administration.

Approved: March 1, 2017.

Thomas E. Price,

Secretary, Department of Health and Human Services.

[FR Doc. 2017–04337 Filed 3–2–17; 11:15 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 438

[CMS–2390–F4]

RIN–0938–AS25

Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability; Corrections

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects technical errors that appeared in the correcting amendment published in the January 3, 2017 **Federal Register** (82 FR 37 through 40) entitled, ''Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability; Corrections.''

DATES: *Effective Date:* This correcting document is effective March 3, 2017.

Applicability Date: The corrections indicated in this document are applicable beginning immediately.

FOR FURTHER INFORMATION CONTACT: Elmer Barksdale, 410–786–1943, Gaysha Brooks, 410–409–3837, or Annette Brewer, 410–786–6580.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2016–31650 (82 FR 37 through 40), the correcting amendment entitled, ''Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability; Corrections'' there were technical errors that are identified and corrected in this correcting document. These corrections are applicable immediately.

II. Summary of Errors in Regulation Text

On page 39, we made technical errors in the amendatory instructions amending the regulation text of § 438.358(c)(3) and (4). Therefore, the Office of the Federal Register was not able to properly correct the regulations text as intended.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. In addition, section 553(d) of the APA mandates a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the APA requirement for notice and comment, and delay in effective date requirements. Section 553(b)(B) of the APA authorizes an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest; and includes a statement of the finding and the reasons for it in the notice.

In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. This document merely corrects technical errors in the Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability; Corrections correcting amendment. The corrections contained in this document are consistent with, and do not make substantive changes to, the policies and payment methodologies that were adopted subject to notice and comment procedures in the Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability final rule. As a result, the corrections made through this correcting document are intended to ensure that the Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability final rule accurately reflects the policies adopted in that rule.

Even if this were a rulemaking to which the notice and comment and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability final rule or delaying the effective date of the corrections would be contrary to the public interest because it could result in a period of confusion about the applicability of the rules while those procedures are pending. Further, such procedures would be unnecessary, because the corrections in this document do not make substantive changes in the underlying policies but are limited to technical errors. This correcting document is intended solely to ensure that the Medicaid and Children's Health Insurance Program (CHIP) Programs; Medicaid Managed Care, CHIP Delivered in Managed Care, and Revisions Related to Third Party Liability final rule accurately reflects the final policy determinations that were set forth in the overall rulemaking record. For these reasons, we believe there is good cause to waive the requirements for notice and comment and delay in effective date.

List of Subjects in 42 CFR Part 438

Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

Correction

In FR Doc. 2016–31650, published on January 3, 2017 (82 FR 37), make the following correction:

On page 39, in the third column, remove amendatory instructions 8 and 9 and their amendments to § 438.358.

Accordingly, 42 CFR chapter IV is corrected by making the following correcting amendments to part 438:

PART 438—MANAGED CARE

■ 1. The authority citation for part 438 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

§ 438.358 [Amended]

■ 2. In § 438.358—
■ a. Amend paragraph (c)(3) by removing the reference ''(b)(2) of this section.'' and adding in its place the reference ''paragraph (b)(1)(ii) of this section.''; and
■ b. Amend paragraph (c)(4) by removing the reference ''(b)(1) of this section.'' and adding in its place the reference ''paragraph (b)(1)(i) of this section.''.

Dated: February 28, 2017.

Wilma M. Robinson,

Deputy Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2017–04307 Filed 3–3–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2017–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. FEMA has reviewed this final rule for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action will not have a significant effect on the human environment. This action is covered by categorical exclusions A4 and A7 identified in FEMA Instruction 108–1–1 and Department of Homeland Security (DHS) Instruction 023–01–001 –01, Appendix A.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency, Department of Homeland Security.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) modified	Communities affected
Panola County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1158			
Enid Lake	Entire shoreline within community	+274	Unincorporated Areas of Panola County.
Fowler Creek	Approximately 790 feet downstream of the railroad	+188	Town of Crenshaw, Unincorporated.
	Approximately 180 feet upstream of Old Crenshaw Road	+200	Areas of Panola County.
Peters Creek	Approximately 380 feet upstream of the railroad	+228	Town of Courtland, Village of Pope.
	Approximately 1,730 feet upstream of U.S. Route 51	+231	
Sardis Lake	Entire shoreline within community	+286	Unincorporated Areas of Panola County.
Shallow Flooding	An area bounded by State Highway 6 to the north, Farrish Gravel Road to the west, and State Highway 35 to the south and east.	#1	City of Batesville.
Whitten Creek	Approximately 1,085 feet downstream of Tiger Drive	+236	City of Batesville.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Batesville:
Maps are available for inspection at City Hall, 103 College Street, Batesville, MS 38606.

Town of Courtland:
Maps are available for inspection at the Panola County Building Department, 245 Eureka Street, Batesville, MS 38606.

Town of Crenshaw:
Maps are available for inspection at the Town Hall, 600 Broad Street, Crenshaw, MS 38621.

Unincorporated Areas of Panola County
Maps are available for inspection at the Panola County Building Department, 245 Eureka Street, Batesville, MS 38606.

Village of Pope:
Maps are available for inspection at the Panola County Building Department, 245 Eureka Street, Batesville, MS 38606.

Quitman County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1158			
Opossum Bayou Tributary	Approximately 1,875 feet downstream of State Highway 3	+153	Town of Lambert, Unincorporated.
	Approximately 350 feet upstream of Johnson Avenue	+156.	Areas of Quitman County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Lambert:
Maps are available for inspection at the Town Hall, 831 Scott Avenue, Lambert, MS 38643.

Unicorporated Areas of Quitman County:
Maps are available for inspection at the Quitman County Courthouse, 220 Chestnut Street, Marks, MS 38646.

Tallahatchie County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1184			
Hunter Creek	Approximately 1,170 feet downstream of State Route 32	+187	City of Charleston.
	Approximately 66 feet upstream of State Route 32	+187	
North Fork Tillatoba Creek	Approximately 995 feet downstream of State Route 35	+180	City of Charleston.
	Approximately 1,170 feet upstream of State Route 35	+181	
Tillatoba Creek	Approximately 1,465 feet downstream of State Route 32	+181	City of Charleston.
	Approximately 1.1 miles upstream of State Route 32	+186	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) modified	Communities affected

ADDRESSES

City of Charleston:
Maps are available for inspection at City Hall, 26 South Square Street, Charleston, MS 38921.

[FR Doc. 2017–04233 Filed 3–3–17; 8:45 am]
BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GN Docket No. 15–236; FCC 16–128]

Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Communications Commission (Commission) published a document revising Commission rules applicable to foreign ownership of broadcast, common carrier, aeronautical en route and aeronautical fixed radio station licensees. Due to an error in the effective date language, the Commission's rules were prematurely removed from the CFR. This technical amendment restores these rules to the CFR.

DATES: This technical amendment is effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Kimberly Cook or Francis Gutierrez, Telecommunications and Analysis Division, International Bureau, FCC, (202) 418–1460 or via email to *Kimberly.Cook@fcc.gov, Francis.Gutierrez@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission (Commission) published a document in the **Federal Register** on December 1, 2016 (81 FR 86586) revising Commission rules applicable to foreign ownership of broadcast, common carrier, aeronautical en route and aeronautical fixed radio station licensees. Due to an inadvertent Commission error in the effective date language in the preamble of the document, the Commission's rules applicable to foreign ownership of common carrier, aeronautical en route and aeronautical fixed radio station licensees (47 CFR 1.990–1.994) were prematurely removed from the CFR effective January 30, 2017. This technical amendment restores these rules to the CFR. Upon approval of information collection requirements by the Office of Management and Budget (OMB), the Commission will publish a separate document in the **Federal Register** to remove 47 CFR 1.990 through 1.994 and announce the effective date of amendments to 47 CFR 1.5000 through 1.5004, 25.105, 73.1010 and 74.5.

List of Subjects in 47 CFR Part 1

Communications common carriers, Radio, Reporting and recordkeeping requirements, Satellites, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79, *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 310, 332, 1403, 1404, 1451, 1452, and 1455.

§ § 1.990 through 1.994 [Added]

■ 2. In subpart F, add an undesignated center heading and §§ 1.990 through 1.994 to read as follows:

Foreign Ownership of Common Carrier, Aeronautical en Route, and Aeronautical Fixed Radio Station Licensees

§ 1.990 Citizenship and filing requirements under the Communications Act of 1934.

These rules establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees that would exceed the 25 percent benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (47 U.S.C. 310(b)(4)). These rules also establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in common carrier (but not aeronautical en route or aeronautical fixed) radio station licensees and spectrum lessees that would exceed the 20 percent limit in section 310(b)(3) of the Act (47 U.S.C. 310(b)(3)).

(a)(1) A common carrier, aeronautical en route or aeronautical fixed radio station licensee or common carrier spectrum lessee shall file a petition for declaratory ruling to obtain Commission approval under section 310(b)(4) of the Act, and obtain such approval, before the aggregate foreign ownership of any controlling, U.S.-organized parent company exceeds, directly and/or indirectly, 25 percent of the U.S. parent's equity interests and/or 25 percent of its voting interests. An applicant for a common carrier, aeronautical en route or aeronautical fixed radio station license or common carrier spectrum leasing arrangement shall file the petition for declaratory ruling required by this paragraph at the same time that it files its application.

Note to paragraph (a)(1): Paragraph (a)(1) of this section implements the Commission's foreign ownership policies under section 310(b)(4) of the Act (47 U.S.C. 310(b)(4)), for common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees. It applies to foreign equity and/or voting interests that are held, or would be held, directly and/or indirectly in a U.S.-organized entity that itself directly or indirectly controls a common carrier, aeronautical en route, or aeronautical fixed radio station licensee or common carrier spectrum lessee. A foreign individual or entity that seeks to hold a controlling interest in such a licensee or spectrum lessee must hold its controlling interest indirectly, in a U.S.-organized entity that itself directly or indirectly controls the

licensee or spectrum lessee. Such controlling interests are subject to section 310(b)(4) and the requirements of paragraph (a)(1) of this section. The Commission assesses foreign ownership interests subject to section 310(b)(4) separately from foreign ownership interests subject to section 310(b)(3).

(2) A common carrier radio station licensee or spectrum lessee shall file a petition for declaratory ruling to obtain approval under the Commission's section 310(b)(3) forbearance approach, and obtain such approval, before aggregate foreign ownership, held through one or more intervening U.S.-organized entities that hold non-controlling equity and/or voting interests in the licensee, along with any foreign interests held directly in the licensee or spectrum lessee, exceeds 20 percent of its equity interests and/or 20 percent of its voting interests. An applicant for a common carrier radio station license or spectrum leasing arrangement shall file the petition for declaratory ruling required by this paragraph at the same time that it files its application. Foreign interests held directly in a licensee or spectrum lessee, or other than through U.S.-organized entities that hold non-controlling equity and/or voting interests in the licensee or spectrum lessee, shall not be permitted to exceed 20 percent.

Note to paragraph (a)(2): Paragraph (a)(2) of this section implements the Commission's section 310(b)(3) forbearance approach adopted in the First Report and Order in IB Docket No. 11–133, FCC 12–93 (released August 17, 2012), 77 FR 50628 (Aug. 22, 2012). The section 310(b)(3) forbearance approach applies only to foreign equity and voting interests that are held, or would be held, in a common carrier licensee or spectrum lessee through one or more intervening U.S.-organized entities that do not control the licensee or spectrum lessee. Foreign equity and/or voting interests that are held, or would be held, directly in a licensee or spectrum lessee, or indirectly other than through an intervening U.S.-organized entity, are not subject to the Commission's section 310(b)(3) forbearance approach and shall not be permitted to exceed the 20 percent limit in section 310(b)(3) of the Act (47 U.S.C. 310(b)(3)).

Example 1. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is wholly owned and controlled by U.S.-organized Corporation B. U.S.-organized Corporation B is 51 percent owned and controlled by U.S.-organized Corporation C, which is, in turn, wholly owned and controlled by foreign-organized Corporation D. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation B are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by U.S. citizens. Paragraph (a)(1) of this section requires that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of the 51 percent foreign ownership of its controlling, U.S.-organized parent, Corporation B, by foreign-organized Corporation D, which exceeds the 25 percent benchmark in section 310(b)(4) of the Act for both equity interests and voting interests. Corporation A is also required to identify and request specific approval in its petition for any foreign individual or entity, or ''group,'' as defined in paragraph (d) of this section, that holds directly and/or indirectly more than five percent of Corporation B's total outstanding capital stock (equity) and/or voting stock, or a controlling interest in Corporation B, unless the foreign investment is exempt under § 1.991(i)(3).

Example 2. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is 51 percent owned and controlled by U.S.-organized Corporation B, which is, in turn, wholly owned and controlled by U.S. citizens. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation A are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by foreign-organized Corporation Y. Paragraph (a)(2) of this section requires that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of the non-controlling 49 percent foreign ownership of U.S.-organized Corporation A by foreign-organized Corporation Y through U.S.-organized Corporation X, which exceeds the 20 percent limit in section 310(b)(3) of the Act for both equity interests and voting interests. U.S.-organized Corporation A is also required to identify and request specific approval in its petition for any foreign individual or entity, or ''group,'' as defined in paragraph (d) of this section, that holds an equity and/or voting interest in foreign-organized Corporation Y that, when multiplied by 49 percent, would exceed five percent of U.S.-organized Corporation A's equity and/or voting interests, unless the foreign investment is exempt under § 1.991(i)(3).

Example 3. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is 51 percent owned and controlled by U.S.-organized Corporation B, which is, in turn, wholly owned and controlled by foreign-organized Corporation C. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation A are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by foreign-organized Corporation Y. Paragraphs (a)(1) and (2) of this section require that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of foreign-organized Corporation C's 100 percent ownership interest in U.S.-organized parent, Corporation B, and of foreign-organized Corporation Y's non-controlling, 49 percent foreign ownership interest in U.S.-organized Corporation A through U.S-organized Corporation X, which exceed the 25 percent benchmark and 20 percent limit in sections 310(b)(4) and 310(b)(3) of the Act, respectively, for both equity interests and voting interests. U.S-organized Corporation A's petition also must identify and request specific approval for ownership interests held by any foreign individual, entity, or ''group,'' as defined in paragraph (d) of this section, to the extent required by § 1.991(i).

(b) The petition for declaratory ruling required by paragraph (a) of this section shall be filed electronically on the Internet through the International Bureau Filing System (IBFS). For information on filing your petition through IBFS, see subpart Y of this part and the IBFS homepage at *http://www.fcc.gov/ib*.

(c)(1) Each applicant, licensee, or spectrum lessee filing a petition for declaratory ruling required by paragraph (a) of this section shall certify to the information contained in the petition in accordance with the provisions of § 1.16 and the requirements of this paragraph. The certification shall include a statement that the applicant, licensee and/or spectrum lessee has calculated the ownership interests disclosed in its petition based upon its review of the Commission's rules and that the interests disclosed satisfy each of the pertinent standards and criteria set forth in the rules.

(2) Multiple applicants and/or licensees shall file jointly the petition for declaratory ruling required by paragraph (a) of this section where the entities are under common control and contemporaneously hold, or are contemporaneously filing applications for, common carrier licenses, common carrier spectrum leasing arrangements, or aeronautical en route or aeronautical fixed radio station licenses. Where joint petitioners have different responses to the information required by § 1.991, such information should be set out separately for each joint petitioner, except as otherwise permitted in § 1.991(h)(2).

(i) Each joint petitioner shall certify to the information contained in the petition in accordance with the provisions of § 1.16 with respect to the information that is pertinent to that petitioner. Alternatively, the controlling parent of the joint petitioners may certify to the information contained in the petition.

(ii) Where the petition is being filed in connection with an application for consent to transfer control of licenses or spectrum leasing arrangements, the transferee or its ultimate controlling parent may file the petition on behalf of the licensees or spectrum lessees that would be acquired as a result of the

proposed transfer of control and certify to the information contained in the petition.

(3) Multiple applicants and licensees shall not be permitted to file a petition for declaratory ruling jointly unless they are under common control.

(d) The following definitions shall apply to this section and §§ 1.991 through 1.994.

(1) *Aeronautical radio* licenses refers to aeronautical en route and aeronautical fixed radio station licenses only. It does not refer to other types of aeronautical radio station licenses.

(2) *Affiliate* refers to any entity that is under common control with a licensee, defined by reference to the holder, directly and/or indirectly, of more than 50 percent of total voting power, where no other individual or entity has *de facto* control.

(3) *Control* includes actual working control in whatever manner exercised and is not limited to majority stock ownership. *Control* also includes direct or indirect control, such as through intervening subsidiaries.

(4) *Entity* includes a partnership, association, estate, trust, corporation, limited liability company, governmental authority or other organization.

(5) *Group* refers to two or more individuals or entities that have agreed to act together for the purpose of acquiring, holding, voting, or disposing of their equity and/or voting interests in the relevant licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the licensee or U.S. parent.

(6) *Individual* refers to a natural person as distinguished from a partnership, association, corporation, or other organization.

(7) *Licensee* as used in §§ 1.990 through 1.994 of this part includes a *spectrum lessee* as defined in § 1.9003.

(8) *Privately held* company refers to a U.S.- or foreign-organized company that has not issued a class of equity securities for which beneficial ownership reporting is required by security holders and other beneficial owners under section 13(d) or 13(g) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78a *et seq.* (Exchange Act), and corresponding Exchange Act Rule 13d–1, 17 CFR 240.13d–1, or a substantially comparable foreign law or regulation.

(9) *Public company* refers to a U.S.- or foreign-organized company that has issued a class of equity securities for which beneficial ownership reporting is required by security holders and other beneficial owners under section 13(d) or 13(g) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78a *et seq.* (Exchange Act) and corresponding Exchange Act Rule 13d–1, 17 CFR 240.13d–1, or a substantially comparable foreign law or regulation.

(10) *Subsidiary* refers to any entity in which a licensee owns or controls, directly and/or indirectly, more than 50 percent of the total voting power of the outstanding voting stock of the entity, where no other individual or entity has de facto control.

(11) *Voting stock* refers to an entity's corporate stock, partnership or membership interests, or other equivalents of corporate stock that, under ordinary circumstances, entitles the holders thereof to elect the entity's board of directors, management committee, or other equivalent of a corporate board of directors.

(12) *Would hold* as used in §§ 1.990 through 1.994 includes equity and/or voting interests that an individual or entity proposes to hold in an applicant, licensee, or spectrum lessee, or their controlling U.S. parent, upon consummation of any transactions described in the petition for declaratory ruling filed under paragraph (a)(1) or (2) of this section.

§ 1.991 Contents of petitions for declaratory ruling under the Communications Act of 1934.

The petition for declaratory ruling required by § 1.990(a)(1) and/or § 1.990(a)(2) shall contain the following information:

(a) With respect to each petitioning applicant or licensee, provide its name; FCC Registration Number (FRN); mailing address; place of organization; telephone number; facsimile number (if available); electronic mail address (if available); type of business organization (*e.g.,* corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, trust, other (include description of legal entity)); name and title of officer certifying to the information contained in the petition.

(b) If the petitioning applicant or licensee is represented by a third party (*e.g.,* legal counsel), specify that individual's name, the name of the firm or company, mailing address and telephone number/electronic mail address.

(c)(1) For each named licensee, list the type(s) of radio service authorized (*e.g.,* cellular radio telephone service; microwave radio service; mobile satellite service; aeronautical fixed service).

(2) If the petition is filed in connection with an application for a radio station license or a spectrum leasing arrangement, or an application to acquire a license or spectrum leasing arrangement by assignment or transfer of control, specify for each named applicant:

(i) The File No(s). of the associated application(s), if available at the time the petition is filed; otherwise, specify the anticipated filing date for each application; and

(ii) The type(s) of radio services covered by each application (*e.g.,* cellular radio telephone service; microwave radio service; mobile satellite service; aeronautical fixed service).

(d) With respect to each petitioner, include a statement as to whether the petitioner is requesting a declaratory ruling under § 1.990(a)(1) and/or § 1.990(a)(2).

(e)(1) *Direct U.S. or foreign interests of ten percent or more or a controlling interest.* With respect to petitions filed under § 1.990(a)(1), provide the name of any individual or entity that holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent of the petitioning common carrier or aeronautical radio station applicant(s) or licensee(s) as specified in paragraphs (e)(1)(i) through (e)(4)(iv) of this section.

(2) *Direct U.S. or foreign interests of ten percent or more or a controlling interest.* With respect to petitions filed under § 1.990(a)(2), provide the name of any individual or entity that holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in each petitioning common carrier applicant or licensee as specified in paragraphs (e)(1)(i) through (e)(4)(ii) of this section.

(3) Where no individual or entity holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent (for petitions filed under § 1.990(a)(1)) or in the applicant or licensee (for petitions filed under § 1.990(a)(2)), the petition shall state that no individual or entity holds or would hold directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the U.S. parent, applicant or licensee.

(4)(i) Where a named U.S. parent, applicant, or licensee is organized as a corporation, provide the name of any individual or entity that holds, or would hold, 10 percent or more of the outstanding capital stock and/or voting stock, or a controlling interest.

(ii) Where a named U.S. parent, applicant, or licensee is organized as a general partnership, provide the names

of the partnership's constituent general partners.

(iii) Where a named U.S. parent, applicant, or licensee is organized as a limited partnership or limited liability partnership, provide the name(s) of the general partner(s) (in the case of a limited partnership), any uninsulated partner(s), and any insulated partner(s) with an equity interest in the partnership of at least 10 percent (calculated according to the percentage of the partner's capital contribution). With respect to each named partner (other than a named general partner), the petitioner shall state whether the partnership interest is insulated or uninsulated, based on the insulation criteria specified in § 1.993.

(iv) Where a named U.S. parent, applicant, or licensee is organized as a limited liability company, provide the name(s) of each uninsulated member, regardless of its equity interest, any insulated member with an equity interest of at least 10 percent (calculated according to the percentage of its capital contribution), and any non-equity manager(s). With respect to each named member, the petitioner shall state whether the interest is insulated or uninsulated, based on the insulation criteria specified in § 1.993, and whether the member is a manager.

Note to paragraph (e): The Commission presumes that a general partner of a general partnership or limited partnership has a controlling interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(f)(1) *Indirect U.S. or foreign interests of ten percent or more or a controlling interest.* With respect to petitions filed under § 1.990(a)(1), provide the name of any individual or entity that holds, or would hold, indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent of the petitioning common carrier or aeronautical radio station applicant(s) or licensee(s). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.992.

(2) *Indirect U.S. or foreign interests of ten percent or more or a controlling interest.* With respect to petitions filed under § 1.990(a)(2), provide the name of any individual or entity that holds, or would hold, indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the petitioning common carrier radio station applicant(s) or licensee(s). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.992.

(3) Where no individual or entity holds, or would hold, indirectly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent (for petitions filed under § 1.990(a)(1)) or in the petitioning applicant(s) or licensee(s) (for petitions filed under § 1.990(a)(2)), the petition shall specify that no individual or entity holds indirectly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the U.S. parent, applicant(s), or licensee(s).

Note to paragraph (f): The Commission presumes that a general partner of a general partnership or limited partnership has a controlling interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(g) For each 10 percent interest holder named in response to paragraphs (e) and (f) of this section, specify the equity interest held and the voting interest held (each to the nearest one percent); in the case of an individual, his or her citizenship; and in the case of a business organization, its place of organization, type of business organization (*e.g.,* corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, trust, other (include description of legal entity)), and principal business(es).

(h)(1) *Estimate of aggregate foreign ownership.* For petitions filed under § 1.990(a)(1), attach an exhibit that provides a percentage estimate of the controlling U.S. parent's aggregate direct and/or indirect foreign equity interests and its aggregate direct and/or indirect foreign voting interests. For petitions filed under § 1.990(a)(2), attach an exhibit that provides a percentage estimate of the aggregate foreign equity interests and aggregate foreign voting interests held directly in the petitioning applicant(s) and/or licensee(s), if any, and the aggregate foreign equity interests and aggregate foreign voting interests held indirectly in the petitioning applicant(s) and/or licensee(s). The exhibit required by this paragraph must also provide a general description of the methods used to determine the percentages; and a statement addressing the circumstances that prompted the filing of the petition and demonstrating that the public interest would be served by grant of the petition.

(2) *Ownership and control structure.* Attach an exhibit that describes the ownership and control structure of the applicant(s) and/or licensee(s) that are the subject of the petition, including an ownership diagram and identification of the real party-in-interest disclosed in any companion applications. The ownership diagram should illustrate the petitioner's vertical ownership structure, including the controlling U.S. parent named in the petition (for petitions filed under § 1.990(a)(1)) and the direct and indirect ownership (equity and voting) interests held by the individual(s) and/or entity(ies) named in response to paragraphs (e) and (f) of this section. Each such individual or entity shall be depicted in the ownership diagram and all controlling interests labeled as such. Where the petition includes multiple petitioners, the ownership of all petitioners may be depicted in a single ownership diagram or in multiple diagrams.

(i) *Requests for specific approval.* Provide, as required or permitted by this paragraph, the name of each foreign individual and/or entity for which each petitioner requests specific approval, if any, and the respective percentages of equity and/or voting interests (to the nearest one percent) that each such foreign individual or entity holds, or would hold, directly and/or indirectly, in the controlling U.S. parent of the petitioning common carrier or aeronautical radio station applicant(s) or licensee(s) for petitions filed under § 1.990(a)(1), and in each petitioning common carrier applicant or licensee for petitions filed under § 1.990(a)(2).

(1) Each petitioning common carrier or aeronautical radio station applicant or licensee filing under § 1.990(a)(1) shall identify and request specific approval for any foreign individual, entity, or group of such individuals or entities that holds, or would hold, directly and/or indirectly, more than 5 percent of the equity and/or voting interests, or a controlling interest, in the petitioner's controlling U.S. parent unless the foreign investment is exempt under paragraph (i)(3) of this section. Equity and voting interests shall be calculated in accordance with the principles set forth in paragraphs (e) and (f) of this section and in § 1.992.

(2) Each petitioning common carrier radio station applicant or licensee filing under § 1.990(a)(2) shall identify and request specific approval for any foreign individual, entity, or group of such individuals or entities that holds, or would hold, directly, and/or indirectly through one or more intervening U.S.-organized entities that do not control the applicant or licensee, more than 5 percent of the equity and/or voting interests in the applicant or licensee unless the foreign investment is exempt

under paragraph (i)(3) of this section. Equity and voting interests shall be calculated in accordance with the principles set forth in paragraphs (e) and (f) of this section and in § 1.992.

Note to paragraphs (i)(1) and (2): Two or more individuals or entities will be treated as a ''group'' when they have agreed to act together for the purpose of acquiring, holding, voting, or disposing of their equity and/or voting interests in the licensee and/or controlling U.S. parent of the licensee or in any intermediate company(ies) through which any of the individuals or entities holds its interests in the licensee and/or controlling U.S. parent of the licensee.

(3) A foreign investment is exempt from the specific approval requirements of paragraphs (i)(1) and (2) of this section where:

(i) The foreign individual or entity holds, or would hold, directly and/or indirectly, no more than 10 percent of the equity and/or voting interests of the U.S. parent (for petitions filed under § 1.990(a)(1)) or the petitioning applicant or licensee (for petitions filed under § 1.990(a)(2)); and

(ii) The foreign individual or entity does not hold, and would not hold, a controlling interest in the petitioner or any controlling parent company, does not plan or intend to change or influence control of the petitioner or any controlling parent company, does not possess or develop any such purpose, and does not take any action having such purpose or effect. The Commission will presume, in the absence of evidence to the contrary, that the following interests satisfy this criterion for exemption from the specific approval requirements in paragraphs (i)(1) and (2) of this section:

(A) Where the relevant licensee, controlling U.S. parent, or entity holding a direct or indirect equity and/or voting interest in the licensee or U.S. parent is a ''public company,'' as defined in § 1.990(d)(9), *provided that* the foreign holder is an institutional investor that is eligible to report its beneficial ownership interests in the company's voting, equity securities in excess of 5 percent (not to exceed 10 percent) pursuant to Exchange Act Rule 13d–1(b), 17 CFR 240.13d–1(b), or a substantially comparable foreign law or regulation. This presumption shall not apply if the foreign individual, entity or group holding such interests is obligated to report its holdings in the company pursuant to Exchange Act Rule 13d–1(a), 17 CFR 240.13d–1(a), or a substantially comparable foreign law or regulation.

Example. Common carrier applicant (''Applicant'') is preparing a petition for declaratory ruling to request Commission approval for foreign ownership of its controlling, U.S.-organized parent (''U.S. Parent'') to exceed the 25 percent benchmark in section 310(b)(4) of the Act. Applicant does not currently hold any FCC licenses. Shares of U.S. Parent trade publicly on the New York Stock Exchange. Based on a shareholder survey and a review of its shareholder records, U.S. Parent has determined that its aggregate foreign ownership on any given day may exceed an aggregate 25 percent, including a six percent common stock interest held by a foreign-organized mutual fund (''Foreign Fund''). U.S. Parent has confirmed that Foreign Fund is not currently required to report its interest pursuant to Exchange Act Rule 13d–1(a) and instead is eligible to report its interest pursuant to Exchange Act Rule 13d–1(b). U.S. Parent also has confirmed that Foreign Fund does not hold any other interests in U.S. Parent's equity securities, whether of a class of voting or non-voting securities. Applicant may, but is not required to, request specific approval of Foreign Fund's six percent interest in U.S. Parent.

Note to paragraph (i)(3)(ii)(A): Where an institutional investor holds voting, equity securities that are subject to reporting under Exchange Act Rule 13d–1, 17 CFR 240.13d–1, or a substantially comparable foreign law or regulation, and equity securities that are not subject to such reporting the investor's total capital stock interests may be aggregated and treated as exempt from the 5 percent specific approval requirement in paragraphs (i)(1) and (2) of this section so long as the aggregate amount of the institutional investor's holdings does not exceed ten percent of the company's total capital stock or voting rights and the investor is eligible to certify under Exchange Act Rule 13d–1(b), 17 CFR 240.13d–1(b), or a substantially comparable foreign law or regulation that it has acquired its capital stock interests in the ordinary course of business and not with the purpose nor with the effect of changing or influencing the control of the company. In calculating foreign equity and voting interests, the Commission does not consider convertible interests such as options, warrants and convertible debentures until converted, unless specifically requested by the petitioner, *i.e.,* where the petitioner is requesting approval so those rights can be exercised in a particular case without further Commission approval.

(B) Where the relevant licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the licensee or U.S. parent is a ''privately held'' corporation, as defined in § 1.990(d)(8), *provided that* a shareholders' agreement, or similar voting agreement, prohibits the foreign holder from becoming actively involved in the management or operation of the corporation and limits the foreign holder's voting and consent rights, if any, to the minority shareholder protections listed in paragraph (i)(5) of this section.

(C) Where the relevant licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the licensee or U.S. parent is ''privately held,'' as defined in § 1.990(d)(8), and is organized as a limited partnership, limited liability company (''LLC''), or limited liability partnership (''LLP''), *provided that* the foreign holder is ''insulated'' in accordance with the criteria specified in § 1.993.

(4) A petitioner may, but is not required to, request specific approval for any other foreign individual or entity that holds, or would hold, a direct and/or indirect equity and/or voting interest in the controlling U.S. parent (for petitions filed under § 1.990(a)(1)) or in the petitioning applicant or licensee (for petitions filed under § 1.990(a)(2)).

(5) The minority shareholder protections referenced in paragraph (i)(3)(ii)(B) of this section consist of the following rights:

(i) The power to prevent the sale or pledge of all or substantially all of the assets of the corporation or a voluntary filing for bankruptcy or liquidation;

(ii) The power to prevent the corporation from entering into contracts with majority shareholders or their affiliates;

(iii) The power to prevent the corporation from guaranteeing the obligations of majority shareholders or their affiliates;

(iv) The power to purchase an additional interest in the corporation to prevent the dilution of the shareholder's *pro rata* interest in the event that the corporation issues additional instruments conveying shares in the company;

(v) The power to prevent the change of existing legal rights or preferences of the shareholders, as provided in the charter, by-laws or other operative governance documents;

(vi) The power to prevent the amendment of the charter, by-laws or other operative governance documents of the company with respect to the matters described in paragraphs (i)(5)(i) through (v) of this section.

(6) The Commission reserves the right to consider, on a case-by-case basis, whether voting or consent rights over matters other than those listed in paragraph (i)(5) of this section shall be considered permissible minority shareholder protections in a particular case.

(j) For each foreign individual or entity named in response to paragraph (i) of this section, provide the following information:

(1) In the case of an individual, his or her citizenship and principal business(es);

(2) In the case of a business organization:

(i) Its place of organization, type of business organization (*e.g.,* corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, trust, other (include description of legal entity)), and principal business(es);

(ii) The name of any individual or entity that holds, or would hold, directly and/or indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the foreign entity for which the petitioner requests specific approval. Specify for each such interest holder, his or her citizenship (for individuals) or place of legal organization (for entities). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.992.

(iii) Where no individual or entity holds, or would hold, directly and/or indirectly, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, the petition shall specify that no individual or entity holds, or would hold, directly and/or indirectly, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the foreign entity for which the petitioner requests specific approval.

(k) *Requests for advance approval.* The petitioner may, but is not required to, request advance approval in its petition for any foreign individual or entity named in response to paragraph (i) of this section to increase its direct and/or indirect equity and/or voting interests in the controlling U.S. parent of the common carrier or aeronautical radio station licensee, for petitions filed under § 1.990(a)(1), and/or in the common carrier licensee, for petitions filed under § 1.990(a)(2), above the percentages specified in response to paragraph (i) of this section. Requests for advance approval shall be made as follows:

(1) *Petitions filed under § 1.990(a)(1).* Where a foreign individual or entity named in response to paragraph (i) of this section holds, or would hold upon consummation of any transactions described in the petition, a *de jure* or *de facto* controlling interest in the controlling U.S. parent, the petitioner may request advance approval in its petition for the foreign individual or entity to increase its interests, at some future time, up to any amount, including 100 percent of the direct and/or indirect equity and/or voting interests in the U.S. parent. The petitioner shall specify for the named controlling foreign individual(s) or entity(ies) the maximum percentages of equity and/or voting interests for which advance approval is sought or, in lieu of a specific amount, state that the petitioner requests advance approval for the named controlling foreign individual or entity to increase its interests up to and including 100 percent of the U.S. parent's direct and/or indirect equity and/or voting interests.

(2) *Petitions filed under § 1.990(a)(1) and/or § 1.990(a)(2).* Where a foreign individual or entity named in response to paragraph (i) of this section holds, or would hold upon consummation of any transactions described in the petition, a non-controlling interest in the controlling U.S. parent of the licensee, for petitions filed under § 1.990(a)(1), or in the licensee, for petitions filed under § 1.990(a)(2), the petitioner may request advance approval in its petition for the foreign individual or entity to increase its interests, at some future time, up to any non-controlling amount not to exceed 49.99 percent. The petitioner shall specify for the named foreign individual(s) or entity(ies) the maximum percentages of equity and/or voting interests for which advance approval is sought or, in lieu of a specific amount, shall state that the petitioner requests advance approval for the named foreign individual(s) or entity(ies) to increase their interests up to and including a non-controlling 49.99 percent equity and/or voting interest in the licensee, for petitions filed under § 1.990(a)(2), or in the controlling U.S. parent of the licensee, for petitions filed under § 1.990(a)(1).

§ 1.992 How to calculate indirect equity and voting interests.

(a) The criteria specified in this section shall be used for purposes of calculating indirect equity and voting interests under § 1.991.

(b)(1) *Equity interests held indirectly in the licensee and/or controlling U.S. parent.* Equity interests that are held by an individual or entity indirectly through one or more intervening entities shall be calculated by successive multiplication of the equity percentages for each link in the vertical ownership chain, regardless of whether any particular link in the chain represents a controlling interest in the company positioned in the next lower tier.

Example. Assume that a foreign individual holds a non-controlling 30 percent equity and voting interest in U.S.-organized Corporation A which, in turn, holds a non-controlling 40 percent equity and voting interest in U.S.-organized Parent Corporation B. The foreign individual's equity interest in U.S.-organized Parent Corporation B would be calculated by multiplying the foreign individual's equity interest in U.S.-organized Corporation A by that entity's equity interest in U.S.-organized Parent Corporation B. The foreign individual's equity interest in U.S.-organized Parent Corporation B would be calculated as 12 percent (30% × 40% = 12%). The result would be the same even if U.S.-organized Corporation A held a *de facto* controlling interest in U.S.-organized Parent Corporation B.

(2) *Voting interests held indirectly in the licensee and/or controlling U.S. parent.* Voting interests that are held by any individual or entity indirectly through one or more intervening entities will be determined depending upon the type of business organization(s) in which the individual or entity holds a voting interest as follows:

(i) Voting interests that are held through one or more intervening corporations shall be calculated by successive multiplication of the voting percentages for each link in the vertical ownership chain, except that wherever the voting interest for any link in the chain is equal to or exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

Example. Assume that a foreign individual holds a non-controlling 30 percent equity and voting interest in U.S.-organized Corporation A which, in turn, holds a controlling 70 percent equity and voting interest in U.S.-organized Parent Corporation B. Because U.S.-organized Corporation A's 70 percent voting interest in U.S.-organized Parent Corporation B constitutes a controlling interest, it is treated as a 100 percent interest. The foreign individual's 30 percent voting interest in U.S.-organized Corporation A would flow through in its entirety to U.S. Parent Corporation B and thus be calculated as 30 percent (30% × 100% = 30%).

(ii) Voting interests that are held through one or more intervening partnerships shall be calculated depending upon whether the individual or entity holds a general partnership interest, an uninsulated partnership interest, or an insulated partnership interest as specified in paragraphs (b)(2)(ii)(A) and (B) of this section.

(A) *General partnership and other uninsulated partnership interests.* A general partner and uninsulated partner shall be deemed to hold the same voting interest as the partnership holds in the company situated in the next lower tier of the vertical ownership chain. A partner shall be treated as uninsulated unless the limited partnership agreement, limited liability partnership agreement, or other operative agreement

satisfies the insulation criteria specified in § 1.993.

Note to paragraph (b)(2)(ii)(A): The Commission presumes that a general partner of a general partnership or limited partnership has a controlling interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(B) *Insulated partnership interests.* A partner of a limited partnership (other than a general partner) or partner of a limited liability partnership that satisfies the insulation criteria specified in § 1.993 shall be treated as an insulated partner and shall be deemed to hold a voting interest in the partnership that is equal to the partner's equity interest.

(iii) Voting interests that are held through one or more intervening limited liability companies shall be calculated depending upon whether the individual or entity is a non-member manager, an uninsulated member or an insulated member as specified in paragraphs (b)(2)(iii)(A) and (B) of this section.

(A) *Non-member managers and uninsulated membership interests.* A non-member manager and an uninsulated member of a limited liability company shall be deemed to hold the same voting interest as the limited liability company holds in the company situated in the next lower tier of the vertical ownership chain. A member shall be treated as uninsulated unless the limited liability company agreement satisfies the insulation criteria specified in § 1.993.

(B) *Insulated membership interests.* A member of a limited liability company that satisfies the insulation criteria specified in § 1.993 shall be treated as an insulated member and shall be deemed to hold a voting interest in the limited liability company that is equal to the member's equity interest.

§ 1.993 Insulation criteria for interests in limited partnerships, limited liability partnerships, and limited liability companies.

(a) A limited partner of a limited partnership and a partner of a limited liability partnership shall be treated as uninsulated within the meaning of § 1.992(b)(2)(ii)(A) unless the partner is prohibited by the limited partnership agreement, limited liability partnership agreement, or other operative agreement from, and in fact is not engaged in, active involvement in the management or operation of the partnership and only the usual and customary investor protections are contained in the partnership agreement or other operative agreement. These criteria apply to any relevant limited partnership or limited liability partnership, whether it is the licensee, a controlling U.S.-organized parent, or any partnership situated above them in the vertical chain of ownership.

(b) A member of a limited liability company shall be treated as uninsulated for purposes of § 1.992(b)(2)(iii)(A) unless the member is prohibited by the limited liability company agreement from, and in fact is not engaged in, active involvement in the management or operation of the company and only the usual and customary investor protections are contained in the agreement. These criteria apply to any relevant limited liability company, whether it is the licensee, a controlling U.S.-organized parent, or any limited liability company situated above them in the vertical chain of ownership.

(c) The usual and customary investor protections referred to in paragraphs (a) and (b) of this section shall consist of:

(1) The power to prevent the sale or pledge of all or substantially all of the assets of the limited partnership, limited liability partnership, or limited liability company or a voluntary filing for bankruptcy or liquidation;

(2) The power to prevent the limited partnership, limited liability partnership, or limited liability company from entering into contracts with majority investors or their affiliates;

(3) The power to prevent the limited partnership, limited liability partnership, or limited liability company from guaranteeing the obligations of majority investors or their affiliates;

(4) The power to purchase an additional interest in the limited partnership, limited liability partnership, or limited liability company to prevent the dilution of the partner's or member's *pro rata* interest in the event that the limited partnership, limited liability partnership, or limited liability company issues additional instruments conveying interests in the partnership or company;

(5) The power to prevent the change of existing legal rights or preferences of the partners, members, or managers as provided in the limited partnership agreement, limited liability partnership agreement, or limited liability company agreement, or other operative agreement;

(6) The power to vote on the removal of a general partner, managing partner, managing member, or other manager in situations where such individual or entity is subject to bankruptcy, insolvency, reorganization, or other proceedings relating to the relief of debtors; adjudicated insane or incompetent by a court of competent jurisdiction (in the case of a natural person); convicted of a felony; or otherwise removed for cause, as determined by an independent party;

(7) The power to prevent the amendment of the limited partnership agreement, limited liability partnership agreement, or limited liability company agreement, or other organizational documents of the partnership or limited liability company with respect to the matters described in paragraphs (c)(1) through (6) of this section.

(d) The Commission reserves the right to consider, on a case-by-case basis, whether voting or consent rights over matters other than those listed in paragraph (c) of this section shall be considered usual and customary investor protections in a particular case.

§ 1.994 Routine terms and conditions.

Foreign ownership rulings issued pursuant to §§ 1.990 through 1.993 shall be subject to the following terms and conditions, except as otherwise specified in a particular ruling:

(a)(1) *Aggregate allowance for rulings issued under § 1.990(a)(1).* In addition to the foreign ownership interests approved specifically in a licensee's declaratory ruling issued pursuant to § 1.990(a)(1), the controlling U.S.-organized parent named in the ruling (or a U.S.-organized successor-in-interest formed as part of a *pro forma* reorganization) may be 100 percent owned, directly and/or indirectly through one or more U.S- or foreign-organized entities, on a going-forward basis (*i.e.,* after issuance of the ruling) by other foreign investors without prior Commission approval. This ''100 percent aggregate allowance'' is subject to the requirement that the licensee seek and obtain Commission approval before any foreign individual, entity, or ''group'' not previously approved acquires, directly and/or indirectly, more than five percent of the U.S. parent's outstanding capital stock (equity) and/or voting stock, or a controlling interest, with the exception of any foreign individual, entity, or ''group'' that acquires an equity and/or voting interest of ten percent or less, *provided that* the interest is exempt under § 1.991(i)(3).

(2) *Aggregate allowance for rulings issued under § 1.990(a)(2).* In addition to the foreign ownership interests approved specifically in a licensee's declaratory ruling issued pursuant to § 1.990(a)(2), the licensee(s) named in the ruling (or a U.S.-organized successor-in-interest formed as part of a *pro forma* reorganization) may be 100

percent owned on a going forward basis (*i.e.,* after issuance of the ruling) by other foreign investors holding interests in the licensee indirectly through U.S.-organized entities that do not control the licensee, without prior Commission approval. This ''100 percent aggregate allowance'' is subject to the requirement that the licensee seek and obtain Commission approval before any foreign individual, entity, or ''group'' not previously approved acquires directly and/or indirectly, through one or more U.S.-organized entities that do not control the licensee, more than five percent of the licensee's outstanding capital stock (equity) and/or voting stock, with the exception of any foreign individual, entity, or ''group'' that acquires an equity and/or voting interest of ten percent or less, *provided that* the interest is exempt under § 1.991(i)(3). Foreign ownership interests held directly in a licensee shall not be permitted to exceed an aggregate 20 percent of the licensee's equity and/or voting interests.

Note to Paragraph (a): Licensees have an obligation to monitor and stay ahead of changes in foreign ownership of their controlling U.S.-organized parent companies (for rulings issued pursuant to § 1.990(a)(1)) and/or in the licensee itself (for rulings issued pursuant to § 1.990(a)(2)), to ensure that the licensee obtains Commission approval before a change in foreign ownership renders the licensee out of compliance with the terms and conditions of its declaratory ruling(s) or the Commission's rules. Licensees, their controlling parent companies, and other entities in the licensee's vertical ownership chain may need to place restrictions in their bylaws or other organizational documents to enable the licensee to ensure compliance with the terms and conditions of its declaratory ruling(s) and the Commission's rules.

Example 1 (for rulings issued under § 1.990(a)(1)). U.S. Corp. files an application for a common carrier license. U.S. Corp. is wholly owned and controlled by U.S. Parent, which is a newly formed, privately held Delaware corporation in which no single shareholder has *de jure* or *de facto* control. A shareholders' agreement provides that a five-member board of directors shall govern the affairs of the company; five named shareholders shall be entitled to one seat and one vote on the board; and all decisions of the board shall be determined by majority vote. The five named shareholders and their respective equity interests are as follows: Foreign Entity A, which is wholly owned and controlled by a foreign citizen (5 percent); Foreign Entity B, which is wholly owned and controlled by a foreign citizen (10 percent); Foreign Entity C, a foreign public company with no controlling shareholder (20 percent); Foreign Entity D, a foreign pension fund that is controlled by a foreign citizen and in which no individual or entity has a pecuniary interest exceeding one percent (21 percent); and U.S. Entity E, a U.S. public company with no controlling shareholder (25 percent). The remaining 19 percent of U.S. Parent's shares are held by three foreign-organized entities as follows: F (4 percent), G (6 percent), and H (9 percent). Under the shareholders' agreement, voting rights of F, G, and H are limited to the minority shareholder protections listed in § 1.991(i)(5). Further, the agreement expressly prohibits G and H from becoming actively involved in the management or operation of U.S. Parent and U.S. Corp.

As required by the rules, U.S. Corp. files a section 310(b)(4) petition concurrently with its application. The petition identifies and requests specific approval for the ownership interests held in U.S. Parent by Foreign Entity A and its sole shareholder (5 percent equity and 20 percent voting interest); Foreign Entity B and its sole shareholder (10 percent equity and 20 percent voting interest), Foreign Entity C (20 percent equity and 20 percent voting interest), and Foreign Entity D (21 percent equity and 20 percent voting interest) and its fund manager (20 percent voting interest). The Commission's ruling specifically approves these foreign interests. The ruling also provides that, on a going-forward basis, U.S. Parent may be 100 percent owned in the aggregate, directly and/or indirectly, by other foreign investors, subject to the requirement that U.S. Corp. seek and obtain Commission approval before any previously unapproved foreign investor acquires more than five percent of U.S. Parent's equity and/or voting interests, or a controlling interest, with the exception of any foreign investor that acquires an equity and/or voting interest of ten percent or less, *provided that* the interest is exempt under § 1.991(i)(3).

In this case, foreign entities F, G, and H would each be considered a previously unapproved foreign investor (along with any new foreign investors). However, prior approval for F, G and H would only apply to an increase of F's interest above five percent (because the ten percent exemption under § 1.991(i)(3) does not apply to F) or to an increase of G's or H's interest above ten percent (because G and H do qualify for this exemption). U.S. Corp. would also need Commission approval before Foreign Entity D appoints a new fund manager that is a non-U.S. citizen and before Foreign Entities A, B, C, or D increase their respective equity and/or voting interests in U.S. Parent, unless the petition previously sought and obtained Commission approval for such increases (up to non-controlling 49.99 percent interests). (*See* § 1.991(k)(2).) Foreign shareholders of Foreign Entity C and U.S. Entity E would also be considered previously unapproved foreign investors. Thus, Commission approval would be required before any foreign shareholder of Foreign Entity C or U.S. Entity E acquires (1) a controlling interest in either company; or (2) a non-controlling equity and/or voting interest in either company that, when multiplied by the company's equity and/or voting interests in U.S. Parent, would exceed 5 percent of U.S. Parent's equity and/or voting interests, unless the interest is exempt under § 1.991(i)(3).

Example 2 (for rulings issued under § 1.990(a)(2)). Assume that the following three U.S.-organized entities hold non-controlling equity and voting interests in common carrier Licensee, which is a privately held corporation organized in Delaware: U.S. corporation A (30 percent); U.S. corporation B (30 percent); and U.S. corporation C (40 percent). Licensee's shareholders are wholly owned by foreign individuals X, Y, and Z, respectively. Licensee has received a declaratory ruling under § 1.990(a)(2) specifically approving the 30 percent foreign ownership interests held in Licensee by each of X and Y (through U.S. corporation A and U.S. corporation B, respectively) and the 40 percent foreign ownership interest held in Licensee by Z (through U.S. corporation C). On a going-forward basis, Licensee may be 100 percent owned in the aggregate by X, Y, Z, and other foreign investors holding interests in Licensee indirectly, through U.S.-organized entities that do not control Licensee, subject to the requirement that Licensee obtain Commission approval before any previously unapproved foreign investor acquires more than five percent of Licensee's equity and/or voting interests, with the exception of any foreign investor that acquires an equity and/or voting interest of ten percent or less, *provided that* the interest is exempt under § 1.991(i)(3). In this case, any foreign investor other than X, Y, and Z would be considered a previously unapproved foreign investor. Licensee would also need Commission approval before X, Y, or Z increases its equity and/or voting interests in Licensee unless the petition previously sought and obtained Commission approval for such increases (up to non-controlling 49.99 percent interests). (*See* § 1.991(k)(2).)

(b) *Subsidiaries and affiliates.* A foreign ownership ruling issued to a licensee shall cover it and any U.S.-organized subsidiary or affiliate, as defined in § 1.990(d), whether the subsidiary or affiliate existed at the time the ruling was issued or was formed or acquired subsequently, *provided that* the foreign ownership of the licensee named in the ruling, and of the subsidiary and/or affiliate, remains in compliance with the terms and conditions of the licensee's ruling and the Commission's rules.

(1) The subsidiary or affiliate of a licensee named in a foreign ownership

ruling issued under § 1.990(a)(1) may rely on that ruling for purposes of filing its own application for an initial common carrier or aeronautical license or spectrum leasing arrangement, or an application to acquire such license or spectrum leasing arrangement by assignment or transfer of control *provided that* the subsidiary or affiliate, and the licensee named in the ruling, each certifies in the application that its foreign ownership is in compliance with the terms and conditions of the foreign ownership ruling and the Commission's rules.

(2) The subsidiary or affiliate of a licensee named in a foreign ownership ruling issued under § 1.990(a)(2) may rely on that ruling for purposes of filing its own application for an initial common carrier radio station license or spectrum leasing arrangement, or an application to acquire such license or spectrum leasing arrangement by assignment or transfer of control *provided that* the subsidiary or affiliate, and the licensee named in the ruling, each certifies in the application that its foreign ownership is in compliance with the terms and conditions of the foreign ownership ruling and the Commission's rules.

(3) The certifications required by paragraphs (b)(1) and (2) of this section shall also include the citation(s) of the relevant ruling(s) (*i.e.,* the DA or FCC Number, FCC Record citation when available, and release date).

(c) *Insertion of new controlling foreign-organized companies.* (1) Where a licensee's foreign ownership ruling specifically authorizes a named, foreign investor to hold a controlling interest in the licensee's controlling U.S.-organized parent, for rulings issued under § 1.990(a)(1), or in an intervening U.S.-organized entity that does not control the licensee, for rulings issued under § 1.990(a)(2), the ruling shall permit the insertion of new, controlling foreign-organized companies in the vertical ownership chain above the controlling U.S. parent, for rulings issued under § 1.990(a)(1), or above an intervening U.S.-organized entity that does not control the licensee, for rulings issued under § 1.990(a)(2), without prior Commission approval *provided that* any new foreign-organized company(ies) are under 100 percent common ownership and control with the foreign investor approved in the ruling.

(2) Where a previously unapproved foreign-organized entity is inserted into the vertical ownership chain of a licensee, or its controlling U.S.-organized parent, without prior Commission approval pursuant to paragraph (c)(1) of this section, the licensee shall file a letter to the attention of the Chief, International Bureau, within 30 days after the insertion of the new, foreign-organized entity. The letter must include the name of the new, foreign-organized entity and a certification by the licensee that the entity complies with the 100 percent common ownership and control requirement in paragraph (c)(1) of this section. The letter must also reference the licensee's foreign ownership ruling(s) by IBFS File No. and FCC Record citation, if available. This letter notification need not be filed if the ownership change is instead the subject of a *pro forma* application or *pro forma* notification already filed with the Commission pursuant to the relevant wireless radio service rules or satellite radio service rules applicable to the licensee.

(3) Nothing in this section is intended to affect any requirements for prior approval under 47 U.S.C. 310(d) or conditions for forbearance from the requirements of 47 U.S.C. 310(d) pursuant to 47 U.S.C. 160.

Example (for rulings issued under § 1.990(a)(1)). Licensee receives a foreign ownership ruling under § 1.990(a)(1) that authorizes its controlling, U.S.-organized parent (''U.S. Parent A'') to be wholly owned and controlled by a foreign-organized company (''Foreign Company''). Foreign Company is minority owned (20 percent) by U.S.-organized Corporation B, with the remaining 80 percent controlling interest held by Foreign Citizen C. After issuance of the ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary (''Foreign Subsidiary'') to hold all of Foreign Company's shares in U.S. Parent A. There are no other changes in the direct or indirect foreign ownership of U.S. Parent A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Parent A would not require prior Commission approval, except for any approval otherwise required pursuant to section 310(d) of the Communications Act and not exempt therefrom as a *pro forma* transfer of control under § 1.948(c)(1).

Example (for rulings issued under § 1.990(a)(2)). An applicant for a common carrier license receives a foreign ownership ruling under § 1.990(a)(2) that authorizes a foreign-organized company (''Foreign Company'') to hold a non-controlling 44 percent equity and voting interest in the applicant through Foreign Company's wholly-owned, U.S.-organized subsidiary, U.S. Corporation A, which holds the non-controlling 44 percent interest directly in the applicant. The remaining 56 percent of the applicant's equity and voting interests are held by its controlling U.S.-organized parent, which has no foreign ownership. After issuance of the ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary to hold all of Foreign Company's shares in U.S. Corporation A. There are no other changes in the direct or indirect foreign ownership of U.S. Corporation A. The insertion of the foreign-organized subsidiary into the vertical ownership chain between Foreign Company and U.S. Corporation A would not require prior Commission approval.

(d) *Insertion of new non-controlling foreign-organized companies.* (1) Where a licensee's foreign ownership ruling specifically authorizes a named, foreign investor to hold a non-controlling interest in the licensee's controlling U.S.-organized parent, for rulings issued under § 1.990(a)(1), or in an intervening U.S.-organized entity that does not control the licensee, for rulings issued under § 1.990(a)(2), the ruling shall permit the insertion of new, foreign-organized companies in the vertical ownership chain above the controlling U.S. parent, for rulings issued under § 1.990(a)(1), or above an intervening U.S.-organized entity that does not control the licensee, for rulings issued under § 1.990(a)(2), without prior Commission approval *provided that* any new foreign-organized company(ies) are under 100 percent common ownership and control with the foreign investor approved in the ruling.

Note to Paragraph (d)(1): Where a licensee has received a foreign ownership ruling under § 1.990(a)(2) and the ruling specifically authorizes a named, foreign investor to hold a non-controlling interest directly in the licensee (subject to the 20 percent aggregate limit on direct foreign investment), the ruling shall permit the insertion of new, foreign-organized companies in the vertical ownership chain of the approved foreign investor without prior Commission approval *provided that* any new foreign-organized companies are under 100 percent common ownership and control with the approved foreign investor.

Example (for rulings issued under § 1.990(a)(1)). Licensee receives a foreign ownership ruling under § 1.990(a)(1) that authorizes a foreign-organized company (''Foreign Company'') to hold a non-controlling 30 percent equity and voting interest in Licensee's controlling, U.S.-organized parent (''U.S. Parent A''). The remaining 70 percent equity and voting interests in U.S. Parent A are held by U.S.-organized entities which have no foreign ownership. After issuance of the ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary (''Foreign Subsidiary'') to hold all of Foreign Company's shares in U.S. Parent A. There are no other changes in the direct or indirect foreign ownership of U.S. Parent A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Parent A would not require prior Commission approval.

Example (for rulings issued under § 1.990(a)(2)). Licensee receives a foreign ownership ruling under § 1.990(a)(2) that authorizes a foreign-organized entity (''Foreign Company'') to hold approximately

24 percent of Licensee's equity and voting interests, through Foreign Company's non-controlling 48 percent equity and voting interest in a U.S.-organized entity, U.S. Corporation A, which holds a non-controlling 49 percent equity and voting interest directly in Licensee. A U.S. citizen holds the remaining 52 percent equity and voting interests in U.S. Corporation A, and the remaining 51 percent equity and voting interests in Licensee are held by its U.S.-organized parent, which has no foreign ownership. After issuance of the ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary (''Foreign Subsidiary'') to hold all of Foreign Company's shares in U.S. Corporation A. There are no other changes in the direct or indirect foreign ownership of U.S. Corporation A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Corporation A would not require prior Commission approval.

(2) Where a previously unapproved foreign-organized entity is inserted into the vertical ownership chain of a licensee, or its controlling U.S.-organized parent, without prior Commission approval pursuant to paragraph (d)(1) of this section, the licensee shall file a letter to the attention of the Chief, International Bureau, within 30 days after the insertion of the new, foreign-organized entity. The letter must include the name of the new, foreign-organized entity and a certification by the licensee that the entity complies with the 100 percent common ownership and control requirement in paragraph (d)(1) of this section. The letter must also reference the licensee's foreign ownership ruling(s) by IBFS File No. and FCC Record citation, if available. This letter notification need not be filed if the ownership change is instead the subject of a *pro forma* application or *pro forma* notification already filed with the Commission pursuant to the relevant wireless radio service rules or satellite radio service rules applicable to the licensee.

(e) *New petition for declaratory ruling required.* A licensee that has received a foreign ownership ruling, including a U.S.-organized successor-in-interest to such licensee formed as part of a *pro forma* reorganization, or any subsidiary or affiliate relying on such licensee's ruling pursuant to paragraph (b) of this section, shall file a new petition for declaratory ruling under § 1.990 to obtain Commission approval before its foreign ownership exceeds the routine terms and conditions of this section, and/or any specific terms or conditions of its ruling.

(f)(1) *Continuing compliance.* If at any time the licensee, including any successor-in-interest and any subsidiary or affiliate as described in paragraph (b) of this section, knows, or has reason to know, that it is no longer in compliance with its foreign ownership ruling or the Commission's rules relating to foreign ownership, it shall file a statement with the Commission explaining the circumstances within 30 days of the date it knew, or had reason to know, that it was no longer in compliance therewith. Subsequent actions taken by or on behalf of the licensee to remedy its non-compliance shall not relieve it of the obligation to notify the Commission of the circumstances (including duration) of non-compliance. Such licensee and any controlling companies, whether U.S.- or foreign-organized, shall be subject to enforcement action by the Commission for such non-compliance, including an order requiring divestiture of the investor's direct and/or indirect interests in such entities.

(2) Any individual or entity that, directly or indirectly, creates or uses a trust, proxy, power of attorney, or any other contract, arrangement, or device with the purpose or effect of divesting itself, or preventing the vesting, of an equity interest or voting interest in the licensee, or in a controlling U.S. parent company, as part of a plan or scheme to evade the application of the Commission's rules or policies under section 310(b) shall be subject to enforcement action by the Commission, including an order requiring divestiture of the investor's direct and/or indirect interests in such entities.

[FR Doc. 2017–03990 Filed 3–3–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 42
Monday, March 6, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0109; Airspace Docket No. 16–ASO–13]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–7 and V–67; TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF Omnidirectional Range (VOR) Federal airways V–7 and V–67, in the eastern United States due to the planned decommissioning of the Graham, TN, VORTAC navigation aid.

DATES: Comments must be received on or before April 20, 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–2017–0109 and Airspace Docket No. 16–ASO–13 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/.* 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.*

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 would modify three air traffic service route structures in the eastern United States to maintain the efficient flow of air traffic.

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–2017–0109 and Airspace Docket No. 16–ASO–13) 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–2017–0109 and Airspace Docket No. 16–ASO–13.'' 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/.*

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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

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 proposed rule. 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 to modify the descriptions of VOR Federal airways V–7, and V–67, due to the planned decommissioning of the Graham, TN, VORTAC. The proposed route changes are described below.

V–7: V–7 extends between Dolphin, FL, and Sawyer, MI. The FAA proposes to remove the Graham, TN, VORTAC from the route. This would create a gap in the route between Muscle Shoals, AL, and Central City, KY. Therefore, the amended route would extend between Dolphin, FL, and Muscle Shoals, AL, as currently described; then between Central City, KY, and Sawyer, MI, as currently described.

V–67: V–67 extends between Choo Choo, TN, and Rochester, MN. The FAA proposes to remove the Graham, TN, VORTAC from the route. This would create a gap in the route between Shelbyville, TN, and Cunningham, KY. Therefore, the amended route would extend between Choo Choo, TN, and Shelbyville, TN, as currently described; then between Cunningham, KY, and Rochester, MN, as currently described.

In addition, the V–67 description incorrectly lists the state location of the Choo Choo VORTAC as ''Georgia'' instead of ''Tennessee.'' This action would correct the route description to reflect the proper state.

Domestic 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(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–7 [Amended]

From Dolphin, FL; INT Dolphin 299° and Lee County, FL, 120° radials; Lee County; Lakeland, FL; Cross City, FL; Seminole, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; Vulcan, AL; to Muscle Shoals, AL. From Central City, KY; Pocket City, IN; INT Pocket City 016° and Terre Haute, IN, 191° radials; Terre Haute; Boiler, IN; Chicago Heights, IL; INT Chicago Heights 358° and Falls, WI, 170° radials; Falls; Green Bay, WI; Menominee, MI; to Sawyer, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V–67 [Amended]

From Choo Choo, TN; to Shelbyville, TN. From Cunningham, KY; Marion, IL; Centralia, IL; INT Centralia 010° and Vandalia, IL, 162° radials; Vandalia; Spinner, IL; Burlington, IA; Iowa City, IA; Cedar Rapids, IA; Waterloo, IA; Rochester, MN.

Issued in Washington, DC, on February 21, 2017.

Rodger A. Dean Jr.,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017–04179 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0107; Airspace Docket No. 16–AEA–11]

RIN 2120–AA66

Proposed Amendment and Removal of VOR Federal Airways; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF Omnidirectional Range (VOR) Federal airways V–14, V–265, V–464, and V–522; and to remove airway V–90, in the eastern United States. The modifications are required due to the planned decommissioning of the Dunkirk, NY, VORTAC navigation aid which provides navigation guidance for portions of the above routes.

DATES: Comments must be received on or before April 20, 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–2017–0107 and Airspace Docket No. 16–AEA–11 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/.* 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.*

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 would modify the VOR Federal airway route structure in the eastern United States to maintain the efficient flow of air traffic.

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–2017–0107 and Airspace Docket No. 16–AEA–11) 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–2017–0107 and Airspace Docket No. 16–AEA–11.'' 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/.*

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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

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 proposed rule. 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 to modify the descriptions of VOR Federal airways V–14, V–265, V–464, and V–522; and to remove V–90, due to the planned decommissioning of the Dunkirk, NY, VORTAC. The proposed route changes are described below.

V–14: V–14 extends between Chisum, NM and Norwich, CT. The FAA proposes to remove the segments between Erie, PA, and Buffalo, NY, thus eliminating Dunkirk, NY from the route. The amended route would extend between Chisum, NM, and Erie, PA, and between Buffalo, NY, and Norwich, CT.

V–90: V–90 extends between Salem, MI, and Dunkirk, NY. The FAA proposes to remove V–90 in its entirety.

V–265: V–265 extends between the intersection of the Washington, DC, 043° and the Westminster, MD, 179° radials and Toronto, ON, Canada. The FAA proposes to remove the segments between Jamestown, NY, and Toronto, ON, Canada, thus terminating the northern end of the route at Jamestown, NY.

V–464: V–464 extends from Salem, MI, through Aylmer, Ontario, Canada to Geneseo, NY. The FAA proposes to remove the segment between Aylmer, Ontario, Canada and Geneseo, NY, thus terminating the route at Aylmer, Ontario, Canada.

V–522: V–522 extends between Dryer, OH, and Toronto, Ontario, Canada. The FAA proposes to eliminate the route segments between Erie, PA, and Toronto, Ontario, Canada. The amended route would extend between Dryer, OH, and Erie, PA.

Domestic 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(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–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; Flag City, OH; INT Flag City 079° and Dryer, OH, 240° radials; Dryer; Jefferson, OH; to Erie, PA. From 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.

V–90 [Removed]

V–265 [Amended]

From INT Washington, DC, 043° and Westminster, MD, 179° radials; via Westminster; Harrisburg, PA; Philipsburg, PA; Keating, NY; Bradford, PA; to Jamestown, NY.

V–464 [Amended]

From Salem, MI; via INT Salem 082° and Aylmer, ON, Canada, 261° radials; to Aylmer, ON. The airspace within Canada is excluded.

V–522 [Amended]

From Dryer, OH; INT Dryer 049° and Erie, PA, 258° radials; to Erie.

* * * * *

Issued in Washington, DC, on February 27, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–04185 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9333; Airspace Docket No. 16–AAL–4]

Proposed Establishment of Class E Airspace; Grayling, AK

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 Grayling Airport, Grayling, AK to support the development of 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: Comments must be received on or before April 20, 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–2016–9333; Airspace Docket No. 16–AAL–4, 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/.* 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.*

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

FOR FURTHER INFORMATION CONTACT: Robert LaPlante, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4566.

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 Grayling Airport, Grayling, AK.

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–2016–9333/Airspace Docket No. 16–AAL–4.'' 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/.*

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 Grayling Airport, Grayling, AK. This airspace is necessary to support the development of IFR operations in standard instrument approach and departure procedures at the airport. Class E airspace would be established within a 6.5-mile radius of Grayling Airport, with segments extending from the 6.5-mile radius to 8 miles northeast of the airport, and 11.2 miles south of 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.

* * * * *

AAL AK E5 Grayling, AK [New]

Grayling Airport, Alaska
(Lat. 62°53′31″ N., long. 160°03′59″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grayling Airport, and that airspace 2 miles either side of the 024° bearing from the airport extending from the 6.5-mile radius to 8 miles northeast of the airport, and that airspace 2 miles either side of 182° bearing from the airport extending from the 6.5-mile radius to 11.2 miles south of the airport.

Issued in Seattle, Washington on February 14, 2017.

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–04183 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2016–9479; Airspace Docket No. 15–AAL–4]

RIN 2120–AA66

Proposed Establishment of Restricted Area R–2205 A, B, C, D, E, F, G and H, and Revocation of Restricted Area R–2205; Fairbanks, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to expand upon the current Restricted Area R–2205 by subdividing 8 separate areas in the vicinity of Fairbanks, AK, over the Digital Multipurpose Training Range (DMPTR) and the Yukon Training Area (YTA), to provide a more realistic protective airspace required for hazardous activities within the Joint Pacific Alaska Range Complex (JPARC).

DATES: Comments must be received on or before April 20, 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 20590–0001; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket Number FAA–2016–9479 and Airspace Docket No. 15–AAL–4 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.

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, 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 establish restricted airspace at Fairbanks AK, to contain activities deemed hazardous to nonparticipating aircraft.

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 Number FAA–2016–9479 and Airspace Docket No. 15–AAL–4) 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 Number FAA–2016–9479 and Airspace Docket Number 15–AAL–4.'' 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/.*

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 Western Service Center, Operations Support Group, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057.

Background

The Air Force and Army are currently developing YTA as one of JPARC's most important training areas. Expanding R–2205 would provide larger airspace to more realistically conduct service and joint hazardous training activities, consistent with current and future combat environments. The restricted area and Surface Danger Zones (SDZ) must be large enough to encompass the DMPTR and other ranges in the YTA.

This proposed airspace would allow for manned and unmanned teaming of aviation assets and allow Air-to-Ground Integration (AGI) during large training exercises such as Red Flag and Distant Frontier. Additionally, the expansion of the restricted area over the DMPTR would allow for greater training complexity by incorporating AGI and more consistent training due to a reduction in non-participatory aircraft over the flying range.

The activities within the proposed expansion of R–2205 are to meet the overall training objectives of the Department of Defense. The activities would include live and inert precision and unguided munitions, unmanned aerial vehicles (UAV) laser operations, joint combined arms live fire exercises, gunnery collective skills training, demolitions, indirect fire and helicopter integration with UAVs.

The proposed restricted area would be subdivided into segmented blocks to enable restricted area activation for only the needed block. Segments activation would reduce the impact to non-participating aircraft. Some subdivisions will overlap with existing Military Operating Areas (MOAs). Considering the new proposed restricted areas are not continuous and the MOAs are not continuous, the potential exist for both the restricted areas and MOAs to be active at the same time. To alleviate this situation, the MOA descriptions will be amended to exclude those portions that overlap into the restricted areas when the restricted areas are active at the same time as the MOAs. This proposal would provide the Air Force and the Army with the necessary expansion to meet both current and future training requirements.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 73 to remove the current Restricted area R–2205, Stuart Creek, AK, and establish R–2205A through H, Fairbanks, AK. The FAA is proposing this action at the request of the United States Army in Alaska. The proposed restricted areas are described below.

R–2205A and E would overlap the current R–2205 with a 1-mile extension to the east along the eastern boundary and a 3-mile extension to the north along the northern boundary. The western boundary is the same as R–2205B and F. The altitudes would be from the surface up to but not including 10,000 feet MSL (R–2205A) and 10,000 feet MSL to 31,000 feet MSL (R–2205E).

R–2205B and F would be established west of R–2205A and E and east of R–2205C/D/G/H areas. The northern and southern boundaries are the same as R–2205A and E. The altitudes would be from the surface up to but not including

10,000 feet MSL (R–2205B) and 10,000 feet MSL to 31,000 feet MSL (R–2205F).

R–2205C and G would be established northeast and southeast of Eilson Air Force Base bordering R–2205D and H on the western boundary. The altitudes would be from the surface up to but not including 10,000 feet MSL (R–2205C) and 10,000 feet MSL to 31,000 feet MSL (R–2205G).

R–2205D and H would be established east of Eielson Air Force Base bordering R–2205C and G to the northeast and southeast. The altitudes would be from the surface up to but not including 10,000 feet MSL (R–2205D) and 10,000 feet MSL to 31,000 feet MSL (R–2205H).

Finally, R–2205, Stuart Creek AK would be removed.

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 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.22 Alaska [Amended]

■ 2. § 73.22 is amended as follows:

* * * * *

R–2205 Stuart Creek, AK [Removed]

R–2205A Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°45′29″ N., long. 146°47′49″ W.; to lat. 64°48′48″ N., long. 146°47′29″ W.; to lat. 64°48′47″ N., long. 146°32′14″ W.; to lat. 64°46′37″ N., long. 146°32′20″ W.; to lat. 64°46′36″ N., long. 146°10′37″ W.; to lat. 64°40′15″ N., long. 146°10′39″ W.; to lat. 64°35′48″ N., long. 146°10′40″ W.; to lat. 64°35′48″ N., long. 146°11′38″ W.; to lat. 64°33′52″ N., long. 146°19′39″ W.; to lat. 64°33′38″ N., long. 146°19′39″ W.; to lat. 64°33′38″ N., long. 146°25′35″ W.; to the point of beginning.

Designated altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205B Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°45′29″ N., long. 146°47′49″ W.; to lat. 64°33′38″ N., long. 146°25′35″ W.; to lat. 64°33′38″ N., long. 146°45′18″ W.; to lat. 64°33′51″ N., long. 146°45′19″ W.; to lat. 64°33′51″ N., long. 146°46′19″ W.; to lat. 64°34′04″ N., long. 146°46′20″ W.; to lat. 64°41′10″ N., long. 146°55′00″ W.; to lat. 64°48′48″ N., long. 146°54′59″ W.; to lat. 64°48′48″ N., long. 146°47′29″ W.; to the point of beginning.

Designated altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205C Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°48′48″ N., long. 146°54′59″ W.; to lat. 64°41′10″ N., long. 146°55′00″ W.; to lat. 64°34′04″ N., long. 146°46′20″ W.; to lat. 64°36′14″ N., long. 146°56′23″ W.; to lat. 64°37′47″ N., long. 146°56′23″ W.; counter-clockwise along the 4.7-mile radius of Eielson AFB; to lat. 64°43′40″ N., long. 146°59′26″ W.; to lat. 64°44′54″ N., long. 146°59′33″ W.; to lat. 64°44′54″ N., long. 146°59′56″ W.; to lat. 64°48′47″ N., long. 146°59′59″ W.; to the point of beginning.

Designated altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205D Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°43′40″ N., long. 146°59′26″ W.; clockwise along the 4.7-mile radius of Eielson AFB; to lat. 64°37′47″ N., long. 146°56′23″ W.; to lat. 64°39′42″ N., long. 146°56′23″ W.; to lat. 64°39′41″ N., long. 146°57′23″ W.; to lat. 64°40′06″ N., long. 146°57′19″ W.; to lat. 64°40′09″ N., long. 147°00′19″ W.; to lat. 64°41′26″ N., long. 147°00′29″ W.; to lat. 64°41′26″ N., long. 147°02′26″ W.; to lat. 64°43′37″ N., long. 147°02′23″ W.; to the point of beginning.

Designated altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205E Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°45′29″ N., long. 146°47′49″ W.; to lat. 64°48′48″ N., long. 146°47′29″ W.; to lat. 64°48′47″ N., long. 146°32′14″ W.; to lat. 64°46′37″ N., long. 146°32′20″ W.; to lat. 64°46′36″ N., long. 146°10′37″ W.; to lat. 64°40′15″ N., long. 146°10′39″ W.; to lat. 64°35′48″ N., long. 146°10′40″ W.; to lat. 64°35′48″ N., long. 146°11′38″ W.; to lat. 64°33′52″ N., long. 146°19′39″ W.; to lat. 64°33′38″ N., long. 146°19′39″ W.; to lat. 64°33′38″ N., long. 146°25′35″ W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to FL 310.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205F Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°45′29″ N., long. 146°47′49″ W.; to lat. 64°33′38″ N., long. 146°25′35″ W.; to lat. 64°33′38″ N., long. 146°45′18″ W.; to lat. 64°33′51″ N., long. 146°45′19″ W.; to lat. 64°33′51″ N., long. 146°46′19″ W.; to lat. 64°34′04″ N., long. 146°46′20″ W.; to lat. 64°41′10″ N., long. 146°55′00″ W.; to lat. 64°48′48″ N., long. 146°54′59″ W.; to lat. 64°48′48″ N., long. 146°47′29″ W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to FL 310.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205G Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°48′48″ N., long. 146°54′59″ W.; to lat. 64°41′10″ N., long. 146°55′00″ W.; to lat. 64°34′04″ N., long. 146°46′20″ W.; to lat. 64°36′14″ N., long. 146°56′23″ W.; to lat. 64°37′47″ N., long. 146°56′23″ W.; counter-clockwise along

the 4.7-mile radius of Eielson AFB; to lat. 64°43′40″ N., long. 146°59′26″ W.; to lat. 64°44′54″ N., long. 146°59′33″ W.; to lat. 64°44′54″ N., long. 146°59′56″ W.; to lat. 64°48′47″ N., long. 146°59′59″ W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to FL 310.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2205H Fairbanks, AK [New]

Boundaries—Beginning at lat. 64°43′40″ N., long. 146°59′26″ W.; clockwise along the 4.7-mile radius of Eielson AFB; to lat. 64°37′47″ N., long. 146°56′23″ W.; to lat. 64°39′42″ N., long. 146°56′23″ W.; to lat. 64°39′41″ N., long. 146°57′23″ W.; to lat. 64°40′06″ N., long. 146°57′19″ W.; to lat. 64°40′09″ N., long. 147°00′19″ W.; to lat. 64°41′26″ N., long. 147°00′29″ W.; to lat. 64°41′26″ N., long. 147°02′26″ W.; to lat. 64°43′37″ N., long. 147°02′23″ W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to FL 310.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Fairbanks Approach Control.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

* * * * *

Issued in Washington, DC, on February 27, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–04189 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2016–9495; Airspace Docket No. 15–AAL–6]

RIN 2120–AA66

Proposed Establishment of Restricted Areas R–2201 A, B, C, D, E, F, G, H, and J; Fort Greely, AK.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing the establishment of Restricted Area R–2201A, B, C, D, E, F, G, H, and J; Fort Greely AK, on behalf of/by the United States Army Alaska (USARAK), over the Battle Area Complex (BAX) and Combined Arms Collective Training Facility (CACTF), in the vicinity of Allen Army Airfield, AK. The proposed restricted airspace would contain hazardous activities and be available for joint military use, including active, National Guard and Reserve elements.

DATES: Comments must be received on or before April 20, 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 20590–0001; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket Number FAA–2016–9495 and Airspace Docket Number 15–AAL–6 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.

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, 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 establish restricted airspace in the vicinity of Allen Army Airfield, to contain activities deemed hazardous to nonparticipating aircraft.

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 Number FAA–2016–9495 and Airspace Docket Number 15–AAL–6) 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 Number FAA–2016–9495 and Airspace Docket Number 15–AAL–6.'' 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/*.

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 Western Service Center, Operations Support Group, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057.

Background

The current BAX Controlled Firing Area (CFA) does not provide the

restricted area airspace required by USARAK to conduct full spectrum helicopter gunnery training, longer range firing on target areas and integrated use of varied weapon types, during simultaneous training events. The proposed restricted airspace would provide various combat teams the area required to properly train in both open and urban terrain environments.

Combat units would be able to incorporate enablers, such as unmanned aerial vehicles, with piloted combat aircraft engaged in aggressive combat maneuvers and indirect fires with non-explosive munitions. This proposed restricted area would also accommodate fixed wing aircraft in support of ground operations using simulations and laser engagements.

The restricted area would provide the protection required to contain these hazardous activities and the weapons' safety footprints for the different ordnances to be used within the proposed airspace.

The proposed restricted area is subdivided into segmented blocks to enable restricted area activation for only the needed block. Segments activation reduces the impact to non-participating aircraft. This proposal would provide the Army with the necessary expansion to meet both current and future training requirements.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 73 to establish restricted area R–2201A through H, and J; Fort Greely, AK. The FAA is proposing this action at the request of the United States Army in Alaska. The proposed restricted areas are described below.

R–2201A, D, and G would be established one mile southeast of Allen Army Airfield and extend south and east for 3 miles. The altitudes will be from the surface up to, but not including, 6,000 feet MSL for R–2201A; 6,000 feet MSL to but not including 15,000 feet MSL for R–2201D; 15,000 feet MSL to 22,000 feet MSL for R–2201G.

R–2201B, E, and H would be established south of R–2201A, D, and G and east of R–2202A and C. The northern boundary is the same as R–22015A, D, and G southern boundary with an extension 3 miles to the west and 2 miles to the furthest point of the eastern boundary. The altitudes will be from the surface up to but not including 6,000 feet MSL for R–2201B; 6,000 feet MSL to but not including 15,000 feet MSL for R–2201E; 15,000 feet MSL to 22,000 feet MSL for R–2201H.

R–2201C, F, and J would be established south of R–2201B, E, and H and east of R–2202 A and C. The northern boundary is the same as R–22015B, E, and H southern boundary. The altitudes will be from the surface up to but not including 6,000 feet MSL for R–2201C; 6,000 feet MSL to but not including 15,000 feet MSL for R–2201F; 15,000 feet MSL to 22,000 feet MSL for R–2201J.

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 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.22 Alaska [Amended]

■ 2. § 73.22 is amended as follows:

* * * * *

R–2201A Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°58′49″ N., long. 145°41′15″ W.; to lat. 63°58′45″ N., long. 145°35′06″ W.; to lat. 63°58′08″ N., long. 145°35′05″ W.; to lat. 63°58′09″ N., long. 145°31′07″ W.; to lat. 63°57′17″ N., long. 145°31′05″ W.; to lat. 63°57′17″ N., long. 145°29′05″ W.; to lat. 63°56′54″ N., long. 145°29′02″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°57′20″ N., long. 145°39′25″ W.; to lat. 63°57′32″ N., long. 145°39′25″ W.; to the point of beginning by following Jarvis Creek.

Designated altitudes. Surface to but not including 6,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201B Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°55′56″ N., long. 145°24′57″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°44′41″ W.; to lat. 63°56′20″ N., long. 145°44′49″ W.; to lat. 63°52′54″ N., long. 145°44′50″ W.; to lat. 63°52′55″ N., long. 145°42′56″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′01″ N., long. 145°33′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. Surface to but not including 6,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201C Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°51′01″ N., long. 145°33′04″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′10″ N., long. 145°43′50″ W.; to lat. 63°50′58″ N., long. 145°43′48″ W.; to lat. 63°50′15″ N., long. 145°43′49″ W.; to lat. 63°50′16″ N., long. 145°44′22″ W.; to lat. 63°49′22″ N., long. 145°44′35″ W.; to lat. 63°47′35″ N., long. 145°45′05″ W.; to lat. 63°46′58″ N., long. 145°45′13″ W.; to lat. 63°46′56″ N., long. 145°37′10″ W.; to lat. 63°46′57″ N., long. 145°36′31″ W.; to lat. 63°47′43″ N., long. 145°35′08″ W.; to lat. 63°47′45″ N., long. 145°35′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. Surface to but not including 6,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201D Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°58′49″ N., long. 145°41′15″ W.; to lat. 63°58′45″ N., long. 145°35′06″ W.; to lat. 63°58′08″ N., long. 145°35′05″ W.; to lat. 63°58′09″ N., long. 145°31′07″ W.; to lat. 63°57′17″ N., long. 145°31′05″ W.; to lat. 63°57′17″ N.,

long. 145°29′05″ W.; to lat. 63°56′54″ N., long. 145°29′02″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°57′20″ N., long. 145°39′25″ W.; to lat. 63°57′32″ N., long. 145°39′25″ W.; to the point of beginning by following Jarvis Creek.

Designated altitudes. 6,000 feet MSL to but not including 15,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201E Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°55′56″ N., long. 145°24′57″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°44′41″ W.; to lat. 63°56′20″ N., long. 145°44′49″ W.; to lat. 63°52′54″ N., long. 145°44′50″ W.; to lat. 63°52′55″ N., long. 145°42′56″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′01″ N., long. 145°33′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. 6,000 feet MSL to but not including 15,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201F Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°51′01″ N., long. 145°33′04″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′10″ N., long. 145°43′50″ W.; to lat. 63°50′58″ N., long. 145°43′48″ W.; to lat. 63°50′15″ N., long. 145°43′49″ W.; to lat. 63°50′16″ N., long. 145°44′22″ W.; to lat. 63°49′22″ N., long. 145°44′35″ W.; to lat. 63°47′35″ N., long. 145°45′05″ W.; to lat. 63°46′58″ N., long. 145°45′13″ W.; to lat. 63°46′56″ N., long. 145°37′10″ W.; to lat. 63°46′57″ N., long. 145°36′31″ W.; to lat. 63°47′43″ N., long. 145°35′08″ W.; to lat. 63°47′45″ N., long. 145°35′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. 6,000 feet MSL to but not including 15,000 feet MSL.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201G Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°58′49″ N., long. 145°41′15″ W.; to lat. 63°58′45″ N., long. 145°35′06″ W.; to lat. 63°58′08″ N., long. 145°35′05″ W.; to lat. 63°58′09″ N., long. 145°31′07″ W.; to lat. 63°57′17″ N., long. 145°31′05″ W.; to lat. 63°57′17″ N., long. 145°29′05″ W.; to lat. 63°56′54″ N., long. 145°29′02″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°57′20″ N., long. 145°39′25″ W.; to lat. 63°57′32″ N., long. 145°39′25″ W.; to the point of beginning by following Jarvis Creek.

Designated altitudes. 15,000 feet MSL to FL220.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201H Fort Greely, AK [New]

BOUNDARIES. Beginning at lat. 63°55′56″ N., long. 145°24′57″ W.; to lat. 63°56′33″ N., long. 145°27′43″ W.; to lat. 63°56′40″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°39′26″ W.; to lat. 63°56′20″ N., long. 145°44′41″ W.; to lat. 63°56′20″ N., long. 145°44′49″ W.; to lat. 63°52′54″ N., long. 145°44′50″ W.; to lat. 63°52′55″ N., long. 145°42′56″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′01″ N., long. 145°33′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. 15,000 feet MSL to FL220.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

R–2201J Fort Greely, AK [New]

Boundaries. Beginning at lat. 63°51′01″ N., long. 145°33′04″ W.; to lat. 63°51′09″ N., long. 145°42′52″ W.; to lat. 63°51′10″ N., long. 145°43′50″ W.; to lat. 63°50′58″ N., long. 145°43′48″ W.; to lat. 63°50′15″ N., long. 145°43′49″ W.; to lat. 63°50′16″ N., long. 145°44′22″ W.; to lat. 63°49′22 N., long. 145°44′35″ W.; to lat. 63°47′35″ N., long. 145°45′05″ W.; to lat. 63°46′58 N., long. 145°45′13″ W.; to lat. 63°46′56″ N., long. 145°37′10″ W.; to lat. 63°46′57″ N., long. 145°36′31″ W.; to lat. 63°47′43″ N., long. 145°35′08″ W.; to lat. 63°47′45″ N., long. 145°35′04″ W.; to the point of beginning by following Granite Creek.

Designated altitudes. 15,000 feet MSL to FL220.

Time of designation. 0700–1900 local time Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Anchorage, ARTCC.

Using agency. U.S. Army, AK (USARAK), Commanding General, Joint Base Elmendorf-Richardson (JBER), AK.

Issued in Washington, DC, on February 27, 2017.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2017–04187 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2017–C–0935]

DSM Biomedical; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by DSM Biomedical, proposing that the color additive regulations be amended to provide for the safe use of high purity carbon black for coloring ultra-high molecular weight polyethylene sutures for use in general surgery.

DATES: The color additive petition was filed on January 27, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph M. Thomas, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 301–796–9465.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 7C0310), submitted by DSM Biomedical, 735 Pennsylvania Dr., Exton, PA 19341. The petition proposes to amend the color additive regulations in 21 CFR part 73, *Listing of Color Additives Exempt From Certification*, to provide for the safe use of high purity carbon black for coloring ultra-high molecular weight polyethylene sutures for use in general surgery.

We have determined under 21 CFR 25.32(l) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: February 28, 2017.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2017–04188 Filed 3–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401

[FRL–9959–93–OW]

Intention To Review and Rescind or Revise the Clean Water Rule

AGENCY: U.S. Army Corps of Engineers (Corps), Department of the Army, Department of Defense; Environmental Protection Agency (EPA).

ACTION: Notice of intent.

SUMMARY: In accordance with a Presidential directive, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) announces its intention to review and rescind or revise the Clean Water Rule.

DATES: March 6, 2017.

FOR FURTHER INFORMATION, CONTACT: Ms. Donna Downing, Office of Water (4502–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number 202–566–2428; email *CWAwaters@epa.gov*, and Mr. Gib Owen, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, 104 Army Pentagon, Washington, DC 20310–0104; telephone number 703–695–4641; email *gib.a.owen.civ@mail.mil*.

SUPPLEMENTARY INFORMATION: The Federal Water Pollution Control Act, originally enacted in 1948, most comprehensively amended in 1972, and known as the Clean Water Act (CWA), seeks ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' 33 U.S.C. 1251 *et seq.* Among other provisions, the CWA regulates the discharge of pollutants into ''navigable waters,'' defined in the CWA as ''the waters of the United States.'' The question of what is a ''water of the United States'' is one that has generated substantial interest and uncertainty, especially among states, small businesses, the agricultural communities, and environmental organizations, because it relates to the extent of jurisdiction for federal and relevant state regulations.

The EPA and the Department of the Army (collectively, the agencies) have promulgated a series of regulations defining ''waters of the United States.'' The scope of ''waters of the United States'' as defined by the prior regulations has been subject to litigation in several U.S. Supreme Court cases, most recently in *Rapanos* v. *United States,* 547 U.S. 715 (2006) (''*Rapanos*''). In response to that decision, the agencies issued guidance regarding CWA jurisdiction in 2007, and revised it in 2008.

In response to that guidance, Members of Congress, developers, farmers, state and local governments, environmental organizations, energy companies and others asked the agencies to replace the guidance with a regulation. At the conclusion of that rulemaking process, the agencies issued the ''Clean Water Rule: Definition of 'Waters of the United States.' '' 80 FR 37054 (''2015 Rule'') (found at 40 CFR 110, 112, 116, 117, 122, 230, 232, 300, 302 and 401, and 33 CFR 328).

Due to concerns about the potential for continued regulatory uncertainty, as well as the scope and legal authority of the 2015 Rule, 31 states and a number of other parties sought judicial review in multiple actions. Seven states plus the District of Columbia, and an additional number of parties, then intervened in those cases. On October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the 2015 Rule nationwide pending further action of the court.

On February 28, 2017, the President of the United States issued an Executive Order directing the EPA and the Army to review and rescind or revise the 2015 Rule. Today, the EPA and the Army announce their intention to review that rule, and provide advanced notice of a forthcoming proposed rulemaking consistent with the Executive Order. In doing so, the agencies will consider interpreting the term ''navigable waters,'' as defined in the CWA in a manner consistent with the opinion of Justice Scalia in *Rapanos.* It is important that stakeholders and the public at large have certainty as to how the CWA applies to their activities.

Agencies have inherent authority to reconsider past decisions and to revise, replace or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (''*Fox*''); *Motor Vehicle Manufacturers Ass'n of the United States, Inc., et al,* v. *State Farm Mutual Automobile Insurance Co., et al.* 463 U.S. 29, 42 (1983) (''*State Farm*''). Importantly, such a revised decision need not be based upon a change of facts or circumstances. A revised rulemaking based ''on a reevaluation of which policy would be better in light of the facts'' is ''well within an agency's discretion,'' and ''[a] change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations.'' *National Ass'n of Home Builders* v. *EPA*, 682 F.3d 1032, 1038 & 1043 (D.C. Cir. 2012) (citing *Fox*, 556 U.S. at 514–15; quoting *State Farm*, 463 U.S. at 59 (Rehnquist, J., concurring in part and dissenting in part)).

Through new rulemaking, the EPA and the Army seek to provide greater clarity and regulatory certainty concerning the definition of ''waters of the United States,'' consistent with the principles outlined in the Executive Order and the agencies' legal authority.

Dated: February 28, 2017.

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

Dated: February 28, 2017.

Douglas W. Lamont,

Senior Offical Performing the Duties of the Assistant Secretary of the Army for Civil Works, Department of the Army.

[FR Doc. 2017–04312 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 42
Monday, March 6, 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

Submission for OMB Review; Comment Request

March 1, 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 April 5, 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* 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: National Animal Health Monitoring System; Antimicrobial Use Studies.

OMB Control Number: 0579–NEW.

Summary of Collection: Collection and dissemination of animal health data and information is mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the APHIS, Veterinary Services, the Bureau of Animal Industry. Legal requirements for examining and reporting on animal disease control methods were further mandated by 7 U.S.C. 8308 of the Animal Health Protection Act, ''Detection, Control, and Eradication of Diseases and Pests,'' May 13, 2002. APHIS will initiate the Antimicrobial Use Study which will consist of two surveys; a swine and feedlot survey. The information collected through the Antimicrobial Use Study will be analyzed and organized into one or more descriptive reports.

Need and Use of the Information: APHIS will use the data collected from the Antimicrobial Use Study to: (1) Describe antimicrobial usage to control and treat disease and promote growth on a regional and national basis both before and after implementation of the Food and Drug Administration's Veterinary Feed Directive; (2) Provide this information to industry as well as legislators to help form policy based on objective estimates; and (3) Use findings from the study as a basis for more in-depth evaluation of usage and resistance in a subsequent longitudinal study on farms. Without this information on antimicrobial use, the United States would have no ability to understand and develop information on trends in antimicrobial use nor would it be able to provide objective information to evaluate the results of the Food and Drug Administration's Veterinary Feed Directive.

Description of Respondents: Business or other for-profit.

Number of Respondents: 15,375.

Frequency of Responses: Reporting: Other: One time.

Total Burden Hours: 7,830.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–04220 Filed 3–3–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Summer Food Service Program; 2017 Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the annual adjustments to the reimbursement rates for meals served in the Summer Food Service Program for Children. These adjustments address changes in the Consumer Price Index, as required under the Richard B. Russell National School Lunch Act. The 2017 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. The 2017 rates are also presented individually, as separate operating and administrative rates of reimbursement, to show the effect of the Consumer Price Index adjustment on each rate.

DATES: *Effective date:* January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Jessica Saracino, Program Monitoring and Operational Support Division, Child Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Suite 628, Alexandria, Virginia 22302, 703–305–1620.

SUPPLEMENTARY INFORMATION: The Summer Food Service Program (SFSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.559 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR part 415 and final rule-related notice published at 48 FR 29114, June 24, 1983.)

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3518, no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612, and thus is exempt from the provisions of that Act. Additionally, this notice has been determined to be exempt from formal review by the Office of Management and Budget under Executive Order 12866.

Definitions

The terms used in this notice have the meaning ascribed to them under 7 CFR part 225 of the SFSP regulations.

Background

This notice informs the public of the annual adjustments to the reimbursement rates for meals served in SFSP. In accordance with sections 12(f) and 13, 42 U.S.C. 1760(f) and 1761, of the Richard B. Russell National School Lunch Act (NSLA) and SFSP regulations under 7 CFR part 225, the United States Department of Agriculture announces the adjustments in SFSP payments for meals served to participating children during calendar year 2017.

The 2017 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. Reimbursement is based solely on a ''meals times rate'' calculation, without comparison to actual or budgeted costs.

Sponsors receive reimbursement that is determined by the number of reimbursable meals served, multiplied by the combined rates for food service operations and administration. However, the combined rate is based on separate operating and administrative rates of reimbursement, each of which is adjusted differently for inflation.

Calculation of Rates

The combined rates are constructed from individually authorized operating and administrative reimbursements. Simplified procedures provide flexibility, enabling sponsors to manage their reimbursements to pay for any allowable cost, regardless of the cost category. Sponsors remain responsible, however, for ensuring proper administration of the Program, while providing the best possible nutrition benefit to children.

The operating and administrative rates are calculated separately. However, the calculations of adjustments for both cost categories are based on the same set of changes in the *Food Away From Home* series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. They represent a 2.3 percent increase in this series for the 12-month period, from November 2015 through November 2016 (from 258.805 in November 2015 to 264.699 in November 2016).

Table of 2017 Reimbursement Rates

Presentation of the 2017 maximum per meal rates for meals served to children in SFSP combines the results from the calculations of operational and administrative payments, which are further explained in this notice. The total amount of payments to State agencies for disbursement to SFSP sponsors will be based upon these adjusted combined rates and the number of meals of each type served. These adjusted rates will be in effect from January 1, 2017 through December 31, 2017.

SUMMER FOOD SERVICE PROGRAM 2017 REIMBURSEMENT RATES

[Combined]

Per meal rates in whole or fractions of U.S. dollars	All states except Alaska and Hawaii		Alaska		Hawaii	
	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites
Breakfast	2.1875	2.1450	3.5400	3.4725	2.5500	2.5025
Lunch or Supper	3.8325	3.7700	6.2075	6.1075	4.4850	4.4125
Snack	0.9075	0.8875	1.4700	1.4375	1.0550	1.0300

Operating Rates

The portion of the SFSP rates for operating costs is based on payment amounts set in section 13(b)(1) of the NSLA, 42 U.S.C. 1761(b)(1). They are rounded down to the nearest whole cent, as required by section 11(a)(3)(B)(iii) of the NSLA, 42 U.S.C. 1759a(a)(3)(B)(iii).

SUMMER FOOD SERVICE PROGRAM OPERATING COMPONENT OF 2017 REIMBURSEMENT RATES

Operating rates in U.S. dollars, rounded down to the nearest whole cent	All States except Alaska and Hawaii	Alaska	Hawaii
Breakfast	1.99	3.22	2.32
Lunch or Supper	3.47	5.62	4.06
Snack	0.81	1.31	0.94

Administrative Rates

The administrative cost component of the reimbursement is authorized under section 13(b)(3) of the NSLA, 42 U.S.C. 1761(b)(3). Rates are higher for sponsors of sites located in rural areas and for ''self-prep'' sponsors that prepare their own meals at the SFSP site or at a central facility instead of purchasing them from vendors. The administrative portion of SFSP rates are adjusted, either up or down, to the nearest quarter-cent.

SUMMER FOOD SERVICE PROGRAM ADMINISTRATIVE COMPONENT OF 2017 REIMBURSEMENT RATES

Administrative rates in U.S. dollars, adjusted, up or down, to the nearest quarter-cent	All States except Alaska and Hawaii		Alaska		Hawaii	
	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites
Breakfast	0.1975	0.1550	0.3200	0.2525	0.2300	0.1825
Lunch or Supper	0.3625	0.3000	0.5875	0.4875	0.4250	0.3525
Snack	0.0975	0.0775	0.1600	0.1275	0.1150	0.0900

Authority: Sections 9, 13, and 14, Richard B. Russell National School Lunch Act, 42 U.S.C. 1758, 1761, and 1762a, respectively.

Dated: February 27, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–04227 Filed 3–3–17; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the Maine Advisory Committee to the Commission will convene by conference call at 1:30 p.m. (EDT) on Tuesday, March 28, 2017. The purpose of the meeting is to discuss possible dates for a briefing on its project regarding the criminalization of the mentally ill and potential panelists for the briefing.

DATES: Thursday, March 28, 2017, from 1:30 p.m. to 3:00 p.m. EDT.

PUBLIC CALL-IN INFORMATION: Conference call number: 1–888–684–1264 and conference call ID: 9702460.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–684–1264 and conference call ID: 9702460. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–888–364–3109 and providing the operator with the toll-free conference call number: 1–888–684–1264 and conference call ID: 9702460.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=252*; click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

I. Roll Call
II. Planning Meeting
  Discuss project planning
III. Other Business
IV. Adjournment

Dated: February 28, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–04171 Filed 3–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Notice of Correction to Filing of Federal Register Notice for 2018 End-to-End Census Test—Address Canvassing Operation

AGENCY: Census Bureau, Commerce.

ACTION: Notice of correction.

SUMMARY: On January 10, 2017, **Federal Register** Document 2017–00196 was published under the Department of Commerce. This document should be posted with Agency name Census Bureau and with the document title 2018 End-to-End Census Test—Address Canvassing Operation.

There are no other changes or corrections to this document.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–04296 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Notice of Correction to Federal Register Notice for 2017 Puerto Rico Census Test

AGENCY: Census Bureau, Commerce.

ACTION: Notice of correction.

SUMMARY: On July 19, 2016, **Federal Register** Document 2016–16966 was published, which provided the Census Bureau's plans for the 2017 Puerto Rico Census Test. This test was subsequently cancelled. This Correction Notice serves as notification of the cancellation of this test after the **Federal Register** Notice was published for public comment.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–04297 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–171–2016]

Approval of Subzone Status; TopShip, LLC, Gulfport, Mississippi

On December 1, 2016, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Mississippi Coast Foreign Trade Zone, Inc., grantee of FTZ 92, requesting subzone status subject to the existing activation limit of FTZ 92, on behalf of TopShip, LLC, in Gulfport, Mississippi.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (81 FR 88213, December 7, 2016). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 92F is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 92's 2,000-acre activation limit.

Dated: February 28, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04277 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–73–2016]

Foreign-Trade Zone (FTZ) 176—Rockford, Illinois, Authorization of Production Activity, Brake Parts Inc. (Automotive Parts Kitting), McHenry, Illinois

On November 2, 2016, Brake Parts Inc., submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ Subzone 176G, in McHenry, Illinois.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (81 FR 79415, November 14, 2016). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: March 1, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04276 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Submission for OMB Review; Comment Request; Technical Data Letter of Explanation

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Technical Data Letter of Explanation.

Form Number(s): N/A.

OMB Control Number: 0694–0047.

Type of Review: Regular submission.

Estimated Total Annual Burden Hours: 6,226.

Estimated Number of Respondents: 6,313.

Estimated Time per Response: 30 minutes–2 hours.

Needs and Uses: These technical data letters of explanation will assure the Bureau of Industry and Security that U.S.-origin technical data will be exported only for authorized end-uses, users and destinations.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov *http://www.reginfo.gov/public/*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–04298 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–868]

Large Residential Washers From the Republic of Korea: Preliminary Results of the Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from the Republic of Korea. The period of review (POR) is February 1, 2015, through January 31, 2016. The review covers one producer/exporter of the subject merchandise, LG Electronics, Inc. (LGE). We preliminarily determine that sales of subject merchandise by LGE were not made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.[1]

[1] For a full descripition of the scope of the order, *see* Memorandum from James Maeder, Senior Director, Office I, for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled ''Decision Memorandum for the Preliminary Results of the 2015–2016 Administrative Review of the Antidumping Duty Order on Large Residential Washers from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that a weighted-average margin of 0.00 percent exists for LGE for the period February 1, 2015, through January 31, 2016.

Disclosure and Public Comment

We will disclose the calculations performed to parties in this segment of the proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not later than seven days after the date on which the last verification report is issued in this proceeding.[2] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[3] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[4] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All documents must be filed electronically using ACCESS. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[5]

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[6]

We will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[7] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[8]

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for LGE will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the less-than-fair-value investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Secretary's presumption that reimbursement of antidumping duties and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

[2] *See* 19 CFR 351.309(c).

[3] *See* 19 CFR 351.309(d).

[4] *See* 19 CFR 351.310(d).

[5] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[6] *See* 19 CFR 351.212(b).

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[8] *See* section 751(a)(2)(C) of the Act.

[9] *See Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders,* 78 FR 11148 (February 15, 2013).

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
A. NV Comparisons
1. Determination of Comparison Method
2. Results of the Differential Pricing Analysis
B. Product Comparisons
C. EP and CEP
D. NV
1. Home Market Viability and Selection of Comparison Market
2. Affiliated Party Transactions and Arm's-Length Test
3. Level of Trade (LOT)
E. Cost of Production (COP) Analysis
1. Calculation of COP
2. Test of Comparison Market Sales Prices
3. Results of the COP Test
F. Calculation of NV Based on Comparison Market Prices
G. Calculation of NV Based on CV
H. Currency Conversion
V. Recommendation

[FR Doc. 2017–04273 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–051]

Certain Hardwood Plywood Products From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Amanda Brings at (202) 482–3927 or Ryan Mullen at (202) 482–5260, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2016, the Department of Commerce (the Department) initiated an antidumping duty investigation of certain hardwood plywood products from the People's Republic of China.[1] Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1) state that the Department will make a preliminary determination no later than 140 days after the date of the initiation. Accordingly, the preliminary determination of this antidumping duty investigation is currently due no later than April 27, 2017.

Postponement of Preliminary Determination

On February 21, 2017, the Coalition for Fair Trade in Hardwood Plywood and its individual members (Petitioners), made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determination, in order to facilitate the Department's analysis of the data and questionnaire responses submitted by respondents.[2] Because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination by 50 days.

For the reasons stated above, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 190 days after the date on which the Department initiated this investigation. Therefore, the new deadline for the preliminary determination is June 16, 2017. In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 27, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–04264 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Hardwood Plywood Products From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 81 FR 91125 (December 16, 2016).

[2] *See* Letter to the Acting Secretary of Commerce from Petitioners, re: ''Certain Hardwood Plywood Products from the People's Republic of China: Petitioner's Request to Extend Preliminary Determination'' (February 21, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–842]

Large Residential Washers From Mexico: Preliminary Results of the Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from Mexico. The period of review (POR) is February 1, 2015, through January 31, 2016. The review covers one producer/exporter of the subject merchandise, Electrolux Home Products, Inc., Electrolux Home Products Corp. N.V., and Electrolux Home Products de Mexico, S.A. de C.V. (collectively, Electrolux). We preliminarily determine that sales of subject merchandise by Electrolux have been made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Ross Belliveau or Rebecca Janz, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4952 or (202) 482–2972, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Mexico. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.[1]

[1] For a full description of the scope of the order *see* Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled ''Decision Memorandum for the Preliminary Results of the 2015–2016 Administrative Review of the

Methodology

The Department is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that a weighted-average margin of 1.24 percent exists for Electrolux for the period February 1, 2015, through January 31, 2016.

Disclosure and Public Comment

We will disclose the calculations performed to parties in this segment of the proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not later than seven days after the date on which the final verification report is issued in this proceeding.[2] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[3] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.[4] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All documents must be filed electronically using ACCESS. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[5]

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[6]

We will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[7] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[8]

We intend to issue instructions to CBP 41 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Electrolux will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 36.52 percent, the all-others rate established in the less-than-fair-value investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Antidumping Duty Order on Large Residential Washers from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] *See* 19 CFR 351.309(c).

[3] *See* 19 CFR 351.309(d).

[4] *Id.*

[5] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[6] *See* 19 CFR 351.212(b).

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[8] *See* section 751(a)(2)(C) of the Act.

[9] *See Large Residential Washers From Mexico and the Republic of Korea: Antidumping Duty Orders,* 78 FR 11148 (February 15, 2013).

Dated: February 27, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

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[FR Doc. 2017–04272 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand; Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) is conducting an administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from Thailand. The review covers 160 producers/exporters of the subject merchandise. The Department selected two mandatory respondents for individual examination: A Foods 1991 Co., Limited and May Ao Foods Co., Ltd. (collectively, Mayao); and Thai Union/Pakfood, which consists of Thai Union Group Public Co., Ltd. (also known as Thai Union Frozen Products Public Co., Ltd.), Thai Union Seafood Company Limited, Pakfood Public Company Limited, Asia Pacific (Thailand) Co., Ltd., Chaophraya Cold Storage Co. Ltd., Okeanos Co. Ltd., Okeanos Food Co. Ltd., and Takzin Samut Co. Ltd. The period of review (POR) is February 1, 2015, through January 31, 2016. We preliminarily determine that sales to the United States have been made below normal value and, therefore, are subject to antidumping duties. Additionally, we preliminarily determine that certain companies for which we initiated a review did not have any shipments during the POR. If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. We invite interested parties to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Andrew Medley or Alice Maldonado, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4987 and (202) 482–4682, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[1] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Determination of No Shipments

Among the companies under review, five companies properly filed statements reporting that they made no shipments of subject merchandise to the United States during the POR.[2] Based on the certifications submitted by four of these companies and our analysis of CBP information, we preliminarily determine that the following companies had no reviewable transactions during the POR: (1) Calsonic Kansei (Thailand) Co., Ltd.; (2) Lucky Union Foods Co., Ltd.; (3) Marine Gold Products Ltd. (Marine Gold); [3] and (4) Thai Union Manufacturing Company Limited (Thai Union Manufacturing). The Department finds that it is not appropriate to preliminarily rescind the review with respect to these companies but, rather, to complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.[4]

[1] For a complete description of the scope of the Order, *see* Memorandum from James Maeder, Senior Director, Office I, for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] For a full explanation of the Department's analysis, *see* the Preliminary Decision Memorandum.

[3] Shrimp produced and exported by Marine Gold was excluded from the AD Thailand order effective February 1, 2012. *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Revocation of Order (in Part); 2011–2012,* 78 FR 42497, 42499 (July 16, 2013) (*2011–2012 Thai Shrimp*). Accordingly, we are conducting this administrative review with respect to Marine Gold only for shrimp produced in Thailand where Marine Gold acted as either the producer or the exporter (but not both).

[4] *See, e.g., Certain Frozen Warmwater Shrimp From Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013, 79 FR 15951, 15952 (March 24, 2014), unchanged in Certain Frozen Warmwater Shrimp From Thailand: Final Results of*

One of the remaining companies, Grobest Frozen Foods Co., Ltd. (Grobest) failed to provide a complete certification relating to potential sales or entries of subject merchandise during the POR.[5] Therefore, we preliminarily find that there is insufficient evidence on the record of this review to conclude that Grobest made no shipments of subject merchandise to the United States during the POR.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that weighted-average dumping margins exist for the respondents for the period February 1, 2015, through January 31, 2016, as follows:

Exporter/producer	Weighted-average dumping margin (percent)
A Foods 1991 Co., Limited/May Ao Foods Co., Ltd	1.23
Thai Union Frozen Products Public Co., Ltd.[6]/Thai Union Group Public Co., Ltd./Thai Union Seafood Co., Ltd./Pakfood Public Company Limited/Okeanos Food Co., Ltd./Okeanos Co. Ltd./Asia Pacific (Thailand) Co., Ltd.,/Chaophraya Cold Storage Co. Ltd./Takzin Samut Co. Ltd	0.51

Review-Specific Average Rate Applicable to the Following Non-Selected Companies: [7]

Exporter/producer	Estimated weighted-average dumping margin (percent)
A. Wattanachai Frozen Products Co., Ltd	0.81
A.P. Frozen Foods Co., Ltd	0.81
A.S. Intermarine Foods Co., Ltd	0.81
ACU Transport Co., Ltd	0.81
Ampai Frozen Foods Co., Ltd	0.81
Anglo-Siam Seafoods Co., Ltd	0.81
Apex Maritime (Thailand) Co., Ltd	0.81
Apitoon Enterprise Industry Co., Ltd	0.81
Applied DB	0.81
Asian Seafood Coldstorage (Sriracha)	0.81
Asian Seafoods Coldstorage Public Co., Ltd./Asian Seafoods Coldstorage (Suratthani) Co., Limited/STC Foodpak Ltd	0.81
Assoc. Commercial Systems	0.81
B.S.A. Food Products Co., Ltd	0.81
Bangkok Dehydrated Marine Product Co., Ltd	0.81
C Y Frozen Food Co., Ltd	0.81
C.P. Mdse	0.81
C.P. Merchandising Co., Ltd./Charoen Pokphand Foods Public Co., Ltd./Klang Co., Ltd./Seafoods Enterprise Co., Ltd./Thai Prawn Culture Center Co., Ltd	0.81
CP Retailing and Marketing Co., Ltd	0.81
C.P. Intertrade Co. Ltd	0.81
Calsonic Kansei (Thailand) Co., Ltd	(*)
Century Industries Co., Ltd	0.81
Chaivaree Marine Products Co., Ltd	0.81
Chaiwarut Company Limited	0.81
Charoen Pokphand Foods Public Co., Ltd	0.81
Charoen Pokphand Petrochemical Co., Ltd	0.81
Chonburi LC	0.81
Chue Eie Mong Eak	0.81
Commonwealth Trading Co., Ltd	0.81
Core Seafood Processing Co., Ltd	0.81
C.P.F. Food Products Co., Ltd	0.81
Crystal Frozen Foods Co., Ltd	0.81
Crystal Seafood	0.81
Daedong (Thailand) Co. Ltd	0.81

Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013, 79 FR 51306 (August 28, 2014).

[5] *See* the Department's letter to Grobest, dated March 29, 2016, to which Grobest did not respond.

[6] On January 5, 2016, the Department found that Thai Union Group Public Co., Ltd. is the successor-in-interest to Thai Union Frozen Products Public Co., Ltd. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand,* 81 FR 222 (January 5, 2016).

[7] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

[8] Shrimp produced and exported by Marine Gold Products Ltd. (Marine Gold) were excluded from the antidumping duty order order effective February 1, 2012. *See 2011–2012 Thai Shrimp,* 78 FR at 42499. Accordingly, we are conducting this administrative review with respect to Marine Gold only for shrimp produced in Thailand where Marine Gold acted as either the manufacturer or exporter (but not both).

Exporter/producer	Estimated weighted-average dumping margin (percent)
Daiei Taigen (Thailand) Co., Ltd	0.81
Daiho (Thailand) Co., Ltd	0.81
Dynamic Intertransport Co., Ltd	0.81
Earth Food Manufacturing Co., Ltd	0.81
F.A.I.T. Corporation Limited	0.81
Far East Cold Storage Co., Ltd	0.81
Fimex VN	0.81
Findus (Thailand) Ltd	0.81
Fortune Frozen Foods (Thailand) Co., Ltd	0.81
Frozen Marine Products Co., Ltd	0.81
Gallant Ocean (Thailand) Co., Ltd	0.81
Gallant Seafoods Corporation	0.81
Global Maharaja Co., Ltd	0.81
Golden Sea Frozen Foods Co., Ltd	0.81
Golden Thai Imp. & Exp. Co., Ltd	0.81
Good Fortune Cold Storage Co. Ltd	0.81
Good Luck Product Co., Ltd	0.81
Grobest Frozen Foods Co., Ltd	0.81
Gulf Coast Crab Intl	0.81
H.A.M. International Co., Ltd	0.81
Haitai Seafood Co., Ltd	0.81
Handy International (Thailand) Co., Ltd	0.81
Heng Seafood Limited Partnership	0.81
Heritrade	0.81
HIC (Thailand) Co., Ltd	0.81
High Way International Co., Ltd	0.81
I.S.A. Value Co., Ltd	0.81
I.T. Foods Industries Co., Ltd	0.81
Inter-Oceanic Resources Co., Ltd	0.81
Inter-Pacific Marine Products Co., Ltd	0.81
K & U Enterprise Co., Ltd	0.81
K Fresh	0.81
K.D. Trading Co., Ltd	0.81
K.L. Cold Storage Co., Ltd	0.81
KF Foods Ltd	0.81
Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd	0.81
Kibun Trdg	0.81
Kingfisher Holdings Ltd	0.81
Kitchens of the Oceans (Thailand) Company, Ltd	0.81
Kongphop Frozen Foods Co., Ltd	0.81
Lee Heng Seafood Co., Ltd	0.81
Leo Transports	0.81
Li-Thai Frozen Foods Co., Ltd	0.81
Lucky Union Foods Co., Ltd	(*)
Magnate & Syndicate Co., Ltd	0.81
Mahachai Food Processing Co., Ltd	0.81
Mahachai Marine Foods Co., Ltd	0.81
Marine Gold Products Ltd.[8]	(*)
Merit Asia Foodstuff Co., Ltd	0.81
Merkur Co., Ltd.	0.81
Ming Chao Ind Thailand	0.81
N&N Foods Co., Ltd	0.81
N.R. Instant Produce Co., Ltd	0.81
Namprik Maesri Ltd. Part	0.81
Narong Seafood Co., Ltd	0.81
Nongmon SMJ Products	0.81
Ongkorn Cold Storage Co., Ltd./Thai-Ger Marine Co., Ltd	0.81
Pacific Queen Co., Ltd	0.81
Pakpanang Coldstorage Public Co., Ltd	0.81
Penta Impex Co., Ltd	0.81
Pinwood Nineteen Ninety Nine	0.81
Piti Seafood Co., Ltd	0.81
Premier Frozen Products Co., Ltd	0.81
Preserved Food Specialty Co., Ltd	0.81
Queen Marine Food Co., Ltd	0.81
Rayong Coldstorage (1987) Co., Ltd	0.81
S&D Marine Products Co., Ltd	0.81
S&P Aquarium	0.81
S&P Syndicate Public Company Ltd	0.81
S. Chaivaree Cold Storage Co., Ltd	0.81

Exporter/producer	Estimated weighted-average dumping margin (percent)
S. Khonkaen Food Industry Public Co., Ltd. and/or S. Khonkaen Food Ind. Public	0.81
S.K. Foods (Thailand) Public Co. Limited	0.81
Samui Foods Company Limited	0.81
SB Inter Food Co., Ltd	0.81
SCT Co., Ltd	0.81
Sea Bonanza Food Co., Ltd	0.81
SEA NT'L CO., LTD	0.81
Seafresh Fisheries/Seafresh Industry Public Co., Ltd	0.81
Search and Serve	0.81
Sethachon Co., Ltd	0.81
Shianlin Bangkok Co., Ltd	0.81
Shing Fu Seaproducts Development Co	0.81
Siam Food Supply Co., Ltd	0.81
Siam Haitian Frozen Food Co., Ltd	0.81
Siam Intersea Co., Ltd	0.81
Siam Marine Products Co. Ltd	0.81
Siam Ocean Frozen Foods Co. Ltd	0.81
Siam Union Frozen Foods	0.81
Siamchai International Food Co., Ltd	0.81
Smile Heart Foods Co. Ltd	0.81
SMP Products, Co., Ltd	0.81
Southport Seafood Co., Ltd	0.81
Star Frozen Foods Co., Ltd	0.81
Starfoods Industries Co., Ltd	0.81
Suntechthai Intertrading Co., Ltd	0.81
Surapon Foodsblic Co., Ltd./Surat Seafoods Public Co., Ltd	0.81
Surapon Nichirei Foods Co., Ltd	0.81
Suratthani Marine Products Co., Ltd	0.81
Suree Interfoods Co., Ltd	0.81
T.S.F. Seafood Co., Ltd	0.81
Tep Kinsho Foods Co., Ltd	0.81
Teppitak Seafood Co., Ltd	0.81
Tey Seng Cold Storage Co., Ltd	0.81
Thai Agri Foods Public Co., Ltd	0.81
Thai Hanjin Logistics Co., Ltd	0.81
Thai Mahachai Seafood Products Co., Ltd	0.81
Thai Ocean Venture Co., Ltd	0.81
Thai Patana Frozen	0.81
Thai Royal Frozen Food Co., Ltd	0.81
Thai Spring Fish Co., Ltd	0.81
Thai Union Manufacturing Company Limited	(*)
Thai World Imports and Exports Co., Ltd	0.81
Thai Yoo Ltd., Part	0.81
The Siam Union Frozen Foods Co., Ltd	0.81
The Union Frozen Products Co., Ltd./Bright Sea Co., Ltd	0.81
Trang Seafood Products Public Co., Ltd	0.81
Transamut Food Co., Ltd	0.81
Tung Lieng Tradg	0.81
United Cold Storage Co., Ltd	0.81
UTXI Aquatic Products Processing Company	0.81
V. Thai Food Product Co., Ltd	0.81
Wann Fisheries Co., Ltd	0.81
Xian-Ning Seafood Co., Ltd	0.81
Yeenin Frozen Foods Co., Ltd	0.81
ZAFCO TRDG	0.81

* No shipments or sales subject to this review.

Disclosure and Public Comment

The Department intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[9] Interested parties may submit cases briefs to the Department no later than 30 days after the date of publication of this notice.[10] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[11] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c).

[11] *See* 19 CFR 351.309(d).

authorities.[12] Case and rebuttal briefs should be filed using ACCESS.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[14] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[15]

The Department intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.

Pursuant to 19 CFR 351.212(b)(1), where Mayao and Thai Union/Pakfood reported the entered value for of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where Mayao and Thai Union/Pakfood have not reported entered value, we calculated the entered value in order to calculate the assessment rates. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the average [16] of the cash deposit rates calculated for the companies selected for mandatory review (*i.e.,* Mayao and Thai Union), excluding any which are *de minimis* or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[17]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.34 percent, the all-others rate made effective by the *Section 129 Determination.*[18] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Determination of No Shipments
5. Discussion of the Methodology
   a. Normal Value Comparisons
   i. Determination of Comparison Method
   ii. Results of Differential Pricing Analysis
   b. Product Comparisons
   c. Export Price/Constructed Export Price
   d. Normal Value
   i. Home Market Viability
   ii. Affiliated-Party Transactions and Arm's-Length Test
   iii. Level of Trade
   iv. Cost of Production Analysis
   1. Calculation of Cost of Production
   2. Test of Comparison Market Sales Prices
   3. Results of the COP Test
   v. Calculation of Normal Value Based on Comparison Market Prices
   vi. Calculation of Normal Value Based on Constructed Value
6. Currency Conversion
7. Recommendation

[FR Doc. 2017–04275 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–840]

Certain Frozen Warmwater Shrimp From India: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) is conducting an administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from India. The review covers 231 producers and/or exporters of the subject merchandise. The Department selected two mandatory respondents for individual examination: Falcon Marine

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] *See* 19 CFR 351.303.

[14] See 19 CFR 351.310(c).

[15] *Id.*

[16] This rate will be calculated as discussed in footnote 5, above.

[17] *See* section 751(a)(2)(C) of the Act.

[18] *See Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp From Thailand: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp From Thailand,* 74 FR 5638 (January 30, 2009) (*Section 129 Determination*).

Exports Limited and its affiliate K.R. Enterprises (collectively, Falcon); and the Liberty Group, which consists of: Devi Marine Food Exports Private Ltd.; Kader Exports Private Limited; Kader Investment and Trading Company Private Limited; Liberty Frozen Foods Pvt. Ltd.; Liberty Oil Mills Ltd.; Premier Marine Products Private Limited; and Universal Cold Storage Private Limited. The period of review (POR) is February 1, 2015, through January 31, 2016. We preliminarily determine that sales to the United States have been made below normal value and, therefore, are subject to antidumping duties. If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. We invite all interested parties to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or Manuel Rey, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6345 or (202) 482–5518, respectively.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[1] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that weighted-average dumping margins exist for the respondents for the period February 1, 2015, through January 31, 2016, as follows:

Exporter/Producer	Weighted-average dumping margin (percent)
Falcon Marine Exports Limited/K.R. Enterprises	1.07
The Liberty Group	0.00

Review-Specific Average Rate Applicable to the Following Companies: [2]

Exporter/Producer	Weighted-average dumping margin (percent)
Abad Fisheries	1.07
Adilakshmi Enterprises	1.07
Akshay Food Impex Pvt., Limited	1.07
Alashore Marine Exports (P) Ltd	1.07
Allana Frozen Foods Pvt. Ltd	1.07
Allanasons Ltd	1.07
AMI Enterprises	1.07
Amulya Seafoods	1.07
Anand Aqua Exports	1.07
Ananda Aqua Applications/Ananda Aqua Exports (P) Limited/Ananda Foods	1.07
Ananda Enterprises (India) Private Limited	1.07
Angelique Intl	1.07
Anjaneya Seafoods	1.07
Apex Frozen Foods Private Limited	1.07

[1] For a complete description of the Scope of the Order, *see* Memorandum from James Maeder, Senior Director, Office I, for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled ''Decision Memorandum for the Preliminary Results of the 2015–2016 Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

Exporter/Producer	Weighted-average dumping margin (percent)
Aquatica Frozen Foods Global Pvt. Ltd	1.07
Arvi Import & Export	1.07
Asvini Exports	1.07
Asvini Fisheries Private Limited	1.07
Avanti Feeds Limited	1.07
Ayshwarya Seafood Private Limited	1.07
B-One Business House Pvt. Ltd	1.07
B R Traders	1.07
Baby Marine Exports	1.07
Baby Marine International	1.07
Baby Marine Sarass	1.07
Baby Marine Ventures	1.07
Balasore Marine Exports Private Limited	1.07
Bay Seafoods	1.07
Bhatsons Aquatic Products	1.07
Bhavani Seafoods	1.07
Bijaya Marine Products	1.07
Blue Fin Frozen Foods Pvt. Ltd	1.07
Blue Water Foods & Exports P. Ltd	1.07
Bluepark Seafoods Private Ltd	1.07
BMR Exports	1.07
BMR Industries Private Limited	1.07
Britto Exports	1.07
C P Aquaculture (India) Ltd	1.07
Calcutta Seafoods Pvt. Ltd	1.07
Canaan Marine Products	1.07
Capithan Exporting Co	1.07
Cargomar Private Limited	1.07
Castlerock Fisheries Ltd	1.07
Chemmeens (Regd)	1.07
Cherukattu Industries (Marine Div.)	1.07
Choice Canning Company	1.07
Choice Trading Corporation Private Limited	1.07
Coastal Aqua	1.07
Coastal Corporation Ltd	1.07
Cochin Frozen Food Exports Pvt. Ltd	1.07
Coreline Exports	1.07
Corlim Marine Exports Pvt. Ltd	1.07
D2 D Logistics Private Limited	1.07
Damco India Private Limited	1.07
Delsea Exports Pvt. Ltd	1.07
Devi Aquatech Private Limited	1.07
Devi Fisheries Limited/Satya Seafoods Private Limited/Usha Seafoods	1.07
Devi Sea Foods Limited [3]	1.07
Diamond Seafoods Exports/Edhayam Frozen Foods Pvt. Ltd./Kadalkanny Frozen Foods/Theva & Company	1.07
Esmario Export Enterprises	1.07
Exporter Coreline Exports	1.07
Febin Marine Foods	1.07
Five Star Marine Exports Private Limited	1.07
Forstar Frozen Foods Pvt. Ltd	1.07
Frontline Exports Pvt. Ltd	1.07
G A Randerian Ltd	1.07
Gadre Marine Exports	1.07
Galaxy Maritech Exports P. Ltd	1.07
Gayatri Seafoods	1.07
Geo Aquatic Products (P) Ltd	1.07
Geo Seafoods	1.07
Goodwill Enterprises	1.07
Grandtrust Overseas (P) Ltd	1.07
GVR Exports Pvt. Ltd	1.07
Haripriya Marine Export Pvt. Ltd	1.07
Harmony Spices Pvt. Ltd	1.07
HIC ABF Special Foods Pvt. Ltd	1.07
Hindustan Lever, Ltd	1.07
Hiravata Ice & Cold Storage	1.07
Hiravati Exports Pvt. Ltd	1.07
Hiravati International Pvt. Ltd. (located at APM—Mafco Yard, Sector—18, Vashi, Navi, Mumbai—400 705, India)	1.07
Hiravati International Pvt. Ltd. (located at Jawar Naka, Porbandar, Gujarat, 360 575, India)	1.07
IFB Agro Industries Ltd	1.07
Indian Aquatic Products	1.07

Exporter/Producer	Weighted-average dumping margin (percent)
Indo Aquatics	1.07
Indo Fisheries	1.07
Indo French Shellfish Company Private Limited	1.07
Innovative Foods Limited	1.07
International Freezefish Exports	1.07
Interseas	1.07
ITC Limited, International Business	1.07
ITC Ltd	1.07
Jagadeesh Marine Exports	1.07
Jaya Satya Marine Exports	1.07
Jaya Satya Marine Exports Pvt. Ltd	1.07
Jaya Lakshmi Sea Foods Pvt. Limited	1.07
Jinny Marine Traders	1.07
Jiya Packagings	1.07
K R M Marine Exports Ltd	1.07
K V Marine Exports	1.07
Kalyan Aqua & Marine Exp. India Pvt. Ltd	1.07
Kalyanee Marine	1.07
Kanch Ghar	1.07
Karunya Marine Exports Private Limited	1.07
Kay Kay Exports	1.07
Kay Kay Exports (Kay Kay Foods)	1.07
Kings Marine Products	1.07
KNC Agro Limited	1.07
Koluthara Exports Ltd	1.07
Landauer Ltd	1.07
Libran Cold Storages (P) Ltd	1.07
Magnum Estates Limited	1.07
Magnum Export	1.07
Magnum Sea Foods Limited	1.07
Malabar Arabian Fisheries	1.07
Malnad Exports Pvt. Ltd	1.07
Mangala Marine Exim India Pvt. Ltd	1.07
Mangala Seafoods	1.07
Mangala Sea Products	1.07
Marine Harvest India	1.07
Meenaxi Fisheries Pvt. Ltd	1.07
Milesh Marine Exports Private Limited	1.07
MSRDR Exports	1.07
MTR Foods	1.07
Munnangi Sea Foods Pvt. Ltd	1.07
N.C. John & Sons (P) Ltd	1.07
Naga Hanuman Fish Packers	1.07
Naik Frozen Foods Private Limited	1.07
Naik Seafoods Ltd	1.07
Navayuga Exports	1.07
Neeli Aqua Private Limited	1.07
Nekkanti Sea Foods Limited	1.07
Nezami Rekha Sea Foods Private Limited	1.07
NGR Aqua International	1.07
Nila Sea Foods Exports	1.07
Nila Sea Foods Pvt. Ltd	1.07
Nine Up Frozen Foods	1.07
Nutrient Marine Foods Ltd	1.07
Oceanic Edibles International Limited	1.07
Overseas Marine Export	1.07
Paragon Sea Foods Pvt. Ltd	1.07
Paramount Seafoods	1.07
Parayil Food Products Pvt. Ltd	1.07
Penver Products Pvt. Ltd	1.07
Pesca Marine Products Pvt. Ltd	1.07
Pijikay International Exports P Ltd	1.07
Pisces Seafood International	1.07
Premier Exports International	1.07
Premier Marine Foods	1.07
Premier Seafoods Exim (P) Ltd	1.07
R V R Marine Products Limited	1.07
Raa Systems Pvt. Ltd	1.07
Raju Exports	1.07
Ram's Assorted Cold Storage Ltd	1.07

Exporter/Producer	Weighted-average dumping margin (percent)
Raunaq Ice & Cold Storage	1.07
Raysons Aquatics Pvt. Ltd	1.07
Razban Seafoods Ltd	1.07
RBT Exports	1.07
RDR Exports	1.07
RF Exports	1.07
Riviera Exports Pvt. Ltd	1.07
Rohi Marine Private Ltd	1.07
S & S Seafoods	1.07
S Chanchala Combines	1.07
S.A. Exports	1.07
S.J. Seafoods	1.07
Safa Enterprises	1.07
Sagar Foods	1.07
Sagar Grandhi Exports Pvt. Ltd	1.07
Sagar Samrat Seafoods	1.07
Sagarvihar Fisheries Pvt. Ltd	1.07
Sai Marine Exports Pvt. Ltd	1.07
Sai Sea Foods	1.07
Salvam Exports (P) Ltd	1.07
Sanchita Marine Products Private Limited	1.07
Sandhya Aqua Exports	1.07
Sandhya Aqua Exports Pvt. Ltd	1.07
Sandhya Marines Limited	1.07
Santhi Fisheries & Exports Ltd	1.07
Sarveshwari Exports	1.07
Sawant Food Products	1.07
Sea Foods Private Limited	1.07
Seagold Overseas Pvt. Ltd	1.07
Selvam Exports Private Limited	1.07
Sharat Industries Ltd	1.07
Sharma Industries	1.07
Shimpo Exports Pvt. Ltd	1.07
Shippers Exports	1.07
Shiva Frozen Food Exports Pvt. Ltd	1.07
Shree Datt Aquaculture Farms Pvt. Ltd	1.07
Shroff Processed Food & Cold Storage P Ltd	1.07
Silver Seafood	1.07
Sita Marine Exports	1.07
Sowmya Agri Marine Exports	1.07
Sprint Exports Pvt. Ltd	1.07
Sri Chandrakantha Marine Exports	1.07
Sri Sakkthi Cold Storage	1.07
Sri Satya Marine Exports	1.07
Sri Venkata Padmavathi Marine Foods Pvt. Ltd	1.07
Srikanth International	1.07
Star Agro Marine Exports Private Limited	1.07
Star Organic Foods Incorporated	1.07
Sterling Foods	1.07
Sun-Bio Technology Ltd	1.07
Sunrise Aqua Food Exports	1.07
Supran Exim Private Limited	1.07
Suryamitra Exim Pvt. Ltd	1.07
Suvarna Rekha Exports Private Limited	1.07
Suvarna Rekha Marines P Ltd	1.07
TBR Exports Pvt Ltd	1.07
Teekay Marine P Ltd	1.07
The Waterbase Ltd	1.07
Triveni Fisheries P Ltd	1.07
U & Company Marine Exports	1.07
Uniroyal Marine Exports Ltd	1.07
Unitriveni Overseas	1.07
V V Marine Products	1.07
V.S. Exim Pvt Ltd	1.07
Vasista Marine	1.07
Veejay Impex	1.07
Veerabhadra Exports Private Limited	1.07
Veronica Marine Exports Private Limited	1.07
Victoria Marine & Agro Exports Ltd	1.07
Vinner Marine	1.07

Exporter/Producer	Weighted-average dumping margin (percent)
Vishal Exports	1.07
Vitality Aquaculture Pvt., Ltd	1.07
Wellcome Fisheries Limited	1.07
West Coast Frozen Foods Private Limited	1.07
Z A Sea Foods Pvt. Ltd	1.07

Disclosure and Public Comment

The Department intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[4] Interested parties may submit case briefs to the Department no later than seven days after the date of the final verification report issued in this review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Case and rebuttal briefs should be filed using ACCESS.[7]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[8] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[9]

The Department intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.

Pursuant to 19 CFR 351.212(b)(1), because Falcon and the Liberty Group reported the entered value for all of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the average [10] of the cash deposit rates calculated for the companies selected for mandatory review (*i.e.,* Falcon and the Liberty Group), excluding any which are *de minimis* or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[11]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate made effective by the LTFV investigation.[12] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[3] Shrimp produced and exported by Devi Sea Foods (Devi) was excluded from the AD Indian order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). Accordingly, we are conducting this administrative review with respect to Devi only for shrimp produced in India where Devi acted as either the manufacturer or exporter (but not both).

[4] *See* 19 CFR 351.224(b).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.303.

[8] *See* 19 CFR 351.310(c).

[9] *Id.*

[10] This rate will be calculated as discussed in footnote 2, above.

[11] *See* section 751(a)(2)(C) of the Act.

[12] *See Notice of Amended Final Determination of Sale at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From India,* 70 FR 5147 (February 1, 2005).

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   a. Normal Value Comparisons
   b. Determination of Comparison Method
   c. Results of Differential Pricing Analysis
   d. Product Comparisons
   e. Export Price
   f. Normal Value
   i. Home Market Viability and Comparison Market
   ii. Level of Trade
   iii. Cost of Production Analysis
   1. Calculation of Cost of Production
   2. Test of Comparison Market Sales Prices
   3. Results of the COP Test
   iv. Calculation of Normal Value Based on Comparison Market Prices
   v. Calculation of Normal Value Based on Constructed Value
5. Currency Conversion
6. Recommendation

[FR Doc. 2017–04282 Filed 3–3–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954]

Certain Magnesia Carbon Bricks From the People's Republic of China: Rescission of Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain magnesia carbon bricks from the People's Republic of China for the period of review (POR), September 1, 2015, through August 31, 2016.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Kenneth Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone 202.482.6491.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain magnesia carbon bricks from the People's Republic of China for the POR.[1] On November 9, 2016, based on a timely request for review by Petitioner,[2] the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on certain magnesia carbon bricks, covering the POR.[3] On February 3, 2017, Petitioner withdrew its request for an administrative review of these companies in its entirety.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Petitioner withdrew its request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. As a result, we are rescinding the administrative review of certain magnesia carbon bricks from the People's Republic of China for the POR.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 62096 (September 8, 2016).

[2] The Magnesia Carbon Bricks Fair Trade Committee is an ad hoc association comprised of the following three U.S. producers of magnesia carbon bricks: Resco Products, Inc.; Magnesita Refractories Company; and Harbison Walker International, Inc. (collectively Petitioner). *See* letter from Petitioner Re: Magnesia Carbon Bricks from the People's Republic of China: Request for Administrative Review, dated September 30, 2016.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 78778 (November 9, 2016) (*Initiation*).

[4] *See* letter from Petitioners, Re: Magnesia Carbon Bricks from the People's Republic of China Withdrawal of Request for Administrative Review, dated February 3, 2017. These Companies are: Fedmet Resources Corportion; Fengchi Imp. and Exp. Co., Ltd. Of Haicheng City; Fengchi Mining Co., Ltd. Of Haicheng City; Fengchi Refractories Co., of Haicheng City; Dashiqiao City Guancheng Refractor Co., Ltd. (aka Dashiqiao City Guancheng Refractory Co., Ltd.); Jiangsu Sujia Group New Materials Co., Ltd.; Liaoning Fucheng Refractories Group Co., Ltd.; Liaoning Fucheng Special Refractory Co., Ltd.; Liaoning Jiayi Metals & Minerals Co., Ltd.; Puyang Refractories Group Co., Ltd.; RHI Refractories Liaoning Co., Ltd.; Yingkou Bayuquan Refractories Co., Ltd.; Yingkou Dalmond Refractories Co., Ltd.; Yingkou Guangyang Co., Ltd.; Yingkou Jiahe Refractories Co., Ltd.; Yingkou Kyushu Refractories Co., Ltd.; Yingkou New Century Refractories Ltd.; and, Yingkou Wonjin Refractory Material Co., Ltd.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

This notice serves as a final 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 the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, 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 27, 2017.

James Maeder,

Senior Director, Office I, Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–04266 Filed 3–3–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after March 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity To Request a Review: Not later than the last day of March 2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period of review
Antidumping Duty Proceedings	
Australia: Uncoated Paper, A–602–807	8/26/15–2/28/17
Brazil: Uncoated Paper, A–351–842	8/27/15–2/28/17
Canada: Iron Construction Castings, A–122–503	3/1/16–2/28/17
France: Brass Sheet & Strip, A–427–602	3/1/16–2/28/17
Germany: Brass Sheet & Strip, A–428–602	3/1/16–2/28/17
India: Sulfanilic Acid, A–533–806	3/1/16–2/28/17

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
Indonesia: Uncoated Paper, A–560–828	8/26/15–2/28/17
Italy: Brass Sheet & Strip, A–475–601	3/1/16–2/28/17
Portugal: Uncoated Paper, A–471–807	8/26/15–2/28/17
Russia: Silicon Metal, A–821–817	3/1/16–2/28/17
Spain: Stainless Steel Bar, A–469–805	3/1/16–2/28/17
Taiwan: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube, A–583–803	3/1/16–2/28/17
Thailand: Circular Welded Carbon Steel Pipes and Tubes, A–549–502	3/1/16–2/28/17
The People's Republic of China: Chloropicrin, A–570–002	3/1/16–2/28/17
The People's Republic of China: Circular Welded Austenitic Stainless Pressure Pipe, A–570–930	3/1/16–2/28/17
The People's Republic of China: Glycine, A–570–836	3/1/16–2/28/17
The People's Republic of China: Sodium Hexametaphosphate, A–570–908	3/1/16–2/28/17
The People's Republic of China: Tissue Paper Products, A–570–894	3/1/16–2/28/17
The People's Republic of China: Uncoated Paper, A–570–022	8/26/15–2/28/17
Countervailing Duty Proceedings	
India: Sulfanilic Acid, C–533–807	1/1/16–12/31/16
Indonesia: Uncoated Paper, C–560–829	6/29/15–12/31/16
Iran: In-Shell Pistachios Nuts, C–507–501	1/1/16–12/31/16
The People's Republic of China: Circular Welded Austenitic Stainless Pressure Pipe, C–570–931	1/1/16–12/31/16
The People's Republic of China: Uncoated Paper, C–570–023	6/29/15–12/31/16
Turkey: Circular Welded Carbon Steel Pipe and Tubes, C–489–502	1/1/16–12/31/16
Suspension Agreements	
Mexico: Fresh Tomatoes,[2] A–201–820	3/1/16–2/28/17

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[4] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[5] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate. All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov*.[6] Further, in

[2] In the notice of opportunity to request administrative reviews that published on January 10, 2017 (82 FR 2951) the Department inadvertently listed Fresh Tomatoes from Mexico in the month of January. March is the correct month of review for this case.

[3] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/*.

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2017. If the Department does not receive, by the last day of March 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2017.

James Maeder,

Senior Director, Office I for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–04280 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–869]

Certain New Pneumatic Off-the-Road Tires From India: Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on an affirmative amended final determination by the Department of Commerce (the Department) and an affirmative final determination by the International Trade Commission (the ITC), the Department is issuing an antidumping duty order on certain new pneumatic off-the-road tires (off road tires) from India.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–4852, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 17, 2017, the Department published its final negative determination of sales at less-than-fair-value (LTFV) with respect to off-the-road tires from India.[1] Pursuant to section 735(e) of the Act and 19 CFR 351.224(e), which provide for the correction of ministerial errors, on February 2, 2017, the Department published its affirmative amended final determination of sales at LTFV.[2] On February 23, 2017, the ITC notified the Department of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of off road tires from India.[3]

Scope of the Order

The products covered by this order are off road tires, which are tires with an off road tire size designation. For a complete description of the scope of the order, *see* Appendix I.

Antidumping Duty Order

In accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing off road tires is materially injured by reason of the LTFV imports of off road tires from India.[4] Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this antidumping duty order.

As a result of the ITC's final determination, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of off-road tires from India. Antidumping duties will be assessed on unliquidated entries of off road tires from India entered, or withdrawn from warehouse, for consumption on or after February 2, 2017, the date of publication of the *Amended Final Determination*.[5]

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation on all relevant entries of off road tires from India. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins listed below.[6] The all-others rate applies to all producers or exporters not specifically listed. For the purposes of determining cash deposit rates, the estimated weighted-average dumping margins for imports of subject merchandise from India have been adjusted for export subsidies found in the amended final determination of the companion countervailing duty investigation of this merchandise (*i.e.,* 4.72 percent).[7]

Estimated Weighted-Average Dumping Margins

The estimated weighted-average antidumping duty margin percentages are as follows:

[1] *See Certain New Pneumatic Off-the-Road Tires from India: Final Negative Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances,* 82 FR 4848 (January 17, 2017).

[2] *See Certain New Pneumatic Off-the-Road Tires from India: Affirmative Amended Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 82 FR 9056 (February 2, 2017) (*Amended Final Determination*).

[3] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding off the road tires from the India and Sri Lanka (February 23, 2017). *See also Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka,* Investigation Nos. 701-TA-552-553 and 731-TA-1308 (Final), USITC Publication 4669 (February 2017).

[4] *Id.*

[5] *Amended Final Determination.*

[6] *See* Section 736(a)(3) of the Act.

[7] *See Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders,* dated concurrently with this notice.

Exporter/ producer	Weighted-average dumping margin (percent)	Cash deposit rate adjusted for subsidy offset (percent)
ATC Tires Private Ltd	3.67	0.00
All-Others	3.67	0.00

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to off road tires from India pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: March 2, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The scope of the order is certain new pneumatic off-the-road tires (off-road tires). Off-road tires are tires with an off road tire size designation. The tires included in the scope may be either tube-type [8] or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market.

Subject tires may have the following prefix or suffix designation, which appears on the sidewall of the tire:

Prefix designations:

DH—Identifies a tire intended for agricultural and logging service which must be mounted on a DH drop center rim.

VA—Identifies a tire intended for agricultural and logging service which must be mounted on a VA multipiece rim.

IF—Identifies an agricultural tire to operate at 20 percent higher rated load than standard metric tires at the same inflation pressure.

VF—Identifies an agricultural tire to operate at 40 percent higher rated load than standard metric tires at the same inflation pressure.

Suffix designations:

ML—Mining and logging tires used in intermittent highway service.

DT—Tires primarily designed for sand and paver service.

NHS—Not for Highway Service.

TG—Tractor Grader, off-the-road tire for use on rims having bead seats with nominal +0.188″ diameter (not for highway service).

K—Compactor tire for use on 5° drop center or semi-drop center rims having bead seats with nominal minus 0.032 diameter.

IND—Drive wheel tractor tire used in industrial service.

SL—Service limited to agricultural usage.

FI—Implement tire for agricultural towed highway service.

CFO—Cyclic Field Operation.

SS—Differentiates tires for off-highway vehicles such as mini and skid-steer loaders from other tires which use similar size designations such as 7.00–15TR and 7.00–15NHS, but may use different rim bead seat configurations.

All tires marked with any of the prefixes or suffixes listed above in their sidewall markings are covered by the scope regardless of their intended use.

In addition, all tires that lack any of the prefixes or suffixes listed above in their sidewall markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the following sections of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set forth below. The sections of the Tire and Rim Association Year Book listing numerical size designations of covered certain off road tires include:

The table of mining and logging tires included in the section on Truck-Bus tires;

The entire section on Off-the-Road tires;

The entire section on Agricultural tires; and

The following tables in the section on Industrial/ATV/Special Trailer tires:

- Industrial, Mining, Counterbalanced Lift Truck (Smooth Floors Only);
- Industrial and Mining (Other than Smooth Floors);
- Construction Equipment;
- Off-the-Road and Counterbalanced Lift Truck (Smooth Floors Only);
- Aerial Lift and Mobile Crane; and
- Utility Vehicle and Lawn and Garden Tractor.

Certain off road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes certain off road tires produced in the subject countries whether mounted on wheels or rims in a subject country or in a third country. Certain off road tires are covered whether or not they are accompanied by other parts, *e.g.,* a wheel, rim, axle parts, bolts, nuts, etc. Certain off road tires that enter attached to a vehicle are not covered by the scope.

Specifically excluded from the scope are passenger vehicle and light truck tires, racing tires, mobile home tires, motorcycle tires, all-terrain vehicle tires, bicycle tires, on-road or on-highway trailer tires, and truck and bus tires. Such tires generally have in common that the symbol ''DOT'' must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following prefixes and suffixes included as part of the size designation on their sidewalls:

Prefix letter designations:

AT—Identifies a tire intended for service on All-Terrain Vehicles;

P—Identifies a tire intended primarily for service on passenger cars;

LT—Identifies a tire intended primarily for service on light trucks;

T—Identifies a tire intended for one-position ''temporary use'' as a spare only; and

ST—Identifies a special tire for trailers in highway service.

Suffix letter designations:

TR—Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156″ or plus 0.250″;

MH—Identifies tires for Mobile Homes;

HC—Identifies a heavy duty tire designated for use on ''HC'' 15″ tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.

Example: 8R17.5 LT, 8R17.5 HC;

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service;

ST—Special tires for trailers in highway service; and

M/C—Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: Pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; aircraft tires; and turf, lawn and garden, and golf tires. Also excluded from the scope are mining and construction tires that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.70.0010, 4011.62.0000, 4011.80.1010, 4011.80.1020, 4011.90.1050, 4011.70.0050, 4011.80.2010, 4011.80.8010, 4011.80.2020, 4011.80.8020, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020.[9] Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.90.2050, 4011.90.8050, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0020, 8432.90.0040, 8432.90.0050, 8432.90.0060, 8432.90.0081, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035, 8716.90.5056 and 8716.90.5059.[10] While

[8] While tube-type tires are subject to the scope of these proceedings, tubes and flaps are not subject merchandise and therefore are not covered by the scope of these proceedings, regardless of the manner in which they are sold (*e.g.,* sold with or separately from subject merchandise).

[9] Prior to January 1, 2017, subject merchandise was classifiable under the following HTSUS numbers which have been deleted or discontinued: 4011.61.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, and 4011.94.8000.

[10] Prior to January 1, 2017, tires meeting the scope description may also enter under the following HTSUS subheadings which have been deleted or discontinued: 4011.99.4550, 4011.99.8550,

HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2017–04432 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on multilayered wood flooring (MLWF) from the People's Republic of China (PRC) would likely lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Robert James or John Anwesen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230; telephone: (202) 482–0649 or (202) 482–0131, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2016, the Department initiated the first sunset review of the CVD order on MLWF from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(c).[1] The Department received a notice of intent to participate in the review on behalf of the Coalition for American Hardwood Parity and its member companies, Cumberland Products Group, LLC, d/b/a American OEM Wood Floors, Mannington Mills, Inc., Mohawk Industries, Inc., Shaw Industries Group, Inc. (collectively, CAHP), within the deadline specified in 19 CFR 351.218(d)(1)(i).[2] CAHP claimed interested party status under section 771(9)(C) and (F) of the Act, as domestic producers of the domestic like product and an association comprised of domestic producers.

The Department received an adequate substantive response from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[3] The Department did not receive a substantive response from any government or respondent interested party to the proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this CVD order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The products covered by this order are certain multilayered wood flooring which are composed of an assembly of two or more layers or plies of wood veneer(s)[4] in combination with a core. Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 4412.31.0620; 4412.31.0640; 4412.31.0660; 4412.31.2610; 4412.31.2620; 4412.31.4140; 4412.31.4160; 4412.31.4175; 4412.31.5225; 4412.32.0640; 4412.32.0665; 4412.32.2610; 4412.32.2625; 4412.32.3225; 4412.32.5700; 4418.74.2000; 4418.74.9000; 4418.75.4000; 4418.75.7000; 4418.79.0100; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.2510; 4412.32.2520; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.[5] Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. For a full description of the scope, *see* the Issues and Decision Memorandum, which is hereby adopted by this notice.[6]

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, and 8716.90.5055.

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 81 FR 75808 (November 1, 2016).

[2] *See* Coalition for American Hardwood Parity *et al.*'s Notice of Intent to Participate entitled, ''Petitioners' Notice of Intent to Participate: Five-Year (''Sunset'') Review: *Multilayered Wood Flooring from the People's Republic of China,*'' dated November 16, 2016.

[3] *See* Coalition for American Hardwood Parity *et al.*'s Substantive Response entitled ''Petitioner's Substantive Response: Five Year (''Sunset'') Review: *Multilayered Wood Flooring from the People's Republic of China,*'' dated December 1, 2016.

[4] A ''veneer'' is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

[5] The following HTS numbers were added to the Case Reference File in ACE: 9801.00.2500, 4412.31.0620, 4412.31.0640, 4412.31.0660, 4412.31.2610, 4412.31.2620, 4412.31.4140, 4412.31.4160, 4412.31.4175, 4412.31.5225, 4412.32.0640, 4412.32.0665, 4412.32.2610, 4412.32.2625, 4412.32.3225, 4412.32.5700, 4418.74.2000, 4418.74.9000, 4418.75.4000, 4418.75.7000, 4418.79.0100. *See* Memorandum regarding: Multilayered Wood Flooring from the PRC, Modification of the Case Reference File in ACE, dated February 8, 2017; *see also* Memorandum regarding: Multilayered Wood Flooring from the People's Republic of China: A–570–970, C–570–971, dated February 9, 2017.

[6] *See* Department Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Multilayered Wood Flooring from the People's Republic of China'' (Issues and Decision Memorandum), dated concurrently with this final notice.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum address the likelihood of continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order were revoked, and the nature of the subsidy.

Final Results of Review

Pursuant to section 752(b)(1) and (3) of the Act, we determine that revocation of the CVD order on MLWF from the PRC would be likely to lead to continuation or recurrence of countervailable subsidies at the rates listed below:

Exporter/manufacturer	Net subsidy rate % (ad valorem)
Fine Furniture (Shanghai) Ltd.; Great Wood (Tonghua) Ltd.; Fine Furniture Plantation (Shishou) Ltd	1.90
All-Others	2.27
124 Non-Cooperating Companies [7]	27.37

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: February 27, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–04271 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–870, C–542–801]

Certain New Pneumatic Off-the-Road Tires From India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC), the Department is issuing countervailing duty orders on certain new pneumatic off-the-road tires (off road tires) from India and Sri Lanka. In addition, the Department is amending its final determination with respect to India, as a result of ministerial errors.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Gene Calvert (India); Whitley Herndon (Sri Lanka); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3586 or (202) 482–6274, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on January 10, 2017, the Department published its final determinations in the countervailing duty investigations of off road tires from India and Sri Lanka.[1] On February 23, 2017, the ITC notified the Department of its final determination that an industry in the United States is materially injured by reason of subsidized imports of subject merchandise from India and Sri Lanka within the meaning of section 705(b)(1)(A)(i) of the Act, and its determination that critical circumstances do not exist with respect to imports of subject merchandise from India and Sri Lanka that are subject to the Department's affirmative critical circumstances finding.[2]

Scope of the Orders

The products covered by these orders are off road tires, which are tires with an off road tire size designation. For a complete description of the scope of the orders, *see* Appendix I.

Amendment to India Final Determination

On January 17, 2017, ATC Tires Private Limited (ATC) alleged that the Department made ministerial errors in the *India Final Determination*.[3] A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[4]

The Department reviewed the record and agrees that the errors referenced in ATC's allegation constitute ministerial errors within the meaning of 19 CFR 351.224(f).[5] Specifically, the Department double-counted the benefit ATC received through the Central Sales Tax Reimbursement Program and inadvertently treated a stamp duty exemption as a subsidy received during the POI when the record indicates it was received prior to the POI.[6] Pursuant to 19 CFR 351.224(e), the Department is amending the *India Final Determination* to reflect the correction of the ministerial errors described above.

[7] *See* Issues and Decision Memorandum at Appendix I.

[1] *See Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Final Affirmative Determination, and Final Affirmative Critical Circumstances Determination, in Part,* 82 FR 2946 (January 10, 2017) (*India Final Determination*); and *Certain New Pneumatic Off-the-Road Tires from Sri Lanka: Final Affirmative Countervailing Duty Determination, and Final Determination of Critical Circumstances,* 82 FR 2949 (January 10, 2017).

[2] *See* Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidtlein, Chairman of the U.S. International Trade Commission, regarding off the road tires from the India and Sri Lanka (February 23, 2017). *See also Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka,* Investigation Nos. 701–TA–552–553 and 731–TA–1308 (Final), USITC Publication 4669 (February 2017).

[3] *See* Letter from ATC, ''Certain New Pneumatic Off-the-Road Tires from India: Ministerial Error Comments on the Final Determination,'' dated January 17, 2017.

[4] *See* section 705(e) of the Act.

[5] *See* Memorandum to Jim Maeder, Senior Director for Antidumping and Countervailing Duty Operations ''Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Ministerial Error Comments on the Final Determination'' (February 27, 2017).

[6] *Id.*

Based on our correction, ATC's subsidy rate decreased from 4.90 percent to 4.72 percent.[7] Because the ''all-others'' rate is based, in part, on ATC's subsidy rate, the ''all-others'' rate decreased from 5.06 percent to 4.94 percent.[8]

Countervailing Duty Orders

In accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified the Department of its final determinations that the industry in the United States producing off road tires is materially injured by reason of subsidized imports of off road tires from India and Sri Lanka and that critical circumstances do not exist with respect to imports of subject merchandise from India and Sri Lanka that are subject to the Department's affirmative critical circumstances findings. Therefore, in accordance with section 705(c)(2) of the Act, we are publishing these countervailing duty orders.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing duties on unliquidated entries of off road tires entered, or withdrawn from warehouse, for consumption on or after June 20, 2016, the date on which the Department published its preliminary countervailing duty determinations in the **Federal Register**,[9] and before October 18, 2016, the date on which the Department instructed CBP to discontinue the suspension of liquidation on subject merchandise from India and Sri Lanka in accordance with section 703(d) of the Act. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Therefore, entries of off road tires from India and Sri Lanka made on or after October 18, 2016, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's discontinuation, effective October 18, 2016, for off road tires from India and Sri Lanka, of the suspension of liquidation.

Suspension of Liquidation

In accordance with section 706 of the Act, the Department will direct CBP to reinstitute the suspension of liquidation of off road tires from India and Sri Lanka, effective the date of publication of the ITC's notice of final determination in the **Federal Register**, and to assess, upon further instruction by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below:

Producer/exporter from India	Subsidy rate (percent)
ATC Tires Private Limited	4.72
Balkrishna Industries Limited	5.36
All Others	4.94

Producer/exporter from Sri Lanka	Subsidy rate (percent)
Camso Loadstar (Private), Ltd	2.18
All Others	2.18

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of off road tires from India and Sri Lanka, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after March 22, 2016 (*i.e.,* 90 days prior to the date of the publication of the *CVD Preliminary Determinations*), but before June 20, 2016 (*i.e.,* the date of publication of the *CVD Preliminary Determinations*).

Notifications to Interested Parties

This notice constitutes the countervailing duty orders with respect to off road tires from India and Sri Lanka, pursuant to section 706(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: March 2, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment I

Scope of the Orders

The scope of these orders is certain new pneumatic off-the-road tires (certain off road tires). Certain off road tires are tires with an off road tire size designation. The tires included in the scope may be either tube-type[10] or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market.

Subject tires may have the following prefix or suffix designation, which appears on the sidewall of the tire:

Prefix designations:

DH—Identifies a tire intended for agricultural and logging service which must be mounted on a DH drop center rim.

VA—Identifies a tire intended for agricultural and logging service which must be mounted on a VA multipiece rim.

IF—Identifies an agricultural tire to operate at 20 percent higher rated load than standard metric tires at the same inflation pressure.

VF—Identifies an agricultural tire to operate at 40 percent higher rated load than standard metric tires at the same inflation pressure.

Suffix designations:

ML—Mining and logging tires used in intermittent highway service.

DT—Tires primarily designed for sand and paver service.

NHS—Not for Highway Service.

TG—Tractor Grader, off-the-road tire for use on rims having bead seats with nominal +0.188″ diameter (not for highway service).

K—Compactor tire for use on 5° drop center or semi-drop center rims having bead seats with nominal minus 0.032 diameter.

IND—Drive wheel tractor tire used in industrial service.

SL—Service limited to agricultural usage.

FI—Implement tire for agricultural towed highway service.

CFO—Cyclic Field Operation.

SS—Differentiates tires for off-highway vehicles such as mini and skid-steer loaders from other tires which use similar size designations such as 7.00–15TR and 7.00–15NHS, but may use different rim bead seat configurations.

All tires marked with any of the prefixes or suffixes listed above in their sidewall markings are covered by the scope regardless of their intended use.

In addition, all tires that lack any of the prefixes or suffixes listed above in their sidewall markings are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the

[7] *Id.*

[8] *Id.*

[9] *See Certain New Pneumatic Off-the-Road Tires From India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Determination,* 81 FR 39903 (June 20, 2016); and *Certain New Pneumatic Off-the-Road Tires From Sri Lanka: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, and Alignment of Final Determination With Final Antidumping Determination,* 81 FR 39900 (June 20, 2016) (collectively, *CVD Preliminary Determinations*).

[10] While tube-type tires are subject to the scope of these proceedings, tubes and flaps are not subject merchandise and therefore are not covered by the scope of these proceedings, regardless of the manner in which they are sold (*e.g.,* sold with or separately from subject merchandise).

numerical size designations listed in the following sections of the Tire and Rim Association Year Book, as updated annually, unless the tire falls within one of the specific exclusions set forth below. The sections of the Tire and Rim Association Year Book listing numerical size designations of covered certain off road tires include:

The table of mining and logging tires included in the section on Truck-Bus tires;

The entire section on Off-the-Road tires;

The entire section on Agricultural tires; and

The following tables in the section on Industrial/ATV/Special Trailer tires:

- Industrial, Mining, Counterbalanced Lift Truck (Smooth Floors Only);
- Industrial and Mining (Other than Smooth Floors);
- Construction Equipment;
- Off-the-Road and Counterbalanced Lift Truck (Smooth Floors Only);
- Aerial Lift and Mobile Crane; and
- Utility Vehicle and Lawn and Garden Tractor.

Certain off road tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes certain off road tires produced in the subject countries whether mounted on wheels or rims in a subject country or in a third country. Certain off road tires are covered whether or not they are accompanied by other parts, *e.g.,* a wheel, rim, axle parts, bolts, nuts, etc. Certain off road tires that enter attached to a vehicle are not covered by the scope.

In addition, specifically excluded from the scope are passenger vehicle and light truck tires, racing tires, mobile home tires, motorcycle tires, all-terrain vehicle tires, bicycle tires, on-road or on-highway trailer tires, and truck and bus tires. Such tires generally have in common that the symbol ''DOT'' must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following prefixes and suffixes included as part of the size designation on their sidewalls:

Prefix letter designations:

AT—Identifies a tire intended for service on All-Terrain Vehicles;

P—Identifies a tire intended primarily for service on passenger cars;

LT—Identifies a tire intended primarily for service on light trucks;

T—Identifies a tire intended for one-position ''temporary use'' as a spare only; and

ST—Identifies a special tire for trailers in highway service.

Suffix letter designations:

TR—Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156″ or plus 0.250″;

MH—Identifies tires for Mobile Homes;

HC—Identifies a heavy duty tire designated for use on ''HC'' 15″ tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.

Example: 8R17.5 LT, 8R17.5 HC;

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service;

ST—Special tires for trailers in highway service; and

M/C—Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: Pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; aircraft tires; and turf, lawn and garden, and golf tires. Also excluded from the scope are mining and construction tires that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.70.0010, 4011.62.0000, 4011.80.1010, 4011.80.1020, 4011.90.1050, 4011.70.0050, 4011.80.2010, 4011.80.8010, 4011.80.2020, 4011.80.8020, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020.[11] Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.90.2050, 4011.90.8050, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0020, 8432.90.0040, 8432.90.0050, 8432.90.0060, 8432.90.0081, 8433.90.5010, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035, 8716.90.5056 and 8716.90.5059.[12] While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

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[11] Prior to January 1, 2017, subject merchandise was classifiable under the following HTSUS numbers which have been deleted or discontinued: 4011.61.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, and 4011.94.8000.

[12] Prior to January 1, 2017, tires meeting the scope description may also enter under the following HTSUS subheadings which have been deleted or discontinued: 4011.99.4550, 4011.99.8550, 8432.90.0005, 8432.90.0015, 8432.90.0030, 8432.90.0080, and 8716.90.5055.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979, A–570–010]

Initiation and Preliminary Results of Changed Circumstances Reviews: Antidumping Duty Orders on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China and Antidumping Duty Order on Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the ''Department'') is simultaneously initiating and issuing the preliminary results of changed circumstances reviews (''CCRs'') of the antidumping duty (''AD'') orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, (''solar cells'') from the People's Republic of China (''PRC'') and certain crystalline silicon photovoltaic products (''solar products'') from the PRC. The Department initiated these CCRs to determine whether Hanwha Q CELLS (Qidong) Co. Ltd. (''Q CELLS Qidong'') is the successor-in-interest to Hanwha SolarOne (Qidong) Co., Ltd. (''SolarOne Qidong'') with respect to the AD orders on solar cells and solar products from the PRC and to determine whether Hanwha Q CELLS Hong Kong Limited (''Q CELLS Hong Kong'') is the successor-in-interest to SolarOne Hong Kong Limited (''SolarOne Hong Kong'') with respect to the AD order on solar products from the PRC. For the reasons noted below, we did not initiate the requested CCR to determine whether Q CELLS Hong Kong is the successor-in-interest to SolarOne Hong Kong with respect to the AD order on solar cells from the PRC. Based on the information on the record, we preliminarily determine that Q CELLS Qidong is the successor-in-interest to SolarOne Qidong for purposes of the AD orders on solar cells and solar products from the PRC and that Q CELLS Hong Kong is the successor-in-interest to SolarOne Hong Kong for purposes of the AD order on solar products from the PRC. As such, Q CELLS Hong Kong and Q CELLS Qidong are entitled to SolarOne Hong Kong and SolarOne Qidong's cash deposit rates, respectively, with respect to U.S. entries of merchandise subject to the orders noted above. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Eli Lovely, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1593.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, the Department published the AD order on solar cells from the PRC in the **Federal Register**.[1] On February 18, 2015, the Department published the AD order on solar products from the PRC in the **Federal Register**.[2] On September 8, 2016, the Department received a request on behalf of Q CELLS Hong Kong and Q CELLS Qidong for expedited CCRs to establish Q CELLS Hong Kong as the successor-in-interest to SolarOne Hong Kong and to establish Q CELLS Qidong as the successor-in-interest to SolarOne Qidong for purposes of the of the AD orders on solar cells and solar products from the PRC.[3] On October 11, 2016, SolarWorld Americas, Inc. (''Petitioner'') submitted comments on Q CELLS Hong Kong and Q CELLS Qidong's CCR request.[4]

Scope of the Orders

The merchandise covered by the Solar Cells Order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels, and building integrated materials.[5] Imports of the merchandise subject to the Solar Cells Order are currently classified under the following subheadings of the Harmonized Tariff Schedule of the United States (''HTSUS''): 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000.

The merchandise covered by the Solar Products Order is modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. Subject merchandise includes modules, laminates and/or panels assembled in the PRC consisting of crystalline silicon photovoltaic cells produced in a customs territory other than the PRC.[6] Imports of the merchandise subject to the Solar Products Order are currently classified under the following subheadings of the HTSUS: 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive. For the full scopes of these orders, see the accompanying Preliminary Decision Memorandum.

Initiation of Changed Circumstances Reviews

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.216(d), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an order which shows changed circumstances sufficient to warrant a review of the order. In the past, the Department has used changed circumstances reviews to consider the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (''successor-in-interest,'' or ''successorship,'' determinations).[7]

While Q CELLS Hong Kong requested a CCR with respect to the solar cells proceeding in order to receive SolarOne Hong Kong's AD cash deposit rate, SolarOne Hong Kong did not receive its own cash deposit rate in the solar cells proceeding but was treated as part of the PRC-wide entity. Therefore, entries of its subject merchandise into the United States receive the PRC-wide entity cash deposit rate.[8] Accordingly, for purposes of the Solar Cells Order, there is no separate rate for which Q CELLS Hong Kong could be eligible, thus, we have not initiated the requested review of Q CELLS Hong Kong with respect to the Solar Cells Order.

However, consistent with Department practice, the information submitted by Q CELLS Hong Kong with respect to the solar products proceeding and the information submitted by Q CELLS Qidong with respect to the solar cells and solar products proceedings, which includes information regarding a name change, demonstrates changed circumstances sufficient to warrant CCRs with respect to these companies and orders.[9] In the case of the Solar Products Order, the CCR requests were filed less than 24 months after the date of publication of the notice of final determination in the solar products investigation. However, pursuant to 19 CFR 351.216(c), the Department finds that good cause exists to initiate these CCRs. In particular, we find that Q CELLS Hong Kong and Q CELLS Qidong have properly alleged and demonstrated good cause for initiating early CCRs in the case of solar products, along with the initiation with respect to Q CELLS Qidong in the case of solar cells, on the grounds of fairness and ease of administration.

Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(d), the Department is initiating CCRs to determine whether Q CELLS Hong Kong is the successor-in-interest

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[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012)(''Solar Cells Order'').

[2] *See Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 8592 (February 18, 2015)(''Solar Products Order'').

[3] *See* Letter from Q CELLS Hong Kong and Q CELLS Qidong to the Department regarding, ''Changed Circumstances Review Request'' (September 8, 2016) (''CCR Request'').

[4] *See* Letter from SolarWorld Americas, Inc. to the Department regarding, ''Comments on Hanwha Q Cells Hong Kong Limited and Hanwha Q CELLS (Qidong) Co., Ltd.'s Request for a Changed Circumstances Review'' (October 12, 2016) (''Petitioner's Comments'').

[5] For a complete description of the Scope of the Order, *see* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from James Maeder, Senior Director, Office I, for Antidumping and Countervailing Duty Operations, ''Initiation and Preliminary Results of Changed Circumstances Reviews: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China and Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China,'' (''Preliminary Decision Memorandum'') dated concurrently with, and adopted by, this notice.

[6] *Id.*

[7] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Changed Circumstances Review,* 81 FR 91909 (December 19, 2016).

[8] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Affirmative Preliminary Determination of Critical Circumstances,* 77 FR 31309 (May 25, 2012), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Affirmative Final Determination of Critical Circumstances, in Part,* 77 FR 63791 (October 17, 2012). In subsequent reviews, SolarOne Hong Kong did not receive a separate rate. *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013,* 80 FR 40998 (July 14, 2015), and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments;* 2013–2014, 81 FR 39905 (June 20, 2016).

[9] *See* 19 CFR 351.216(d).

to SolarOne Hong Kong for purposes of the AD order on solar products from the PRC, and to determine whether Q CELLS Qidong is the successor-in-interest to SolarOne Qidong for purposes of the AD orders on solar cells and solar products from the PRC.

Preliminary Determination

When it concludes that expedited action is warranted, the Department may combine the notice of initiation of the CCR and the preliminary results of the CCR in a single notice.[10] The Department has combined the notice of initiation and the notice of preliminary results in successor-in-interest CCRs when sufficient documentation has been provided supporting the request for a CCR.[11] In this instance, we have on the record the information necessary to make a preliminary finding with respect to Q CELLS Hong Kong and the Solar Products Order and Q CELLS Qidong and the Solar Cells and Solar Products Orders. Thus, we find that expedited action is warranted with respect to the CCR Requests regarding these companies and orders, and we are combining the notice of initiation and the notice of preliminary results in one notice, in accordance with 19 CFR 351.221(c)(3)(ii).

In determining whether one company is the successor to another for purposes of AD cash deposits, the Department examines a number of factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) suppliers; and (4) customer base.[12] While no one, or several, of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be the successor to another company if its resulting operation is essentially the same as that of its predecessor.[13] Thus, if the evidence demonstrates that, with respect to the production and sale of subject merchandise, the new company operates as essentially the same business entity as the prior company, the Department will assign the new company the cash deposit rate of its predecessor.[14]

In their September 8, 2016, CCR Requests, Q CELLS Hong Kong and Q CELLS Qidong provided evidence for the Department to determine preliminarily their status as successors-in-interest to SolarOne Hong Kong for purposes of the AD order on solar products from the PRC and SolarOne Qidong for purposes of the AD orders on solar products and solar cells from the PRC, respectively. Specifically, Q CELLS Hong Kong and Q CELLS Qidong demonstrated that their operations are essentially the same as when they operated under the names SolarOne Hong Kong and SolarOne Qidong, respectively.[15]

In February 2015, Hanwha SolarOne Co., Ltd. acquired 100 percent of the outstanding shares of another company named Q CELLS. Hanwha SolarOne Co., Ltd. is the parent entity of SolarOne Hong Kong and SolarOne Qidong. In connection with the transaction, the name of Hanwha SolarOne Co., Ltd. was changed to Hanwha Q CELLS Co., Ltd., SolarOne Hong Kong assumed the name Q CELLS Hong Kong, and SolarOne Qidong assumed the name Q CELLS Qidong. Other than the name changes, there were no significant changes to ownership, management, or operations of the companies.[16] Q CELLS Hong Kong does not have production facilities; rather it purchased solar modules from Q CELLS Qidong. This was also the case when Q CELLS Hong Kong operated under the name SolarOne Hong Kong and purchased solar modules from SolarOne Qidong. Q CELLS Qidong has maintained the same production facilities that were previously under the name of its predecessor company, SolarOne Qidong.[17] Q CELLS Hong Kong and Q CELLS Qidong also provided documentation showing that there have been no material changes in supplier relationships, or their customer bases as a result of the name changes.[18] Based on the foregoing, which is explained in greater detail in the Preliminary Decision Memorandum, the Department preliminarily determines that Q CELLS Hong Kong is the successor-in-interest to SolarOne Hong Kong for purposes of the AD order on solar products from the PRC, and that Q CELLS Qidong is the successor-in-interest to SolarOne Qidong for purposes of the AD orders on solar cells and solar products from the PRC.

Should our final results of review remain the same as these preliminary results of review, effective the date of publication of the final results of review, we will instruct U.S. Customs and Border Protection to suspend liquidation of entries of solar products exported by Q CELLS Hong Kong at the AD cash-deposit rate applicable to SolarOne Hong Kong, and to suspend liquidation of entries of solar products and solar cells exported by Q CELLS Qidong at the AD cash-deposit rates applicable to SolarOne Qidong.[19]

Public Comment

Interested parties may submit case briefs not later than 14 days after the date of publication of this notice.[20] Rebuttal briefs, which must be limited to issues raised in case briefs, may be filed not later than seven days after the due date for case briefs.[21] Parties who submit case briefs or rebuttal briefs in these CCRs are requested to submit with each argument: (1) A statement of the issues filed in the solar products and solar cells proceedings and (2) a brief summary of the arguments filed in the solar products and solar cells proceedings with electronic versions included.

Any interested party may request a hearing within 14 days of publication of

[10] *See* 19 CFR 351.221(c)(3)(ii).

[11] *See, e.g.,* Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada, 70 FR 50299 (August 26, 2005), unchanged in final.

[12] *See e.g., Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Multilayered Wood Flooring from the People's Republic of China,* 79 FR 48117, 48118 (August 15, 2014), unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014).

[13] *Id.*

[14] *See Notice of Final Results of Changed Circumstances Review: Polychloroprene Rubber from Japan,* 69 FR 67890 (November 22, 2004) citing, *Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Duty Administrative Review,* 57 FR 20460 (May 13, 1992); and, *Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan: Initiation of Antidumping Duty Changed Circumstance Review,* 70 FR 17063 (April 4, 2005).

[15] *See generally,* CCR Request.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] SolarOne Hong Kong and SolarOne Qidong's separate rates in both orders are combination rates. In the solar products antidumping duty proceeding, SolarOne Hong Kong's separate rate is classified under case number A–570–010–017, where SolarOne Hong Kong is identified as the exporter and SolarOne Qidong is identified as the manufacturer. In the same proceeding, SolarOne Qidong has a separate rate classified under case number A–570–010–016, where SolarOne Qidong is identified as the exporter and manufacturer. In the solar cells proceeding, SolarOne Hong Kong does not have a separate rate and SolarOne Qidong has a separate rate, classified under case number A–570–979–014, where SolarOne Qidong is identified as the exporter and manufacturer. If the Department maintains its preliminary findings in the final results of these CCRs, in updating these combination rates, we intend to revise both the names of the exporters and manufacturer consistent with our preliminary finding that Q CELLS Hong Kong and Q CELLS Qidong are the successors-in-interest to SolarOne Hong Kong and SolarOne Qidong, respectively.

[20] The Department is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[21] The Department is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for the filing of rebuttal briefs.

this notice.[22] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230 in a room to be determined.[23]

All submissions, with limited exceptions, must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[24] An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[25]

Consistent with 19 CFR 351.216(e), we intend to issue the final results of these CCRs no later than 270 days after the date on which these reviews were initiated or within 45 days if all parties agree to the outcome of the reviews.

We are issuing and publishing this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: February 24, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–04265 Filed 3–3–17; 8:45 am]

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[22] The Department is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[23] *See* 19 CFR 351.310(d).

[24] ACCESS is available to registered users at *https://access.trade.gov* and available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building.

[25] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–815]

Gray Portland Cement and Cement Clinker From Japan: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has conducted an expedited (120-day) fourth sunset review of the antidumping duty order on gray portland cement and cement clinker (cement and clinker) from Japan. As a result of this fourth sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Amanda Brings, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230; telephone: (202) 482–3927.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2016, the Department published a notice of initiation of the fourth sunset review of the antidumping duty order on cement and clinker from Japan.[1] On November 16, 2016, the Department received a Notice of Intent to Participate in this review from the Committee for Fairly Traded Japanese Cement (Petitioners) within the deadline specified in 19 CFR 351.218(d)(1)(i).[2] Petitioners claimed interested-party status under section 771(9)(E) of the Tariff Act of 1930, as amended (the Act), as a trade or business association, a majority of whose members manufacture, produce or wholesale a domestic like product in the United States.

We received a complete substantive response from Petitioners within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[3] We received no responses from respondent interested parties. As a result, the Department conducted an expedited sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The products covered by the order are cement and cement clinker from Japan. Cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the antidumping duty order. Cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29 and cement clinker is currently classifiable under HTS item number 2523.10. Cement has also been entered under HTS item number 2523.90 as ''other hydraulic cements.'' The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive as to the scope of the product covered by the order.[4]

Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the order were revoked, are addressed in the accompanying Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 81 FR 75808 (November 1, 2016).

[2] *See* Letter to the Secretary of Commerce from Petitioners, re: ''Five-Year ('Sunset') Review of Antidumping Duty Order on Gray Portland Cement and Cement Clinker from Japan: The Domestic Industry's Notice of Intent to Participate in Sunset Review,'' dated November 16, 2016.

[3] *See* Letter to the Secretary of Commerce from Petitioners, re: ''Fourth Five-Year ('Sunset') Review of The Antidumping Duty Order on Gray Portland Cement and Cement Clinker from Japan/The Domestic Industry's Substantive Response to the Notice of Initiation,'' dated December 1, 2016.

[4] The Department has made two scope rulings regarding subject merchandise. *See Scope Rulings,* 57 FR 19602 (May 7, 1992) (classes G and H of oil well cement are within the scope of the order), and *Scope Rulings,* 58 FR 27542 (May 10, 1993) (''Nittetsu Super Fine'' cement is not within the scope of the order).

[5] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from James Maeder, Senior Director, Office I, Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order on Gray Portland Cement and Clinker from Japan,'' dated concurrently and hereby adopted by this notice (Issues and Decision Memorandum).

Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 751(c) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on cement and clinker from Japan would be likely to lead to continuation or recurrence of dumping at weighted-average dumping margins up to 69.89 percent.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return of 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 sunset review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: February 27, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–04262 Filed 3–3–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–011]

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Preliminary Intent To Rescind, in Part; 2014–2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of crystalline silicon photovoltaic products (solar products), from the People's Republic of China (PRC). The period of review (POR) is June 10, 2014, through December 31, 2015. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph Traw, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6079.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2015, the Department issued a countervailing duty (CVD) order on solar products from the PRC.[1] Several interested parties requested that the Department conduct an administrative review of the countervailing duty order, and on April 7, 2016, the Department published in the **Federal Register** a notice of initiation of an administrative review of the *CVD Order* for 31 producers/exporters for the POR.[2]

Scope of the Order

The products covered by the order are certain crystalline silicon photovoltaic products from the PRC. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[3]

Methodology

The Department is conducting this CVD review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Preliminary Decision Memorandum.[5] The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Intent To Partially Rescind the Administrative Review, and Partial Rescission of Administrative Review

For an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate.[6] Thus, it is the Department's practice to rescind an administrative review when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[7] We preliminarily find that BYD (Shangluo) Industrial Co., Ltd. had no reviewable entries subject to the *CVD Order* and, consistent with our practice, the Department intends to rescind its review of BYD, consistent with 19 CFR 351.213(d)(3). We invite parties to comment on this preliminary intent to rescind and will consider any comments received for the final results.

Pursuant to 19 CFR 351.213(d)(1), the Department 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. Yingli Energy

[1] *See Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 8592 (February 18, 2015) (*CVD Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 20324 (April 7, 2016) (*Initiation Notice*).

[3] *See* ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China; 2014,'' dated concurrently with this notice (Preliminary Decision Memorandum) and hereby adopted by this notice.

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[5] A list of topics discussed in the Preliminary Decision Memorandum can be found as an appendix to this notice.

[6] *See* section 751(a)(2)(A) of the Act (stating that an administrative review determines the normal value, export price or constructed export price, and dumping margin of an ''entry''); 19 CFR 351.212(b)(1) (At the end of the administrative review, the suspended entries are liquidated at the assessment rate computed for the review period).

[7] *See, e.g., Certain Tissue Paper Products from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 73 FR 18497, 18499–18500 (April 4, 2008) *(unchanged in final); Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012), and accompanying IDM at Issue 2.

(China) Co., Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Baoding Jiasheng Photovoltaic Technology Co. Ltd.;, Beijing Tianneng Yingli New Energy Resources Co. Ltd., Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Lixian Yingli New Energy Resources Co., Ltd., Tianjin Yingli New Energy Resources Co., Ltd., Shenzhen Yingli New Energy Resources Co., Ltd., and Yingli Green Energy International Trading Company Limited; Canadian Solar Inc., Canadian Solar International, Ltd., Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., and Canadian Solar (USA) Inc.; Jinko Solar Co., Ltd., JinkoSolar (U.S.) Inc., Jinko Solar Import and Export Co., Ltd., and Zhejiang Jinko Solar Co., Ltd.; Shanghai BYD Co., Ltd.; Shenzhen Jiawei Photovoltaic Lighting Co., Ltd.; and Wuxi Suntech Power Co., Ltd. timely withdrew their requests for review.[8] No other party requested a review of these producers/exporters. Therefore, in accordance with 19 CFR 351.213(d)(1), the Department is rescinding this review of the CVD order on solar products from the PRC with respect to these companies.

Preliminary Results of Review

As a result of this review, we preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate (percent)
Changzhou Trina Solar Energy Co., Ltd. and its cross-owned affiliates[9]	13.93
Non-Selected Companies under Review[10]	13.93

[8] *See* Letter to the Secretary from Yingli, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Yingli's Withdrawal of Request for Administrative Review,'' (March 30, 2016); Letter to the Secretary from Canadian Solar, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Canadian Solar's Withdrawal of Request for Administrative Review,'' (April 22, 2016); Letter to the Secretary from Jinko, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Jinko's Withdrawal of Request for Administrative Review,'' (April 27, 2016); Letter to the Secretary from Shanghai BYD, ''Certain Crystalline Silicon Photovoltaic Products, from the People's Republic of China: Withdrawal of Request for Review for Shanghai BYD Co., Ltd.,'' (May 31, 2016); Letter to the Secretary from Dorfman Pacific Co., Ltd., ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Dorfman Pacific Co., Ltd.'s Withdrawal of Request for Administrative Review,'' (July 1, 2016); and Letter to the Secretary from Suntech, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Withdrawal of Request for Administrative Review—Wuxi Suntech Power Co., Ltd.,'' (July 5, 2016).

Preliminary Rate for the Non-Selected Companies Under Review

The statute and the Department's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where the Department limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, the Department normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs the Department as a general rule to calculate an all others rate using the weighted average of the subsidy rates established for the producers/exporters individually examined, excluding any zero, *de minimis*, or rates based entirely on facts available. In this review, the preliminary subsidy rate calculated for Changzhou Trina Solar Energy Co., Ltd. and its cross-owned affiliates (Trina Solar) is above *de minimis* and is not based entirely on facts available. Therefore, for the companies for which a review was requested that were not selected as mandatory company respondents, and for which we did not receive a timely request for withdrawal of review, and which we are not finding to be cross-owned with the mandatory company respondents, we are preliminarily basing the subsidy rate on the subsidy rate calculated for Trina Solar. For a list of these non-selected companies, please see the Appendix II to this notice.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with this preliminary determination within five days of publication of this notice in the **Federal Register**.[11] Interested parties may submit case and rebuttal briefs, as well as request a hearing.[12] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[13] Rebuttal briefs must be limited to issues raised in the case briefs.[14] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[15]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system.[16] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[17] Parties should confirm by telephone the date, time, and location of the hearing. Issues addressed at the hearing will be limited to those raised in the briefs.[18] All briefs and hearing requests must be filed electronically and received successfully in their entirety through ACCESS by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates and Cash Deposit Requirement

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated CVDs, in the amounts shown

[9] Cross-owned affiliates are: Trina Solar (Changzhou) Science & Technology Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd. *See* Preliminary Decision Memorandum.

[10] *See* Appendix II to this notice.

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)–(d), 19 CFR 351.310(c).

[13] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l).

[14] *See* 19 CFR 351.309(d)(2).

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310.

[18] *See* 19 CFR 351.310(c).

above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Intent To Partially Rescind Review
IV. Non-Selected Companies Under Review
V. Scope of the Order
VI. Application of the Countervailing Duty Law to Imports From the PRC
VII. Diversification of the PRC's Economy
VIII. Subsidy Valuation
IX. Interest Rate Benchmarks, Discount Rates, Input, Electricity, and Land Benchmarks
X. Use of Facts Otherwise Available and Adverse Inferences
XI. Analysis of Programs
XII. Verification
XIII. Disclosure and Public Comment
XIV. Conclusion

Appendix II—Non-Selected Companies Under Review

1. Chint Solar (Zhejiang) Co., Ltd.
2. Hefei JA Solar Technology Co., Ltd.
3. Perlight Solar Co., Ltd.
4. Risen Energy Co., Ltd.
5. Shanghai JA Solar Technology Co., Ltd.
6. Shenzhen Sungold Solar Co., Ltd.
7. Sunny Apex Development Limited

[FR Doc. 2017–04267 Filed 3–3–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (the PRC). The period of review (POR) is February 1, 2015, through January 31, 2016. The Department preliminarily determines that, during the POR, one mandatory respondent, Dezhou Kaihang Agricultural Science Technology Co. Ltd. (Dezhou Kaihang) did not sell subject merchandise below normal value (NV). We also preliminarily determine that the other mandatory respondent, Linyi City Kangfa Foodstuff Drinkable Co., Ltd. (Kangfa) has not demonstrated its eligibility for a separate rate and is, therefore, part of the PRC-wide entity. We preliminarily determine that the following companies had no reviewable shipments during the POR: (1) Zhangzhou Hongda Import & Export Trading Co., Ltd. (Hongda); and (2) Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian and Zhangzhou Gangchang Canned Foods Co., Ltd. (collectively, Gangchang). Finally, we preliminarily find that the remaining 98 companies under review did not demonstrate their eligibility for a separate rate and are part of the PRC-wide entity. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4475.

Background

On February 19, 1999, the Department published in the **Federal Register** the antidumping duty order on certain preserved mushrooms from the PRC.[1] On February 3, 2016, the Department published in the **Federal Register** an opportunity to request an administrative review of the *Order*.[2] On April 7, 2016, the Department published in the **Federal Register** a notice of initiation of this review, covering 103 separately-named companies.[3] On June 17, 2016, the Department selected Dezhou Kaihang and Kangfa as mandatory respondents and issued antidumping questionnaires to these companies.[4] Dezhou Kaihang timely submitted questionnaire responses, but Kangfa did not respond to the Department's request for information.

Scope of the Order

The products covered by this order are certain preserved mushrooms. The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.[5]

Preliminary Determination of No Shipments

Two companies that received a separate rate in previous segments of the proceeding and are subject to this review, Hongda and Gangchang,[6] certified that they did not have any exports of subject merchandise during the POR.[7] We requested that U.S.

[1] *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the People's Republic of China,* 64 FR 8308 (February 19, 1999) (the *Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 81 FR 5712 (February 3, 2016).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 20324 (April 7, 2016) (*Initiation Notice*).

[4] *See* Memorandum entitled, ''Administrative Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 17, 2016.

[5] For a complete description of the scope of the order, *see* Memorandum from James Maeder, Senior Director, Office I, for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Certain Preserved Mushrooms from the People's Republic of China: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] In the company certification of no shipments, the names ''Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian'' and ''Zhangzhou Gangchang Canned Foods Co., Ltd.'' are used interchangeably. When a similar issue arose during an earlier new shipper review, counsel clarified that the correct name of the company is ''Zhangzhou Gangchang Canned Foods Co., Ltd., Fujian.'' *See Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Reviews* 74 FR 14772 (April 1, 2009) unchanged at *Certain Preserved Mushrooms from the People's Republic of China: Final Results of Antidumping Duty New Shipper Reviews* 74 FR 28882 (June 18, 2009). Nonetheless, in a subsequent administrative review, we identified the company as ''Zhangzhou Gangchang Canned Foods Co., Ltd.'' *See Certain Preserved Mushrooms from the People's Republic of China; Final Results of Administrative Review,* 80 FR 32355 (June 8, 2015). In light of this interchangeable treatment, to avoid any confusion, we are including both name variations in our preliminary finding of no shipments.

[7] *See* Letters from Zhangzhou Gangchang Canned Foods Co., Ltd., and Zhangzhou Hongda Import & Export Trading Co., Ltd., dated May 6, 2016. One additional company, Zhejiang Jinhua Jinli

Customs and Border Protection (CBP) report any contrary information regarding these certifications.[8] To date, we have received no evidence that these companies had any shipments of the subject merchandise sold to the United States during the POR. Further, consistent with our practice, we find that it is not appropriate to rescind the review with respect to these companies but, rather, to complete the review and issue appropriate instructions to CBP based on the final results of review.[9]

Separate Rates

The Department preliminarily determines that the information placed on the record by Dezhou Kaihang demonstrates that Dezhou Kaihang is entitled to separate rate status.[10] No other parties submitted separate rate information in this review.

PRC-Wide Entity

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this administrative review.[11] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, nor did the Department self-initiate a review of the PRC-wide entity, the entity is not under review and the entity's rate (*i.e.,* 308.33 percent) is not subject to change.[12] Aside from Dezhou Kaihang and the no shipments companies discussed above, the Department considers all other companies for which a review was requested (which did not file a separate rate application or separate rate certfication) to be part of the PRC wide entity.[13]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Act. For Dezhou Kaihang, export price was calculated in accordance with section 772(a) of the Act. Because the PRC is a non-market economy within the meaning of section 771(18) of the Act, normal value was calculated in accordance with section 773(c) of the Act. Because Kangfa did not demonstrate its elibility for a separate rate, we treated it as part of the PRC-wide entity.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.*

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margin exists:

Exporter	Weighted-average dumping margin (percent)
Dezhou Kaihang Agricultural Science Technology Co. Ltd ...	0.00

Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[14] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to

Mushroom Co., Ltd., also filed a no-shipment certification; however, because this company did not have a separate rate in previous segments of this proceeding and did not submit a separate rate application, we have continued to include this company in the PRC-wide entity.

[8] *See* CBP message numbers 7047304 and 7047303, dated February 16, 2016.

[9] *See, e.g., Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[10] *See* Preliminary Decision Memorandum, at ''Discussion of the Methodology'' section.

[11] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[12] *See, e.g., Certain Preserved Mushrooms from the People's Republic of China; Final Results of Antidumping Duty Administrative Review; 2013–2014; and Partial Rescission of Review* 80 FR 32355, 32357 (June 8, 2015).

[13] *See Initiation Notice,* 81 FR at 20325 (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.''). Companies that are subject to this administrative review that are considered to be part of the PRC-wide entity are: (1) Agrogentra & Co., Ltd., (2) Ayecue (Liaocheng) Foodstuff Co., Ltd., (3) Blue Field (Sichuan) Food Industrial Co., Ltd., (4) Cargo Services (China) Limited, (5) Casia Global Logistics Co., Ltd., (6) Changzhou Chen Rong-Da Carpet Co., Ltd., (7) Chaoda Mushroom Co., Ltd., (8) China National Cereals, Oil & Foodstuffs Import & Export Corp., (9) China Processed Food Import & Export Co., (10) Dalian New Century Food Co., Ltd., (11) DHL ISC (Hong Kong) Limited, (12) DSV Air Sea Co., Ltd., (13) Dujiangyan Xingda Foodstuff Co., Ltd., (14) Ever Since Group Co., Ltd., (15) Fujian Blue Lake Foods Co., Ltd., (16) Fujian Golden Banyan Foodstuffs Industrial Co., Ltd., (17) Fujian Haishan Foods Co., Ltd., (18) Fujian Pinghe Baofeng Canned Foods, (19) Fujian Tongfa Foods Group Co., Ltd., (20) Fujian Yuxing Fruits and Vegetables Foodstuffs Development Co., Ltd., (21) Fujian Zishan Group Co., Ltd., (22) Golden Banyan Foodstuffs Industry Co., Ltd., (23) Guangxi Eastwing Trading Co., Ltd., (24) Guangxi Hengyong Industrial & Commerical Dev. Ltd., (25) Guangxi Jisheng Foods, Inc., (26) Hangzhou Happy Green Co., Ltd., (27) Hoa Mai Food Company Limited, (28) Honour Lane Shipping Ltd., (29) Inter-Foods (Dongshan) Co., Ltd., (30) Jeenhuat Foodstuffs Industries Sdn. Bhd., (31) Jewell International Corporation, (32) Jiangxi Cereals Oils Foodstuffs, (33) Jin Feng Food Co., Ltd., (34) Joy Foods (Zhangzhou) Co., Ltd., (35) Kuehne & Nagel Limited Xiamen Branch, (36) LF Logistics Co., Ltd., (37) Kangfa, (38) Linyi Yuqiao International Trade Co., Ltd., (39) Logistics THL Corp., (40) Longhai Guangfa Food Co., Ltd, (41) Mikado Food China Co., Ltd., (42) Nam Phuong International Co., Ltd., (43) Nam Tien Production & Export Co., Ltd., (44) Omni Ringo Business Ltd., (45) OOCL Logistics Ltd., (46) Orient Express Container Co., Ltd., (47) Paifu Enterprise Corporation, (48) Panalpina World Transport (PRC) Ltd., (49) Philippine Haofeng Food Corporation, (50) Primera Harvest (Xiangfan) Co., Ltd., (51) PT. Apex Maritim Indonesia, (52) PT. Eka Timur Raya (Etira Mushrooms), (53) PT. Suryajaya Abadi Perkasa, (54) Pudong Prime International Logistics Inc., (55) Seahorse Shipping Corporation, (56) Shandong Fengyu Edible Fungus Corporation Ltd., (57) Shandong Jiufa Edible Fungus Corporation, Ltd., (58) Shandong Xinfa Agricultural Science Corporation Ltd., (59) Shandong Yinfeng Rare Fungus Corporation, Ltd., (60) Shanghai Best Wholesome Economy & Trade Co., Ltd., (61) Shenzhen Syntrans International Logistics Co., Ltd., (62) Shouguang Sunrise Industry & Commerce Co., Ltd., (63) Shundi Foods Co., Ltd. (64) Speedier Logistics Co., Ltd., (65) Success Program International Transport J. S.C., (66) Sun Mark Industrial Corp., (67) Sun VN Transport Corp., (68) Sun Wave Trading Co., Ltd., (69) Sun Wave & Trading Co., Ltd., (70) Sunrise Food Industry & Commerce, (71) Thuy Duong Transport and Trading Service JSC, (72) Tianjin Fulida Supply Co., Ltd., (73) Woo Sun Food Factory Co., (74) Xiamen Aukking Imp. & Exp. Co., Ltd., (75) Xiamen Carre Food Co., Ltd., (76) Xiamen Choice Harvest Imp., (77) Xiamen Greenland Import & Export Co., Ltd., (78) Xiamen Gulong Imp. & Exp. Co., Ltd., (79) Xiamen Gulong Import & Export Co., Ltd., (80) Xiamen Huamin Import & Export Co., Ltd., (81) Xiamen International Trade & Industrial Co., Ltd., (82) Xiamen Jiahua Import & Export Trading Co., Ltd., (83) Xiamen Lian Fang Industry Co., Ltd., (84) Xiamen Longstar Lighting Co., Ltd., (85) Xiamen Longhuai Import & Export Co., Ltd., (86) Xiamen Sungiven Import & Export Co., Ltd., (87) Zhangzhou Golden Banyan Foodstuffs Industrial Co., Ltd. (88) Zhangzhou Long Mountain Foods Co., Ltd., (89) Zhangzhou Longhai Minhui Industry & Trade Co. Ltd., (90) Zhangzhou Tan Co. Ltd. Fujian, China, (91) Zhangzhou Tan Co., Ltd., (92) Zhangzhou Tongfa Foods Industry Co., Ltd., (93) Zhangzhou Xiangcheng Rainbow & Greenland Food Co., Ltd., (94) Zhangzhou Yuxing Imp. & Exp. Trading Co., Ltd., (95) Zhangzhou Yuxing Import & Export Trading Co., Ltd., (96) Zhejiang Jinhua Jinli Mushroom Co., Ltd., (97) Zhejiang Iceman Food Co., Ltd., (98) Zhejiang Iceman Group Co., Ltd., and (99) Zhongshan Magic Foodstuff Co., Ltd.

[14] *See* 19 CFR 351.309(c)(1)(ii).

submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[15] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the cases briefs are filed.[16]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[17] Hearing requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Unless extended, the Department intends to issue the final results of this review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[18] If Dezhou Kaihang's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews*.[19] Where an importer-specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[20]

For entries that were not reported in the U.S. sales databases submitted by exporters individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate of 308.33 percent.[21] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Dezhou Kaihang, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis,* then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary 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 POR. 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.

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: February 28, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Preliminary Determination of No Shipments
V. Discussion of the Methodology
  A. Non-Market Economy Country Status
  B. Separate Rates
  C. Surrogate Country
VI. Fair Value Comparisons
  A. Determination of Comparison Method
  B. Results of the Differential Pricing Analysis
  C. U.S. Price
  D. Normal Value
  E. Factor Valuations
VII. Currency Conversion
VIII. Recommendation

[FR Doc. 2017–04281 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See* 19 CFR 351.309(c)(2).

[16] *See* 19 CFR 351.309(d).

[17] *See* 19 CFR 351.310(c).

[18] *See* 19 CFR 351.212(b)(1).

[19] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103 (February 14, 2012) (*Final Modification for Reviews*).

[20] *See* 19 CFR 351.106(c)(2).

[21] *See Certain Preserved Mushrooms from the People's Republic of China; Final Results of Antidumping Duty Administrative Review; 2013–2014; and Partial Rescission of Review,* 80 FR 32355, 32357 (June 8, 2015).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF265

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, March 23, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

Agenda

The Research Steering Committee will conduct a management review of several completed groundfish research projects as well as develop input on the Council's draft research priorities and data needs for 2017–202. The Committee will also address other business as necessary.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 1, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–04294 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Conflict of Interest Disclosure for Nonfederal Government Individuals who are Candidates To Conduct Peer Reviews.

OMB Control Number: 0648–0567.

Form Number(s): None.

Type of Request: Regular

Number of Respondents: 321.

Average Hours per Response: 30 minutes.

Burden Hours: 161.

Needs and Uses: This request is for revision and extension of a currently approved collection.

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents. OMB's Final Information Quality Bulletin for Peer Review (''Peer Review Bulletin'' or PRB) (available at *http://www.whitehouse.gov/omb/memoranda/fy2005/m05-03.pdf*) establishes minimum peer review standards for influential scientific information that Federal agencies intend to disseminate.

The Peer Review Bulletin also directs Federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not Federal government employees (federal employees are subject to Federal ethics requirements). For peer review purposes, the term ''conflicts of interest'' means any financial or other interest which conflicts with the service of the individual because it could: (1) Significantly impair the individual's objectivity; or (2) create an unfair competitive advantage for any person or organization. NOAA has adapted the NAS policy and developed two confidential conflict disclosure forms which the agency will use to examine prospective reviewers' potential financial conflicts and other interests that could impair objectivity or create an unfair advantage. One form is for peer reviewers of studies related to government regulation and the other form is for all other influential scientific information subject to the Peer Review Bulletin. In addition, the latter form has been adapted by NOAA's Office of Oceanic and Atmospheric Research for potential reviewers of scientific laboratories.

The forms include questions about employment as well as investment and property interests and research funding. Both forms also require the submission of curriculum vitae. NOAA is seeking to collect this information from potential peer reviewers who are not government employees when conducting a peer review pursuant to the PRB. The information collected in the conflict of interest disclosure is essential to NOAA's compliance with the OMB PRB, and helps to ensure that government studies are reviewed by independent, impartial peer reviewers.

Revision: A custom OAR form is no longer in use.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 1, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–04299 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF266

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Meeting notice; via webinar.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a public hearing via webinar to solicit public comments on Reef Fish Amendment 36A—Modifications to Commercial Individual Fishing Quota (IFQ) Programs.

DATES: The public hearing webinar will take place on Wednesday, March 22, 2017, starting at 6 p.m. EST and will conclude no later than 9 p.m. See **SUPPLEMENTARY INFORMATION** for how to participate. Written public comments must be received on or before 5 p.m. EST on Tuesday, March 28, 2017.

ADDRESSES:

Meeting address: The public hearing will be held via webinar; see **SUPPLEMENTARY INFORMATION** for how to participate.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; (813) 348–1630.

Public comments: Comments may be submitted online through the Council's public portal by visiting *www.gulfcouncil.org* and clicking on ''CONTACT US''.

FOR FURTHER INFORMATION CONTACT: Ava Lasseter, Anthropologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Council staff will brief the public on Reef Fish Amendment 36A—Modifications to Commercial Individual Fishing Quota (IFQ) Programs. The

amendment considers actions to improve program compliance, address non-activated accounts, and authority to retain annual allocation before a quota reduction. Staff will then open the meeting for questions and public comments. The schedule is as follows:

Wednesday, March 22, 2017, Webinar at 6 p.m. EST: Public Hearing: Reef Fish Amendment 36A—Modifications to Commercial IFQ Programs *https://attendee.gotowebinar.com/register/8308877810229905155.*

After registering, you will receive a confirmation email containing information about joining the webinar.

Copies of the public hearing documents can be obtained by calling (813) 348–1630 or visiting *www.GulfCouncil.org.*

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 1, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–04295 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF264

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Pre-Assessment Webinar for Atlantic Blueline Tilefish; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 50 Pre-Assessment webinar.

SUMMARY: The SEDAR 50 assessment of the Atlantic stock of Blueline Tilefish will consist of a series of workshops and webinars: Stock ID Work Group Meeting; Data Workshop; Assessment Workshop and Webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 50 Pre-Assessment webinar will be held on Friday, March 31, 2017, from 9 a.m. to 12 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing a workshop and/or webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Pre-Assessment webinar are as follows:

Participants will finalize data recommendations from the Data Workshop and provide early modeling advice.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice 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

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 1, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–04293 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF084

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Partnership for Interdisciplinary Study of Coastal Oceans (PISCO) at the University of California Santa Cruz

(UCSC) to incidentally harass, by Level B harassment only, marine mammals during rocky intertidal monitoring surveys.

DATES: This Authorization is effective from February 21, 2017 through February 20, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . .an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).''

Summary of Request

On September 23, 2016 NMFS received an application from PISCO for the taking of marine mammals incidental to rocky intertidal monitoring surveys along the Oregon and California coasts. NMFS determined that the application was adequate and complete on October 9, 2016. NMFS has previously issued four IHAs for this ongoing project (77 FR 72327, December 5, 2012; 78 FR 79403, December 30, 2013; 79 FR 73048, December 9, 2014; 81 FR 7319, February 2, 2016).

The research group at UC Santa Cruz operates in collaboration with two large-scale marine research programs: PISCO and the Multi-agency Rocky Intertidal Network (MARINe). The research group at UC Santa Cruz (PISCO) is responsible for many of the ongoing rocky intertidal monitoring programs along the Pacific coast. Monitoring occurs at rocky intertidal sites, often large bedrock benches, from the high intertidal to the water's edge. Long-term monitoring projects include Community Structure Monitoring, Intertidal Biodiversity Surveys, Marine Protected Area Baseline Monitoring, Intertidal Recruitment Monitoring, and Ocean Acidification. Research is conducted throughout the year along the California and Oregon coasts and will continue indefinitely. Most sites are sampled one to two times per year over a 4–6 hour period during a negative low tide series. This IHA is effective for a 12-month period. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Presence of survey personnel near pinniped haulout sites and unintentional approach of survey personnel towards hauled out pinnipeds. Take, by Level B harassment only, of individuals of California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina richardii*), and northern elephant seals (*Mirounga angustirostris*) is anticipated to result from the specified activity.

Description of the Specified Activity

Overview

PISCO requested an IHA to continue rocky intertidal monitoring work that has been ongoing for 20 years. PISCO focuses on understanding the nearshore ecosystems of the U.S. west coast through a number of interdisciplinary collaborations. The program integrates long-term monitoring of ecological and oceanographic processes at dozens of sites with experimental work in the lab and field. A short description of project components is found below. A detailed description of the planned intertidal monitoring project was provided in the **Federal Register** notice for the proposed IHA (82 FR 3727; January 12, 2017). Since that time, no changes have been made to the planned monitoring activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Dates and Duration

PISCO's research is conducted throughout the year, but will begin no sooner than February 21, 2017 and end on February 20, 2018. Most sites are sampled one to two times per year over a 1-day period (4–6 hours per site) during a negative low tide series. Due to the large number of research sites, scheduling constraints, the necessity for negative low tides and favorable weather/ocean conditions, exact survey dates are variable and difficult to predict. Some sampling may occur in all months.

Specified Geographic Region

Sampling sites occur along the California and Oregon coasts. Community Structure Monitoring sites range from Ecola State Park near Cannon Beach, Oregon to Government Point located northwest of Santa Barbara, California. Biodiversity Survey sites extend from Ecola State Park south to Cabrillo National Monument in San Diego County, California. Exact locations of sampling sites can be found in Tables 1 and 2 of PISCO's application which may be found on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

Detailed Description of Activities

Community Structure Monitoring involves the use of permanent photoplot quadrats, which target specific algal and invertebrate assemblages (*e.g.,* mussels, rockweeds, barnacles). Each photoplot is photographed and scored for percent cover. The Community Structure Monitoring approach is based largely on surveys that quantify the percent cover and distribution of algae and invertebrates that constitute these communities. This approach allows researchers to quantify both the patterns of abundance of targeted species, as well as characterize changes in the communities in which they reside. Such information provides managers with insight into the causes and consequences of changes in species abundance. There are 47 Community Structure sites, each of which is surveyed over a 1-day period during a low tide series one to two times a year.

Biodiversity Surveys are part of a long-term monitoring project and are conducted every 3–5 years across 140 established sites. Note that many, but not all, of the 47 Community Structure sites are also Biodiversity Survey sites. Thirty-eight of the Community Structure sites are utilized for Biodiversity

Surveys, leaving nine sites that are only Biodiversity Survey locations. These Biodiversity Surveys involve point contact identification along permanent transects, mobile invertebrate quadrat counts, sea star band counts, and tidal height topographic measurements.

Sixteen Biodiversity Survey sites will be visited as part of this proposed IHA. Four of the Biodiversity Survey sites are also Community Structure sites, leaving 12 sites that are only Biodiversity Survey sites. As such, a total of 59 sites will be visited under the proposed IHA.

The intertidal zones where PISCO conducts intertidal monitoring are also areas where pinnipeds can be found hauled out on the shore at or adjacent to some research sites. Pinnipeds are likely to be observed at 17 out of the 59 survey sites. Accessing portions of the intertidal habitat at these locations may cause incidental Level B (behavioral) harassment of pinnipeds through some unavoidable approaches if pinnipeds are hauled out directly in the study plots or while biologists walk from one location to another. No motorized equipment is involved in conducting these surveys.

Comments and Responses

A notice of NMFS' proposal to issue an IHA was published in the **Federal Register** on January 12, 2017 (82 FR 3727). During the 30-day public comment period, the Marine Mammal Commission (Commission) submitted a letter on January 18, 2017. The letter is available on the Internet at *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* The Commission had no formal comments and concurred with NMFS's preliminary finding that recommended that NMFS issue an IHA to PISCO, subject to the inclusion of the mitigation, monitoring, and reporting measures.

Description of Marine Mammals in the Area of the Specified Activity

Several pinniped species can be found along the California and Oregon coasts. The three that are most likely to occur at some of the research sites are California sea lion, harbor seal, and northern elephant seal. PISCO researchers have seen very small numbers (*i.e.,* five or fewer) of Steller sea lions at one of the sampling sites. However, these sightings are extremely rare. Species that may be found around monitoring locations are shown in Table 1.

A detailed description of the of the species likely to be affected by the monitoring project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (82 FR 3727; January 12, 2017). Since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals/*) for generalized species accounts.

TABLE 1—MARINE MAMMALS POTENTIALLY PRESENT IN THE VICINITY OF STUDY AREAS

Species	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]
California sea lion	*Zalophus californianus*	U.S	—; N	296,750 (n/a; 153,337; 2011).
Steller sea lion	*Eumetopias jubatus*	Eastern U.S	D; Y	60,131–74,448 (n/a; 36,551; 2013).
Harbor seal	*Phoca vitulina richardii*	California/Oregon/ Washington.	—; N	30,968 (0.157; 27,348; 2012 [CA])/ 24,732 (n/a; n/a [OR/WA] [3].
Northern elephant seal.	*Mirounga angustirostris*	California breeding stock.	—; N	179,000 (n/a; 81,368; 2010).

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (—) indicates that the species is not listed under the ESA or designated as depleted under the MMPA.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the specie's (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[3] The most recent abundance estimate is >8 years old, there is no current estimate of abundance available for this stock.

Potential Effects of the Specified Activity on Marine Mammals

The effect of stressors associated with the specified activity (*e.g.,* pedestrian researchers) has the potential to result in behavioral harassment of marine mammals in the vicinity of the action areas. The **Federal Register** notice for the proposed IHA (82 FR 3727; January 12, 2017) included a discussion of the effects of such disturbance on marine mammals, therefore that information is not repeated here.

Anticipated Effects on Marine Mammal Habitat

NMFS described potential impacts to marine mammal habitat in detail in our **Federal Register** notice of proposed authorization (82 FR 3727; January 12, 2017). In summary, the project activities would not modify existing marine mammal habitat. Because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences for individual marine mammals or their populations

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Mitigation Measures

PISCO will implement several mitigation measures to reduce potential take by Level B (behavioral disturbance) harassment. Measures include the following:

- When possible, researchers will observe a site from a distance with binoculars to detect any marine mammals prior to approaching the site. Researchers will approach a site with

caution (slowly and quietly) to avoid surprising any hauled-out individuals and to reduce stampeding of individuals towards the water.

- If possible, researchers will avoid pinnipeds along access ways to sites by locating and taking a different access way. Researchers will keep a safe distance from and not approach any marine mammal while conducting research, unless it is absolutely necessary to flush a marine mammal in order to continue conducting research (*i.e.,* if a site cannot be accessed or sampled due to the presence of pinnipeds).
- Researchers will avoid making loud noises (*i.e.,* using hushed voices) and keep bodies low to the ground in the visual presence of pinnipeds.
- Researches will monitor the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters. Note that PISCO has never observed an offshore predator while researchers were present at any of the survey sites.
- Intentional flushing will be avoided if pups are present and nursing pups will not be disturbed.
- To avoid take of Steller sea lions, any site where they are present will not be approached and will be sampled at a later date. Note that observation of sea lions at survey sites is extremely rare.
- Researchers will promptly vacate sites at the conclusion of sampling.

The methodologies and actions noted in this section will be included as mitigation measures in the IHA to ensure that impacts to marine mammals are mitigated to the lowest level practicable. The primary method of mitigating the risk of disturbance to pinnipeds, which will be in use at all times, is the selection of judicious routes of approach to study sites, avoiding close contact with pinnipeds hauled out on shore, and the use of extreme caution upon approach. Each visit to a given study site will last for approximately 4–6 hours, after which the site is vacated and can be re-occupied by any marine mammals that may have been disturbed by the presence of researchers. By arriving before low tide, worker presence will tend to encourage pinnipeds to move to other areas for the day before they haul out and settle onto rocks at low tide.

Mitigation Conclusions

NMFS has carefully reviewed mitigation measures to ensure these measures would have the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).
5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.
6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. PISCO has described their long-standing monitoring actions in Section 13 of the Application.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, *i.e.,* presence, abundance, distribution, and/or density of species.
2. An increase in our understanding of how many marine mammals are likely to be exposed to levels of disturbance that we associate with specific adverse effects, such as behavioral harassment;
3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

▪ Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and
5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

PISCO will contribute to the knowledge of pinnipeds in California and Oregon by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

Monitoring requirements in relation to PISCO's rocky intertidal monitoring will include observations made by the applicant. Information recorded will include species counts (with numbers of pups/juveniles when possible) of animals present before approaching, numbers of observed disturbances, and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event. For consistency, any reactions by pinnipeds to researchers will be recorded according to a three-point scale shown in Table 2. Note that only observations of disturbance Levels 2 and 3 should be recorded as takes.

TABLE 2—LEVELS OF PINNIPED BEHAVIORAL DISTURBANCE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3	Flush	All retreats (flushes) to the water.

In addition, observations regarding the number and species of any marine mammals observed, either in the water or hauled-out, at or adjacent to a site, are recorded as part of field observations during research activities. Information regarding physical and biological conditions pertaining to a site, as well as the date and time that research was conducted are also noted. This information will be incorporated into a monitoring report for NMFS. PISCO will also report observations of unusual behaviors, numbers, or distributions of pinnipeds, or of tag-bearing carcasses, to NMFS Southwest Fisheries Science Center (SWFSC).

If at any time the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, PISCO shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the Southwest Regional Stranding Coordinator, NMFS. The report must include the following information:

(1) Time and date of the incident;

(2) Description of the incident;

(3) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(4) Description of all marine mammal observations in the 24 hours preceding the incident;

(5) Species identification or description of the animal(s) involved;

(6) Fate of the animal(s); and

(7) Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with PISCO to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. PISCO may not resume the activities until notified by NMFS.

In the event that an injured or dead marine mammal is discovered and it is determined that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), PISCO shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the same information identified in the paragraph above IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with PISCO to determine whether additional mitigation measures or modifications to the activities are appropriate.

In the event that an injured or dead marine mammal is discovered and it is determined that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), PISCO shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. PISCO shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

A draft final report must be submitted to NMFS Office of Protected Resources within 60 days after the conclusion of the 2016–2017 field season or 60 days prior to the start of the next field season if a new IHA will be requested. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. A final report must be submitted to the Director of the NMFS Office of Protected Resources and to the NMFS West Coast Regional Administrator within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

Monitoring Results From Previously Authorized Activities

PISCO complied with the mitigation and monitoring that were required under the IHA issued in December 2014. In compliance with the IHA, PISCO submitted a report detailing the activities and marine mammal monitoring they conducted. The IHA required PISCO to conduct counts of pinnipeds present at study sites prior to approaching the sites and to record species counts and any observed reactions to the presence of the researchers.

From December 17, 2014, through December 16, 2015, PISCO researchers conducted rocky intertidal sampling at numerous sites in California and Oregon (see Table 1 and 2 in PISCO's 2014–2015 monitoring report). During this time no injured, stranded, or dead pinnipeds were observed. Tables 7, 8, and 9 in PISCO's monitoring report outline marine mammal observations and reactions. During this period there were 44 takes of harbor seals, 19 takes of California sea lions, and 4 takes of northern elephant seals. NMFS had

authorized the take of 183 harbor seals, 60 California sea lions, and 30 Northern Elephant seals under the IHA.

Based on the results from the monitoring report, we conclude that these results support our original findings that the mitigation measures set forth in the 2014–2015 IHA effected the least practicable impact on the species or stocks. There were no stampede events this year and most disturbances were Level 1 and 2 from the disturbance scale (Table 2)—meaning the animal did not fully flush but observed or moved slightly in response to researchers. Those that did fully flush to the water did so slowly. Most of these animals tended to observe researchers from the water and then re-haulout farther upcoast or downcoast of the site within approximately 30 minutes of the disturbance.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. The mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by injury, serious injury, or mortality is considered remote. Animals hauled out close to the actual survey sites may be disturbed by the presence of researchers and may alter their behavior or attempt to move away from the researchers.

As discussed earlier, NMFS considers an animal to have been harassed if it moved greater than two times its body length in response to the researcher's presence or if the animal was already moving and changed direction and/or speed, or if the animal flushed into the water. Animals that became alert without such movements were not considered harassed.

For the purpose of the issued IHA, only the Oregon and California sites that are frequently sampled and have a marine mammal presence during sampling were included in calculating take estimates. Sites where only Biodiversity Surveys are conducted did not provide enough data to confidently estimate takes since they are sampled infrequently (once every 3–5 years). A small number of harbor seal, northern elephant seal and California sea lion pup takes are anticipated as pups may be present at several sites during spring and summer sampling.

Take estimates are based on marine mammal observations from each site. Marine mammals are observed as part of PISCO site observations, which include taking notes on physical and biological conditions at the site. The maximum number of marine mammals, by species, seen at any given time throughout the sampling day is recorded at the conclusion of sampling. A marine mammal is counted if it is seen on access ways to the site, at the site, or immediately up-coast or down-coast of the site. Marine mammals in the water immediately offshore are also recorded. Any other relevant information, including the location of a marine mammal relevant to the site, any unusual behavior, and the presence of pups is also noted.

These observations formed the basis from which researchers with extensive knowledge and experience at each site estimated the actual number of marine mammals that may be subject to take. Take estimates for each species for which take would be authorized were based on the following equation:

Take estimate per survey site = (number of expected animals per survey site * number of survey days per survey site)

Individual species' totals for each survey site were summed to arrive at a total estimated take. In most cases the number of takes is based on the maximum number of marine mammals that have been observed at a site throughout the history of the site (1–3 observation per year for 5–10 years or more) with additional input provided by the researchers with site-specific knowledge and experience. Section 6 in PISCO's application outlines the number of visits per year for each sampling site and the potential number of pinnipeds anticipated to be encountered at each site. Tables 3, 4, 5 in PISCO's application outlines the number of potential takes per site (see **ADDRESSES**).

Harbor seals are expected to occur at 16 locations in numbers ranging from 5 to 30 per visit (Table 3 in PISCO's application). It is anticipated that there will be 220 takes of adult harbor seals and 13 takes of weaned pups. Therefore, NMFS authorizes the take of up to 233 harbor seals.

California sea lions are expected to be present at five sites. Eighty-five adult and five pups are expected to be taken. Therefore, NMFS authorizes the take of 90 California sea lions.

Northern elephant seals are only expected to occur at one site this year, Piedras Blancs, which will experience two separate visits. Up to 20 adult and 40 pup takes are anticipated. Therefore, NMFS authorizes the take of up to 60 northern elephant seals.

PISCO researchers report that they have very rarely observed Steller sea lions at any research sites and none have been observed over the last several years. Therefore, PISCO has not requested, and NMFS did not authorize take of any Steller sea lions.

NMFS has authorized the take, by Level B harassment only, of 233 harbor seals, 90 California sea lions, and 60 northern elephant seals. These numbers are considered to be maximum take estimates. Therefore, actual take may be less if animals decide to haul out at a different location for the day or animals are out foraging at the time of the survey activities.

Analysis and Determinations

Negligible Impact Analysis

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, feeding, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

To avoid repetition, the discussion of our analyses applies generally to the three species for which take is authorized, given that the anticipated effects of these surveys on marine mammals are expected to be relatively similar in nature. Where there are species-specific factors that have been considered, they are identified below.

No injuries or mortalities are anticipated to occur as a result of

PISCO's rocky intertidal monitoring surveys and none are proposed to be authorized. The risk of marine mammal injury, serious injury, or mortality associated with rocky intertidal monitoring increases somewhat if disturbances occur during breeding season. These situations present increased potential for mothers and dependent pups to become separated and, if separated pairs do not quickly reunite, the risk of mortality to pups (*e.g.,* through starvation) may increase. Separately, adult male elephant seals may trample elephant seal pups if disturbed, which could potentially result in the injury, serious injury, or mortality of the pups. The risk of either of these situations is greater in the event of a stampede; however, as described previously, stampede is not considered likely to occur.

Very few pups are anticipated to be encountered during the proposed monitoring surveys. However, a small number of harbor seal, northern elephant seal, and California sea lion pups have been observed at several of the proposed monitoring sites during past years. Harbor seals are very precocious with only a short period of time in which separation of a mother from a pup could occur. Although elephant seal pups are occasionally present when researchers visit survey sites, risk of pup mortalities is very low because elephant seals are far less reactive to researcher presence compared to the other two species. Further, elephant seal pups are typically found on sand beaches, while study sites are located in the rocky intertidal zone, meaning that there is typically a buffer between researchers and pups. Finally, the caution used by researchers in approaching sites generally precludes the possibility of behavior, such as stampeding, that could result in extended separation of mothers and dependent pups or trampling of pups. No research would occur where separation of mother and her nursing pup or crushing of pups can become a concern.

Typically, even those reactions constituting Level B harassment would result at most in temporary, short-term disturbance. In any given study season, researchers will visit sites one to two times per year for a total of 4–6 hours per visit. Therefore, disturbance of pinnipeds resulting from the presence of researchers lasts only for short periods of time and is separated by significant amounts of time in which no disturbance occurs.

Some of the pinniped species may use some of the sites during certain times of year to conduct pupping and/or breeding. However, some of these species prefer to use offshore islands for these activities. At the sites where pups may be present, PISCO has proposed to implement certain mitigation measures, such as no intentional flushing if dependent pups are present, which will avoid mother/pup separation and trampling of pups.

Of the marine mammal species anticipated to occur in the proposed activity areas, none are listed under the ESA. Taking into account the planned mitigation measures, effects to marine mammals are generally expected to be restricted to short-term changes in behavior or temporary abandonment of haulout sites, pinnipeds are not expected to permanently abandon any area that is surveyed by researchers, as is evidenced by continued presence of pinnipeds at the sites during annual monitoring counts. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed mitigation and monitoring measures, NMFS finds that the total marine mammal take from PISCO's rocky intertidal monitoring program will not adversely affect annual rates of recruitment or survival and, therefore, will have a negligible impact on the affected species or stocks.

Small Numbers

Table 3 presents the abundance of each species or stock, the proposed take estimates, and the percentage of the affected populations or stocks that may be taken by Level B harassment. The numbers of animals authorized to be taken would be considered small relative to the relevant stocks or populations (0.75–0.94 percent for harbor seals, and <0.01 percent for California sea lions and northern elephant seals). Because these are maximum estimates, actual take numbers are likely to be lower, as some animals may not be present on survey days.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we find that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

TABLE 3—POPULATION ABUNDANCE ESTIMATES, TOTAL PROPOSED LEVEL B TAKE, AND PERCENTAGE OF POPULATION THAT MAY BE TAKEN FOR THE POTENTIALLY AFFECTED SPECIES DURING THE PROPOSED ROCKY INTERTIDAL MONITORING PROGRAM

Species	Abundance *	Total proposed Level B take	Percentage of stock or population
Harbor seal	[1] 30,968 [2] 24,732	233	<0.75–0.94
California sea lion	296,750	90	<0.01
Northern elephant seal	179,000	60	<0.01

* Abundance estimates are taken from the 2015 U.S. Pacific Marine Mammal Stock Assessments (Carretta *et al.,* 2016).
[1] California stock abundance estimate;
[2] Oregon/Washington stock abundance estimate from 1999–Most recent surveys.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

No species listed under the ESA are expected to be affected by these activities. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

In 2012, NMFS prepared an EA analyzing the potential effects to the human environment from conducting rocky intertidal surveys along the California and Oregon coasts and issued a Finding of No Significant Impact (FONSI) on November 26, 2012 on the issuance of an IHA for PISCO's rocky intertidal surveys in accordance with section 6.01 of the NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). We have reviewed the application for a renewed IHA for ongoing monitoring activities for 2017–18 as well as results from the 2014–15 monitoring report. Based on that review, we have determined that the action is very similar to that considered in the previous IHA. We conducted an environmental review and found no significant new circumstances or information relevant to environmental concerns have been identified. Thus, we have determined that the preparation of a new or supplemental NEPA document is not necessary. The 2012 NEPA documents are available for review at *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

Authorization

As a result of these determinations, we have issued an IHA to PISCO for conducting the described activities related to rocky intertidal monitoring surveys along the Oregon and Washington coasts from February 21, 2017 through February 20, 2018 provided the previously described mitigation, monitoring, and reporting requirements are incorporated.

Dated: February 28, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–04194 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committee

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the National Security Education Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed under the provisions of 50 U.S.C. 1903 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/.*

The Board shall consult on the National Security Scholarship, Fellowships, and Grants Program as described in more detail in 50 U.S.C. Ch. 37. The Secretary of Defense, pursuant to 50 U.S.C. 1906, shall submit to the President and to the Congressional Intelligence committees an annual report of the conduct of the Program required by 50 U.S.C. Ch. 37. In preparation of this annual report, the Secretary of Defense shall consult with the members of the Board, who shall each submit to the Secretary an assessment of their hiring needs in the areas of language and area studies and a projection of the deficiencies in such areas. The Secretary shall include all assessments in the annual report.

The Board consists of 14 members. All members of the Board are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. All members are entitled to reimbursement for official Board-related travel and per diem.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: February 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–04195 Filed 3–3–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2017–OS–0010]

Proposed Collection; Comment Request

AGENCY: National Geospatial-Intelligence Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* and as part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the National Geospatial-Intelligence Agency announces a proposed generic information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 5, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory & Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the

instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of Business Intelligence, Xperience Directorate, National Geospatial-Intelligence Agency, ATTN: Jennifer Wright, Ph.D., Program Manager, 3200 S. 2nd Street, St. Louis, MO 63118, or call Jennifer Wright at (314) 676–1312.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Regular Generic Clearance for the Collection of NGA Customer Satisfaction Strategy Survey; OMB Control Number 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to garner qualitative and quantitative customer and stakeholder feedback in an efficient and timely manner and is motivated by the Administration's commitment to improving service delivery. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, early warning of issues with service, and otherwise focus attention on areas where communication, training or changes in operations might improve delivery of products or services.

Current Actions: Processing New as Generic.

Type of Review: New.

Affected Public: Individuals and Households.

Estimated Number of Annual Respondents: 29,285.

Average Expected Annual Number of Activities: 12.

Below we provide projected *average* estimates for the next three years:

Average Number of Respondents per Activity: 500.

Responses per Respondent: 1.

Annual Responses: 29,285.

Average Burden per Response: 14 minutes.

Annual Burden Hours: 244,061.

Frequency: On occasion.

Respondents are contracted employees of the Federal government and DoD Components and Services who use products and services from the National Geospatial-Intelligence Agency in support of other governmental activities. Responses will be assessed to plan and inform efforts to improve or maintain the quality of services offered. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

Dated: March 1, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–04251 Filed 3–3–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government, as represented by the Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy.

The following patents are available for licensing: Patent No. 9,551,554 (Navy Case No. 200117): Cryogenically Generated Compressed Gas Core Projectiles and Related Methods Thereof//Patent No. 9,555,899 (Navy Case No. 102499): Mobile Arresting System//and Patent No. 9,546,984 (Navy Case No. 101269): System and Method for Cleaning a Couplant During Ultrasonic Testing.

ADDRESSES: Requests for copies of the patents cited should be directed to Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522–5001, Email *Christopher.Monsey@navy.mil.*

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: February 28, 2017.

A.M. Nichols,

Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–04283 Filed 3–3–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0011]

Agency Information Collection Activities; Comment Request; Evaluation of the ESSA Title I, Part C, Migrant Education Programs (Recruitment phase)

AGENCY: Office of Planning, Evaluation and Policy Development (OPEPD), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 5, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0011. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carlos Martinez, 202–260–1440.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in

public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Evaluation of the ESSA Title I, Part C, Migrant Education Programs (Recruitment phase).

OMB Control Number: 1875–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 920.

Total Estimated Number of Annual Burden Hours: 707.

Abstract: The purpose of this study is to examine how state agencies, school districts, local operating agencies, and schools implement education and transition programs for children and youth who are migratory students under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Title I, Part C. This is the recruitment phase. The actual evaluation will be submitted in a separate collection at a later date.

Dated: March 1, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04309 Filed 3–3–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and Arms Control, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy Between the Government of the United States of America and the Government of Ukraine and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community.

DATES: This subsequent arrangement will take effect no sooner than March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Goorevich, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–0589 or email: *Richard.Goorevich@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement concerns the retransfer of fuel elements containing 2,644,700 grams of U.S.-origin uranium (106,545 grams U–235), from the Euratom Supply Agency to Ukraine. The material, which is currently located at Westinghouse Electric Sweden in Vasteras, Sweden, will be used for the production of electricity by the National Nuclear Energy Generating Company's (Energoatom) Zaporizhzhya Nuclear Power Plant 1 in Zaporizhzhya Oblast, Ukraine.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement concerning the retransfer of nuclear material of United States origin will not be inimical to the common defense and security of the United States of America.

Dated: February 28, 2017.

For the Department of Energy.

David Huizenga,

Acting Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2017–04311 Filed 3–3–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff will attend the following meeting related to the Midcontinent Independent System Operator, Inc. (MISO)—PJM Interconnection, L.L.C. (PJM) Joint and Common Market Initiative (Docket No. AD14–3–000):

MISO/PJM Joint Stakeholder Meeting—February 28, 2017

The above-referenced meeting will be held at: PJM Valley Forge Campus, Conference and Training Center, 2750 Monroe Blvd., Audubon, PA 19403.

The above-referenced meeting is open to the public.

Further information may be found at *www.pjm.com.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. EL13–88, Northern Indiana Public Service Company v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.
Docket No. ER10–1791, Midwest Independent Transmission System Operator, Inc.
Docket Nos. ER13–1937, ER13–1939, Southwest Power Pool, Inc.
Docket No. ER14–1736, Midcontinent Independent System Operator, Inc.
Docket Nos. EL15–99, EL16–12, Internal MISO Generation v. Midcontinent Independent System Operator, Inc.
Docket No. ER17–718, PJM Interconnection, L.L.C.
Docket No. ER17–721, Midcontinent Independent System Operator, Inc.
Docket No. ER17–729, PJM Interconnection, L.L.C.
Docket No. ER17–934, PJM Interconnection, L.L.C. and Midcontinent Independent System Operator, Inc.
Docket Nos. EL16–108, EL17–29, Midcontinent Independent System Operator, Inc.
Docket Nos. EL17–31, EL17–37, PJM Interconnection, L.L.C.

For more information, contact Bahaa Seireg, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission at (202) 502–8739 or *Bahaa.Seireg@ferc.gov.*

Dated: February 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04304 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–61–000]

Steppe Petroleum USA Inc., Bakken Hunter, LLC; Notice of Application

Take notice that on February 14, 2017, Steppe Petroleum USA Inc. and Bakken Hunter, LLC, filed a joint application in Docket No. CP17–61–000 under section

3 of the Natural Gas Act (NGA), and part 153 of the Commission's regulations requesting authorization to transfer the NGA section 3 Authorization and Presidential Permit issued to Bakken Hunter, LLC on April 24, 2014 in Docket No. CP14-24-000 to Steppe Petroleum USA Inc. This authorization would transfer to Steppe Petroleum USA Inc. the authorization to operate and maintain natural gas pipeline facilities at a point on the International Boundary between the United States of America and Canada in the vicinity of Divide County, North Dakota, and to transfer to Steppe Petroleum USA Inc. the permit to construct, operate and maintain the border crossing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Shaun Robinson, P. Eng, Senior Project Engineer, Polaris Engineering, Ltd. 200, 1120—29th Avenue NE., Calgary, AB, Canada, T2E 7P1 or by calling (403) 736–8024 (telephone) or (403) 263–1387 (fax) *shaun.robertson@polariseng.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 17, 2017.

Dated: February 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04217 Filed 3–3–17; 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 rate filings:

Docket Numbers: ER16–1058–000; EL16–56–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report to be effective N/A.

Filed Date: 2/22/17.

Accession Number: 20170222–5113.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER16–791–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in ER16–791—Settlement Revenue Distribution Mechanism to be effective 2/1/2016.

Filed Date: 2/22/17.

Accession Number: 20170222–5054.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER17–1008–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: LGIA Golden Oasis Project SA No. 188 to be effective 2/23/2017.

Filed Date: 2/22/17.

Accession Number: 20170222–5091.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER17–1009–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 2934 re: Change of Contact Info to be effective 10/5/2014.

Filed Date: 2/22/17.

Accession Number: 20170222–5107.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER17–1010–000.

Applicants: Power Authority of the State of New York, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NYPA 205 depreciation rate to comply with settlement to be effective 3/1/2017.

Filed Date: 2/22/17.

Accession Number: 20170222–5109.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER17–1011–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Service Agreement No. 4626; Queue No. AA1–135 to be effective 1/23/2017.

Filed Date: 2/22/17.

Accession Number: 20170222–5127.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER17–1012–000.

Applicants: Arizona Public Service Company.

Description: Tariff Cancellation: Cancellation of Interconnection Operating, Service Agreement No. 174 to be effective 4/24/2017.

Filed Date: 2/22/17.

Accession Number: 20170222–5130.

Comments Due: 5 p.m. ET 3/15/17.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–2–005.

Applicants: North American Electric Reliability Corporation.

Description: 2016 ERO Enterprise Annual CMEP Report and Petition.

Filed Date: 2/21/17.

Accession Number: 20170221–5264.

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 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04211 Filed 3–3–17; 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 rate filings:

Docket Numbers: ER17–107–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in ER17–107—Orders 827 and 828 to be effective 9/21/2016.

Filed Date: 2/28/17.

Accession Number: 20170228–5220.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–787–001.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Request for Deferral of Action—Notice of Cancellation Ecos Energy, LLC to be effective 12/31/9998.

Filed Date: 2/28/17.

Accession Number: 20170228–5103.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–808–001.

Applicants: Clearview Electric, Inc.

Description: Tariff Amendment: Amendment to Application for MBR to be effective 1/23/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5214.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–913–001.

Applicants: Consolidated Edison Company of New York, Inc.

Description: Tariff Amendment: Amendment PASNY RY 1 filing to be effective 2/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5098.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–934–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Errata to 2/3/17 Filing of Revisions to MISO–PJM JOA re CTS Eff Date to be effective 10/3/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5225.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1049–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ATSI and MAIT submit Interconnection Agreement SA No. 4576 to be effective 2/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5105.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1050–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: § 205(d) Rate Filing: WDS Tariff change RY 1 to be effective 5/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5109.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1051–000.

Applicants: AEP Texas Inc.

Description: Baseline eTariff Filing: AEP Texas Inc. RS and SA Tariff Database to be effective 3/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5143.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1052–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEP TX-SolaireHolman 1 Interconnection Agreement to be effective 3/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5161.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1053–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Filing of CIAC Agreement with IP&L to be effective 5/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5197.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1054–000.

Applicants: PSEG Energy Resources & Trade LLC.

Description: § 205(d) Rate Filing: Cancellation of certain tariff records to be effective 2/28/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5205.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1055–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Notice of Cancellation of Interconnection Agreement Rate Schedule No. 496 of Northern States Power Company, a Minnesota corporation.

Filed Date: 2/28/17.

Accession Number: 20170228–5212.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1056–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSCo-TSGT–JM Shafer-Mtrg-Mod-460–0.0.0 to be effective 2/28/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5215.

Comments Due: 5 p.m. ET 3/21/17.

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 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04286 Filed 3–3–17; 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 exempt wholesale generator filings:

Docket Numbers: EG17–70–000.

Applicants: Blue Summit Storage, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Blue Summit Storage, LLC.

Filed Date: 2/24/17.

Accession Number: 20170224–5134.

Comments Due: 5 p.m. ET 3/17/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–338–001.

Applicants: AEP Generation Resources Inc.

Description: Compliance filing: Reactive Supply and Voltage Control Amendment_Lightstone Compliance to be effective 1/30/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5076.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–514–001.

Applicants: Alabama Power Company.

Description: Compliance filing: Compliance Filing re: Amendment of Southern's Tariff Volume No. 4—ER17–514 to be effective 2/8/2017.

Filed Date: 2/23/17.

Accession Number: 20170223–5153.

Comments Due: 5 p.m. ET 3/16/17.

Docket Numbers: ER17–822–001.

Applicants: Luz Solar Partners Ltd., III.

Description: Tariff Amendment: Amendment to Luz Solar Partners Ltd., III Application for Market-Based Rates to be effective 1/26/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5131.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–907–001.

Applicants: International Paper Company.

Description: Tariff Amendment: Amendment to Market Based Rate to be effective 2/1/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5073.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1022–000.

Applicants: Avista Corporation.

Description: Tariff Cancellation: Avista Corp Rate Schedule 548 Cancellation to be effective 2/24/2017.

Filed Date: 2/23/17.

Accession Number: 20170223–5159.

Comments Due: 5 p.m. ET 3/16/17.

Docket Numbers: ER17–1023–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: 8th Amendment to Extend the PGE–SVP Interconnection Agreement to be effective 4/30/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5001.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1024–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1154R13 Associated Electric Cooperative NITSA and NOA to be effective 2/1/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5014.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1025–000.

Applicants: Cedar Point Wind, LLC.

Description: § 205(d) Rate Filing: TariffShark Re-collation for Cedar Point to be effective 2/24/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5055.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1026–000.

Applicants: Silver State Solar Power North, LLC.

Description: § 205(d) Rate Filing: TariffShark Re-collation Filing for Silver State to be effective 2/24/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5057.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1027–000.

Applicants: New Creek Wind LLC.

Description: § 205(d) Rate Filing: Re-collation filing for conversion to TariffShark to be effective 2/20/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5058.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1028–000.

Applicants: Tidal Energy Marketing Inc.

Description: § 205(d) Rate Filing: Re-collation Filing for Tidal to be effective 2/20/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5059.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1029–000.

Applicants: MATL LLP.

Description: § 205(d) Rate Filing: MATL Re-collation filing for Tariff Shark to be effective 2/28/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5066.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1030–000.

Applicants: Kentucky Utilities Company.

Description: Tariff Cancellation: KU Notice of Termination of Paris Rate Schedule No. 83 to be effective 4/30/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5069.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1032–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Clean-up of OATT, Sch. 12- Appdx A-Historically correct Form 715 Projects to be effective 1/1/2016.

Filed Date: 2/24/17.

Accession Number: 20170224–5081.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1033–000.

Applicants: NorthWestern Corporation.

Description: Tariff Cancellation: Notice of Cancellation: SA 759, Agreement with Tessenderlo Kerley Services to be effective 2/27/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5127.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1034–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–02–24_Coordinated Transaction Scheduling True-Up Filing to be effective 10/3/2017.

Filed Date: 2/24/17.
Accession Number: 20170224–5129.
Comments Due: 5 p.m. ET 3/17/17.
Docket Numbers: ER17–1035–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 743, Agreement with Montana Environmental Trust Group to be effective 2/27/2017.
Filed Date: 2/24/17.
Accession Number: 20170224–5130.
Comments Due: 5 p.m. ET 3/17/17.
Docket Numbers: ER17–1036–000.
Applicants: NorthWestern Corporation.
Description: Tariff Cancellation: Notice of Cancellation: SA 778, EP&C with Project Spokane, LLC to be effective 2/27/2017.
Filed Date: 2/24/17.
Accession Number: 20170224–5132.
Comments Due: 5 p.m. ET 3/17/17.

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 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04215 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. P–1256–031	2–7–2017	Loup Power District.
Exempt:		
1. CP16–22–000	2–6–2017	U.S. House Representative Robert E. Latta.
2. P–12635–002	2–6–2017	FERC Staff.[1]
3. CP14–497–000	2–8–2017	Tompkins County, NY Legislator Carol Chock.
4. CP16–121–000	2–9–2017	FERC Staff.[2]
5. CP15–138–000	2–10–2017	U.S. House Representative Bonnie Watson Coleman.
6. CP16–10–000	2–10–2017	U.S. House Representative Bob Goodlatte.
7. CP17–28–000	2–13–2017	FERC Staff.[3]
8. CP16–487–000	2–15–2017	FERC Staff.[4]
9. P–13102–000	2–16–2017	FERC Staff.[5]

[1] Email correspondence memo forwarding December 9, 2016 email from James Besha of Albany Engineering Corporation.
[2] Memorandum for February 8, 2017 conference with PHMSA, Field Point, and FERC staff.
[3] Telephone call record for February 7, 2017 call with Brian Scofield from U.S. Fish and Wildlife Service, Pennsylvania Field Office.
[4] Telephone memo for February 10, 2017 call with Andrew Horton from Twin Cities Ecological Services Field Office, U.S. Fish and Wildlife Service.
[5] Summary of technical meeting for January 23, 2017 meeting with U.S. Army Corps, Birch Power Company, and FERC staff.

Dated: February 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04213 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–8117–000]

Perkins, Zac; Notice of Filing

Take notice that on February 28, 2017, Zac Perkins filed a application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2012) and section 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 45.8 (2016).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 21, 2017.

Dated: February 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04288 Filed 3–3–17; 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: EC17–84–000.

Applicants: Innovative Solar 37, LLC.

Description: Application of Innovative Solar 37, LLC for Authorization Under Section 203 of the Federal Power Act and Confidential Treatment.

Filed Date: 2/24/17.

Accession Number: 20170224–5172.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: EC17–85–000.

Applicants: Entergy New Orleans, Inc.

Description: Application for Approval under Section 203 of the Federal Power Act of Entergy New Orleans, Inc.

Filed Date: 2/24/17.

Accession Number: 20170224–5175.

Comments Due: 5 p.m. ET 3/17/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–064; ER10–2319–055; ER10–2317–055; ER13–1351–037; ER10–2330–062.

Applicants: J.P. Morgan Ventures Energy Corporation, BE Alabama LLC, BE CA LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

Description: Notice of Non-Material Change in Status of the J.P. Morgan Sellers.

Filed Date: 2/24/17.

Accession Number: 20170224–5170.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER15–794–003.

Applicants: Catalyst Paper Operations Inc.

Description: Notice of Change in Status of Catalyst Paper Operations Inc.

Filed Date: 2/24/17.

Accession Number: 20170224–5168.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER16–453–006.

Applicants: Northeast Transmission Development, LLC.

Description: Compliance Filing [including unpopulated, Pro Forma version of Attachments H–27A and H–27B] of Northeast Transmission Development, LLC.

Filed Date: 2/24/17.

Accession Number: 20170224–5173.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1037–000.

Applicants: Innovative Solar 37, LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 4/26/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5158.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1038–000.

Applicants: The Connecticut Light and Power Company.

Description: § 205(d) Rate Filing: Two Party Interconnection Agreement with Covanta Southeastern CT Co. to be effective 2/18/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5163.

Comments Due: 5 p.m. ET 3/17/17.

Docket Numbers: ER17–1039–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA General Transfer Agreement (West) Rev 8 to be effective 4/25/2017.

Filed Date: 2/24/17.

Accession Number: 20170224–5167.

Comments Due: 5 p.m. ET 3/17/17.

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 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04216 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Mountaineer Xpress and Gulf Xpress Projects

	Docket No.
Columbia Gas Transmission, LLC.	CP16–357–000

	Docket No.
Columbia Gulf Transmission, LLC.	CP16–361–000

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Mountaineer XPress Project (MXP), proposed by Columbia Gas Transmission, LLC (Columbia Gas), and the Gulf XPress Project (GXP), proposed by Columbia Gulf Transmission, LLC (Columbia Gulf), in the above-referenced dockets. Columbia Gas requests authorization to construct and operate a total of 170.7 miles of natural gas transmission pipeline and ancillary facilities in West Virginia, and to modify one existing compressor station and two pending compressor stations. The MXP would provide about 2,700,000 dekatherms per day (Dth/d) of available capacity for transport to Columbia Gas' TCO Pool for delivery to markets across Columbia Pipeline Group's system, including the Columbia Gulf Leach interconnect with Columbia Gulf. Columbia Gulf requests authorization to construct and operate seven new natural gas-fired compressor stations and to upgrade a pending compressor station and one existing meter station in Kentucky, Tennessee, and Mississippi. The GXP would provide about 860,000 Dth/d of natural gas delivery to markets in the Gulf Coast region.

The draft EIS assesses the potential environmental effects of the construction and operation of the MXP and GXP in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed projects would result in some adverse and significant environmental impacts. However, if the projects are constructed and operated in accordance with applicable laws and regulations, the mitigation measures discussed in this EIS, and our recommendations, these impacts would be reduced to acceptable levels.

The U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), West Virginia Division of Natural Resources (WVDNR), and West Virginia Department of Environmental Protection (WVDEP) participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The USACE will adopt and use the EIS to comply with the requirements of NEPA before issuing permits for the projects under section 404 of the Clean Water Act, which governs the discharge of dredged or fill material into waters of the United States (including wetlands). Although the cooperating agencies provided input to the conclusions and recommendations presented in the draft EIS, the agencies will present their own conclusions and recommendations in their respective records of decision (where applicable) for the projects.

The draft EIS addresses the potential environmental effects of the construction and operation in West Virginia of the following MXP facilities:

- About 164.3 miles of new 36-inch-diameter natural gas pipeline from Marshall County to Cabell County;
- about 5.9 miles of new 24-inch-diameter natural gas pipeline in Doddridge County;
- three new compressor stations in Doddridge, Calhoun, and Jackson Counties;
- two new regulating stations in Ripley and Cabell Counties;
- about 296 feet of new, 10-inch-diameter natural gas pipeline at the Ripley Regulator Station to tie Columbia Gas' existing X59M1 pipeline into the MXP–100 pipeline in Jackson County;
- an approximately 0.4-mile-long replacement segment of 30-inch-diameter natural gas pipeline in Cabell County; and
- upgrades to one existing compressor station (Wayne County) and two compressor stations (Marshall and Kanawha Counties) either approved or pending under separate FERC proceedings.

The draft EIS also addresses the potential environmental effects of the construction and operation of the following GXP facilities:

- Seven new compressor stations in Kentucky (Rowan, Garrard, and Metcalfe Counties), Tennessee (Davidson and Wayne Counties), and Mississippi (Union and Granada Counties);
- upgrades to one pending compressor station in Carter County, Kentucky; and
- upgrades at one existing meter station in Boyd County, Kentucky.

The FERC staff mailed copies of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project areas. Paper copy versions of this EIS were mailed to those specifically requesting them; all others received a CD version. In addition, the draft EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before April 24, 2017.

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public comment sessions its staff will conduct in the project areas to receive comments on the draft EIS. The sessions are scheduled as shown below.

Date and time	Location
Monday, March 20, 2017, 5:00–9:00 p.m	Sleepy Hollow Golf & Country Club, 3780 Sleepy Hollow Drive, Hurricane, WV 25526, (304) 757–9416.
Tuesday, March 21, 2017, 5:00–9:00 p.m	Ripley High School, 2 School Street, Ripley, WV 25271, (304) 372–7355.
Wednesday, March 22, 2017, 5:00–9:00 p.m	Doddridge County Park Meeting Facility, 1252 Snowbird Road, West Union, WV 26456, (304) 873–1663.
Thursday, March 23, 2017, 5:00–9:00 p.m	New Martinsville City Hall, 195 Main Street, New Martinsville, WV 26155, (304) 455–9120.
Tuesday, March 28, 2017, 5:00–9:00 p.m	Cane Ridge High School, 12848 Old Hickory Boulevard, Antioch, TN 37013, (615) 687–4000.

The primary goal of these comment sessions is to provide the public with another method for identifying specific environmental issues and concerns with the draft EIS. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments in a convenient way during the timeframe allotted.

Each comment session is scheduled from 5:00 p.m. to 9:00 p.m. (local time). There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival; distribution of numbers will be discontinued at 8:00 p.m. in order to ensure all comments are received by the session closing time. However, if no additional numbers have been handed out *and* all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 8:00 p.m., or after the last comment is taken. Please see appendix 1 for additional information on the session format and conduct.[1]

Your verbal comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3 to 5 minutes may be implemented for each commentor.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the FERC environmental review process.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the projects is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP16–357 and CP16–361). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04303 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1037–000]

Innovative Solar 37, 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 Innovative Solar 37, 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 20, 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.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04287 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR17–7–000]

MPLX Ozark Pipe Line LLC; Notice of Petiton for Declaratory Order

Take notice that on February 15, 2017, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2016), MPLX Ozark Pipe Line LLC filed a petition requesting a declaratory order approving the overall rate structure and terms of service, including priority service, for an expansion of the Ozark Pipeline, a crude oil pipeline that runs from Cushing, Oklahoma to Wood River, Illinois (Ozark Expansion Project), all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 15, 2017.

Dated: February 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04212 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group Meeting

March 7, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-03-07.*

NYISO Business Issues Committee Meeting

March 14, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-03-14.*

NYISO Operating Committee Meeting

March 16, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2017-03-16.*

NYISO Electric System Planning Working Group Meeting

March 23, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-03-23.*

NYISO Management Committee Meeting

March 29, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2017-03-29.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Transco, LLC, Docket No. ER15–572.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: February 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04305 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report Filings:

Filings Instituting Proceedings

Docket Number: PR17–27–000.
Applicants: NorthWestern Corporation.
Description: Tariff filing per 284.123(b),(e)/: Revised Rate Schedules for Transportation and Storage Service (MPSC Tax Tracker) to be effective 1/1/2017; Filing Type: 980.
Filed Date: 2/21/17.
Accession Number: 201702215020.
Comments/Protests Due: 5 p.m. ET 3/14/17.

Docket Numbers: RP17–405–000.
Applicants: Questar Pipeline, LLC.
Description: § 4(d) Rate Filing: Statement of Negotiated Rates Version 12.1.0 to be effective 3/20/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5011.
Comments Due: 5 p.m. ET 3/1/17.

Docket Numbers: RP17–406–000.
Applicants: Empire Pipeline, Inc.
Description: § 4(d) Rate Filing: Fuel Tracker 2017-Empire GTC 23.6 to be effective 4/1/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5083.
Comments Due: 5 p.m. ET 3/1/17.

Docket Numbers: RP17–407–000.
Applicants: National Fuel Gas Supply Corporation.
Description: § 4(d) Rate Filing: Fuel Tracker-Supply (Effective 04/01/17) to be effective 4/1/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5100.
Comments Due: 5 p.m. ET 3/1/17.

Docket Numbers: RP17–408–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing TETLP OFO 2017 Penalty Disbursement Report to be effective N/A.
Filed Date: 2/17/17.
Accession Number: 20170217–5157.
Comments Due: 5 p.m. ET 3/1/17.

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 date(s). 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 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04214 Filed 3–3–17; 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 rate filings:

Docket Numbers: ER10–2835–007.
Applicants: Google Energy LLC.
Description: Notice of Change in Status of Google Energy LLC.
Filed Date: 2/27/17.
Accession Number: 20170227–5216.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–194–001.
Applicants: Hartree Partners, LP.
Description: Notice of Change in Status of Hartree Partners, LP.
Filed Date: 2/27/17.
Accession Number: 20170227–5234.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–569–000.
Applicants: National Choice Energy LLC.
Description: Supplement to December 16, 2016 National Choice Energy LLC tariff filing.
Filed Date: 2/8/17.
Accession Number: 20170208–5078.
Comments Due: 5 p.m. ET 3/1/17.

Docket Numbers: ER17–569–000.
Applicants: National Choice Energy LLC.
Description: Second Supplement to December 16, 2016 National Choice Energy LLC tariff filing (Asset Appendix).
Filed Date: 2/10/17.
Accession Number: 20170210–5188.
Comments Due: 5 p.m. ET 3/3/17.

Docket Numbers: ER17–569–000.
Applicants: National Choice Energy LLC.
Description: Amendment to December 16, 2016 National Choice Energy LLC tariff filing.
Filed Date: 2/15/17.
Accession Number: 20170215–5077.
Comments Due: 5 p.m. ET 3/8/17.

Docket Numbers: ER17–867–000.
Applicants: Black Oak Wind, LLC.
Description: § 205(d) Rate Filing: Notice of Non-Material Change in Status of Black Oak Wind, LLC to be effective 3/28/2017.
Filed Date: 1/27/17.
Accession Number: 20170127–5139.
Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1040–000.
Applicants: ITC Interconnection LLC.
Description: § 205(d) Rate Filing: Amendments to Facilities Reimbursement Agreement to be effective 4/29/2017.
Filed Date: 2/27/17.
Accession Number: 20170227–5081.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1046–000.
Applicants: South Central MCN LLC.
Description: Compliance filing: SCMCN Compliance Filing to be effective 12/31/9998.
Filed Date: 2/27/17.
Accession Number: 20170227–5188.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1047–000.
Applicants: Sierra Pacific Power Company.
Description: Notice of Cancellation of General Transfer Agreement Rate Schedule No. 17 of Sierra Pacific Power Company.
Filed Date: 2/27/17.
Accession Number: 20170227–5215.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1048–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Mar 2017 Membership Filing to be effective 3/1/2017.
Filed Date: 2/28/17.
Accession Number: 20170228–5079.
Comments Due: 5 p.m. ET 3/21/17.

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 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04285 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–962–000]

MS Solar 2, 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 MS Solar 2, 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 16, 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* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04218 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–60–000]

Guthrie Natural Gas; Notice of Application

Take notice that on February 13, 2017, Guthrie Natural Gas (Guthrie), 110 Kendall St., Guthrie, Kentucky 42234, filed an application pursuant to section 7(f) of the Natural Gas Act (NGA) requesting a service area determination within which it may enlarge or expand its natural gas distribution facilities without further Commission authorization. Guthrie also requests a determination that it qualifies as a local distribution company for purposes of section 311 of the Natural Gas Policy Act of 1978 (NGPA) and a waiver of all accounting and reporting requirements and other regulatory requirements ordinarily applicable to natural gas companies under the NGA and the NGPA, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Dwight Luton, Kentucky Energy Systems, LLC, P.O. Box 632, Guthrie, Kentucky 42234, or call (931) 624–3677, or by email *dluton@d2energyllc.net.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing

comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on March 21, 2017.

Dated: February 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04306 Filed 3–3–17; 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 exempt wholesale generator filings:

Docket Numbers: EG17–69–000.

Applicants: Paulding Wind Farm IV LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Paulding Wind Farm IV LLC.

Filed Date: 2/21/17.

Accession Number: 20170221–5251.

Comments Due: 5 p.m. ET 3/14/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–2483–002.

Applicants: Old Dominion Electric Cooperative.

Description: Compliance filing: Opinion No. 553 Compliance Filing to be effective 1/1/2014.

Filed Date: 2/21/17.

Accession Number: 20170221–5274.

Comments Due: 5 p.m. ET 3/14/17.

Docket Numbers: ER16–791–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Compliance Filing in ER16–791—Settlement Revenue Distribution Mechanism to be effective 2/1/2016.

Filed Date: 2/22/17.

Accession Number: 20170222–5054.

Comments Due: 5 p.m. ET 3/15/17.

Docket Numbers: ER16–2561–001.

Applicants: Sunflower Wind Project, LLC.

Description: Notice of Non-Material Change in Status of Sunflower Wind Project, LLC.

Filed Date: 2/21/17.

Accession Number: 20170221–5294.

Comments Due: 5 p.m. ET 3/14/17.

Docket Numbers: ER17–1006–000.

Applicants: AEP Generating Company.

Description: Notice of Termination of Unit Power Sales Agreement for Lawrenceburg Facility of AEP Generating Company.

Filed Date: 2/21/17.

Accession Number: 20170221–5292.

Comments Due: 5 p.m. ET 3/14/17.

Docket Numbers: ER17–1007–000.

Applicants: Duke Energy Florida, LLC.

Description: Tariff Cancellation: Termination of RS No. 217 DEF-Phillips Plant Operating Agreement to be effective 2/23/2017.

Filed Date: 2/22/17.

Accession Number: 20170222–5053.

Comments Due: 5 p.m. ET 3/15/17.

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 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04210 Filed 3–3–17; 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 rate filings:

Docket Numbers: ER17–424–002.

Applicants: Footprint Power Salem Harbor Development.

Description: Notice of Non-Material Change in Status of Footprint Power Salem Harbor Development LP.

Filed Date: 2/27/17.

Accession Number: 20170227–5077.

Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–764–001; ER17–765–001; ER17–766–001; ER17–767–001; ER17–768–001; ER17–769–001; ER11–2175–001; ER12–224–002; ER11–3188–001; ER12–225–002; ER12–2301–001; ER10–1750–002.

Applicants: Stream Ohio Gas & Electric, LLC, Stream Energy Columbia, LLC, Stream Energy Connecticut, LLC, Stream Energy Delaware, LLC, Stream Energy Illinois, LLC, Stream Energy Indiana, LLC, Stream Energy Maryland, LLC, Stream Energy Massachusetts, LLC, Stream Energy New Jersey, LLC, Stream Energy New York, LLC, Stream Energy Pennsylvania, LLC, SGE Energy Sourcing, LLC.

Description: Non-Material Change in Status of Stream Ohio Gas & Electric, LLC, et. al.

Filed Date: 2/27/17.

Accession Number: 20170227–5054.

Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–823–001.

Applicants: Luz Solar Partners Ltd., IV.

Description: Tariff Amendment: Amendment to Luz Solar Partners Ltd., IV Application for Market-Based Rates to be effective 1/31/2017.

Filed Date: 2/27/17.

Accession Number: 20170227–5086.

Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1031–000.

Applicants: Emera Energy Services Subsidiary No. 6 LLC.

Description: Request for Waiver and Shortened Comment Period of Emera Energy Services Subsidiary No. 6 LLC.

Filed Date: 2/23/17.

Accession Number: 20170223–5217.
Comments Due: 5 p.m. ET 3/16/17.

Docket Numbers: ER17–1041–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 4630; Queue No. AB2–024 to be effective 1/26/2017.
Filed Date: 2/27/17.
Accession Number: 20170227–5083.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1042–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: DEC-Central Electric Revised RS No. 336 to be effective 1/1/2016.
Filed Date: 2/27/17.
Accession Number: 20170227–5084.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1043–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Service Agreement No. 4631; Queue No. AB2–025 to be effective 1/26/2017.
Filed Date: 2/27/17.
Accession Number: 20170227–5087.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1044–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: SA 804—Agreement with Montana DOT re Fox Farm Road to be effective 5/1/2017.
Filed Date: 2/27/17.
Accession Number: 20170227–5131.
Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER17–1045–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Queue Position AB2–026, Original Service Agreement No. 4643 to be effective 1/26/2017.
Filed Date: 2/27/17.
Accession Number: 20170227–5149.
Comments Due: 5 p.m. ET 3/20/17.

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 27, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04219 Filed 3–3–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0471; FRL–9959–70–OAR]

RIN 2060–AS26

Granting Petitions To Add n-Propyl Bromide to the List of Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice, extension of comment period.

SUMMARY: On January 9, 2017, the Environmental Protection Agency (EPA) published a draft notice of the rationale for granting petitions to add n-propyl bromide (nPB), also known as 1-bromopropane (1-BP) (Chemical Abstract Service No. 106–94–5), to the list of hazardous air pollutants contained in section 112(b)(1) of the Clean Air Act. The EPA is extending the comment period on the draft notice that was scheduled to close on March 10, 2017, by 90 days until June 8, 2017. The EPA is making this interim extension as an initial response to allow adequate consideration of a request to extend the comment period by more than 6 months.

DATES: The public comment period for the proposed rule published in the **Federal Register** on January 9, 2017 (82 FR 2354), is being extended. Written comments must be received on or before June 8, 2017.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0471, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Ms. Elineth Torres, Sector Policies and Programs Division (D205–02), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4347; email address: *torres.elineth@epa.gov.*

SUPPLEMENTARY INFORMATION: To allow for adequate consideration of the request for extension of time, the EPA has decided to extend the public comment period until June 8, 2017.

Dated: February 17, 2017.

Stephen Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2017–04168 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0002; FRL–9959–36]

Risk Evaluation Scoping Efforts Under TSCA for Ten Chemical Substances; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Reopening of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** on January 19, 2017, concerning a February 14, 2017 public meeting and solicitation of comments to receive input and information to assist the Agency in its efforts to establish the scope of risk evaluations under development for the ten chemicals substances designated on December 19, 2016 for risk evaluations. The comment period closed on March 1, 2017. This document reopens the comment period related to the public meeting and for dockets for each of the ten chemical substances for which risk evaluations have begun for 14 days, from March 1, 2017, to March 15, 2017. EPA is

reopening the comment period in response to a request from the interested public.

DATES: Comments, identified by the chemical-specific dockets referenced in section IV.C. of the January 19, 2017 meeting notice, must be received by March 15, 2017.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 19, 2017 (82 FR 6545) (FRL–9958–33).

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Sheila Canavan, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–1978; email address: *Canavan.Sheila@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.*

SUPPLEMENTARY INFORMATION: This document reopens the public comment period established in the **Federal Register** document of January 19, 2017. In that document, EPA announced a February 14, 2017 public meeting and solicitation of comments to receive input and information to assist the Agency in its efforts to establish the scope of risk evaluations under development for the ten chemicals substances designated on December 19, 2016 for risk evaluations. EPA is hereby reopening the comment period for that meeting and for each of the ten chemical substances for which risk evaluations have begun from March 1, 2017, to March 15, 2017.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 19, 2017. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 15 U.S.C. 2605.

Dated: February 28, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017–04316 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2015–0744; FRL–9959–64–OEI]

Agency Information Collection Activities; Request to Renew OMB Control No. 2070–0046 (EPA ICR No. 0794.16) Submitted to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Notification of Substantial Risk of Injury to Health and the Environment under TSCA Sec. 8(e)'' and identified by EPA ICR No. 0794.16, OMB Control No. 2070–0046. This is a request to renew the approval of an existing ICR, which is currently approved through February 28, 2017. EPA has addressed the comments received in response to the previously provided public review opportunity issued in the **Federal Register** of July 5, 2016, (81 FR 43601). With this submission, EPA is providing an additional 30 days for public review.

DATES: Comments must be received on or before April 5, 2017.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OPPT–2015–0744, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on February 28, 2017. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 8(e) of the Toxic Substances Control Act (TSCA) requires that any person who manufactures, imports, processes or distributes in commerce a chemical substance or mixture and which obtains information that reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment must immediately inform EPA of such information. EPA routinely disseminates TSCA section 8(e) data it receives to other federal agencies to provide information about newly discovered chemical hazards and risks. This information collection refers to the reporting requirement described above.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this ICR are companies that manufacture, process, import or distribute in commerce a chemical substance or mixture, and that obtain information that reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment.

Respondent's obligation to respond: Mandatory (see 15 U.S.C. 2607(e)).

Estimated number of respondents: 65 (total).

Frequency of response: On occasion.

Total estimated burden: 21,412 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,650,068 (per year), includes $0 annualized capital investment or maintenance and operational costs.

Changes in the estimates: There is an increase of 2,894 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's revised estimates of the number of TSCA sec. 8(e) initial submissions. This change is an adjustment.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–04166 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2016–0686; FRL–9959–40–OW]

Extension of Comment Period To Review Materials To Inform the Derivation of a Water Concentration Value for Lead in Drinking Water

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the comment period to ''Review Materials to Inform the Derivation of a Water Concentration Value for Lead in Drinking Water.'' In response to a stakeholder request, EPA is extending the comment period for an additional 30 days, from March 6, 2017, to April 5, 2017.

DATES: The comment period announced in the notice that was published on January 19, 2017 (82 FR 6546), is extended. Comments must be received on or before April 5, 2017.

ADDRESSES: Submit your comments on the draft lead modeling report and draft peer review panel charge questions, identified by Docket ID No. EPA–HQ–OW–2016–0686, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment content located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Erik Helm at the EPA, Office of Ground Water and Drinking Water (Mail Code 4607M), 1200 Pennsylvania Avenue NW., Washington, DC 20460; by phone: 202–566–1049; or by email: *helm.erik@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 19, 2017, EPA released materials for public comment that relate to the expert external peer review of documents intended to support the EPA's Safe Drinking Water Act assessment of lead in drinking water. The notice specified that the public comment period would end on March 6, 2017, 45 days after publication in the **Federal Register**. On February 2, 2017, EPA received a request from the American Water Works Association to extend the comment period in order to have more time to evaluate the analysis and provide informative comments. EPA is extending the deadline for written comments on the draft lead modeling report and draft peer review panel charge questions for an additional 30 days, from March 6, 2017, to April 5, 2017. Please note, this notice does not extend the public comment period for nominations of peer review candidates. The deadline for nominating peer review candidates remains at February 21, 2017.

Dated: February 8, 2017.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2017–03466 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0111; FRL–9959–71–OEI]

Agency Information Collection Activities; Safer Choice Logo Redesign Consultations; Submitted to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Safer Choice Logo Redesign Consultations'' and identified by EPA ICR No. 2487.02 and OMB Control No. 2070–0189. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on November 3, 2016 (81 FR 76584). With this submission, EPA is providing an additional 30 days for public review.

DATES: Comments must be received on or before April 5, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0111, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics,

Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is currently scheduled to expire on February 28, 2017. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This information collection supports the consultation process by which the U.S. Environmental Protection Agency (EPA) will refine and enhance its logo redesign and education approach for the Safer Choice Product Recognition Program (Safer Choice program), formerly known as the Design for the Environment Program. The Safer Choice program recognizes products where all ingredients meet EPA's stringent requirements for human health and the environment as found in the Safer Choice Standard. Under the encouragement of the current program, leading companies have already made great progress in developing safer, highly effective chemical products. Since the program's inception in 1997, formulators have been using the program as a portal to OPPT's unique chemical expertise, information resources, and guidance on greener chemistry. Safer Choice partners enjoy Agency recognition, including the use of the Safer Choice label on qualifying products.

The Safer Choice program adopted a new logo in March 2015 in response to stakeholder feedback. Following the launch of the new logo, EPA will conduct consumer surveys to gauge consumer recognition of the new logo and understand how the new logo and educational activities are diffusing over time and changing purchasing decisions. This ICR will enable Safer Choice to collect feedback from consumers through focus groups and online surveys and integrate it into the program, which will help to strengthen the visibility of the logo and program, improve product recognition among formulators and partners, and further promote chemical safety.

Respondents/Affected Entities: Entities potentially affected by this ICR are individual adult consumers who are members of the general population.

Respondent's obligation to respond: Responses to the collection of information are voluntary. Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Estimated total number of potential respondents: 2,330.

Frequency of response: On occasion.

Estimated total burden: 777 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total costs: $29,513 (per year), includes no annualized capital investment or maintenance and operational costs.

Changes in the estimates: There is an increase of 333 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects an increase in per-response burden estimates for completing the consumer online survey based on experience from the previous ICR. This decrease is partially offset by a reduction in the total number of responses because EPA will conduct fewer online consumer surveys. This change is an adjustment.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–04167 Filed 3–3–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1163]

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 April 5, 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;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *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: 3060–1163.

Title: Regulations Applicable to Broadcast, Common Carrier, and Aeronautical Radio Licensees Under Section 310(b) of the Communications Act of 1934, as amended.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 81 respondents; 81 responses.

Estimated Time per Response: 2 hours–46 hours.

Frequency of Response: On-occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 160, 303(r), 309, 310 and 403.

Total Annual Burden: 1,830 hours.

Total Annual Cost: $524,400.

Nature and Extent of Confidentiality: In submitting the information request, respondents may need to disclose confidential information to satisfy the requirements. However, covered entities would be free to request that such materials submitted to the Commission be withheld from public inspection (see 47 CFR 0.459 of the Commission's rules).

Privacy Impact Assessment: No impacts(s).

Needs and Uses: On September 29, 2016, the Commission adopted final rules in Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order, 31 FCC Rcd 11272 (2016) (2016 Foreign Ownership Report and Order). In the 2016 Foreign Ownership Order, the Commission:

- Modified its foreign ownership filing and review process for broadcast licensees by extending to such licensees the streamlined rules and procedures developed for foreign ownership reviews of common carrier and certain aeronautical licensees (collectively, ''common carrier'' licensees) under Section 310(b)(4) of the Communications Act of 1934, as amended (the Act) with certain modifications to tailor them to the broadcast context; and
- Reformed the methodology used by both common carrier and broadcast licensees that are, or are controlled by, U.S. publicly traded companies to assess their compliance with the foreign ownership limits in Sections 310(b)(3) and 310(b)(4) of the Act, respectively.

The Commission therefore requests approval of substantial changes to the above-referenced information collection in order to apply to broadcast licensees substantially the same foreign ownership rules and procedures that apply to common carrier licensees and spectrum lessees and certain aeronautical licensees (collectively, ''common carrier'' licensees) under this information collection and the rules adopted in Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, IB Docket No. 11–133, Second Report and Order, 28 FCC Rcd 5741(2013).

The 2016 Foreign Ownership Report and Order incorporated broadcasters into the common carrier foreign ownership rules (previously codified in Part 1, Subpart F, Sections 1.990 through 1.994 of the Commission's rules) through various changes. Notably, the Commission added new text to certain paragraphs of the rules (see *e.g.* Note to paragraph (i)(1) of Section 1.5001(i)), and by adding new paragraphs where needed. In this regard, we have added new paragraph (e) to Section 1.5000, which sets forth the new methodology for eligible public companies—both broadcast and common carrier—and new paragraphs (f)(2)–(3) of Section 1.5004, which sets forth new compliance provisions for such companies.

The rules adopted in the 2016 Foreign Ownership Report and Order include the following broadcast-specific provisions in lieu of provisions applicable to common carrier licensees:

- Broadcast licensees filing a petition for declaratory ruling (petition) to request Commission approval of foreign ownership in excess of the 25 percent benchmark in Section 310(b)(4) will use the broadcast ''attribution'' criteria to determine those U.S. and foreign ownership interests that must be disclosed in the petition. The disclosure will ensure the Commission has sufficient information to understand the licensee's ownership structure and to verify the identity and ultimate control of the foreign investor for which the petitioner seeks specific approval.
- Broadcast licensees will use the broadcast ''insulation criteria'' set forth in the broadcast attribution rules in determining whether the broadcaster must include in its petition a request for ''specific approval'' of a particular foreign investor because the investor holds, or would hold, directly and/or indirectly, more than 5 percent (or, in the case of certain passive investors, more than 10 percent) of the total outstanding capital stock (equity) and/or voting stock (or a controlling share) of the licensee's controlling U.S.-organized parent company. The current insulation criteria for common carrier licensees will continue to apply.

The Commission does not anticipate that these broadcast-specific provisions will impact the time per response for broadcast companies filing a Section 310(b)(4) petition. Thus, we estimate the same time per response for broadcast as for common carrier petitions. The Commission also finds that adopting a standardized filing and review process for broadcast licensees' requests to exceed the 25 percent foreign ownership benchmark in Section 310(b)(4), as the

Commission has done for common carrier licensees, will provide the broadcast sector with greater transparency, more predictability, and reduce regulatory burdens and costs.

In addition to these tailored changes to incorporate broadcast licensees into the existing foreign ownership rules applicable to common carrier licensees under Section 310(b)(4), the 2016 Foreign Ownership Report and Order clarifies the Commission's foreign ownership compliance procedures (to be codified in Section 1.5004(f)(3)–(4)) specifically to allow a broadcast or common carrier licensee to file a petition for declaratory ruling to remedy the licensee's inadvertent non-compliance with the statutory foreign ownership limits or the terms and conditions of the licensee's existing foreign ownership ruling with reasonable assurance that the Commission will not take enforcement action.

The Commission is also making non-substantial changes to this information collection to renumber the foreign ownership rules, which currently are codified in Part 1, Subpart F, Sections 1.990 through 1.994 of the Commission's rules. The new rules, as adopted in the 2016 Foreign Ownership Report and Order, will be codified in Part 1, Subpart T, Section 1.5000 through 1.5004 of the Commission's rules. There is for the most part a one-to-one correlation between the existing rules (1.990–1.994) and the new rules (1.5000–1.5004).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–04260 Filed 3–3–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 16–306; GN Docket No. 12–268; DA 17–106]

Incentive Auction Task Force and Media Bureau Announce Procedures for the Post-Incentive Auction Broadcast Transition

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (Commission) addresses the transition of full power and Class A television stations to post-auction channel assignments in the reorganized television bands following the conclusion of the broadcast television spectrum incentive auction (Auction 1000), summarizes and clarifies the process established in the Incentive Auction Report and Order and further developed in subsequent decisions.

DATES: March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, *barbara.kreisman@fcc.gov,* (202) 418–2324.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 17–106; MB Docket No. 16–306; GN Docket No. 12–268, released January 27, 2017. The complete text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or online at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0127/DA-17-106A1.pdf.*

The document DA 17–106 provides detailed information, instructions, and projected deadlines for filing applications related to the post-incentive auction broadcast transition. It includes details about the requirement that all stations assigned a new channel as a result of the incentive auction submit an application for construction permit for their post-auction channel, as well as the procedures by which winning reverse auction bidders must relinquish their spectrum usage rights. It also sets forth the process by which eligible television stations can seek reimbursement of certain costs incurred in relocating to new channels and Multichannel Video Programming Distributors (MVPDs) for certain costs incurred in order to continue to carry the signals of relocating television stations. Additionally, this Public Notice includes an Appendix with instructions for filing in the Commission's Licensing and Management System (LMS) the applications required to effectuate this transition.

The document DA 17–106 provides broadcasters and other entities involved in the transition with information, instructions, and projected deadlines for filing applications related to the transition based on the following categories to which the broadcaster or entity belongs:

- Reassigned Station: A full power or Class A station that was protected during the repacking process and involuntarily assigned to a new channel in one of the reorganized broadcast television bands. This category includes every station involuntarily assigned to a new channel including those that did not apply to bid in Auction 1001, those that applied and did not bid, and those that bid, but exited.
- Band Changing Station: A station with a winning bid to move to the low or high very-high frequency (VHF) band.
- Non-Reassigned Station With Population Loss In Excess of One Percent: A station that was not reassigned to a new channel but was entitled to protection in the repacking process and is predicted to experience a loss in population served in excess of one percent because of new station-to-station interference.
- Displaced Class A Station: A Class A station that was not protected during the repacking process and is consequently displaced as a result of the repacking.
- License Relinquishment Station: A station with a winning bid to go off air that will relinquish its spectrum usage rights and cease broadcasting.
- Channel Sharing Station: Includes both a station with a winning bid to go off air that intends to relinquish spectrum usage rights on its current channel in order to share a channel (the sharee), as well as the station with which it will share following the incentive auction (the sharer).
- MVPDs: Multichannel Video Programming Distributors that reasonably incur costs in order to continue to carry the signals of stations relocating to new channels as a result of the incentive auction and that are eligible for reimbursement.

LPTV, TV translator, and digital replacement translator stations were not eligible to participate in the incentive auction, are not protected in the repacking process, are not eligible for reimbursement, and are not included in the phased transition schedule. Some of these facilities will be displaced as a result of the repacking process. Such a displaced station will have the opportunity to file an application for a construction permit to move to another channel or seek to channel share with another LPTV or TV translator station. The Media Bureau will issue a public notice listing potential channels in all areas in which LPTV or TV translator stations are displaced not less than 60 days in advance of the filing window for displacement applications. A separate public notice will outline the requirements and approximate timeline for the filing of applications for such displaced stations.

Some of the post auction transition-related deadlines set forth in the Commission's rules, such as the deadline for filing an application for a construction permit for post-auction

channel facilities, are referred to in months. For the sake of clarity and to provide greater ease of calculation, the Media Bureau instead refers to such deadlines in days. For example, a ''3-month'' deadline will be referred to as a ''90-day'' deadline.

Reassigned Stations, Band Changing Stations, Non-Reassigned Stations With Excess Population Loss, and Displaced Class A Stations

Construction Permit Application Process for Reassigned Stations and Band Changing Stations. All reassigned stations and band changing stations must electronically file applications for construction permits to build their post-auction channel facilities via the Commission's LMS no later than 90 days after the release date of the Closing and Reassignment Public Notice. The instructions for filing FCC Form 2100—Schedule A (full power stations) and Schedule E (Class A stations) are included in Appendix A. Applications must propose modified facilities consistent with the technical parameters set forth in the Closing and Reassignment Public Notice except as set forth below. These applications, including those that propose permissible contour extensions, as discussed immediately below, will be considered minor change applications and exempt from filing fees. Although they have up to 90 days to do so, stations should file their applications as early as possible following the release of the Closing and Reassignment Public Notice. The earlier that stations submit their applications, the quicker the Media Bureau will be able to process them and authorize construction.

Flexibility to Expand Contour Coverage in Applications Filed During the Initial 90-Day Window. The Commission has provided limited flexibility for reassigned stations and band changing stations to request in their initial construction permit applications transmission facilities that will extend their post-auction coverage contour beyond the technical parameters specified in the Closing and Reassignment Public Notice.

Reassigned Stations. A reassigned station may propose transmission facilities in its initial construction permit application that will extend its coverage contour if such facilities: (1) Are necessary to achieve the coverage contour specified in the Closing and Reassignment Public Notice or to address loss of coverage area resulting from its post-auction channel assignment; (2) will not extend a full power station's noise limited contour or a Class A station's protected contour by more than one percent in any direction; and (3) will not cause new interference beyond 0.5 percent to the technical parameters of any other station based on the parameters specified in the Closing and Reassignment Public Notice.

Band Changing Stations. Band changing stations may specify transmission facilities that would result in a larger coverage contour than that resulting from the technical parameters specified in the Closing and Reassignment Public Notice, so long as the proposed facility will not cause new interference beyond a rounding tolerance of 0.5 percent to any other station. Such stations are not limited to the one percent contour increase restriction applicable to reassigned stations.

Applications that Qualify for Expedited Processing. In order to expedite the transition, the Commission provided for expedited processing by the Media Bureau of a construction permit application that: (1) Does not seek to expand the coverage area, as defined by the technical parameters specified in the Closing and Reassignment Public Notice, in any direction; (2) seeks authorization for facilities that are no more than five percent smaller than those specified in the Closing and Reassignment Public Notice with respect to predicted population served; and (3) is filed within the 90-day deadline. The Media Bureau expects to process applications meeting all three of these requirements within 10 business days of filing.

Incomplete or Defective Applications. A station that files an application during the initial 90-day window that is incomplete or defective will be contacted and afforded an opportunity to submit an amendment via LMS to cure any defects. Failure to cure a defect will result in dismissal of the application. A station whose application is dismissed must file a new application within 15 calendar days of dismissal and pay the requisite filing fee. A station that files an amendment to cure its pending application or re-files its application will nonetheless be required to meet its assigned construction deadline.

Minor Amendments and Modifications. A station may submit requests for minor amendments to pending applications or minor modifications to construction permits at any time so long as the proposed facility meets the technical parameters identified in the Closing and Reassignment Public Notice or the allowable variance discussed herein. Applicants must file amendments to pending applications and applications for minor modifications of construction permits electronically via LMS by following the instructions in Appendix A.

Requests for Waiver of Construction Permit Filing Deadline. Reassigned stations and band changing stations that determine they are unable to construct facilities that meet the technical parameters specified in the Closing and Reassignment Public Notice within the permissible contour coverage variance discussed herein, as well as stations unable to meet the 90-day filing deadline, may seek a waiver of the deadline. For stations unable to construct, requests for waiver of the 90-day filing deadline must be filed no later than 30 days prior to the deadline. Stations must submit their waiver requests in the form of a request for a legal STA via LMS, in accordance with the instructions contained in Appendix A. Stations should also send an electronic copy of the request via email to: *IATransitionlicensing@fcc.gov.* The staff will notify each requesting station of the grant or denial of a waiver. A station whose request is denied must submit its application no later than the 90-day deadline. Failure to do so may result in the imposition of a forfeiture or other sanctions.

The Media Bureau will look most favorably on requests demonstrating that, due to extraordinary technical or legal issues beyond the station's control, it is impossible to construct the facility specified in the Closing and Reassignment Public Notice. This could occur, for example, if a station is unable to construct a compliant facility on its current tower and a replacement tower cannot be constructed from which the station would be able to meet the specified technical parameters. A station granted a waiver under this ''unable to construct'' standard will be allowed to file an application for a construction permit for an alternate channel or expanded facilities during the first priority filing window described below.

We emphasize that any station that is granted a waiver of the construction permit application deadline nonetheless will be required to meet its construction deadline.

Alternate Channel/Expanded Facilities Filing Windows. After the staff substantially completes its processing of the construction permit applications filed during the initial 90-day window, the Media Bureau will issue public notices announcing two, 30-day filing windows for stations to seek alternate channels and/or expanded facilities from those set forth in the Closing and Reassignment Public Notice. These

filing windows will run consecutively, with a brief period in between. Filings in the first ''priority'' filing window will be limited to: (1) Reassigned stations and band changing stations ''unable to construct'' facilities that meet the technical parameters specified in the Closing and Reassignment Public Notice; (2) any reassigned station, band changing station, or non-reassigned station entitled to protection in the repacking process that is predicted to experience a loss in population served in excess of one percent as a result of the repacking process; and (3) Class A stations that did not receive protection in the repacking process and were displaced during the repacking process. All other reassigned stations and band changing stations will have an opportunity to file in the second window.

Expanded Facilities and Alternate Channel Proposal Requirements

Expanded Facilities. All applications for expanded facilities will be limited to those that would be considered a minor change under the Commission's rules, *i.e.,* that propose a change in height above average terrain, effective radiated power, antenna pattern, or transmitter location. Reassigned stations that seek to extend their contours beyond one percent in any direction from the contour defined by the technical parameters specified in the Closing and Reassignment Public Notice must file applications for expanded facilities.

Alternate Channels. An application for an alternate channel will be considered a major change application and thus will be subject to the local public notice requirements of section 73.3580 of the Commission's rules and a 30-day period for the filing of petitions to deny prior to grant. Band changing stations may not apply for alternate channels outside of their post-auction bands. Reassigned stations are not similarly limited and may apply for any channel in the reorganized television band.

First Priority Window Timing and Eligibility

Timing. The Media Bureau anticipates opening the first priority window approximately 120 days after the release of the Closing and Reassignment Public Notice. Applicants in the first priority window must protect the construction permit facilities of reassigned stations and band changing stations filed in the initial 90-day window if those stations' applications have been granted or remain pending. Otherwise, applicants in the first priority window must protect the facilities specified in the Closing and Reassignment Public Notice. In addition, all applications filed in the first priority window must protect the facilities specified in applications filed before the April 2013 freeze with ''cut-off'' protection. The facilities proposed in applications filed during the first priority window will be entitled to interference protection from subsequently filed applications and amendments thereto.

Eligibility—Stations Unable to Construct. Reassigned stations or band changing stations that receive a waiver of the 90-day filing deadline based on a demonstration that they are ''unable to construct'' may file for an alternate channel and/or expanded facilities in the first priority window. Such stations must submit their applications via LMS using either FCC Form 2100—Schedule A (full power stations) or Schedule E (Class A stations) in accordance with the procedures outlined in Appendix A. Because these applications will constitute these stations' initial applications for construction permits, the applications will not be subject to a filing fee.

Stations with Excess Aggregate Interference and/or Terrain Loss. A reassigned station or band changing station that demonstrates that it is predicted to experience a loss in population served in excess of one percent as a result of its channel assignment specified in the Closing and Reassignment Public Notice, either because of new aggregate station-to-station interference or terrain loss (or a combination of both), may propose expanded facilities or an alternate channel by filing an amendment to the application it filed by the initial 90-day filing deadline or, if the application has been granted, by filing an application to modify its construction permit. The station's filing must include an exhibit demonstrating the predicted population loss. Such stations must electronically submit an application for modification of their construction permit via LMS using either FCC Form 2100—Schedule A (full power stations) or Schedule E (Class A stations), or an amendment to their pending application by following the procedures outlined in Appendix A. These applications will be subject to a filing fee.

Non-Reassigned Stations with Excess Population Loss. Stations not reassigned to new post-auction channels but that were entitled to protection in the repacking process and are predicted to experience a loss in population served in excess of one percent because of new station-to-station interference may submit a construction permit application proposing expanded facilities or an alternate channel and demonstrating the predicted population loss. Applications must be filed via LMS using FCC Form 2100—Schedule A (full power stations) or Schedule E (Class A stations). These applications will be subject to a filing fee. In addition, the costs incurred by non-reassigned stations to construct alternate channels or expanded facilities will not be reimbursable from the Reimbursement Fund.

Displaced Class A Stations. Any Class A station that was not protected in the repacking process may file a displacement application in the first priority window. The station must electronically file a displacement application via LMS using FCC Form 2100—Schedule E, in accordance with the instructions contained in Appendix A. The application must specify a new channel or other modification that would comply with the interference and technical rules. The proposed facility must also comply with Section 336(f)(7)(B) of the Communications Act, which prevents the Commission from approving a modification of a Class A license, ''unless the . . . licensee shows'' that its proposal would not cause interference to a LPTV facility or translator facilities authorized or proposed before ''the application for . . . modification of such a license . . . was filed.'' We note that costs associated with constructing any Class A displacement facilities will not be eligible for reimbursement from the Reimbursement Fund.

Second Window Timing and Requirements. During the second window, any reassigned station or band changing station may file an amendment to its initial construction permit application, if still pending, or a modification to its construction permit, if granted, to seek an alternate channel or expanded facility from that specified in the Closing and Reassignment Public Notice. The Media Bureau anticipates opening this window approximately 14 to 30 days after the close of the first priority filing window. All of the applications and amendments filed during the second window must protect the facilities proposed in the first priority window, and will be entitled to interference protection from subsequently-filed amendments and modification applications filed after the close of the second window. Applicants in the second window must also protect the construction permit facilities of reassigned stations and band changing stations filed in the initial 90-day window if those stations' applications have been granted or remain pending. Otherwise, applicants in the second

window must protect the facilities specified in the Channel and Reassignment Public Notice. In addition, all applications filed in the second window must protect applications that were filed before the April 2013 freeze and have ''cut-off'' protection. Applications and amendments filed in the second window will be subject to the applicable filing fees.

Cut-Off Protection and Mutually Exclusive (MX) Applications. Applications filed during either the first priority window or second window will be treated as filed on the last day of that window for purposes of determining mutual exclusivity. Stations filing applications during either window that are determined to be MX with another application filed in the same window will be notified and will be given a 90-day period to resolve the MX by proposing a technical solution or settlement in an amendment to their pending applications.

Incomplete or Defective Applications. A station that files an application for a construction permit during either the first priority window or second window that is incomplete or defective will be contacted and afforded an opportunity to submit an amendment via LMS to cure any defects. Failure to correct any defect will result in dismissal of the application. If either an application filed during the first priority window by: (1) A station that was unable to construct the facilities specified in the Closing and Reassignment Public Notice or (2) a displaced Class A station is dismissed then the station must file a new application within 15 days of dismissal and pay the requisite filing fee. All other applications filed in the windows that are dismissed may not be re-filed until the Media Bureau lifts the freeze on the filing of minor change applications.

International Coordination. Applications filed by reassigned stations and band changing stations to implement their post-auction channel facilities must adhere to technical parameters included in any coordinated arrangements between the Commission and the Canadian and Mexican regulatory agencies. Applications in the U.S.-Mexico border zone may not require additional coordination if they do not expand the noise-limited contour beyond the range of post-auction technical parameters negotiated with Mexico. Applications in the U.S.-Canada border zone may not require additional coordination if they do not expand the noise-limited contour by more than one percent in any direction beyond that predicted by the technical parameters listed in the Closing and Reassignment Public Notice, provided that the proposed facilities would not cause more than 0.5 percent new station-to-station interference to Canadian assignments or allotments. Applications for alternate channels or expanded facilities beyond these limits may require international coordination to assess potential cross-border interference and the potential impact on the construction deadline phases.

Transition Phases and Phase Completion Dates. In the Transition Scheduling Adoption Public Notice, the Media Bureau, in consultation with IA Task Force, WTB, and the Office of Engineering and Technology, has announced its plan to adopt a phased transition schedule for reassigned stations and band changing stations. Under the approach, stations will be assigned to one of ten transition phases with sequential testing periods and phase completion dates. The transition phases and phase completion dates will be announced in the Closing and Reassignment Public Notice. The phase completion date, which will be the station's construction deadline as assigned by the Media Bureau, will be the last day that a station may operate on its pre-auction channel absent the grant of an STA. Any such STA will be granted only in very limited circumstances and will not extend beyond the end of the transition period. To the extent that the Media Bureau denies a request for a station to continue operating on its pre-auction channel past its construction permit deadline, the Media Bureau noted that stations can explore a variety of options to assist with their post-auction transitions, including the use of temporary channels and interim or auxiliary facilities.

Extensions of Time to Construct Post-Auction Channel Facilities and Tolling. Reassigned stations and band changing stations that are unable to complete construction of their post-auction channel facilities by their deadlines may seek a single extension of up to 180 days. Stations anticipating the need for an extension must submit an extension application electronically via LMS on FCC Form 2100—Schedule 337, not less than 90 days before their deadlines.

An application for extension of time to construct must include an exhibit demonstrating that, despite all reasonable efforts, the station is unable to complete construction of its new facility on time due to circumstances that were either unforeseeable or beyond its control. To illustrate, the following circumstances might justify an extension of a station's construction deadline: (1) Weather-related delays; (2) delays in construction due to the unavailability of equipment or a tower crew; (3) tower lease disputes; (4) unusual technical challenges; or (5) delays caused by the need to obtain government approvals, such as land use or zoning approvals, or to observe competitive bidding requirements prior to purchasing equipment or services.

Additionally, in limited circumstances, stations may rely on ''financial hardship'' as a criterion for seeking an extension of time. Such circumstances may include a situation in which a station is subject to an active bankruptcy or receivership proceeding. In such a case, the station must show that it has filed requests to proceed with construction of the post-auction facility in the relevant court proceeding. A station requesting an extension of time based on financial hardship that is not in a bankruptcy or receivership proceeding must demonstrate that additional time is warranted due to rare and exceptional financial circumstances that were unforeseeable or beyond its control, and that it made all reasonable efforts to resolve those issues.

The Media Bureau reminds stations that additional time to construct beyond the 180-day extended deadline may only be sought pursuant to the Commission's strict ''tolling'' rule. The tolling rule provides that a construction permit deadline may be tolled only for specific circumstances not under the licensee's control, such as acts of God or delays due to administrative or judicial review. Stations must electronically file tolling requests via LMS, in accordance with the instructions in Appendix A. Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where ''rare or exceptional circumstances'' prevent construction, following the instructions for requesting tolling in Appendix A. Stations should send an electronic copy of all tolling requests and tolling waivers via email to: *IATransitionlicensing@fcc.gov.*

The Media Bureau reminds stations that it has also announced that, prior to grant, it will evaluate all extension applications to determine whether grant will delay or disrupt the post-auction transition schedule.

Absent the grant of an STA, a reassigned station or a band changing station must cease operating on its pre-auction channel by its construction permit deadline even if construction of the station's post-auction channel facility is not complete. Grant of an extension of time to construct a station's post-auction channel facility will not extend the time during which the licensee may operate on its pre-auction channel.

Additional Flexibility. In order to facilitate timely construction of new facilities and to minimize any time broadcasters may be off the air, reassigned stations and band changing stations may request an STA to operate with temporary facilities while they complete construction of their post-auction channel facilities. The Media Bureau clarifies that all requests for an STA must be filed electronically via LMS and, for commercial stations, will require payment of a filing fee. Instructions for filing via LMS are contained in Appendix A. All STAs for temporary facilities granted in connection with the post-auction transition will be for a maximum of 180 days. In addition, the Media Bureau reserves the right to modify or cancel an STA at any time, without prior notice, at its sole discretion.

To illustrate, examples of potential temporary facilities could include: A station operating on its assigned post-auction channel with parameters at variance from its post-auction construction permit; operating from a temporary antenna; operating on a temporary channel, including for a short period of time on a channel relinquished by a reverse auction winner; and the temporary joint use of a channel. Stations also may request an STA to continue to operate on their pre-auction channels beyond their phase completion deadlines. The Media Bureau will examine all such requests to determine whether they would serve the public interest, and will require that all temporary authorizations not cause impermissible interference to other broadcast or wireless licensees. In addition, the Media Bureau reminds stations that it has announced that it will evaluate all STA requests to determine whether grant would delay or disrupt the post-auction transition schedule. It will not grant an STA that would authorize a station to operate on its pre-auction channel beyond the end of the 39-month transition period.

Silent Authority and Section 312(g) of the Communications Act. The Media Bureau recognizes that, in order to successfully complete the transition to its post-auction channel, a reassigned station or band changing station may need to temporarily suspend operations or ''go silent.'' The Media Bureau reminds stations that the rules provide that a station may suspend operations for a period of not more than 30 days absent specific authority from the Commission. Stations that remain silent for more than 10 days must notify the Commission not later than the tenth day of their suspended operations by filing a Suspension of Operations Notification via LMS as outlined in Appendix A. Stations that need to remain silent for more than 30 days must file a Silent STA via LMS as outlined in Appendix A, and pay the requisite fee.

The Media Bureau also reminds stations that the license of any station that remains silent for any consecutive 12-month period expires automatically at the end of that period, by operation of law, except that the Commission can extend or reinstate such a license ''to promote equity and fairness.'' A station that remains silent for any consecutive 12-month period may request an extension or reinstatement of its license and a waiver of the pertinent Commission rules by filing a written request with the Commission. In considering such requests, we will examine whether the station has demonstrated that its silence is the result of compelling reasons beyond the station's control, including facts that relate to the post-auction transition process.

Completion of Transition to Post-Auction Channel

Discontinuation of Operations on Pre-Auction Channels—Notice to Viewers. Reassigned stations and band changing stations must air notifications alerting viewers prior to transitioning to their post-auction channels. At a minimum, these stations must air either 60 seconds of on-air consumer education public service announcements (PSAs) or 60 seconds of crawls per day for 30 days prior to termination of operations on their pre-auction channels. Stations will have the discretion to choose the timeslots for these PSAs or crawls. Transition PSAs and crawls must conform to the requirements set forth in the Commission's rules. Stations must include a certification that they have complied with the viewer notification requirements in their online public file within 30 days after beginning operation on their post-auction channel.

Notice to MVPDs. Before a reassigned station or band changing station moves to its post-auction channel, it must provide notice to MVPDs that currently carry the station and will continue to be obligated to carry the station. The required notice must be provided in the form of a letter notification, and must include the following information: (1) The date and time of any channel change; (2) the pre-auction and post-auction channel assignments; (3) the modification, if any, to the antenna position, location, or power levels; and (4) the engineering staff's contact information. Should any of this information change during the station's transition, an amended notification must be sent to MVPDs in the same form as the original notice. For cable systems, the letter must be addressed to the system's official address of record provided in the cable system's most recent filing in the Cable Operations and Licensing System (''COALS'') Form 322. For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation. The notification must be sent not less than 90 days prior to the station's transition to its post-auction channel. Should a station's anticipated transition date change due to an unforeseen delay or change in its transition plan, the station must send further notices to affected MVPDs informing them of the new anticipated transition date. Where COALS includes an email address with the official address of record the letter may be sent electronically. Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communication the letter may be sent electronically.

Commencement of Operation on Post-Auction Channel. Within 10 days after commencement of program test authority, a licensee must submit an application for license on its post-auction channel. Applications for license must be filed electronically via LMS using FCC Form 2100—Schedule B (full power) and Schedule F (Class A). Commercial stations will be required to pay the requisite filing fee. Instructions for filing via LMS are contained in Appendix A.

License Relinquishment Stations and Channel Sharing Stations

Payments to Reverse Auction Winning Bidders. The Media Bureau will release a separate public notice informing winning bidders of the process for receiving auction proceeds at a later date. That public notice will advise winning bidders about the process for providing instructions to the Commission for payments, including providing banking information and necessary certifications. As previously stated, though providing a precise timetable is not feasible, the Commission will share auction proceeds with broadcast licensees relinquishing spectrum usage rights as soon as practicable following the successful conclusion of the incentive auction. The forthcoming public notice will detail the steps that a winning reverse auction licensee must take before auction proceeds can be disbursed once they become available. In particular, the public notice will detail the form that winning reverse auction bidders will use to submit payment information, as

well as processes for validating the information prior to the disbursement of any payments. As described in a prior public notice, a winning bidder may provide instructions for payments to an account owned by a third-party.

As a step prior to beginning this process, a representative from an entity that expects to receive a payment from the FCC for a winning reverse auction bid must have logged in to the updated Commission Registration System (CORES) (*https://apps.fcc.gov/cores*) and set up a username and password. Detailed instructions on how to register for an FCC Username Account can be found at: *https://apps.fcc.gov/cores/html/Register_New_Account.htm.* For additional information, please contact the Updated CORES System hotline at 202–418–4120 or *CoresPilot@fcc.gov.*

License Relinquishment Transition Process

Discontinuation of Operations. A license relinquishment station must discontinue operations within 90 days after receiving its share of auction proceeds.'' A station needing additional time to discontinue operations on its pre-auction channel may submit a waiver request demonstrating ''good cause'' pursuant to Section 1.3 of the Commission's rules. The Media Bureau anticipates that requests for additional time beyond 90 days are unlikely to meet our waiver standard. No license relinquishment station will be granted a waiver that would extend its deadline to discontinue operations beyond the end of the 39-month transition period. The Media Bureau reminds stations that it has announced that, prior to granting a waiver request, it will evaluate all requests to extend the deadline to discontinue operations to determine whether the grant would delay or disrupt the post-auction transition schedule.

A station should file such a request as soon as it becomes apparent that it requires additional time to terminate operations on its pre-auction channel. A waiver request must be filed electronically via LMS as a request for a legal STA, include the requisite fee, provide the above-described waiver showing, and include a proposed discontinuation date. A copy of the request should also be emailed to *IATransitionlicensing@fcc.gov.* Instructions for filing via LMS are contained in Appendix A.

Suspension and Discontinuance Notices to Commission. A license relinquishment station must notify the Commission at least two days prior to discontinuation of operations on its pre-auction channel. Instructions for filing a Suspension of Operations Notification via LMS are contained in Appendix A. As soon as possible following the discontinuation of operations on its pre-auction channel, a license relinquishment station must also submit a Request to Cancel License via LMS, as outlined in Appendix A, which will serve as the station's request for cancellation of its pre-auction channel license. Both notifications should be emailed to: *IATransitionlicensing@fcc.gov.* There is no fee for these two filings.

Notice to Viewers. Prior to termination of operations, relinquishment stations must air notifications to alert their viewers that they will discontinue service. Stations that operate on a commercial basis will be required to air a mix of PSAs and crawls. Such stations must air at least one transition PSA and run at least one transition crawl in every quarter of every day for 30 days prior to the date on which the station terminates operations on its pre-auction channel. One of the required PSAs and one of the required crawls must be run during primetime hours each day. Crawls must run during programming for no less than 60 consecutive seconds across the bottom or top of the viewing area and be provided in the same language as a majority of the programming carried by the station. Although stations have the flexibility to design the text of their crawls, they must include the date on which the station will terminate operations on its pre-auction channel, and explain how viewers may obtain more information by telephone or online. PSAs must have a duration of at least 15 seconds, be provided in the same language as a majority of the programs carried by the station and provide, at a minimum, the same information as required for crawls. In addition, transition PSAs must be closed-captioned. Stations are encouraged to include any other details about their discontinuation of operations that they believe to be important in their notifications, and stations may air additional notifications that they deem beneficial to their viewers.

Noncommercial educational (NCE) full power television license relinquishment stations may choose to comply with notification requirements either through the framework set forth in the preceding paragraph or by airing 60 seconds of on-air consumer education PSAs each day for 30 days prior to termination of operations on their pre-auction channel. NCE stations choosing the alternate plan will have the discretion to choose the timeslots for these PSAs. The NCE transition PSAs must include the same information as noted above for commercial stations and must be closed-captioned.

A license relinquishment station must include a certification of compliance with the notice requirements in its Suspension of Operations Notification.

Notice to MVPDs. A license relinquishment station must provide notice to each affected MVPD that the MVPD will no longer be required to carry the station because it will cease operations. The required notice must be provided in the form of a letter and must include the date and time of the planned termination of operations. For cable systems, the letter must be addressed to the system's official address of record provided in the cable system's most recent filing in the COALS Form 322. For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation. The notification must be sent not less than 30 days prior to terminating operations. Should a station's anticipated termination date change due to an unforeseen delay or change in transition plan, the station must send a further notice to affected MVPDs informing them of the new anticipated termination date. Where COALS includes an email address with the official address of record the letter may be sent electronically. Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communication the letter may be sent electronically.

Channel Sharing Station Transition Process. A channel sharing station must implement shared channel operations, and a sharee station must discontinue operations on its pre-auction channel within 180 days after the sharee receives its share of auction proceeds.

Application for Construction Permit. Where a sharer station remains on its pre-auction channel, the sharee must file an application for construction permit via LMS using FCC Form 2100 Schedule A (full power) or Schedule E (Class A) no later than 60 days prior to its deadline for discontinuing operations on its pre-auction channel, which, absent any extension, is no later than 120 days after the sharee receives its share of auction proceeds. The applicant must pay the requisite filing fee. The application must specify the same technical facilities as the sharer station and include an executed copy of the Channel Sharing Agreement (CSA). Instructions for completing this form can be found in Appendix A. The timing of this filing requirement is the same regardless of whether the parties

have a pre- or post-auction CSA. Therefore, a sharee that indicated in its FCC Form 177 application to participate in the reverse auction the intent to enter into a post-auction CSA must enter into a CSA and submit its minor change application no later than 120 days after it receives its share of the auction proceeds.

In the event that the sharer station is a reassigned station or band changing station, then it must follow the procedures outlined for Reassigned Stations and Band Changing Stations to implement the move to its new channel, including submitting an application for construction permit specifying its post-auction channel facilities no later than the initial 90-day filing deadline for initial construction permit applications. If the sharer has, or is expected to, transition to its new channel by the deadline on which the sharee must submit its application for construction permit (*i.e.,* no later than 120 days after it receives its share of the auction proceeds), then the sharee's application should specify the sharer's post-auction channel facility. In the event that the sharee's deadline by which it must discontinue operations on its pre-auction channel (*i.e.,* no later than 180 days after it receives its share of the auction proceeds), is expected to occur before the sharer has transitioned to its new channel, however, the sharee should file an application for a construction permit specifying the sharer's pre-transition channel. Not less than 60 days prior to the sharer's phase construction deadline, the sharee must then file a minor change application for a construction permit for the sharer's post-auction channel. Sharee applications for construction permits will be considered minor changes and will be subject to filing fees.

If a sharee needs additional time to submit its application for a construction permit, then it may request a waiver of the construction permit filing deadline. Waivers must be filed as a request for legal STA via LMS following the instructions provided in Appendix A and include payment of the requisite filing fee. Such waivers must provide a ''good cause'' showing pursuant to section 1.3 of the Commission's rules and, specify the date by which the sharee anticipates filing its construction permit application. Stations should also email a copy of their waiver request to: *IATransitionlicensing@fcc.gov.* In order to provide the staff with sufficient time to process the waiver request, and for stations to make arrangements to meet the deadline if the waiver is denied, stations are urged to file no later than 30 days prior to the deadline for filing their application for a construction permit, which, absent an extension, is no later than 120 days after it receives its share of auction proceeds.

Suspension of Operations Notice to Commission. Sharees must notify the Commission at least two days prior to discontinuation of operations on their pre-auction channels by filing a Suspension of Operations Notification via LMS as outlined Appendix A. There is no fee for this filing. This notification also should be emailed to *IATransitionlicensing@fcc.gov.*

Commencement of Operation on Shared Channel. When implementation is complete and within 10 days of commencement of operation of the shared facilities on program test authority, both sharer and sharee must submit applications for license on FCC Form 2100—Schedule B (full power stations) and Schedule F (Class A stations) via LMS following the instructions in Appendix A. This process may need to be completed twice if the sharer becomes a reassigned station and the sharee decides to share the sharer's pre-auction channel while it is waiting for the sharer to complete its transition to its post-auction channel, *i.e.,* once for the sharer's pre-auction channel and once for the shared post-auction channel.

Waiver of Deadline to Commence Shared Operations. A channel sharee may request an additional 90 days to discontinue operations on its pre-auction channel and commence shared operations by requesting a waiver pursuant to section 1.3 of the Commission's rules. Further, channel sharees may request an additional 90 days (for a total of 180 additional days) using the same procedure. Prior to grant, the Media Bureau will evaluate all requests for waiver of the deadline to commence shared operations to determine whether grant will delay or disrupt the post-auction transition schedule. In any event, no channel sharee will be granted a waiver that would extend its deadline to discontinue operations on its pre-auction channel beyond the end of the 39-month transition period.

A station should file such a request for additional time as soon as it becomes apparent that it requires additional time prior to discontinuing operations, and in no event later than 60 days prior to its deadline for discontinuing operations. Such requests must be filed electronically via LMS as a request for a legal STA, include the requisite fee, provide the ''good cause'' waiver showing, and include a proposed discontinuation date not to exceed 90 days beyond the current date to discontinue operations. Instructions for filing via LMS are contained in Appendix A. A copy of the request should also be emailed to: *IATransitionlicensing@fcc.gov.*

Notice to Viewers. Channel sharees must air notifications alerting their viewers prior to transitioning to their shared channels. These stations must air, at a minimum, either 60 seconds of on-air consumer education PSAs or 60 seconds of crawls per day for 30 days prior to termination of operations on their pre-auction channels. Stations will have the discretion to choose the timeslots for these PSAs or crawls. Transition PSAs and crawls must conform to the requirements set forth in the rules. Stations must include a certification that they have complied with the viewer notification requirements in their online public file within 30 days after beginning operations on their shared channel. Sharer stations are only required to air viewer notifications if they become a reassigned station as a result of the repacking.

Notice to MVPDs. Channel sharing stations must also provide notice to MVPDs that no longer will be required to carry one of the stations because of the sharee's relocation; currently carry and will continue to be obligated to carry the sharee; or will become obligated to carry the sharee. The required notice must be provided in the form of a letter and must include: (i) Date and time of any channel changes; (ii) pre-auction and shared channels; (iii) modification (if any) to antenna position, location or power levels; (iv) stream identification information for channel sharing stations; and (v) engineering staff contact information. If any of this information changes during the time that the sharee station is transitioning from its pre-auction to its shared channel, an amended notification must be sent to MVPDs in the same form as the original notice. For cable systems, the letter must be addressed to the cable system's official address of record provided in the cable system's most recent filing in the COALS Form 322. For all other MVPDs, the letter must be addressed to the official corporate address registered with the MVPD's state of incorporation. For sharee stations, the notification must be sent not less than 30 days prior to terminating operations on the sharee's pre-auction channel; and for all channel sharing stations (*i.e.,* both the sharer and sharee(s)), not less than 30 days prior to initiation of operations on the sharer channel. Should a station's anticipated termination date change due to an unforeseen delay or change in

transition plan, the station must send a further notice to affected MVPDs informing them of the new anticipated termination date. Where COALS includes an email address with the official address of record the letter may be sent electronically. Where the official corporate address registered with the MVPD's state of incorporation includes a form of electronic communications, the notice may be sent electronically.

Impact on Transition

In the Transition Scheduling Adoption Public Notice, the Media Bureau adopted standards it will use to evaluate the impact on the transition of applications filed during the first and second priority windows, applications for extension of time, requests for STAs, and requests for waivers of deadlines to discontinuation operations on pre-auction channels (''applications/requests''). Under these standards, the Bureau will examine the impact that grant of an application/request would have on the overall transition schedule by, for example, evaluating whether the application/request may create new, or affect existing, dependencies. The Media Bureau will view favorably applications/requests that are otherwise compliant with our rules and have little or no impact on other stations' transition schedule. In contrast, the Media Bureau will view unfavorably any application/request that the staff determines would be likely to delay or disrupt the transition, such as by causing temporary pairwise interference to another station above the two percent authorized in the Transition Scheduling Adoption Public Notice, creating additional linked-station sets, necessitating changes to the construction permit deadlines for other station(s), or likely causing a strain on limited transition resources required by other stations. The Media Bureau will also view applications/requests that would have such adverse effects more favorably if the requesting station demonstrates that it has the approval of all the stations that would be affected, or it agrees to take steps during the transition period to mitigate the impact of the proposed request—such as accepting additional levels of temporarily increased interference, or operating with reduced facilities at variance from its pre-auction licensed parameters.

The Media Bureau will evaluate each request on a case-by-case basis. After evaluating applications/requests, the Media Bureau may modify construction deadlines to enable the grant of a request. To the extent that the Media Bureau denies a request for a station to continue operating on its pre-auction channel past its phase completion date, the Media Bureau noted that stations can explore a variety of options to assist with their post-auction transitions, including the use of temporary channels and interim or auxiliary facilities.

Reimbursement

In this section, the Media Bureau outlines the post-auction reimbursement process for reassigned stations as well as the process by which stations may seek a service rule waiver in lieu of reimbursement. Involuntarily reassigned stations as well as MVPDs that incur costs by continuing to carry such reassigned stations are eligible for reimbursement of their ''reasonably incurred'' costs. Entities eligible for reimbursement will use FCC Form 2100, Schedule 399 (Reimbursement Form), to submit both their estimated costs and, after incurring the costs, actual reimbursement requests with documentation substantiating all such expenses incurred. In lieu of receiving reimbursement, reassigned stations may request a waiver of the Commission's service rules permitting the station to make flexible use of the post-auction channel spectrum to provide services other than broadcast television services.

Reimbursement Cost Estimates. Reassigned stations and MVPDs that will incur costs by continuing to carry reassigned stations must file their estimated construction costs for equipment and services no later than 90 days after release of the Closing and Reassignment Public Notice. After reviewing the cost estimates submitted, the Media Bureau will make an initial reimbursement allocation for each reassigned station and MVPD that filed cost estimates. The allocated amount is the dollar amount that stations and MVPDs will have to draw down against as they incur actual expenses. To ensure timely processing, stations must file their cost estimates by the deadline.

Relocation cost estimates and any required supporting documentation must be filed via LMS using the Reimbursement Form. Instructions for filing the Reimbursement Form via LMS are contained in Appendix A. There is no fee for this filing. When filing estimated costs, reassigned stations and MVPDs must identify their current operational equipment as well as the equipment and services they expect to purchase to complete the post-auction channel transition. Cost estimates for such equipment and services can be based either on the predetermined cost estimates identified in the catalog of eligible expenses (Catalog), which is embedded in the Reimbursement Form, or by obtaining price quotes from vendors. Filers must submit supporting cost estimate documentation (such as a price quote from a vendor) for any equipment or service for which there is no predetermined cost estimate in the Catalog, and must provide a detailed explanation if an estimate exceeds the amount listed for the particular equipment or service in the Catalog. The Reimbursement Form is dynamic; and guides users with prompts that indicate how and when filers must provide explanations and supporting documentation.

Relocation cost estimates must be filed no earlier than the day of release of, and no later than 90 days after release of, the Closing and Reassignment Public Notice.

The Media Bureau will release a separate public notice informing eligible entities of the process for receiving reimbursements at a later date. That public notice will advise eligible entities about the process for providing the Commission with banking information and necessary certifications. In particular, the public notice will detail forms that eligible entities will use to submit information regarding estimates of relocation costs and relocation costs actually incurred, as well as relevant banking information, and the processes for validating such information prior to any reimbursements.

As a step prior to beginning this process, as with all entities doing business with the FCC, a representative from an entity that expects to receive a payment from the FCC—including reassigned stations and MVPDs that incur expenses as a result of the post-auction station repack—must log in to the updated Commission Registration System (CORES) (*https://apps.fcc.gov/cores*) and set up a username and password. Detailed instructions on how to register for an FCC Username Account can be found at *https://apps.fcc.gov/cores/html/Register_New_Account.htm.* For additional information, please contact the Updated CORES System hotline at: 202–418–4120; or email: *CoresPilot@fcc.gov.*

Reimbursement Claims for Actual Expenses Incurred. Once reassigned stations and MVPDs incur actual costs as a result of the post-auction channel reassignments, they must file actual reimbursement claims along with any required supporting invoices and other cost documentation using the Reimbursement Form via LMS. Entities may, and likely will, submit multiple reimbursement requests as they incur expenses throughout the reimbursement

period. Because reimbursement payments can be made only during the statutory three-year reimbursement period, the Media Bureau will announce a date prior to the end of the reimbursement period at which time all remaining expense documentation and additional estimates for work not yet completed must be submitted. A station or MVPD must provide a detailed explanation on the Reimbursement Form if an actual cost exceeds the estimated cost for a particular line item. Reimbursement claims will be reviewed to ensure that payment is made only for costs ''reasonably incurred'' in accordance with Section 1452(b)(4). The Commission has determined that costs incurred during or before the incentive auction that would otherwise be reimbursable are eligible for reimbursement. Although some reassigned stations will have already incurred expenses that may be eligible for reimbursement by the time the Closing and Reassignment Public Notice is released, requests for reimbursement of such costs will not be processed until after the Media Bureau makes an initial allocation for stations and MVPDs that have timely filed reimbursement cost estimates during the 90-day period after release of the Closing and Reassignment Public Notice.

Service Rule Waiver in Lieu of Reimbursement. In lieu of receiving reimbursement for relocation costs, a reassigned station may request a waiver of the Commission's service rules to allow the station to make flexible use of its reassigned spectrum to provide services other than broadcast television services. Such waivers are subject to all applicable interference protections and will only remain in effect while the licensee provides at least one broadcast television program stream on such spectrum at no charge to the public. The Commission has delegated authority to the Media Bureau to act on service rule waivers on a case-by-case basis. Waivers will be evaluated in accordance with the Commission's general waiver standard, and must demonstrate that the applicant will protect against interference and provide at least one broadcast television program stream at no charge to the public, as required by the Spectrum Act. Stations may request that a waiver be granted on either a temporary or a permanent basis.

The Media Bureau will accept service rule waiver requests from reassigned stations otherwise eligible for reimbursement for relocation costs during a 30-day window commencing upon release of the Closing and Reassignment Public Notice. Waiver requests must be filed via LMS in accordance with the instructions in Appendix A, and must include the requisite fee. Waiver requests should also be emailed to: *IATransitionlicensing@fcc.gov.* The Media Bureau will expeditiously process petitions and timely inform the petitioners of the disposition. A licensee must accept the terms of a waiver within 10 days of grant. Instructions on how to accept grant of the waiver will be provided in the written notification sent to the station by the Media Bureau.

Until the Media Bureau grants a waiver request and the station accepts the terms of the waiver grant, a station must meet all requirements to obtain reimbursement (*e.g.,* timely filing the Reimbursement Form). A station that is granted and accepts the terms of a waiver must comply with all transition filings, construction, and notice requirements, and deadlines, unless otherwise instructed by the Media Bureau.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2017–04248 Filed 3–3–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, March 9, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

Items To Be Discussed

Draft Advisory Opinion 2016–23: Socialist Workers Party

Audit Division Recommendation Memorandum on the Colorado Republican Committee (CRC) (A13–12)

2017 Chief FOIA Officer Report

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–04468 Filed 3–2–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for information collection requirements contained in its Funeral Industry Practice Rule (''Funeral Rule'' or ''Rule''). That clearance expires on September 30, 2017.

DATES: Comments must be filed by May 5, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Funeral Rule PRA Comment: FTC File No. P084401'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/funeralrulepra* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements for the Funeral Rule should be addressed by mail to Craig Tregillus, Staff Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room CC–8528, 600 Pennsylvania Ave. NW., Washington, DC 20580, by email to *ctregillus@ftc.gov* or by telephone to (202) 326–2970.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the Funeral Rule, 16 CFR part 453 (OMB Control Number 3084–0025).

The Funeral Rule ensures that consumers who are purchasing funeral goods and services have access to accurate itemized price information so they can purchase only the funeral goods and services they want or need. In particular, the Rule requires a funeral provider to: (1) Give consumers a copy they can keep of the funeral provider's General Price List (''GPL'') that itemizes the goods and services it offers; (2) show consumers a Casket Price List (''CPL'') and an Outer Burial Container Price List (''OBCPL'') at the outset of any discussion of those items or their prices, and in any event before showing consumers caskets or vaults; (3) provide price information from its price lists over the telephone; and (4) give consumers a Statement of Funeral Goods and Services Selected (''SFGSS'') after determining the funeral arrangements with the consumer during an ''arrangements conference''. The Rule requires that funeral providers disclose this information to consumers and maintain records to facilitate enforcement of the Rule.

The estimated burden associated with the collection of information required by the Rule is 19,322 hours for recordkeeping, 103,345 hours for disclosure, and 38,644 hours for compliance training for a cumulative total of 161,311 hours. This estimate is based on the number of funeral providers (approximately 19,322),[1] the number of funerals per year (an estimated 2,626,418),[2] and the time needed to fulfill the information collection tasks required by the Rule.

Recordkeeping: The Rule requires that funeral providers retain for one year copies of price lists and statements of funeral goods and services selected by consumers. Based on a maximum average burden of one hour per provider per year for this task, the total burden for the 19,322 providers is 19,322 hours.

Disclosure: As noted above, the Rule requires that funeral providers: (1) Maintain current price lists for funeral goods and services, (2) provide written documentation of the funeral goods and services selected by consumers making funeral arrangements, and (3) provide information about funeral prices in response to telephone inquiries.

1. Maintaining accurate price lists may require that funeral providers revise their price lists occasionally (most do so once a year, some less frequently) to reflect price changes. Staff conservatively estimates that this task may require a maximum average burden of two and one-half hours per provider per year. Thus, the total burden for 19,322 providers is 48,305 hours.

2. Staff retains its prior estimate that 13% of funeral providers prepare written documentation of funeral goods and services selected by consumers specifically due to the Rule's mandate. The original rulemaking record indicated that 87% of funeral providers provided written documentation of funeral arrangements, even absent the Rule's requirements.[3]

According to the rulemaking record, the 13% of funeral providers who did not provide written documentation prior to enactment of the Rule are typically the smallest funeral homes. The written documentation requirement can be satisfied through the use of a standard form, an example of which the FTC has provided to all funeral providers in its compliance guide.[4] Based on an estimate that these smaller funeral homes arrange, on average, approximately twenty funerals per year and that it would take each of them about three minutes to record prices for each consumer on the standard form, FTC staff estimates that the total burden associated with the written documentation requirement is one hour per provider, for a total of 2,512 hours [(19,322 funeral providers × 13%) × (20 statements per year × 3 minutes per statement)].

3. The Funeral Rule also requires funeral providers to answer telephone inquiries about the provider's offerings or prices. Information received in 2002 from the NFDA indicates that only about 12% of funeral purchasers make telephone inquiries, with each call lasting an estimated ten minutes.[5] Thus, assuming that the average purchaser who makes telephone inquiries places one call per funeral to determine prices,[6] the estimated burden is 52,528 hours (2,626,418 funerals per year × 12% × 10 minutes per inquiry). This burden likely will decline over time as consumers increasingly rely on the Internet for funeral price information.

In sum, the burden due to the Rule's disclosure requirements totals 103,345 hours (48,305 + 2,512 + 52,528).

Training: In addition to the recordkeeping and disclosure-related tasks noted above, funeral homes may also have training requirements specifically attributable to the Rule. Staff believes that annual training burdens associated with the Rule should be minimal because Rule compliance is generally included in continuing education requirements for state licensing and voluntary certification programs. Staff estimates that, industry-wide, funeral homes would incur no more than 39,360 hours related to training specific to the Rule each year. This estimate is consistent with staff's assumption for the current clearance that an ''average'' funeral home consists of approximately five employees (full-time and part-time employment combined), but with no more than four of them having tasks specifically associated with the Funeral Rule. Staff retains its estimate that each of the four employees per firm would each require one-half hour, at most, per year, for such training.[7] Thus, total estimated time for

[1] The estimated number of funeral providers is from 2017 data provided on the National Funeral Directors Association (''NFDA'') Web site (see *http://www.nfda.org/news/statistics*) (within ''General Funeral Service Facts'').

[2] The estimated number of funerals conducted annually is derived from the National Center for Health Statistics (''NCHS''), *http://www.cdc.gov/nchs/*. According to NCHS, 2,626,418 deaths occurred in the United States in 2014, the most recent year for which final data is available. See, *e.g.,* Table 1 (''Number of deaths, death rates, and age-adjusted death rates, by race and sex: United States, 1940, 1950, 1960, 1970, and 1980–2014'') (*https://www.cdc.gov/nchs/data/nvsr/nvsr65/nvsr65_04.pdf*) (June 30, 2016). Staff believes this is a conservative estimate because not all remains go to a funeral provider covered by the Rule (*e.g.,* remains sent directly to a crematory that does not sell urns; remains donated to a medical school, etc.).

[3] In a 2002 public comment, the National Funeral Directors Association asserted that nearly every funeral home had been providing consumers with some kind of final statement in writing even before the Rule took effect. Nonetheless, in an abundance of caution, staff continues to retain its prior estimate based on the original rulemaking record.

[4] The compliance guide is available at *http://business.ftc.gov/documents/bus05-complying-funeral-rule.*

[5] No more recent information thus far has been available. The Commission invites submission of more recent data or studies on this subject.

[6] Although consumers who pre-plan their own arrangements may comparison shop and call more than one funeral home for pricing and other information, consumers making ''at need'' arrangements after a death are less likely to take the time to seek pricing information from more than one home. Many fail to seek any pricing information by telephone. Staff therefore believes that an average of one call per funeral is a conservative assumption.

[7] Funeral homes, depending on size and/or other factors, may be run by as few as one owner,

Continued

training is 38,644 hours (4 employees per firm × ½ hour × 19,322 providers).

Labor costs: Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. The hourly rates used below are averages.

Clerical personnel, at an hourly rate of $11.69,[8] can perform the recordkeeping tasks required under the Rule. Based on the estimated hours burden of 19,322 hours, estimated labor cost for recordkeeping is $225,874.

The two and one-half hours required of each provider, on average, to update price lists should consist of approximately one and one-half hours of managerial or professional time, at $40.65 per hour,[9] and one hour of clerical time, at $11.69 per hour, for a total of $72.67 per provider [($40.65 per hour × 1.5 hours) + ($11.69 per hour × 1 hour)]. Thus, the estimated total labor cost burden for maintaining price lists is $1,404,130 ($72.67 per provider × 19,322 providers).

The incremental cost to the 13% of small funeral providers who would not otherwise supply written documentation of the goods and services selected by the consumer, as previously noted, is 2,512 hours. Assuming managerial or professional time for these tasks at approximately $40.65 per hour, the associated labor cost would be $102,113.

As previously noted, staff estimates that 52,528 hours of managerial or professional time is required annually to respond to telephone inquiries about prices.[10] The associated labor cost at $40.65 per hour is $2,135,263.

Based on past consultations with funeral directors, FTC staff estimates that funeral homes will require no more than two hours of training per year of licensed and non-licensed funeral home staff to comply with the Funeral Rule,[11] with four employees of varying types each spending one-half hour on training. Applying the assumptions stated above,[12] FTC staff further assumes labor costing as follows for the affected employees' time for compliance training: (a) Funeral service manager ($40.65 per hour); (b) non-manager funeral director ($25.37; (c) embalmer ($19.95 per hour); and (d) a clerical receptionist or administrative staff member, at $11.69 per hour.[13] This amounts to $943,493, cumulatively, for all funeral homes [($40.65 + $25.37 + $19.95 + $11.69) × ½ hour per employee × 19,322 funeral homes].

The total labor cost of the three disclosure requirements imposed by the Funeral Rule is $3,641,506 ($1,404,130 + $102,113 + $2,135,263). The total labor cost for recordkeeping is $225,874. The total labor cost for disclosure, recordkeeping, and training is $4,810,873 ($3,641,506 for disclosure + $225,874 for recordkeeping + $943,493 for training).

Capital or other non-labor costs: The Rule imposes minimal capital costs and no current start-up costs. The Rule first took effect in 1984 and the revised Rule took effect in 1994, so funeral providers should already have in place necessary equipment to carry out tasks associated with Rule compliance. Moreover, most funeral homes already have access, for other business purposes, to the ordinary office equipment needed for compliance, so the Rule likely imposes minimal additional capital expense.

Compliance with the Rule, however, does entail some expense to funeral providers for printing and duplication of required disclosures. Assuming, as required by the Rule, that one copy of the general price list is provided to consumers for each funeral or cremation conducted, at a cost of 25¢ per copy,[14] this would amount to 2,626,418 copies per year at a cumulative industry cost of $656,605 (2,626,418 funerals per year[15] × 25¢ per copy). In addition, the funeral providers that furnish consumers with a statement of funeral goods and services solely because of the Rule's mandate will incur additional printing and copying costs. Assuming that those 2,512 providers (19,322 funeral providers × 13%) use the standard two-page form shown in the compliance guide, at twenty-five cents per copy, at an average of twenty funerals per year, the added cost burden would be $12,560 (2,512 providers × 20 funerals per year × 25¢). Thus, estimated non-labor costs total $669,165 ($656,605 + 12,560).

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the recordkeeping and disclosure requirements are necessary, including whether the resulting information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of providing the required information to consumers. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before May 5, 2017.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before May 5, 2017. Write ''Funeral Rule PRA Comment: FTC File No. P084401'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state

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manager, or other funeral director to multiple directors at various compensation levels. Extrapolating from past NFDA survey input, staff has theorized an ''average'' funeral home of approximately four employees (a funeral services manager, funeral director, embalmer, and a clerical receptionist) having tasks and training associated with Funeral Rule compliance. Compliance training for other employees (*e.g.,* drivers, maintenance personnel, attendants) would not be necessary.

[8] Bureau of Labor Statistics, ''May 2015 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 812200—Death Care Services,'' *available at http://www.bls.gov/oes/current/naics4_812200.htm#11-0000.* Clerical estimates are based on the mean hourly wage data for ''receptionists and information clerks.''

[9] *Id.* Managerial or professional estimates are based on the mean hourly wage data for ''funeral service managers.''

[10] Although some funeral providers may permit staff who are not funeral directors to provide price information by telephone, the great majority reserve that task to a licensed funeral director. Since funeral home managers are also licensed funeral directors in most cases, we have used, conservatively, the mean hourly wage for ''funeral service managers,'' rather than ''funeral directors,'' for this calculation.

[11] Rule compliance is generally included in continuing education requirements for licensing and voluntary certification programs. Moreover, as noted above, the FTC provides its compliance guide to all funeral providers at no cost, and it is available on the FTC Web site. *See supra* note 4. Additionally, the NFDA provides online guidance for compliance with the Rule: *http://www.nfda.org/onlinelearning-ftc.html.*

[12] *See supra* note 7 and accompanying text.

[13] Bureau of Labor Statistics, ''May 2015 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 812200—Death Care Services,'' *available at http://www.bls.gov/oes/current/naics4_812200.htm#11-0000* (mean hourly wages for funeral service manager, funeral director, embalmer). See *supra* note 8 and accompanying text regarding the mean hourly wage for ''receptionists and information clerks.''

[14] Although copies of the casket price list and outer burial container price list must be shown to consumers, the Rule does not require that they be given to consumers. Thus, the cost of printing a single copy of these two disclosures to show consumers is *de minimis,* and is not included in this estimate of printing costs. Moreover, the general price list need not exceed, and may be still shorter than, the two-page model provided in the compliance guide.

[15] *See supra* note 2 and accompanying text.

identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential'' as provided in Section 6(f) of the FTC Act 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c).[16] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest. Once your comment is posted, as legally required by FTC Rule 4.9(b), we cannot redact or remove your comment from the FTC's public record, including the FTC's Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request in accordance with the law and the public interest, as explained above.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/funeralrulepra,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Funeral Rule PRA Comment: FTC File No. P084401'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 5, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2017–04289 Filed 3–3–17; 8:45 am]

BILLING CODE 6750–01–P

[16] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Supplemental Evidence and Data Request on Effects of Dietary Sodium and Potassium Intake on Chronic Disease Outcomes and Related Risk Factors

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Supplemental Evidence and Data Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of *Effects of Dietary Sodium and Potassium Intake on Chronic Disease Outcomes and Related Risk Factors,* which is currently being conducted by the AHRQ's Evidence-based Practice Centers (EPC) Program. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: *Submission Deadline* on or before April 5, 2017.

ADDRESSES: *Email submissions: SEADS@epc-src.org.*

Print submissions: Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, P.O. Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 51723 or Email: *SEADS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Evidence-based Practice Centers (EPC) Program to complete a review of the evidence for *Effects of Dietary Sodium and Potassium Intake on Chronic Disease Outcomes and Related Risk Factors.*

The EPC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (*e.g.,* details of studies conducted). We are looking for studies that report on *Effects of Dietary Sodium and Potassium Intake on Chronic Disease Outcomes and Related Risk Factors,* including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *https://www.effectivehealthcare.AHRQ.gov/index.cfm/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productid=2428.*

This is to notify the public that the EPC Program would find the following information on *Effects of Dietary Sodium and Potassium Intake on Chronic Disease Outcomes and Related Risk Factors helpful*:

- A list of completed studies that your organization has sponsored for this indication. In the list, please *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* please provide a summary, including the following elements: Study number; study period; design, methodology; indication and diagnosis; proper use instructions; inclusion and exclusion criteria; primary and secondary outcomes; baseline characteristics; number of patients screened, eligible, enrolled, lost to follow up, withdrawn, and analyzed; as well as effectiveness and efficacy, and safety results.
- *A list of ongoing studies that your organization has sponsored for this*

indication. In the list, please provide the *ClinicalTrials.gov* trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

▪ Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your organization for this indication and an index outlining the relevant information in each submitted file.

Your contribution will be very beneficial to the EPC Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or able to be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EPC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EPC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *https://www.effectivehealthcare.ahrq.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions.

The Key Questions

Sodium

1. Among adults and children of all age groups (including both sexes and pregnant and lactating women), what is the effect (benefits and harms) of interventions to reduce dietary sodium intake on blood pressure at the time of the study and in later life?

I. Do other minerals (*e.g.,* potassium, calcium, magnesium) modify the effect of sodium?

II. Among subpopulations defined by sex, race/ethnicity, age (children, adolescents, young adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, and obesity health status.

2. Among adults and children, what is the association between dietary sodium intake and blood pressure?

I. Among subpopulations defined by sex, race/ethnicity and age (children, adolescents, young adults, older adults, elderly).

II. Among subpopulations defined by hypertension, diabetes, and obesity health status.

3. Among adults, what is the effect (benefits and harms) of interventions to reduce dietary sodium intake on cardiovascular disease (CVD) and kidney disease morbidity and mortality and on total mortality?

I. Do other minerals (*e.g.,* potassium, calcium, magnesium) modify the effect of sodium?

II. Among subpopulations defined by sex, race/ethnicity, age (adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, obesity and renal health status.

4. Among adults, what is the association between dietary sodium intake and CVD, coronary heart disease (CHD), stroke and kidney disease morbidity and mortality and between dietary sodium intake and total mortality?

I. Do other minerals (*e.g.,* potassium, calcium, magnesium) modify the association with sodium?

II. Among subpopulations defined by sex, race/ethnicity, age (adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, obesity and renal health status.

Potassium

5. Among children and adults, what is the effect of interventions to increase potassium intake on blood pressure and kidney stone formation?

I. Do other minerals (*e.g.,* sodium, calcium, magnesium) modify the effect of potassium?

II. Among subpopulations defined by sex, race/ethnicity, age (children, adolescents, young adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, obesity and renal health status.

6. Among children and adults, what is the association between potassium intake and blood pressure and kidney stone formation?

I. Among subpopulations defined by sex, race/ethnicity, and age (children, adolescents, young adults, older adults, elderly).

II. Among subpopulations defined by hypertension, diabetes, and obesity health status.

7. Among adults, what is the effect of interventions aimed at increasing potassium intake on CVD, and kidney disease morbidity and mortality, and total mortality?

I. Do other minerals modify the effect of potassium (*e.g.,* sodium, calcium, magnesium)?

II. Among subpopulations defined by sex, race/ethnicity, age (young adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, obesity and renal health status.

8. Among adults, what is the association between dietary potassium intake and CVD, CHD, stroke and kidney disease morbidity and mortality and between dietary potassium and total mortality?

I. Do other minerals (*e.g.,* sodium, calcium, magnesium) modify the association with potassium?

II. Among subpopulations defined by sex, race/ethnicity, age (young adults, older adults, elderly), and for women (pregnancy and lactation).

III. Among subpopulations defined by hypertension, diabetes, and obesity health status.

PICOTS (Populations, Interventions, Comparators, Outcomes, Timing, Settings)

Key Question 1

I. Population

A. Studies in human participants will be eligible for inclusion in the review, with the exception of studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer.

II. Interventions

A. Studies evaluating interventions to reduce dietary sodium intake that specify the oral consumption from food or supplements of quantified amounts of sodium and sodium chloride (salt) or sodium-to-potassium ratio will be eligible, with the exception of trial arms in which participants demonstrate a weight change of +/− 3% or more. Interventions simultaneously addressing sodium and potassium intake that document sodium/potassium ratio are eligible; all other multicomponent interventions in which the effect of sodium reduction cannot be disaggregated from other intervention components will be excluded.

III. Comparators

A. Studies comparing interventions to placebo or control diets will be eligible. Studies comparing an experimental diet to usual diet, studies comparing levels of sodium intake, or studies that alter sodium/potassium ratio in other ways

will be included if they control for other nutrient levels.

IV. Outcomes

A. Studies reporting on blood pressure outcomes (*e.g.,* systolic blood pressure, diastolic blood pressure, rate of hypertensive/non-hypertensive participants, incident hypertension, percent of participants at blood pressure goal, and change in blood pressure) will be eligible.

V. Timing

A. Studies reporting on an intervention period of at least four weeks will be eligible.

VI. Setting

A. Studies in outpatient settings will be eligible.

VII. Study Design

A. Parallel RCTs and cross-over RCTs with a washout period of two weeks or more will be eligible.

Key Question 2

I. Population

A. Studies in community-dwelling (non-institutionalized) human participants will be eligible for inclusion in the review with the exception of studies exclusively reporting on patients with pre-existing conditions specific to the clinical outcome of interest, as well as studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer.

II. Exposure

A. Studies that measure the intake (oral consumption from food or supplements of quantified amounts of sodium and sodium chloride [salt] or sodium-to-potassium ratio) with validated measures or that use biomarker values to assess sodium level (at least one 24-hour urinary analysis with or without reported quality control measure, chemical analysis of diet with intervention/exposure adherence measure, composition of salt substitute with intervention/exposure adherence measure, and food diaries with reported validation [adherence check, electronic prompts]) will be eligible. Observational studies that report a weight change of +/− 3% or more (in any exposure group) among adults; multicomponent studies that do not properly control for confounders; and studies relying only on serum sodium levels, composition of salt substitute without intervention/exposure adherence measure, food diaries without reported validation, use of a published food frequency questionnaire, or partial or spot urine without reported prediction equation will be excluded.

III. Comparator

A. Studies comparing groups with different documented sodium intake or biomarker values for sodium will be eligible. Studies where differences in sodium intake or values are confounded with alteration of other nutrient levels will be excluded.

IV. Outcomes

A. Studies reporting on blood pressure outcomes (*e.g.,* systolic blood pressure, diastolic blood pressure, rate of hypertensive/non-hypertensive participants, incident hypertension, percent of participants at blood pressure goal, change in blood pressure) will be eligible. Studies that do not report baseline blood pressure status will be excluded.

V. Timing

A. Studies reporting on an intervention period of at least four weeks will be eligible.

VI. Setting

A. Studies in community-dwelling participants will be eligible.

VII. Study Design

A. Prospective cohort studies and nested case-control studies, where at least two groups are compared based on measured sodium intake or biomarker values will be eligible. Retrospective studies, case series, cross-sectional studies or surveys, and case reports will be excluded.

Key Question 3

I. Population

A. Studies in human adults will be eligible for inclusion in the review. Studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer will be excluded.

II. Intervention

A. Studies evaluating interventions to reduce dietary sodium intake that specify the oral consumption from food or supplements of quantified amounts of sodium and sodium chloride (salt) or sodium-to-potassium ratio will be eligible. Studies with trial arms in which participants demonstrate a weight change of +/− 3% or more will be excluded. Interventions simultaneously addressing sodium and potassium intake with documents sodium/potassium ratio are eligible. All other multicomponent interventions in which the effect of sodium reduction cannot be disaggregated from other intervention components will be excluded.

III. Comparators

A. Studies comparing interventions to placebo or control diets will be eligible. Studies comparing an experimental diet to usual diet, studies comparing levels of sodium intake, or studies that alter sodium/potassium ratio in other ways will be included if they control for other nutrient levels.

IV. Outcomes

A. Studies reporting on mortality (all-cause, CVD, CHD, or renal); cardiovascular disease morbidity, including acute coronary syndrome (unstable angina and myocardial infarction), stroke, myocardial infarction (ST-segment elevation myocardial infarction [STEMI] and non-ST elevation myocardial infarction [NSTEMI]), requiring coronary revascularization procedures (angioplasty, coronary stent placement, coronary artery bypass), other atherosclerotic revascularization procedures (carotid endarterectomy), left ventricular hypertrophy, hospitalization for heart failure, hospitalization for any cause of coronary heart disease or cardiovascular disease, or combined CVD morbidity and mortality; or reporting on renal function intermediary and clinical outcomes including creatinine clearance (CrCl), serum creatinine (SCr), glomerular filtration rate (GFR), end stage renal disease, chronic kidney disease (CKD), albuminuria or proteinuria (including urine albumin-to-creatinine ratio, urine albumin dipstick level, urine protein-to-creatinine ratio, albumin excretion rate), kidney stone incidence, or acute kidney injury will be eligible.

V. Timing

A. Only interventions of two years or longer will be included for kidney disease outcomes; only interventions of three months or longer will be included for cardiovascular disease outcomes; all other studies need to report on an intervention period of at least four weeks to be eligible.

VI. Setting

A. Studies in outpatient settings will be eligible.

VII. Study Design

A. Parallel RCTs and cross-over RCTs with a washout period of two weeks or more will be eligible.

Key Question 4

I. Population

A. Studies in community-dwelling (non-institutionalized) adults will be eligible for inclusion in the review with the exception of studies exclusively reporting on patients with pre-existing conditions specific to the clinical outcomes of interest, as well as studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer.

II. Exposure

A. Studies that measure the intake (oral consumption from food or supplements of quantified amounts of sodium and sodium chloride [salt] or sodium-to-potassium ratio) with validated measures or use biomarker values to assess sodium level (at least one 24-hour urinary analysis with or without reported quality control measure, chemical analysis of diet with intervention/exposure adherence measure, composition of salt substitute with intervention/exposure adherence measure, and food diaries with reported validation [adherence check, electronic prompts]) will be eligible. Observational studies that report a weight change of +/− 3% or more (in any exposure group) among adults; multicomponent studies that do not properly control for confounders; and studies relying only on serum sodium levels, composition of salt substitute without intervention/exposure adherence measure, food diaries without reported validation, use of a published food frequency questionnaire, or partial or spot urine without reported prediction equation will be excluded.

III. Comparator

A. Studies comparing groups with different documented sodium intake or biomarker values for sodium will be eligible. Studies where differences in sodium intake or values are confounded with alteration of other nutrient levels will be excluded.

IV. Outcomes

A. Studies reporting on mortality (all-cause, CVD, CHD, or renal); cardiovascular mortality; cardiovascular disease morbidity, including coronary heart disease (CHD), acute coronary syndrome (unstable angina and myocardial infarction), stroke, myocardial infarction (ST-segment elevation myocardial infarction [STEMI] and non-ST elevation myocardial infarction [NSTEMI]), requiring coronary revascularization procedures (angioplasty, coronary stent placement, coronary artery bypass), other atherosclerotic revascularization procedures (carotid endarterectomy), left ventricular hypertrophy, hospitalization for heart failure, or hospitalization for any cause of coronary heart disease or cardiovascular disease, or combined CVD morbidity and mortality; or reporting on renal function intermediary and clinical outcomes including creatinine clearance (CrCl), serum creatinine (SCr), glomerular filtration rate (GFR), end stage renal disease, chronic kidney disease (CKD), albuminuria/proteinuria (including, urine albumin-to-creatinine ratio, urine albumin dipstick level, urine protein-to-creatinine ratio, albumin excretion rate), acute kidney injury will be eligible. Studies that do not report baseline data for the outcomes of interest will be excluded.

V. Timing

A. Studies reporting exclusively on kidney disease outcomes need to report follow up periods of at least two years, studies reporting exclusively on cardiovascular disease outcomes or stroke need to report on follow up periods of at least 12 months duration; studies reporting on other outcomes need to evaluate exposure lasting at least four weeks to be eligible.

VI. Setting

A. Studies in community-dwelling participants will be eligible.

VII. Study Design

A. Prospective cohort studies and nested case-control studies, where at least two groups are compared based on measured sodium intake or biomarker values will be eligible. Retrospective studies, case series, cross-sectional studies or surveys, and case reports will be excluded.

Key Question 5

I. Population

A. Studies in human participants will be eligible for inclusion in the review; studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer will be excluded.

II. Interventions

A. Studies evaluating interventions to increase dietary potassium intake that specify the oral consumption from food or supplements of quantified amounts of potassium, potassium supplements, salt substitutes such as potassium chloride, or sodium-to-potassium ratio will be eligible, with the exception of trial arms in which participants demonstrate a weight change of +/− 3% or more among adults. Interventions simultaneously addressing sodium and potassium intake with documents sodium/potassium ratio are eligible; all other multicomponent interventions in which the effect of sodium reduction cannot be disaggregated from other intervention components will be excluded.

III. Comparators

A. Studies comparing interventions to placebo or control diets will be eligible. Studies comparing an experimental diet to usual diet, studies comparing levels of potassium intake, or studies that alter sodium/potassium ratio in other ways will be included if they control for other nutrient levels.

IV. Outcomes

A. Studies reporting on blood pressure outcomes (*e.g.,* systolic blood pressure, diastolic blood pressure, rate of hypertensive/non-hypertensive participants, hypertension incidence, percent of participants at blood pressure goal, change in blood pressure) and incident kidney stones or kidney stone regrowth will be eligible.

V. Timing

A. Studies reporting exclusively on kidney stone formation need to report on an intervention period of two years; all other studies need to report on an intervention period of at least four weeks to be eligible.

VI. Setting

A. Studies in outpatient settings will be eligible.

VII. Study Design

A. Parallel RCTs and cross-over RCTs with a washout period of two weeks or more will be eligible.

Key Question 6

I. Population

A. Studies in community-dwelling (non-institutionalized) human participants will be eligible for inclusion in the review; studies reporting exclusively on patients with pre-existing conditions specific to the clinical outcomes of interest, as well as studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer will be excluded.

II. Exposure

A. Studies that measure intake (oral consumption from food or supplements of quantified amounts of potassium, potassium supplements, salt substitutes such as potassium chloride, or sodium-to-potassium ratio) with validated measures or use biomarkers values to assess potassium level (at least one 24-hour urinary analysis with or without

reported quality control measure, chemical analysis of diet with intervention/exposure adherence measure, composition of potassium supplement with intervention/exposure adherence measure, use of a published food frequency questionnaire, and food diaries) will be eligible. Observational studies that report a weight change of +/− 3% or more (in any exposure group) among adults; multicomponent studies that do not properly control for confounders; and studies measuring potassium intake by reporting chemical analysis of diet without intervention/exposure adherence measures, composition of potassium supplement without intervention/exposure measure, or serum potassium will be excluded.

III. Comparator

A. Studies comparing groups with different documented potassium intake, serum potassium levels, or urinary potassium excretion will be eligible. Studies where differences in potassium intake or values are confounded with alteration of other nutrient levels will be excluded.

IV. Outcomes

A. Studies reporting on blood pressure outcomes (*e.g.,* systolic blood pressure, diastolic blood pressure, rate of hypertensive/non-hypertensive participants, hypertension incidence, percent of participants at blood pressure goal, change in blood pressure), and kidney stone incident or kidney stone regrowth will be eligible. Studies that do not report baseline blood pressure status and the presence or absence of kidney stones will be excluded.

V. Timing

A. Studies exclusively reporting on kidney stone formation need to follow participants for at least five years; all other studies need to report on exposure of at least four weeks to be eligible.

VI. Setting

A. Studies in community-dwelling participants will be eligible.

VII. Study Design

A. Prospective cohort studies and nested case-control studies, where at least two groups are compared based on measured potassium intake or biomarker values will be eligible. Retrospective studies, case series, cross-sectional studies or surveys, and case reports will be excluded.

Key Question 7

I. Population

A. Studies in adults will be eligible for inclusion in the review; studies reporting exclusively on patients with heart failure, end stage renal disease, HIV, or cancer will be excluded.

II. Interventions

A. Studies evaluating interventions to increase dietary potassium intake that specify the oral consumption from food or supplements of quantified amounts of potassium, potassium supplements, salt substitutes such as potassium chloride, or sodium-to-potassium ratio will be eligible, with the exception of trial arms in which participants demonstrate a weight change of +/− 3% or more. Interventions simultaneously addressing sodium and potassium intake with documents sodium/potassium ratio are eligible; all other multicomponent interventions in which the effect of sodium reduction cannot be disaggregated from other intervention components will be excluded.

III. Comparators

A. Studies comparing interventions to placebo or control diets will be eligible. Studies comparing an experimental diet to usual diet, studies comparing levels of potassium intake, or studies that alter sodium/potassium ratio in other ways will be included if they control for other nutrient levels.

IV. Outcomes

A. Studies reporting on mortality (all-cause, CVD, CHD, or renal); cardiovascular disease morbidity, including acute coronary syndrome (unstable angina and myocardial infarction), stroke, myocardial infarction (ST-segment elevation myocardial infarction [STEMI] and non-ST elevation myocardial infarction [NSTEMI]), requiring coronary revascularization procedures (angioplasty, coronary stent placement, coronary artery bypass), other atherosclerotic revascularization procedures (carotid endarterectomy), left ventricular hypertrophy, hospitalization for heart failure, or hospitalization for any cause of coronary heart disease or cardiovascular disease, or combined CVD morbidity and mortality; or reporting on renal function intermediary and clinical outcomes including creatinine clearance (CrCl), serum creatinine (SCr), glomerular filtration rate (GFR), end stage renal disease, chronic kidney disease (CKD), albuminuria or proteinuria (including urine albumin-to-creatinine ratio, urine albumin dipstick level, urine protein-to-creatinine ratio, albumin excretion rate), kidney stone incidence, or acute kidney injury will be eligible.

V. Timing

A. Studies reporting exclusively on kidney disease outcomes need to report on an intervention period of two years, studies reporting on cardiovascular disease or stroke need to report on an intervention period of three months; all other studies need to report on an intervention period of at least four weeks to be eligible.

VI. Setting

A. Studies in outpatient settings will be eligible.

VII. Study Design

A. Parallel RCTs and cross-over RCTs with a washout period of two weeks or more will be eligible.

Key Question 8

I. Population

A. Studies in community-dwelling (non-institutionalized) adults will be eligible for inclusion in the review with the exception of studies exclusively reporting on patients with pre-existing conditions specific to the clinical outcomes of interest, as well as studies exclusively reporting on patients with end stage renal disease, heart failure, HIV, or cancer.

II. Exposure

A. Studies that measure intake (oral consumption from food or supplements of quantified amounts of potassium, potassium supplements, salt substitutes such as potassium chloride, or sodium-to-potassium ratio) with validated measures or use biomarkers values to assess potassium level (at least one 24-hour urinary analysis with or without reported quality control measure, chemical analysis of diet with intervention/exposure adherence measure, composition of potassium supplement with intervention/exposure adherence measure, use of a published food frequency questionnaire, and food diaries) will be eligible. Observational studies that report a weight change of +/− 3% or more (in any exposure group) among adults; multicomponent studies that do not properly control for confounders; and studies measuring potassium intake by reporting chemical analysis of diet without intervention/exposure adherence measures, composition of potassium supplement without intervention/exposure measure, or serum potassium will be excluded.

III. Comparator

A. Studies comparing groups with different documented potassium intake, serum potassium levels, or urinary potassium excretion will be eligible.

Studies where differences in potassium intake or values are confounded with alteration of other nutrient levels will be excluded.

IV. Outcomes

A. Studies reporting on mortality (all-cause, CVD, CHD, or renal); cardiovascular disease morbidity, including coronary heart disease (CHD), acute coronary syndrome (unstable angina and myocardial infarction), stroke, myocardial infarction (ST-segment elevation myocardial infarction [STEMI] and non-ST elevation myocardial infarction [NSTEMI]), requiring coronary revascularization procedures (angioplasty, coronary stent placement, coronary artery bypass), other atherosclerotic revascularization procedures (carotid endarterectomy), left ventricular hypertrophy, hospitalization for heart failure, or hospitalization for any cause of coronary heart disease or cardiovascular disease, or combined CVD morbidity and mortality; or reporting on renal function intermediary and clinical outcomes including creatinine clearance (CrCl), serum creatinine (SCr), glomerular filtration rate (GFR), end stage renal disease, chronic kidney disease (CKD), albuminuria/proteinuria (including urine albumin-to-creatinine ratio, urine albumin dipstick level, urine protein-to-creatinine ratio, albumin excretion rate), kidney stone incidence, or acute kidney injury will be eligible. Studies that do not report baseline data on the outcomes of interest will be excluded.

V. Timing

A. Studies reporting exclusively on kidney stone formation need to follow participants for at least five years, studies reporting exclusively on kidney disease need to follow participants for at least two years, studies reporting exclusively on cardiovascular disease or stroke need to follow patients for at least 12 months; all other studies need to report on an exposure period of at least four weeks to be eligible.

VI. Setting

A. Studies in community-dwelling participants will be eligible.

VII. Study Design

A. Prospective cohort studies and nested case-control studies, where at least two groups are compared based on measured potassium intake or biomarker values will be eligible. Retrospective studies, case series, cross-sectional studies or surveys, and case reports will be excluded.

Sharon B. Arnold,

Acting AHRQ Director.

[FR Doc. 2017–04193 Filed 3–3–17; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration on Intellectual and Developmental Disabilities, President's Committee for People With Intellectual Disabilities

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

DATES: Thursday, March 23, 2017 from 8:30 a.m. to 5:00 p.m.; and Friday, March 24, 2017 from 9:00 a.m. to 3:00 p.m.

These meetings will be open to the general public.

ADDRESSES: These meetings will be held in U.S. Department of Health and Human Services/Hubert H. Humphrey Building located at 200 IndependenceAvenue SW., Conference Room 705A, Washington, DC 20201. Individuals who would like to participate via conference call may do so by dialing toll-free #: 1–800–779–4694, when prompted enter pass code: 4511687. Individuals whose full participation in the meeting will require special accommodations (*e.g.,* sign language interpreting services, assistive listening devices, materials in alternative format such as large print or Braille) should notify Ms. Allison Cruz, Director, Office of Innovation, via email at *Allison.Cruz@acl.hhs.gov,* or via telephone at 202–795–7334, *no later than* Monday, March 6, 2017. The PCPID will attempt to accommodate requests made after this date, *but cannot guarantee the ability to grant requests received after the deadline.* All meeting sites are barrier free, consistent with the Americans with Disabilities Act (ADA) and the Federal Advisory Committee Act (FACA).

AGENDA: The Committee Members will discuss preparation of the PCPID 2017 Report to the President, including its content and format, and related data collection and analysis required to complete the writing of the Report.

ADDITIONAL INFORMATION: For further information, please contact Ms. Allison Cruz, Director, Office of Innovation, 330 C Street SW., Switzer Building, Room 1114, Washington, DC 20201. Telephone: 202–795–7334. Fax: 202–795–7334. Email: *Allison.Cruz@acl.hhs.gov*.

SUPPLEMENTARY INFORMATION: The PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services on a broad range of topics relating to programs, services and support for individuals with intellectual disabilities. The PCPID executive order stipulates that the Committee shall: (1) Provide such advice concerning intellectual disabilities as the President or the Secretary of Health and Human Services may request; and (2) provide advice to the President concerning the following for people with intellectual disabilities: (A) Expansion of educational opportunities; (B) promotion of homeownership; (C) assurance of workplace integration; (D) improvement of transportation options; (E) expansion of full access to community living; and (F) increasing access to assistive and universally designed technologies.

Dated: February 27, 2017.

Bob Williams,

Acting Designated Federal Official, PCPID, Administration on Disabilities (AoD).

[FR Doc. 2017–04165 Filed 3–3–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Extension of a Currently Approved Information Collection (ICR–REV); Centers for Independent Living Annual Performance Report (CILPPR); Correction

AGENCY: Independent Living Administration, Administration for Community Living, HHS.

ACTION: Notice of correction.

SUMMARY: The Administration for Community Living published a proposed collection of information document in the **Federal Register** on February 23, 2017. (82 FR 11471 and 11472) The document contained an incorrect date and email address. In addition under the heading ''New Requirements'', the first paragraph was revised.

FOR FURTHER INFORMATION CONTACT: Corinna Styles, 202–795–7446.

Corrections:

Under the **DATES** section, page 11471, column two, correct the notice to read: ''Submit written or electronic comments

on the collection of information by May 5, 2017.''

Under the **ADDRESSES** section, page 11471, column two, correct the notice to read: ''Submit electronic comments on the collection of information to: *cilpprcomments@acl.hhs.gov*''.

Under the heading ''New Requirements'', the first paragraph, page 11472, column one, replace the first paragraph with the following paragraph below:

''The Workforce Innovation and Opportunity Act (WIOA), enacted on July 22, 2014, added a new core service to the list of ''independent living core services'' that ACL funded Centers for Independent Living (CILs) are required to provide. Prior to WIOA, CILs were required to provide the following core services: (1) Information and referral services; (2) independent living skills training; (3) peer counseling, including cross-disability peer counseling; (4) and individual and systems advocacy. WIOA added additional ''transition and diversion'' core services comprised of three components. It requires CILs to:''.

Dated: February 24, 2017.

Daniel P. Berger,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2017–04169 Filed 3–3–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0136]

Public Meeting on Patient-Focused Drug Development for Autism; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public meeting and an opportunity for public comment on Patient-Focused Drug Development for autism. Patient-Focused Drug Development is part of FDA's performance commitments made as part of the fifth authorization of the Prescription Drug User Fee Act (PDUFA V). The public meeting is intended to allow FDA to obtain patient perspectives on the impact of autism on daily life as well as patient views on treatment approaches for autism.

DATES: The public meeting will be held on May 4, 2017, from 1 p.m. to 5 p.m. Registration to attend the meeting must be received by April 24, 2017 (see **SUPPLEMENTARY INFORMATION** for instructions). Submit either electronic or written comments on the public meeting by July 5, 2017. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 5, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of July 5, 2016. Comments received by mail/hand delivery/courier (for written paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For more information on parking and security procedures, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

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–0136 for ''Public Meeting on Patient-Focused Drug Development for Autism.'' Received comments, those filed in a timely manner (see **DATES**), 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: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or 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.

FDA will post the agenda approximately 5 days before the meeting at: *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm529043.htm.*

FOR FURTHER INFORMATION CONTACT: Shanon Woodward, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1141, Silver Spring, MD 20993–0002, 240–402–6167, FAX: 301–847–8443, *shanon.woodward@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on Patient-Focused Drug Development

FDA has selected autism as the focus of a public meeting under Patient-Focused Drug Development, an initiative that involves obtaining a better understanding of patient perspectives on the severity of a disease and the available therapies for that condition. Patient-Focused Drug Development is being conducted to fulfill FDA performance commitments that are part of the reauthorization of the PDUFA under Title I of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144). The full set of performance commitments is available at *http://www.fda.gov/downloads/forindustry/userfees/prescriptiondruguserfee/ucm270412.pdf.*

FDA committed to obtain the patient perspective on at least 20 disease areas during the course of PDUFA V. For each disease area, the Agency is conducting a public meeting to discuss the disease and its impact on patients' daily lives, the types of treatment benefit that matter most to patients, and patients' perspectives on the adequacy of the available therapies. These meetings will include participation of FDA review divisions, the relevant patient communities, and other interested stakeholders.

On April 11, 2013, FDA published a notice in the **Federal Register** (78 FR 08441) announcing the disease areas for meetings in fiscal years (FYs) 2013–2015, the first 3 years of the 5-year PDUFA V time frame. The Agency used several criteria outlined in that notice to develop the list of disease areas. FDA obtained public comment on the Agency's proposed criteria and potential disease areas through a public docket and a public meeting that was convened on October 25, 2012. In selecting the set of disease areas, FDA carefully considered the public comments received and the perspectives of review divisions at FDA. FDA initiated a second public process for determining the disease areas for FY 2016–2017, and published a notice in the **Federal Register** on July 2, 2015, announcing the selection of eight disease areas. More information, including the list of disease areas and a general schedule of meetings, is posted at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm347317.htm.*

II. Purpose and Scope of the Meeting

As part of Patient-Focused Drug Development, FDA will obtain input of patients and patient representatives on the symptoms of autism that matter most to patients and on current approaches to treating autism. Autism is a neurodevelopmental disorder characterized in varying degrees by difficulties with social interaction, verbal and non-verbal communication challenges, and repetitive behavior patterns. FDA has approved products for irritability related to autism including risperidone and aripiprazole. In addition to pharmacological treatments, behavioral and educational interventions are also common treatment options. FDA is interested in the perspectives of patients with autism and caregivers on (1) symptoms and the daily impacts of their condition, (2) current approaches to treatment, and (3) decision factors taken into account when selecting a treatment.

The questions that will be asked of patients and patient representatives at the meeting are listed in this section, organized by topic. For each topic, a brief initial patient/caregiver panel discussion will begin the dialogue. This will be followed by a facilitated discussion inviting comments from other patient and patient representative participants. In addition to input generated through this public meeting, FDA is interested in receiving patient input addressing these questions through written comments, which can be submitted to the public docket (see **ADDRESSES**).

Topic 1: Disease Symptoms and Daily Impacts That Matter Most to Patients

(1) Of all the symptoms that you/your child experiences because of the condition, which 1–3 symptoms have the most significant impact on your/your child's life? (Examples may include behavioral symptoms, difficulty with motor coordination, difficulty sleeping, difficulty concentrating, seizures, etc.)

(2) Are there specific activities that are important to you/your child but that you/your child cannot do at all or as fully as you would like because of these symptoms? (Examples of activities may include sleeping through the night, daily hygiene, eating, dressing, participation in sports or social activities, etc.)

(a) How do these symptoms and their negative impacts affect daily life on the best days? On the worst days?

(3) How has your/your child's condition and its symptoms changed over time?

(4) What worries you/your child most about your/your child's condition?

Topic 2: Patients' Perspectives on Current Approaches to Treating

(1) What are you/your child currently doing to help treat the condition or its symptoms? (Examples may include prescription medicines, over-the-counter products, and other therapies including non-drug therapies such as behavioral interventions)

(a) How has your/your child's treatment regimen changed over time, and why?

(2) How well does your/your child's current treatment regimen treat the most significant symptoms of the condition?

(a) How well do your/your child's treatments address specific activities that are important to you/your child's daily life?

(b) How well have these treatments worked for you/your child as the condition has changed over time? Which symptoms are not addressed as well?

(3) What are the most significant downsides to your/your child's current treatments, and how do they affect your daily life? (Examples of downsides may include bothersome side effects, interacts with other medications, time devoted to treatment, etc.)

(4) What specific things would you look for in an ideal treatment for your/your child's condition?

(a) What would you consider to be a meaningful improvement (for example symptom improvements or functional improvements) in your/your child's condition that a treatment could provide?

(5) What factors do you/your child take into account when making decisions about selecting a course of treatment?

(a) What information on potential benefits of these treatments factors most into your/your child's decision?

(b) How do you/your child weigh the potential benefits of these treatments versus the common side effects of the treatments? (Common side effects could include headache, nausea, fatigue, weight gain)

(c) How do you/your child weigh potential benefits of these treatments versus the less common but serious risks associated with the treatments? (Examples of less common but serious risks are infections, organ damage or failure, suicidal thoughts)

III. Meeting Attendance and Participation

If you wish to attend this meeting, visit *https://autismpfdd.eventbrite.com*. Persons interested in attending this public meeting must register by April 24, 2017. If you are unable to attend the meeting in person, you can register to view a live Webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the Webcast. Registration is free and based on space availability, with priority given to early registrants. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. 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 because of a disability, please contact Shanon Woodward (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

Patients and patient representatives who are interested in presenting comments as part of the initial panel discussions will be asked to indicate in their registration which topic(s) they wish to address. These patients and patient representatives also must send to *PatientFocused@fda.hhs.gov* a brief summary of responses to the topic questions by April 17, 2017. Panelists will be notified of their selection approximately 7 days before the public meeting. We will try to accommodate all patients and patient representatives who wish to speak, either through the panel discussion or audience participation; however, the duration of comments may be limited by time constraints.

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 (see **ADDRESSES**). A link to the transcript will also be available on the Internet at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm529043.htm*.

Dated February 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–04229 Filed 3–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–P–1725]

Determination That FLONASE (Fluticasone Propionate) Nasal Spray, 0.05 Milligram, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 milligram (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and this determination will allow FDA to continue to approve ANDAs for fluticasone propionate nasal spray, 0.05 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: David Faranda, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6208, Silver Spring, MD 20993–0002, 301–796–8767.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, is the subject of NDA 020121, held by GlaxoSmithKline, and initially approved on October 19, 1994. FLONASE is indicated for the management of the nasal symptoms of perennial nonallergic rhinitis in adult and pediatric patients aged 4 years and older.

In a letter dated May 25, 2016, GlaxoSmithKline notified FDA that prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

Lachman Consultant Services, Inc., submitted a citizen petition dated June 20, 2016 (Docket No. FDA–2016–P–1725), under 21 CFR 10.30, requesting that the Agency determine whether prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that this drug product was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, from

sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to prescription FLONASE (fluticasone propionate) Nasal Spray, 0.05 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: February 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–04231 Filed 3–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0809]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that SPINRAZA (nusinersen), manufactured by Biogen Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Larry Bauer, Rare Diseases Program, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4842, FAX: 301–796–9858, email: *larry.bauer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that SPINRAZA (nusinersen), manufactured by Biogen Inc., meets the criteria for a priority review voucher. SPINRAZA (nusinersen) is indicated for the treatment of spinal muscular atrophy in pediatric and adult patients.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.* For further information about SPINRAZA (nusinersen), go to the ''Drugs@FDA'' Web site at *http://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: February 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–04228 Filed 3–3–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the 2018 Physical Activity Guidelines Advisory Committee

AGENCY: U.S. Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the third meeting of the 2018 Physical Activity Guidelines Advisory Committee (2018 PAGAC or Committee) will be held. This meeting will be open to the public via videocast.

DATES: The meeting will be held on March 23, 2017, from 8:00 a.m. E.T. to 5:30 p.m. E.T.

ADDRESSES: The meeting will be accessible by videocast on the Internet.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, 2018 Physical Activity Guidelines Advisory Committee, Richard D. Olson, M.D., M.P.H. and/or Alternate Designated Federal Officer, Katrina L. Piercy, Ph.D., R.D., Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), HHS; 1101 Wootton Parkway, Suite LL–100; Rockville, MD 20852; Telephone: (240) 453–8280. Additional information is available at *www.health.gov/paguidelines.*

SUPPLEMENTARY INFORMATION: The inaugural *Physical Activity Guidelines for Americans* (PAG), issued in 2008, represents the first comprehensive guidelines on physical activity issued by the federal government. The PAG serves as the benchmark and primary, authoritative voice of the federal government for providing science-based guidance on physical activity, fitness, and health for Americans. Five years after the first edition was released, ODPHP, in collaboration with the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), and the President's Council on Fitness, Sports, and Nutrition (PCFSN) led development of the *PAG Midcourse Report: Strategies to Increase Physical Activity Among Youth.* The second edition of the PAG will build upon the first edition and provide a foundation for federal recommendations and education for physical activity programs for Americans, including those at risk for chronic disease.

Appointed Committee Members: The Secretary of HHS appointed 17 individuals to serve as members of the 2018 PAGAC in June 2016. Information on Committee membership is available at *www.health.gov/paguidelines/second-edition/committee/.*

Committee's Task: The work of the 2018 PAGAC will be time-limited and solely advisory in nature. The Committee will develop recommendations based on the preponderance of current scientific and medical knowledge using a systematic review approach. The Committee will examine the current PAG, take into consideration new scientific evidence and current resource documents, and develop a scientific report to the Secretary of HHS that outlines its science-based advice and recommendations for development of the second edition of the PAG. The Committee will hold approximately five public meetings to review and discuss recommendations. The first meeting was held in July 2016 and the second in

October 2016. It is anticipated that future meetings will be held in the third weeks of July 2017 and October 2017. Meeting dates, times, locations, and other relevant information will be announced at least 15 days in advance of each meeting via **Federal Register** notice. As stipulated in the charter, the Committee will be terminated after delivery of its report to the Secretary of HHS or two years from the date the charter was filed, whichever comes first.

Purpose of the Meeting: In accordance with FACA and to promote transparency of the process, deliberations of the Committee will occur in a public forum. At this meeting, the Committee will continue its deliberations from the last public meeting.

Meeting Agenda: The meeting will include review of subcommittee work since the last public meeting and deliberation by the full Committee, discussion of overarching issues, and plans for future Committee work.

Meeting Registration: The meeting is open to the public via videocast; pre-registration is required. To register, please visit *www.health.gov/paguidelines.* After registration, individuals will receive videocast access information via email. To request a special accommodation, please email *jennifer.gillissen@kauffmaninc.com.*

Public Comments and Meeting Documents: Written comments from the public will be accepted throughout the Committee's deliberative process and can be submitted and/or viewed at *www.health.gov/paguidelines/pcd/.* Documents pertaining to Committee deliberations, including meeting agendas and summaries will be available on *www.health.gov/paguidelines.* Meeting information, thereafter, will continue to be accessible online and upon request at the Office of Disease Prevention and Health Promotion, OASH/HHS; 1101 Wootton Parkway, Suite LL100 Tower Building; Rockville, MD 20852; Telephone: (240) 453–8280; Fax: (240) 453–8281.

Dated: February 23, 2017.

Don Wright,

Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion.

[FR Doc. 2017–04170 Filed 3–3–17; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: 0990–0278–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0990–0278, which expires on August 31, 2017. Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 5, 2017.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* and *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

Information Collection Request Title: Federal-wide Assurance Forms.

Abstract: Assistant Secretary for Health, Office for Human Research Protections is requesting Office of Management and Budget, OMB approval on a three year extension of the Federal-wide Assurance (FWA). The FWA is designed to provide a simplified procedure for institutions engaged in HHS-conducted or supported research to satisfy the assurance requirements of Section 491(a) of the Public Health Service Act and HHS Regulations for the protection of human subjects at 45 CFR 46.103. The respondents are institutions engaged in human subject research that is conducted or supported by HHS.

Need and Proposed Use of the Information: OHRP is the HHS component charged with fulfilling the statutory mandates of these provisions of the PHS Act and enforcing HHS regulations at 45 CFR part 46. The FWA provides a simplified assurance process that replaced the prior assurance mechanisms used by OHRP, all of which were more complicated and burdensome than the FWA. The information collected by OHRP through the FWA is the minimum necessary to satisfy the assurance requirements of the PHS Act and the requirements of HHS regulations at 45 CFR 46.103.

Likely Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, Federal, State, Local, or Tribal Governments.

The total annual burden hours estimated for this ICR are summarized in the table below.

ESTIMATED ANNUALIZED BURDEN IN HOURS TABLE

Form name	Number of respondents	Number of responses per respondent	Hours per response	Response burden hours
Federal-wide Assurance (FWA)	14,000	2.0	0.50	14,000

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Terry S. Clark,

Asst. Information Collection Clearance Officer.

[FR Doc. 2017–04249 Filed 3–3–17; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development

Special Emphasis Panel, February 20, 2017, 02:00 p.m. to February 20, 2017, 04:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on January 30, 2017, 82 FR 8757.

The meeting date has changed from February 20, 2017 at 2:00 p.m. to 4:00 p.m. to March 23, 2017 at 2:30 p.m. to 4:30 p.m. The meeting is closed to the public.

Dated: February 28, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04174 Filed 3–3–17; 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 Special Emphasis Panel.

Date: March 17, 2017.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rita Anand, Ph.D., Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6710B Bethesda Drive, Bethesda, MD 20892, 301–496–1487, *anandr@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. 93.864, 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 28, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04175 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, (National Cancer Institute)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 13, 2016 page 89954 (81 FR (89954) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: Karla Bailey, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Bethesda, MD 20892–9760 or call non-toll-free number (240) 276–5582 or Email your request, including your address to: *karla.bailey@nih.gov.*

SUPPLEMENTARY INFORMATION: The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI), 0925–0642, Revision, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This information collection activity is collecting qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. This generic provides information about the National Cancer Institute's 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. It also allows feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance provides useful information but it will not yield data that can be generalized to the overall population.

OMB approval is requested for 3 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 8,917.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Surveys	10,000	1	30/60	5,000
In-Depth Interviews (IDIs) or Small Discussion Groups	500	1	90/60	750
Focus Groups	1,000	1	90/60	1,500
Website or Software Usability Tests	5,000	1	20/60	1,667
Total	16,500	16,500		8,917

Dated: February 15, 2017.

Karla Bailey,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2017–04254 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; NCI Genomic Data Commons (GDC) Data Submission Request Form (National Cancer Institute)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on Tuesday, November 8, 2016 page 78609 Vol. 81 No. 216 FR 78609 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Louis M. Staudt, MD, Ph.D., Director, Center for Cancer Genomics, National Cancer Institute, Building 10, Room 5A02, 10 Center Drive, Bethesda, MD 20814 or call non-toll-free number 301–402–1892 or Email your request, including your address to: *lstaudt@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: NCI Genomic Data Commons (GDC) Data Submission Request Form, 0925-New, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the NCI Genomic Data Commons (GDC) Data Submission Request Form is to provide a vehicle for investigators to request submission of their cancer genomic data into the GDC in support of data sharing. The purpose is to also provide a mechanism for the GDC Data Submission Review Committee to review and assess the data submission request for applicability to the GDC mission. The scope of the form involves obtaining information from investigators that: (1) Would like to submit data about their study into the GDC, (2) are affiliated with studies that adhere to GDC data submission conditions. The benefits of the collection are that it provides the needed information for investigators to understand the types of studies and data that the GDC supports, and that it provides a standard mechanism for the GDC to assess incoming data submission requests.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 50 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Investigator (19–1040 Medical Scientists)	200	1	15/60	50
Total	200	200		50

Dated: February 15, 2017.

Karla Bailey,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2017–04255 Filed 3–3–17; 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 appications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–14–255: Multidisciplinary Studies of HIV and Viral Hepatitis Co-Infection.

Date: March 28, 2017.

Time: 10:00 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Physiology and Pathobiology of Musculoskeletal, Oral and Skin Systems.

Date: March 29, 2017.

Time: 8:00 a.m. to 6:30 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: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection and Bioremediation.

Date: March 30–31, 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: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Cancer Biotherapeutics Development.

Date: March 30–31, 2017.

Time: 8:00 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: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20817, 301–827–4810, *nick.donato@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 30, 2017.

Time: 8:00 a.m. to 6:30 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: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Cardiovascular Science.

Date: March 30–31, 2017.

Time: 1:00 p.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: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@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 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04172 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; 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 Center for Complementary and Integrative Health Special Emphasis Panel, NCCIH Training, Career Development, Fellowship, and Research Grant Review.

Date: March 22, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ashlee Tipton, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Center for Complementary and Integrative Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–451–3849, *Ashlee.tipton@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: February 28, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04177 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; CTEP Support Contracts Forms and Surveys, NCI, NIH

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 13, 2016, page 89955 (81 FR 89955) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Michael Montello, Pharm.D., Cancer Therapy Evaluation Program, Division of Cancer Treatment and Diagnosis, 9609 Medical Center Drive, Rockville, MD 20850 or call non-toll-free number (240–276–6080) or Email your request, including your address to: *montellom@mail.nih.gov.*

Proposed Collection: CTEP Support Contracts Forms and Surveys, NCI, 0925-New, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: The National Cancer Institute (NCI) Cancer Therapy Evaluation Program (CTEP) and the Division of Cancer Prevention (DCP) fund an extensive national program of cancer research, sponsoring clinical trials in cancer prevention, symptom management and treatment for qualified clinical investigators. As part of this effort, CTEP and DCP oversee two support programs, the NCI Central Institutional Review Board (CIRB) and the Cancer Trial Support Unit (CTSU). The purpose of the support programs is to increase efficiency and minimizing burden. The NCI CIRB provides trial oversight satisfying the requirements of 45 CFR part 45 and 21 CFR part 56 for review of NCI supported studies. The CTSU provides program and systems support for regulatory document collection, membership, data management and patient enrollment. The two programs use integrated systems and processes for managing participant information and documentation of regulatory review.

To meet the responsibilities of each program, information is collected from the sites for purposes of membership, enrollment, opening of IRB approved studies, documenting IRB review, regulatory approval (for sites not using the CIRB), patient enrollment, and routing of case report forms.

Several surveys are collected to assess satisfaction and provide feedback to guide improvements with processes and technology. Other Surveys have been developed to assess health professional's interests in clinical trials.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 15,525.

CTSU AND NCI CIRB FORMS AND CTSU, CIRB AND CTEP SURVEYS—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
CTSU IRB/Regulatory Approval Transmittal Form (Attachment A1).	Health Care Practitioner	2,444	12	2/60	978
CTSU IRB Certification Form (Attachment A2).	Health Care Practitioner	2,444	12	10/60	4,888
Withdrawal from Protocol Participation Form (Attachment A3).	Health Care Practitioner	279	1	10/60	47
Site Addition Form (Attachment A4)	Health Care Practitioner	80	12	10/60	160
CTSU Roster Update Form (Attachment A5)	Health Care Practitioner	600	1	5/60	50
CTSU Request for Clinical Brochure (Attachment A6).	Health Care Practitioner	360	1	10/60	60
CTSU Supply Request Form (Attachment A7).	Health Care Practitioner	90	12	10/60	180
Site Initiated Data Update Form (Attachment A8).	Health Care Practitioner	2	12	10/60	4
Data Clarification Form (Attachment A9)	Health Care Practitioner	150	24	10/60	600
RTOG 0834 CTSU Data Transmittal Form (Attachment A10).	Health Care Practitioner	12	76	10/60	152
MC0845(8233) CTSU Data Transmittal (Attachment A11).	Health Care Practitioner	5	12	10/60	10
CTSU Generic Data Transmittal Form (Attachment A12).	Health Care Practitioner	5	12	10/60	10
TAILORx—PACCT1—Data Transmittal Form (Attachment A13).	Health Care Practitioner	161	96	10/60	2576
Unsolicited Data Modification Form: Protocol: TAILORx/PACCT–1 (Attachment 14).	Health Care Practitioner	30	12	10/60	60
CTSU Patient Enrollment Transmittal Form (Attachment A15).	Health Care Practitioner	12	12	10/60	24
CTSU Transfer Form (Attachment A16)	Health Care Practitioner	360	2	10/60	120
CTSU System Access Request Form (Attachment A17).	Health Care Practitioner	180	1	20/60	60

CTSU AND NCI CIRB FORMS AND CTSU, CIRB AND CTEP SURVEYS—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
NCI CIRB AA & DOR between the NCI CIRB and Signatory Institution (Attachment B1).	Participants	50	1	15/60	13
NCI CIRB Signatory Enrollment Form (Attachment B2).	Participants	50	1	15/60	13
CIRB Board Member Biographical Sketch Form (Attachment B3).	Board Member	25	1	15/60	6
CIRB Board Member Contact Information Form (Attachment B4).	Board Member	25	1	10/60	4
CIRB Board Member NDA (Attachment B6)	Board Member	25	1	10/60	4
CIRB Direct Deposit Form (Attachment B7)	Board Member	25	1	15/60	6
CIRB Member COI Screening Worksheet (Attachment B8).	Board Members	12	1	30/60	6
CIRB COI Screening for CIRB meetings (Attachment B9).	Board Members	72	1	15/60	18
CIRB IR Application (Attachment B10)	Health Care Practitioner	80	1	1	80
CIRB IR Application for Exempt Studies (Attachment B11).	Health Care Practitioner	4	1	30/60	2
CIRB Amendment Review Application (Attachment B12).	Health Care Practitioner	400	1	15/60	100
CIRB Ancillary Studies Application (Attachment B13).	Health Care Practitioner	1	1	1	1
CIRB Continuing Review Application (Attachment B14).	Health Care Practitioner	400	1	30/60	200
Adult IR of Cooperative Group Protocol (Attachment B15).	Board Members	65	1	180/60	195
Pediatric IR of Cooperative Group Protocol (Attachment B16).	Board Members	15	1	180/60	45
Adult Continuing Review of Cooperative Group Protocol (Attachment B17) Protocol.	Board Members	275	1	1	275
Pediatric Continuing Review of Cooperative Group Protocol (Attachment B18).	Board Members	130	1	1	130
Adult Amendment of Cooperative Group Protocol (Attachment B19).	Board Members	40	1	120/60	80
Pediatric Amendment of Cooperative Group Protocol (Attachment B20).	Board Members	25	1	120/60	50
Pharmacist's Review of a Cooperative Group Study (Attachment B21).	Board Members	10	1	120/60	20
CPC Pharmacist's Review of Cooperative Group Study (Attachment B22).	Board Members	20	1	120/60	40
Adult Expedited Amendment Review (Attachment B23).	Board Members	348	1	30/60	174
Pediatric Expedited Amendment Review (Attachment B24).	Board Members	140	1	30/60	70
Adult Expedited Continuing Review (Attachment B25).	Board Members	140	1	30/60	70
Pediatric Expedited Continuing Review (Attachment B26).	Board Members	36	1	30/60	18
Adult Cooperative Group Response to CIRB Review (Attachment B27).	Health Care Practitioner	30	1	1	30
Pediatric Cooperative Group Response to CIRB Review (Attachment B28).	Health Care Practitioner	5	1	1	5
Adult Expedited Study Chair Response to Required Mod (Attachment B29).	Board Members	40	1	15/60	10
Pediatric Expedited Study Chair Response to Required Mod (Attachment B30).	Board Members	40	1	15/60	10
Reviewer Worksheet—Determination of UP or SCN (Attachment B31).	Board Members	360	1	10/60	61
Reviewer Worksheet—CIRB Statistical Reviewer Form (Attachment B32).	Board Members	100	1	1	100
CIRB Application for Translated Documents (Attachment B33).	Health Care Practitioner	100	1	30/60	50
Reviewer Worksheet of Translated Documents (Attachment B34).	Board Members	100	1	15/60	25
Reviewer Worksheet of Recruitment Material (Attachment B35).	Board Members	20	1	15/60	5

CTSU AND NCI CIRB FORMS AND CTSU, CIRB AND CTEP SURVEYS—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Reviewer Worksheet Expedited Study Closure Review (Attachment B36).	Board Members	20	1	15/60	5
Reviewer Worksheet Expedited Review of Study Chair Response to CIRB-Required Modifications (Attachment B37).	Board Members	5	1	30/60	3
Reviewer Worksheet of Expedited IR (Attachment B38).	Board Members	5	1	30/60	3
Reviewer Worksheet—CPC—Determination of UP or SCN (Attachment B39).	Board Members	40	1	15/60	10
Annual Signatory Institution Worksheet About Local Context (Attachment B40).	Health Care Practitioner	400	1	40/60	267
Annual Principal Investigator Worksheet About Local Context (Attachment B41).	Health Care Practitioner	1800	1	20/60	600
Study-Specific Worksheet About Local Context (Attachment B42).	Health Care Practitioner	4800	1	20/60	1600
Study Closure or Transfer of Study Review Responsibility Form (Attachment B43).	Health Care Practitioner	1680	1	15/60	420
UP or SCN Reporting Form (Attachment B44).	Health Care Practitioner	360	1	20/60	120
Change of SI PI Form (Attachment B45)	Health Care Practitioner	120	1	15/60	30
CTSU Website Customer Satisfaction Survey (Attachment C1).	Health Care Practitioner	275	1	15/60	69
CTSU Help Desk Customer Satisfaction Survey (Attachment C2).	Health Care Practitioner	325	1	15/60	81
CTSU OPEN Survey (Attachment C3)	Health Care Practitioner	60	1	15/60	15
CIRB Customer Satisfaction Survey (Attachment C4) Satisfaction Survey (Attachment C4).	Participants	600	1	15/60	150
Follow-up Survey (Communication Audit) (Attachment C5).	Participants/Board Members	300	1	15/60	75
Website Focus Groups, Communication Project (Attachment C6 A–D).	Participants/Board Members	18	1	1	18
CIRB Board Member Annual Assessment Survey (Attachment C7).	Board Members	60	1	20/60	20
PIO Customer Satisfaction Survey (Attachment C8).	Health Care Practitioner	60	1	5/60	5
Concept Clinical Trial Survey (Attachment C9).	Health Care Practitioner	500	1	5/60	42
Prospective Clinical Trial Survey (Attachment C10).	Health Care Practitioner	1000	1	1/60	17
Low Accrual Clinical Trial Survey (Attachment C11).	Health Care Practitioner	1000	1	1/60	17
ETCTN PI Survey (Attachment 12)	Physician	75	1	15/60	19
ETCTN RS Survey (Attachment 13)	Health Care Practitioner	175	1	15/60	44
Totals		24,100	100,337		15,525

Dated: February 15, 2017.

Karla Bailey,

PRA OMB Liaison, Office of Management Policy and Compliance, National Cancer Institute (NCI) National Institutes of Health (NIH).

[FR Doc. 2017–04253 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; 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 Center for Complementary and Integrative Health Special Emphasis Panel, Exploratory Clinical Trials and Studies of Natural Products.

Date: March 30, 2017.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy

Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yisong Wang, Ph.D., Scientific Review Officer, NCCIH/NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20817, 301–480–9483, *yisong.wang@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: February 28, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04176 Filed 3–3–17; 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 grant applications/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 grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Quantitative Imaging for Evaluation of Cancer Therapies (U01).

Date: March 29, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W260, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–5856, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Digital Platforms to Support Informal Cancer Caregiving.

Date: March 30–31, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 4W032/34, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Scott A. Chen, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W526, Bethesda, MD 20892–9750, 240–276–6038, *chensc@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Biomarkers and Biospecimens.

Date: March 31, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W106, 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, Rockville, MD 20892–9750, 240–276–6384, *gravesr@mail.nih.gov*.

(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 28, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04173 Filed 3–3–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 21, 2016.

DATES: The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on July 21, 2016. The next triennial inspection date will be scheduled for July 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 22934 Lockness Ave, Torrance, CA 90501 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–07	D 4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.

CBPL No.	ASTM	Title
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–10	D 323	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–46	D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).
	D 6730	Standard Test Method for Determination of Individual Components in Spark Ignition Engine Fuels by 100–Metre Capillary (with Precolumn) High-Resolution Gas Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 24, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–04222 Filed 3–3–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 8, 2016.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on August 8, 2016. The next triennial inspection date will be scheduled for August 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 2119 SE Columbia Way, Suite 280, Vancouver, WA 98661 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
2	Tank Calibration.
3	Tank Gauging.
4	Proving Systems.
5	Metering.
6	Metering Assemblies.
7	Temperature Determination.
8	Sampling.
12	Calculations.
14	Natural Gas Fluids Measurement.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–07	D 4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).

CBPL No.	ASTM	Title
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–20	D 4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D 93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
27–53	D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–57	D 7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 24, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–04223 Filed 3–3–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 21, 2016.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on July 21, 2016. The next triennial inspection date will be scheduled for July 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 37 Panagrossi Circle, East Haven, CT 06512 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D 93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
27–53	D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–57	D 7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.

CBPL No.	ASTM	Title
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 24, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–04224 Filed 3–3–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 10, 2016.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on August 10, 2016. The next triennial inspection date will be scheduled for August 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 1350 Slater Rd., Suite 7, Ferndale, WA 98248 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
2	Tank Calibration.
3	Tank Gauging.
4	Proving Systems.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).
	D 4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 24, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–04225 Filed 3–3–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1657]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On November 28, 2016, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 81 FR 85622. The table provided here represents the proposed flood hazard determinations and communities affected for Davis County, Iowa and Incorporated Areas.

DATES: Comments are to be submitted on or before June 5, 2017.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1657, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 81 FR 85622 in the November 28, 2016, issue of the **Federal Register**, FEMA published a table titled ''Davis County, Iowa and Incorporated Areas''. This table contained inaccurate information as to the address of the community map repository for the City of Bloomfield featured in the table.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-studies:

Community	Community map repository address
Davis County, Iowa and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–07–0174S Preliminary Date: April 12, 2016	
City of Bloomfield	City Hall, 111 West Franklin Street, Bloomfield, IA 52537.
City of Floris	City Hall, 103 Monroe Street, Floris, IA 52560.
Unincorporated Areas of Davis County	Davis County Highway Department, 21585 Lilac Avenue, Bloomfield, IA 52537.

[FR Doc. 2017–04232 Filed 3–3–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet in person on March 22–23, 2017 in Arlington, Virginia. The meeting will be open to the public.

DATES: The TMAC will meet on Wednesday, March 22, 2017 from 8:00 a.m.–5:30 p.m. Eastern Daylight Time (EDT), and Thursday, March 23, 2017 from 8:00 a.m.–5:30 p.m. EDT. Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held at 3101 Wilson Boulevard, Arlington, Virginia, 22201. Members of the public who wish to attend the meeting must register in advance by sending an email to *FEMA–TMAC@fema.dhs.gov* (Attention: Mark Crowell) by 11:00 p.m. EDT on Wednesday, March 15, 2017. Members of the public must check in at the front desk on the ninth floor of 3101 Wilson Boulevard, Arlington, Virginia, 22201 and photo identification is required. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated meeting materials will be available at *www.fema.gov/TMAC* for review by Wednesday, March 15, 2017. Written comments to be considered by the committee at the time of the meeting must be submitted and received by Friday, March 17, 2017, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email TO: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. *Docket:* For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on Wednesday, March 22, 2017, from 4:00 p.m. to 4:30 p.m. EDT and again on Thursday, March 23, 2017, from 11:30 a.m. to 12:00 p.m. EDT. Speakers are requested to limit their comments to no more than three minutes. The public comment period will not exceed 30 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Friday, March 17, 2017.

FOR FURTHER INFORMATION CONTACT: Mark Crowell, Designated Federal Officer for the TMAC, FEMA, 400 C Street SW., Washington, DC 20024, telephone (202) 646–3432, and email *mark.crowell@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5) (a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Agenda: During the two-day meeting, TMAC members will discuss the topics identified for TMAC focus and attention in 2017. This will include receiving applicable briefings from subject matter experts. The tasks required to complete the TMAC 2017 Annual Report will be divided and assigned to various TMAC subcommittees. A brief public comment period will take place each day during the meeting and will occur prior to any vote. The full agenda and related briefing materials will be posted for review by March 17, 2017 at *http://www.fema.gov/TMAC.*

Dated: February 17, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.

[FR Doc. 2017–04234 Filed 3–3–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain

qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of June 21, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Humboldt County, California and Incorporated Areas Docket No.: FEMA–B–1604	
City of Arcata	Department of Public Works, 736 F Street, Arcata, CA 95521.
City of Eureka	City Hall, 531 K Street, Eureka, CA 95501.
City of Trinidad	City Hall, 409 Trinity Street, Trinidad, CA 95570.
Unincorporated Areas of Humboldt County	Clark Complex, 3015 H Street, Eureka, CA 95501.
Monterey County, California and Incorporated Areas Docket No.: FEMA–B–1604	
City of Carmel by the Sea	City Hall, Monte Verde Street, Carmel by the Sea, CA 93921.
City of Marina	Public Works Department, 209 Cypress Avenue, Marina, CA 93933.
City of Monterey	Plans and Public Works Department, 526 Pierce Street, Monterey, CA 93940.
City of Pacific Grove	City Hall, 300 Forest Avenue, Pacific Grove, CA 93950.
City of Sand City	Planning Department, 1 Sylvan Park, Sand City, CA 93955.
City of Seaside	Public Works Department, 440 Harcourt Avenue, Seaside, CA 93955.
Unincorporated Areas of Monterey County	Monterey County Water Resources Agency, 893 Blanco Circle, Salinas, CA 93901.
Washington County, Indiana and Incorporated Areas Docket No.: FEMA–B–1558	
City of Salem	Salem City Hall, Department of Building and Safety, Suite 104, 201 East Market Street, Salem, IN 47167.
Town of Little York	Washington County Building Department, 600 Anson Street, Salem, IN 47167.
Town of New Pekin	Pekin Town Hall, 75 South Mill Street, Pekin, IN 47165.
Unincorporated Areas of Washington County	Washington County Building Department, 600 Anson Street, Salem, IN 47167.
Madison County, Iowa and Incorporated Areas Docket No.: FEMA–B–1604	
City of Earlham	City Hall, 140 South Chestnut Avenue, Earlham, IA 50072.
City of East Peru	Community Building, 120 Brown Street, East Peru, IA 50222.
City of Patterson	City Clerk's Office, 1730 110th Avenue, Murray, IA 50174.
City of St. Charles	City Hall, 113 South Lumber Street, St. Charles, IA 50240.
City of Truro	City Hall, 120 East Center Street, Truro, IA 50257.
City of Winterset	City Hall, 124 West Court Avenue, Winterset, IA 50273.
Unincorporated Areas of Madison County	Madison County Courthouse, 112 North John Wayne Drive, Winterset, IA 50273.

[FR Doc. 2017–04230 Filed 3–3–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2600–17; DHS Docket No. USCIS–2008–0034]

RIN 1615–ZB65

Automatic Extension of Employment Authorization Documentation for Beneficiaries Under El Salvador's Designation for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice; extension of Employment Authorization Documents validity date.

SUMMARY: On July 8, 2016, the Secretary of Homeland Security (Secretary) extended the designation of El Salvador for Temporary Protected Status (TPS) for a period of 18 months by notice in the **Federal Register**. Through the same notice, the Department of Homeland Security (DHS) automatically extended for 6 months the validity of Employment Authorization Documents (EADs) issued under the TPS designation of El Salvador with a September 9, 2016 expiration date printed on the card. These EADs are currently valid through March 9, 2017. USCIS is now automatically extending the validity of these EADs for an additional 6 months, through September 9, 2017.

DATES: The automatic extension of the validity of EADs issued under TPS for El Salvador that was set to expire on March 9, 2017, is now extended through September 9, 2017.

FOR FURTHER INFORMATION CONTACT:

• For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at *http://www.uscis.gov/tps.* You can find specific information about El Salvador's designation for TPS by selecting ''El Salvador'' from the menu on the left of the TPS Web page.

• You can also contact Guillermo Roman-Riefkohl, TPS Operations Program Manager, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–2060; or by phone at 202–272–1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.

• Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov*, or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833). Service is available in English and Spanish.

• Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

When did the Secretary last extend El Salvador's TPS designation?

On July 8, 2016, the Secretary extended the TPS designation for El Salvador for a period of 18 months by notice in the **Federal Register**. *See* 81 FR 44645. That extension of El Salvador's TPS designation is effective from September 10, 2016 through March 9, 2018.

Is the Secretary extending El Salvador's TPS designation through this Notice?

No. This Notice does not extend El Salvador's TPS designation past the existing March 9, 2018 expiration date of the current extension announced on July 8, 2016. This Notice also does not extend the re-registration period for existing TPS El Salvador beneficiaries under the extension announced on July 8, 2016, which ran from July 8, 2016 through September 6, 2016.

What is the effect of this Notice on the validity of EADs issued under TPS for El Salvador?

DHS previously extended for 6 months all EADs issued under TPS for El Salvador that currently display an expiration date of September 9, 2016; they currently expire on March 9, 2017. U.S. Citizenship and Immigration Services (USCIS) does not expect to be able to process all timely-received TPS re-registration applications and issue new EADs before these extended EADs expire. Accordingly, through this Notice, USCIS automatically extends the validity of EADs issued under the TPS designation of El Salvador for an additional 6 months, through September 9, 2017.

Am I eligible to receive an additional automatic 6-month extension of my current EAD through September 9, 2017?

If you currently have TPS under the designation of El Salvador, this Notice automatically extends your EAD an additional 6 months through September 9, 2017, if you:

• Received an EAD under the last extension of TPS for El Salvador; and

• Have an EAD with a marked expiration date of September 9, 2016, bearing the notation ''A–12'' or ''C–19''on the front of the card under ''Category.''

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9). You can find additional detailed information on the USCIS I–9 Central Web page at *http://www.uscis.gov/I-9Central.* Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I–9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and employment authorization) or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). Or you may present an acceptable receipt for List A, List B, or List C documents as described in the Employment Eligibility Verification (Form I–9) Instructions. An EAD is an acceptable document under ''List A.'' Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of September 9, 2016, and states ''A–12'' or ''C–19'' under ''Category,'' it has been extended automatically beyond the previous automatic extension for an additional 6 months. It is now valid through September 9, 2017, by virtue of this **Federal Register** Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I–9) through September 9, 2017 (see the subsection titled ''*How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?*'' for further information). To minimize confusion over this extension at the time of hire, you should explain to your employer that USCIS automatically extended your EAD through September

9, 2017. You may also show your employer a copy of this **Federal Register** Notice confirming the automatic extension of employment authorization through September 9, 2017. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is expired?

Even though EADs with an expiration date of September 9, 2016, that state ''A–12'' or ''C–19'' under ''Category'' have been automatically extended through September 9, 2017, your employer may need to ask you about your continued employment authorization after March 9, 2017, in order to meet his or her responsibilities for Employment Eligibility Verification (Form I–9). Your employer may need to re-inspect your automatically extended EAD to check the expiration date and code to record the updated expiration date on your Form I–9 if he or she did not keep a copy of this EAD when you initially presented it. However, your employer does not need a new document to reverify your employment authorization until September 9, 2017, the expiration date of the additional automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I–9) (see the subsection titled ''*What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my EAD has been automatically extended?*'' for further information). In addition, you may also show this **Federal Register** Notice to your employer to explain what to do for Employment Eligibility Verification (Form I–9).

By September 9, 2017, the expiration date of the additional automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I–9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Employment Eligibility Verification (Form I–9) Instructions. Your employer should:

- Complete Section 3 of the Employment Eligibility Verification (Form I–9) originally completed for you; or
- If Section 3 has already been completed or if the version of Employment Eligibility Verification (Form I–9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I–9) using the most current version.

Note that employers may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my Salvadoran citizenship?

No. When completing Employment Eligibility Verification (Form I–9), including reverifying employment authorization, employers must accept any documentation that appears on the ''Lists of Acceptable Documents'' for Employment Eligibility Verification (Form I–9) that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Salvadoran citizenship or proof of re-registration for TPS when completing Employment Eligibility Verification (Form I–9) for new hires or correcting expiration dates for automatically extended EADs or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the *Note to Employees* section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after September 9, 2017, for purposes of employment authorization?

After September 9, 2017, employers may no longer accept the EADs that this **Federal Register** Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of March 9, 2018, and can be presented to your employer for completion of Employment Eligibility Verification (Form I–9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Employment Eligibility Verification (Form I–9).

How do my employer and I complete Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I–9) for a new job prior to September 9, 2017, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work'';

b. Write your alien number (USCIS number or A-Number) in the first space (your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix); and

c. Write the automatically extended EAD expiration date (September 9, 2017) in the second space.

2. For Section 2, employers should record the:

a. Document title;

b. Document number; and

c. Automatically extended EAD expiration date (September 9, 2017).

By September 9, 2017, employers must reverify the employee's employment authorization in Section 3 of the Employment Eligibility Verification (Form I–9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if I am using my automatically extended EAD to prove my employment eligibility?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, your employer may need to re-inspect your automatically extended EAD if your employer does not have a copy of the EAD on file. You and your employer should correct your previously completed Employment Eligibility Verification (Form I–9) as follows:

1. For Section 1, you should:

a. Draw a line through the expiration date;

b. Write ''September 9, 2017'' above the previous date;

c. Write ''TPS Ext.'' in the margin of Section 1; and

d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Draw a line through the expiration date written in Section 2;

b. Write ''September 9, 2017'' above the previous date;

c. Write ''TPS Ext.'' in the Additional Information field of Section 2; and

d. Initial and date the correction in the margin of Section 2.

By September 9, 2017, when the automatic extension of EADs expires, employers relying on an automatically extended EAD for proof of employment eligibility must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

If you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. If relying on an automatically extended EAD for proof of employment eligibility, by September 9, 2017, you must reverify employment authorization in Section 3. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process, employers may also call the U.S. Department of Justice, Immigrant and Employee Rights Section (IER) (formerly, the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515), which offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov;* IER accepts email messages written in any language.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email at *I-9Central@dhs.gov.* Calls are accepted in English and many other languages. Employees or applicants may also call the IER Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship status, immigration status, or national origin; for information regarding discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify; and for information about how to file a complaint alleging immigration-related employment discrimination. The IER Worker Information Hotline provides language interpretation in numerous languages. Employees may also email IER at *IER@usdoj.gov;* IER accepts email messages written in any language.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment Eligibility Verification (Form I–9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation (TNC)'' must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I–9) differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee based on the employee's decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). An employee that believes he or she was discriminated against by an employer in the E-Verify process based on citizenship, immigration status, or national origin should contact IER's Worker Information Hotline at 800–255–7688 (TTY 800–237–2515) for information about their rights and how to file a complaint against the employer. Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I–9) and E-Verify procedures is available on the IER Web site at *https://www.justice.gov/ier* and the USCIS Web site at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

Benefit-granting agencies are bound by different laws, requirements, and determinations about what documents their applicants must provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

1. Your unexpired EAD that has been automatically extended or your EAD that has not expired;

2. A copy of this **Federal Register** Notice if your EAD is automatically extended under this Notice;

3. A copy of your Application for Temporary Protected Status Notice of Action (Form I–797) for this re-registration;

4. A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I–797), if you received one from USCIS; and/or

5. If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this **Federal Register** Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office.

Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found at the SAVE Web site at *http://www.uscis.gov/save,* then choosing ''SAVE Resources'' from the menu on the left, selecting ''Benefit Applicants'' in the middle of the page, then selecting ''Publications,'' and finally ''SAVE Fact Sheet for Benefit Applicants.''

Lori Scialabba,

Acting Director.

[FR Doc. 2017–04454 Filed 3–2–17; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2016–N112; FXES11130400000C2–167–FF04E00000]

Endangered and Threatened Wildlife and Plants; Technical/Agency Draft Recovery Plan for the Yellowcheek Darter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of the technical/agency draft recovery plan for the endangered yellowcheek darter, a fish. The draft recovery plan includes specific recovery objectives and criteria that must be met in order for us to reclassify this species to threatened status and ultimately delist it under the Endangered Species Act of 1973, as amended (Act). We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, comments on the draft recovery plan must be received on or before May 5, 2017.

ADDRESSES: *Reviewing documents:* If you wish to review this technical/agency draft recovery plan, you may obtain a copy by contacting Melvin Tobin, U.S. Fish and Wildlife Service, Arkansas Ecological Services Field Office, 110 S. Amity Road, Suite 300, Conway, AR 72032; tel. 501–513–4473; or by visiting the Service's Arkansas Field Office Web site at *http://www.fws.gov/arkansas-es.*

Submitting comments: If you wish to comment, you may submit your comments by one of the following methods:

1. You may submit written comments and materials to us, at the above address.

2. You may hand-deliver written comments to our Arkansas Field Office, at the above address, or fax them to 501–513–4480.

3. You may send comments by email to *Melvin_Tobin@fws.gov.* Please include ''Yellowcheek Darter Draft Recovery Plan Comments'' on the subject line.

For additional information about submitting comments, see Request for Public Comments below.

FOR FURTHER INFORMATION CONTACT: Melvin Tobin (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for reclassification to threatened or delisting, and estimate time and cost for implementing recovery measures. Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

About the Species

We listed the yellowcheek darter (*Etheostoma moorei*) as endangered under the Act (16 U.S.C. 1531 *et seq.*) on August 9, 2011 (76 FR 48722). A total of 102 river miles (164 rkm) in four streams (Middle, South, Archey, and Devils forks of the Little Red River) in Cleburne, Searcy, Stone, and Van Buren Counties, Arkansas was designated as critical habitat on October 16, 2012 (77 FR 63604).

The yellowcheek darter grows to 2.5 inches (6.4 cm) total length and is endemic to the Devils, Middle, South, and Archey forks of the Little Red River and the mainstem Little Red River in Arkansas. The species inhabits high-gradient headwater tributaries with clear water, permanent flow, moderate to strong riffles, and gravel, cobble, and boulder substrates (Robison and Buchanan 1988). Prey items consumed by the yellowcheek darter include blackfly larvae, stoneflies, mayflies, and other aquatic insects.

Threats

The yellowcheek darter is threatened primarily by factors associated with the present destruction, modification, or curtailment of its habitat or range. Threats include impoundment, sedimentation, poor livestock grazing practices, improper timber harvest practices, nutrient enrichment, gravel mining, channelization/channel instability, and natural gas development. Climate change is also likely to have adverse effects on the species due to alteration of hydrologic cycles of headwater streams that support the yellowcheek darter, but the extent or magnitude of this threat has not been quantified at this time.

We have assigned the yellowcheek darter a recovery priority number of 2C (48 FR 43098), which reflects a high degree of threat, and a high recovery potential.

Recovery Plan Components

The ultimate goal of this recovery plan is to ensure the long-term viability of the yellowcheek darter in the wild to the point that it can be delisted from the Federal List of Endangered and Threatened Wildlife (50 CFR 17.11). Initially, the goal is to reclassify the yellowcheek darter from endangered to threatened status based upon its improved status due to the implementation of recovery actions in this plan.

Recovery Criteria

Reclassification from endangered to threatened status: The yellowcheek darter will be considered for reclassification to threatened when (1) water quality and quantity in the Middle, South, and either Archey or Devils Forks, as defined by the best available science (to be refined by recovery actions), supports the long-term survival of yellowcheek darter in its natural environment (based on Safe Harbor enrollment and private landowner conservation efforts); (2) streams where the yellowcheek darter occurs contain sufficient geomorphically stable channels with relatively silt-free, moderate to strong velocity riffles with gravel cobble and boulder substrates that support adequate macroinvertebrate prey items; (3) healthy, self-sustaining (evident by multiple age classes of individuals, including naturally recruited juveniles and recruitment rates exceeding mortality rates) natural populations of yellowcheek darter are maintained in three of four tributaries (Middle, South, and either Archey or Devils Forks) at stable or increasing levels for 15 years

(based on surveys conducted every three years via standard protocol); and (4) a captive breeding propagation, augmentation and reintroduction plan has been established, and a contingency plan is in place to ensure the survival of the species should a catastrophic event affect portions of a wild population.

Delisting: The yellowcheek darter will be considered for removal from the List of Endangered and Threatened Wildlife when (1) the reclassification criteria have been realized and demonstrated as being effective via monitoring efforts; (2) yellowcheek darter populations in the Middle, South, and either Archey or Devils Forks continue to be self-sustaining, stable or increasing, as defined by the best available science (to be refined by recovery actions), for an additional 15 years beyond reclassification to threatened status; and (3) commitments are in place to maintain conservation measures and recovered status.

Request for Public Comments

We request written comments on the draft recovery plan. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan.

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.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: January 24, 2017.

Mike Oetker,

Acting Regional Director, Southeast Region.

[FR Doc. 2017–04279 Filed 3–3–17; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–22712; PPWOCRADI0, 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 December 31, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 21, 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 December 31, 2016. 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:

FLORIDA

Leon County

Fire Station No. 2, 224 E. 6th St., Tallahassee, SG100000642

Wakulla County

Bo Lynn's Grocery, 850 Port Leon Dr., St. Marks, SG100000643

NEW YORK

Chemung County

Jones, John W., Court, 603–657 Dickinson St., Elmira, SG100000645

Dutchess County

DuBois Farmhouse, 6 Greenvale Farms Rd., Poughkeepsie, SG100000646

Soldiers' Memorial Fountain and Park, 120 Market St., Poughkeepsie, SG100000647

Rensselaer County

International Shirt and Collar Company, 2 River St., Troy, SG100000648

Suffolk County

Bridgehampton Presbyterian Church, 2429 Montauk Hwy., Bridgehampton, SG100000649

Washington County

Moss Street Cemetery, 3097 US 4, Hudson Falls vicinity, SG100000650

An owner objection received for the following resource(s):

CALIFORNIA

Los Angeles County

Mitchell Camera Corporation—Studio One, 661–665 N. Robertson Blvd. & 652 N. La Peer Dr., West Hollywood, SG100000627

An additional documentation has been received for the following resource(s):

MISSOURI

Pettis County

Sedalia Commercial Historic District (Boundary Increase), 700–712 S. Ohio, 200 S. Moniteau, 101–108 W. Pacific, 104–220 W. Main, 208–400 W. 2nd, 200 W. 4th, 102–120 E. 5th., Sedalia, AD10000277

Authority: 60.13 of 36 CFR part 60.

Dated: January 6, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–04238 Filed 3–3–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–22657; PPWOCRADI0, 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 December 24, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 21, 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 December 24, 2016. 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:

ILLINOIS

Du Page County

Lake Ellyn Park, 645 Lenox Rd., Glen Ellyn, SG100000628

Kankakee County

Chipman, Edward, Public Library, 126 N. Locust St., Momence, SG100000629

NEW MEXICO

Dona Ana County

Dunbar, Paul Laurence, Elementary School, 325 Holguin Rd., Vado, SG100000630

WISCONSIN

Sheboygan County

S and R Cheese Company, 2–18 E. Main St., Plymouth, SG100000631

Nominations submitted by Federal Preservation Officers:

ARKANSAS

Jefferson County

Federal Building—U.S. Post Office and Courthouse, 100 E. 8th St., Pine Bluff, SG100000626

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):

VIRGINIA

Charlottesville Independent city

Rose Cottage—Peyton House, (Charlottesville MRA), 800 Delevan St., Charlottesville (Independent City), OT83003273

Dinwiddie County

Central State Hospital Chapel, West Washington St. Extended, Petersburg, OT10000794

Mathews County

Donk's Theatre, 259 Buckley Hall Rd., Hudgins, OT10001185

Norfolk Independent city

HUNTINGTON (Tugboat), 1 Waterside Dr.—Nauticus Pier, Norfolk (Independent City), OT99000958

Patrick County

Bob White Covered Bridge, About 2.5 mi. S. of Woolwine off VA 618, over Smith River, Woolwine vicinity, OT73002049

Portsmouth Independent city

Circle, The, 3010 High St., Portsmouth (Independent City), OT06000120

Spotsylvania County

Bloomsbury Farm, 9736 Courthouse Rd., Spotsylvania Court House vicinity, OT00000479

An additional documentation has been received for the following resource(s):

OREGON

Marion County

Gaiety Hollow, 545 Mission St. NE., Salem, AD14000895

Multnomah County

Holden, William B., House (Boundary Decrease), 6353 SE. Yamill St., Portland, AD16000755

UTAH

Salt Lake County

Green, Alvin and Annie, House, (Sandy City MPS), 8400 Danish Rd., Cottonwood Heights, AD00000356

Authority: 60.13 of 36 CFR part 60.

Dated: December 28, 2016.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–04237 Filed 3–3–17; 8:45 am]

BILLING CODE 4310–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–22634; PPWOCRADI0, 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 December 17, 2016, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 21, 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 December 17, 2016. 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

Downtown Tucson Historic District, Multiple, Tucson, SG100000591

ARKANSAS

Washington County

Patrick, Dr. James. House, 370 N. Williams Dr., Fayetteville, SG100000592

CALIFORNIA

Orange County

Beckman Instruments Inc. Administration Building, 4300 N. Harbor Blvd., Fullerton, SG100000620

CONNECTICUT

Fairfield County

Hoyt—Burwell—Morse House, 8 Ferris Hill Rd., 441 Canoe Hill Rd., New Canaan, SG100000594

DISTRICT OF COLUMBIA

District of Columbia

Glade Apartments, (Apartment Buildings in Washington, DC, MPS), 1370–1372 Ft. Stevens Dr. NW., Washington, MP100000595

Union Market Historic District, Between 4th & 5th Sts. NE., Florida Ave. & Penn St. NE., Washington, SG100000596

LOUISIANA

Grant Parish

Sparrow Lane Bridge, .3 mi. SE. of LA 492, Colfax vicinity, SG100000597

Lincoln Parish

Downtown Ruston Historic District, Bounded by N. Monroe, N. Bonner, S. Virginia, S. Vienna & S. Trenton Sts., W. Alabama, E. Railroad & W. Texas Aves., Ruston, SG100000598

Orleans Parish

Methodist Home Hospital, 821 Washington Ave., New Orleans, SG100000599

Sara Mayo Hospital, 625 Jackson Ave., New Orleans, SG100000600

Ouachita Parish

Downtown Monroe Historic District, Roughly bounded by Ouachita R., Harrison, N. & S. 6th, Washington & Breard Sts., Monroe, BC100000601

Rapides Parish

Dellmon, Myrtle Groves Huie, House, 430 St. James St., Alexandria, SG100000603

MICHIGAN

Wayne County

Weil and Company—Gabriel Richard Building, 305 Michigan Ave., Detroit, SG100000604

MINNESOTA

Fillmore County

Lanesboro Historic District (Fillmore County MRA), Roughly bounded by Ashburn St. E, Parkway Ave. N. & S., Root R., Elmwood St. W. & Kirkwood St., Lanesboro, BC100000605

MISSOURI

Adair County

Lincoln School, 907 S. Wabash St., Kirksville, SG100000606

Buchanan County

Hall School, 2509 Duncan St., St. Joseph, SG100000607

Scotland County

Rutledge School, 142 2nd St., Rutledge, SG100000608

St. Louis Independent City

138th Infantry Missouri National Guard Armory, 3660 Market St., St. Louis (Independent city), SG100000609

NEW YORK

Chenango County

Jewell Family Homestead, 120 Furnace Rd., Guilford, SG100000611

Genesee County

Le Roy Historic District, 7–9 Clay, 8–8½ Lake, 1–73, 2–72 Main, 7 Mill, 8–62, 3–61 W. Main Sts., Le Roy, SG100000612

Greene County

Cornwallville Cemetery, Cty. Rd. 20, Cornwallville, SG100000613

Rockland County

Blauvelt—Cropsey Farm, 230 S. Little Tor Rd., New City, SG100000614

Green, John, House, 23 Main St., Nyack, SG100000615

Westchester County

St. John's Episcopal Church, 8 Sunnyside Ave., Pleasantville, SG100000616

Nominations submitted by Federal Preservation Officers:

NEVADA

Douglas County

de 'ek wadapush (Cave Rock) Traditional Cultural Property, Address Restricted, Lincoln Park vicinity, SG100000610

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.

OREGON

Columbia County

United States Post Office (Scappoose), (U.S. Post Office Department Facilities in Oregon 1940–1971 MPS), 52643 Columbia R. Hwy., Scappoose, MP100000618

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.

SOUTH CAROLINA

Spartanburg County

United States Post Office and Court House, 201 Magnolia St., Spartanburg, SG100000619

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.

Additional documentation has been received for the following resource(s):

LOUISIANA

Orleans Parish

Jackson Barracks, 6400 St. Claude Ave., New Orleans, AD76000969

Ouachita Parish

Downtown Monroe Historic District, Roughly bounded by Desiard, Jackson, Telemaque, and S. Grand Sts., Monroe, AD86002202

Authority: 60.13 of 36 CFR part 60.

Dated: December 22, 2016.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–04199 Filed 3–3–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–22745; PPWOCRADI0, 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 7, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 21, 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 7, 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:

COLORADO

Denver County

Ross—Broadway Branch, Denver Public Library, 33 E. Bayaud Ave., Denver, SG100000655

DELAWARE

New Castle County

House at 901 Mt. Lebanon Rd., 901 Mt. Lebanon Rd., Rockland vicinity, SG100000656

NEW YORK

Erie County

Mentholatum Company Building, The, 1360 Niagara St., Buffalo, SG100000657
St. Rose of Lima Roman Catholic Church Complex, 500 Parker Ave., Buffalo, SG100000658
St. Thomas Aquinas Roman Catholic Church Complex, 432 Abbott Rd., Buffalo, SG100000659

Kings County

Offerman Building, 503 Fulton St., Brooklyn, SG100000661

Richmond County

Silver Lake Cemetery, 926 Victory Blvd., Staten Island, SG100000660

OHIO

Ashland County

Kelley, William, Hardware Store—Hayesville Odd Fellows Hall, 7 E. Main St., Hayesville, SG100000662

Cuyahoga County

Tinnerman Steel Range Company, 2048 Fulton Rd., Cleveland, SG100000663

Franklin County

Budd Dairy Company, 1086 N. 4th St., Columbus, SG100000664
Edna, The, 877–881 E. Long St., Columbus, SG100000665

Hamilton County

Lowrie, S. Gale and Agnes P., House, 20 Rawson Woods Cir., Cincinnati, SG100000666

PUERTO RICO

Maricao Municipality

Vivero de Peces de Maricao, (New Deal Era Constructions in the Forest Reserves in Puerto Rico), PR 401, km. 1.7, Maricao Afuera Ward, Maricao vicinity, MP100000667

TEXAS

Bexar County

Reinbolt Hall at St. Mary's University, 1 Camino Santa Maria, San Antonio, SG100000668
Wedgwood, The, 6701 Blanco Rd., Castle Hills, SG100000669

Collin County

Farmersville Commercial Historic District, Along Main & McKinney Sts., Farmersville, SG100000670

Dallas County

Grand Lodge of the Colored Knights of Pythias, Texas, 2551 Elm St., Dallas, SG100000671
Travis College Hill Historic District, 300–400 blks. S. 11th St., Garland, SG100000672

Gonzales County

First Shot Monuments Historic District, TX Spur Rd. 95 from TX 97 to Stevens Creek, Cost vicinity, SG100000673

Tarrant County

Jennings—Vickery Historic District, Roughly bounded by W. Vickery Blvd., St. Louis & W. Daggett Aves., Hemphill St. & Jennings Ave. underpass, Fort Worth, SG100000674

Williamson County

Dickey, Dr. James L., House, 500 Burkett Rd., Taylor, SG100000675

VIRGINIA

Franklin County

Snow Creek Anglican Church, 436 Old Chapel Rd., Penhook vicinity, SG100000676

Lynchburg Independent city

Lynchburg Hosiery Mill No. 1, 2734 Fort Ave., Lynchburg (Independent city), SG100000677

Richmond Independent city

Rockfalls, 7441 Rockfalls Dr., Richmond (Independent city), SG100000678

Shenandoah County

Bowman, Jacob, House, 2470 Polk Rd., Edinburg vicinity, SG100000679

WISCONSIN

Sheboygan County

Washington Elementary School, 1238 Geele Ave., Sheboygan, SG100000680

A request for removal has been made for the following resource(s):

VIRGINIA

Pittsylvania County

Woodlawn, 5321 Henrys Mill Rd., Vernon Hill vicinity, OT05000478

Authority: 60.13 of 36 CFR part 60.

Dated: January 7, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2017–04239 Filed 3–3–17; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2017–0006]

Supplemental Environmental Impact Statement for the Cape Wind Energy Project MMAA104000

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) is giving notice of its intent to prepare a Supplemental Environmental Impact Statement (EIS) for the Cape Wind Energy Project on Horseshoe Shoal in Nantucket Sound off the coast of Massachusetts. This supplement to the 2009 Final EIS will provide new analysis in response to a 2016 remand order of the U.S. Court of Appeals for the District of Columbia Circuit in *Public Employees for Environmental Responsibility* v. *Hopper*, No. 14–5301 (D.C. Cir.).

FOR FURTHER INFORMATION CONTACT: Michelle Morin, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1722, or *michelle.morin@boem.gov.*

SUPPLEMENTARY INFORMATION:

1. Proposed Action and Alternative

On July 5, 2016, the U.S. Court of Appeals for the District of Columbia Circuit vacated the 2009 Cape Wind Energy Project Final EIS and ordered that BOEM ''supplement [the EIS] with adequate geological surveys before Cape Wind may begin construction.'' *Public Employees for Environmental Responsibility* v. *Hopper*, 827 F.3d 1077, 1084 (D.C. Cir. 2016). The Court opined that ''[w]ithout adequate geological surveys, the [BOEM] cannot ''ensure that the seafloor [will be] able to support wind turbines.'' *Id.* at 1083. While the Court found that ''[BOEM] therefore had violated NEPA,'' the Court noted, however, that ''[it] does not necessarily mean that the project must be halted or that Cape Wind must redo the regulatory approval process.'' *Id.* at 1083–4. The Court explicitly left undisturbed BOEM's 2010 decision to issue the lease and BOEM's 2011 decision to approve the Construction and Operations Plan (COP). *Id.* at 1084. Therefore, the only alternatives considered in the 2009 Final EIS that are still applicable and that will be analyzed in detail in the Supplemental EIS are: (1) Rescinding the decision to issue the lease to Cape Wind Associates,

LLC (equivalent to the No Action Alternative in the 2009 Final EIS); and (2) leaving undisturbed the decision to issue the lease (equivalent to the Proposed Action in the 2009 Final EIS).

The Supplemental EIS will consider and analyze any new information that is within the scope of the Court's order. BOEM will examine the available geological survey data, including the geotechnical data and reports submitted to BOEM since the 2009 Final EIS, and any other relevant data that relates to the adequacy of the seafloor to support wind turbines in the lease area.

2. Scoping

In accordance with 40 CFR 1502.9(c)(4), BOEM will not conduct additional scoping for this Supplemental EIS. The remand by the U.S. Court of Appeals for the District of Columbia established the scope for this Supplemental EIS. The Draft Supplemental EIS will be announced for public review and comment: (1) In the **Federal Register** by BOEM and the Environmental Protection Agency and (2) on the BOEM Web site at: *https://www.boem.gov/Renewable-Energy-Program/Studies/Cape-Wind.aspx.*

3. Cooperating Agencies

BOEM invites other Federal, State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of this supplemental EIS. We invite qualified government entities to inquire about cooperating agency status. You may contact the Office of Renewable Energy Programs at the address shown in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

Authority: This Notice of Intent to prepare a Supplemental EIS is in compliance with NEPA, as amended (42 U.S.C. 4231 *et seq.*), and is published pursuant to 40 CFR 1508.22.

Dated: February 28, 2017.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2017–04247 Filed 3–3–17; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1024]

Certain Integrated Circuits With Voltage Regulators and Products Containing Same; Commission Determination Not To Review an Initial Determination Amending the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''the Commission'') has determined not to review an initial determination (''ID'') amending the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3427. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (''EDIS'') at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: On October 12, 2016, the Commission instituted this investigation based on a complaint filed by R2 Semiconductor, Inc. of Sunnyvale, CA (''R2''). 81 FR 71764 (Oct. 18, 2016). The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain integrated circuits with voltage regulators and products containing the same by reason of infringement of one or more of claims 1–4, 7–17, 20–26, 28, 29, and 31 of U.S. patent No. 8,233,250 (''the '250 patent''). *Id.* The Commission's Notice of Investigation named as respondents Intel Corporation of Santa Clara, CA; Intel Ireland Ltd. of Leixlip, Ireland; Intel Products Vietnam Co., Ltd. of Ho Chi Minh City, Vietnam; Intel Israel 74, Ltd. of Haifa, Israel; Intel Malaysia Sdn. Berhad of Penang, Malaysia; Intel China, Ltd. of Beijing, China; Dell, Inc. of Round Rock, TX; Dell Technologies Inc. of Round Rock, TX; HP Inc. of Palo Alto, CA; and Hewlett Packard Enterprise Co. of Palo Alto, CA (collectively, ''respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') is participating in this investigation. *Id.*

On February 9, 2017, the administrative law judge issued Order No. 14, the subject ID, which granted an unopposed motion filed by R2 to amend the complaint and the Commission's Notice of Investigation to include allegations of a section 337 violation as to claims 5, 6, 18, 19, 27, and 30 of the '250 patent. No petitions for review of the subject ID were filed. The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 1, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04310 Filed 3–3–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on February 3, 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''), National Spectrum Consortium (''NSC'') 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, U.S. Ignite, Inc., Washington, DC; MIT Lincoln Laboratory, Lexington, MA; Innovation Financial Roundtable, Washington, DC; Signautics Engineering Services, LLC, Dunedin, FL; EMC Corporation, McLean, VA; G5 Scientific, LLC, Burlington, MA; North Carolina State

University, Raleigh, NC; University of Colorado Boulder, Boulder, CO; Expression Networks, LLC, McLean, VA; and HawkEye 360, Inc., Herndon, VA, have been added as parties to this venture.

Also, Agile Communications, Inc., Thousand Oaks, CA; Monterey-Nouveau & Associates, LLC, Dayton, OH; InCadence Strategic Solutions, Manassas, VA; Unmanned Experts, Inc., Denver, CO; Trident Technologies, LLC, Huntsville, AL; SI2 Technologies, Inc., N. Billerica, MA; DataSoft Corporation, Tempe, AZ; Quasonix, Inc., West Chester, OH; and Trabus Technologies, Inc., San Diego, CA, have withdrawn 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 NSC intends to file additional written notifications disclosing all changes in membership.

On September 24, 2014, NSC 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 November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on November 16, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 4, 2017 (82 FR 869).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04243 Filed 3–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on February 3, 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''), ODVA, Inc. (''ODVA'') 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, Alicat Scientific, Inc., Tucson, AZ; Domino Printing, Cambridge, United Kingdom; Grace Engineered Products, Inc., Davenport, IA; I–CON Industry Tech., JiaXing, ZheJiang, People's Republic of China; SIKO GmbH, Buchenbach, Germany; Cape Software, Inc., The Woodlands, TX; ABB Robotics, Vasteras, Sweden; The Montalvo Corporation, Gorham, ME; Systems, Machines, Automation Components Corporation, Carlsbad, CA; Kyland Corporation, Golden, CO; FLSmidth A/S, Valby, Denmark; EN Technologies, Inc., Gyeonggi-do, Republic of Korea; Coherix, Inc., Ann Arbor, MI; Optoelectronics, Tokyo, Japan; UNIPULSE Corporation, Tokyo, Japan; Microchip Technology Incorporated, Chandler, AZ; IPDisplays, LLC, Allen, TX; and CMC Industrial Electronics Ltd., Burnaby, BC, Canada, have been added as parties to this venture.

Also, OEM Technology Solutions, Artarmon, NSW, Australia; Thermo Ramsey, Inc. (a part of Thermo Fisher Scientific), Minneapolis, MN; Halstrup-Walcher GmbH, Kirchzarten, Germany; Jacktek Systems, Inc., Acheson, AB, Canada; Chi Mei Electronics Co., Ltd., Cheung Sha Wan, Hong Kong–China; Broadcom Corporation, Irvine, CA; Doosan Heavy Industrial & Construction Co., Ltd., Gyeonggi-do, Republic of Korea; OBS Korea, Gyeonggi-do, Republic of Korea; and Canrig Drilling Technologies, Ltd., Houston, TX, have withdrawn 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 ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA 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 February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on August 5, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 2, 2016 (81 FR 60746).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04246 Filed 3–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on February 3, 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''), National Armaments Consortium (''NAC'') 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, Mission Critical Solutions, LLC, Alum Bank, PA; Seiler Instrument & Manufacturing Co., Inc., St. Louis, MO; IERUS Technologies, Inc., Huntsville, AL; Cree, Inc., Durham, NC; Eclipse Energy Systems, Inc., St. Petersburg, FL; Rite-Solutions, Inc., Pawcatuck, CT; SEMATECH, Inc., Albany, NY; Defense Engineering Services, LLC, Charleston, SC; JENOPTIK Advanced Systems, LLC, El Paso, TX; CGS Group, LLC, Artesia, NM; Inertial Labs, Inc., Paeonian Springs, VA; GPC Engineering Company, Ridgecrest, CA; New Horizons Foundation, Hobbs, NM; C F D Research, Huntsville, AL; Faxon Machining Inc., Cincinnati, OH; Reperi LLC, Whitefish, MT; American Rheinmetall Systems, LLC, Biddeford, ME; Granite State Manufacturing, Manchester, NH; General Atomics Aeronautical Systems, Inc., San Diego, CA; Veritech, Inc., Whippany, NJ; Stratom, Inc., Boulder, CO; and D&G Machine Products, Inc., Westbrook, ME, have been added as parties to this venture.

Also, Central Screw Products dba Detroit Gun Works, Troy, MI; CompGeom, Inc., Tallahassee, FL; Applied Minds, LLC, Glendale, CA; General Electric Company, Niskayuna, NY; Unified Business Technologies, Inc., Troy, MI; Advanced Material Designs & Reliability, Austin, TX; Colorado Photopolymer Solutions, LLC, Boulder, CO; CGI Federal (Stanley Associates, Inc.), Huntsville, AL; MAST Technology, Inc., Independence, MO; Systems and Materials Research Corporation, Austin, TX; Rel, Inc., Calumet, MI; and Atlantic Fluid Power, Inc. dba Atlantic Industrial

Technologies, Shirley, NY, have withdrawn 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 NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC 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 30, 2000 (65 FR 40693).

The last notification was filed with the Department on October 25, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89992).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04250 Filed 3–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on February 8, 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''), IMS Global Learning Consortium, Inc. (''IMS Global'') 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, TOOLS4EVER, Bonney Lake, WA; Trinity Education Group, Highland, MD, and Zia Learning, Willowbrook, IL, have been added as parties to this venture.

Also, Australian Government Department of Education, Canberra City, AUSTRALIA; Learning.com, Portland, OR; and Trustees of the California State University, Long Beach, CA, have withdrawn 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 IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global 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 13, 2000 (65 FR 55283).

The last notification was filed with the Department on November 21, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 4, 2017 (82 FR 871).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04242 Filed 3–3–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Mobile Alliance

Notice is hereby given that, on January 26, 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''), Open Mobile Alliance (''OMA'') 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, Adups Tech., Co., Ltd., Zhangjian, Shanghai, People's Republic of China; IOTEROP, Montpellier, France; Mind Reader (MR Lab), ZheJiang, People's Republic of China; Nautes Technology Inc., Anyang-si, Gyeonggi-do, Republic of Korea; Open Source Alliance, Jung-gu, Seoul, Republic of Korea; Pratt and Miller Engineering, New Hudson, MI; Schneider-Electric, Eybens, France; Telit Communications S.p.a., Sgonico, Italy; and WINITECH Co., Ltd., Nan-gu, Daegu, Republic of Korea, have been added as parties to this venture.

Also, Anritsu Ltd., Bedfordshire, United Kingdom; China Telecommunications Corporation, Xicheng District, Beijing, People's Republic of China; China Unicom, Xicheng District, Beijing, People's Republic of China; Fujitsu Limited, Yokohama, Japan; General Mobile Corporation, Taipei, Taiwan; KDDI Corporation, Tokyo, Japan; Micosa, Inc., Redwood City, CA; TA Technology (Shanghai) Co., Ltd., Torino, Italy; and Telecom Italia S.p.A., Tornio, Italy, have withdrawn 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 OMA intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, OMA 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 31, 1998 (63 FR 72333).

The last notification was filed with the Department on June 13, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 18, 2016 (81 FR 46702).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04244 Filed 3–3–17; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection: Comment Request

ACTION: Notice

SUMMARY: The National Endowment for the Arts, 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. This program helps 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 National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, is soliciting comments concerning renewal of the Application for International Indemnification. A copy of this collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the

address section below on or before May 5, 2017. The National Endowment for the Arts 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting the electronic submissions of responses.

ADDRESSES: Patricia Loiko, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506–0001, telephone (202) 682–5541 (this is not a toll-free number), fax (202) 682–5721.

Dated: March 1, 2017.

Kathy Plowitz-Worden,

Committee Management Officer, National Endowment for the Arts.

[FR Doc. 2017–04245 Filed 3–3–17; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0055]

Request for a License To Import Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Update of import license application and extension of comment period; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on February 16, 2017, for a license to import radioactive waste. This action is necessary in order to adequately describe the type of licensing action being requested.

DATES: The correction is effective March 6, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0055 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–2017–0055. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) 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.*

• *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: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9072, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on February 16, 2017, (82 FR 10918), within the title of notice, correct ''Request To Amend a License To Import Radioactive Waste'' to read ''Request For a License To Import Radioactive Waste.''

Dated at Rockville, Maryland, this 27th day of February 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2017–04292 Filed 3–3–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0168]

Request To Amend a License To Import Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Update of import license application and extension of comment period; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on August 8, 2016, regarding request to amend a license to import radioactive waste. This action is necessary in order to adequately describe the type of radioactive material being requested for import.

DATES: The correction is effective March 6, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0168 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–2016–0168. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) 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.*

• *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: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9072, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on August 8, 2016, (81 FR 52484), within the NRC Import License Application—Description of Material chart, correct ''No change in material (Class A radioactive waste)'' to read ''Class A, B, or C radioactive waste.''

Dated at Rockville, Maryland, this 27th day of February 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2017–04290 Filed 3–3–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0054]

Request for a License To Export Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Update of export license application and extension of comment period; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on February 16, 2017, regarding a request for a license to export radioactive waste. This action is necessary in order to provide the correct Agencywide Document Access and Management System accession number for the export license application.

DATES: The correction is effective March 6, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0054 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–2017–0054. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) 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.*

• *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: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–9072, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on February 16, 2017, (82 FR 10919–10920), within the NRC Export License Application—ADAMS Accession No., correct ''ML17024A266'' to read ''ML17024A270.''

Dated at Rockville, Maryland, this 27th day of February 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2017–04291 Filed 3–3–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10320; 34–80128]

IFRS Taxonomy for Foreign Private Issuers That Prepare Their Financial Statements in Accordance With International Financial Reporting Standards as Issued by the International Accounting Standards Board

AGENCY: Securities and Exchange Commission.

ACTION: Notice of availability of IFRS Taxonomy.

SUMMARY: The Securities and Exchange Commission (''Commission'') is providing notice that the IFRS Taxonomy has been published on the Commission's Web site as provided for by the EDGAR Filer Manual. Accordingly, the IFRS Taxonomy is available for foreign private issuers to submit their financial statements in XBRL.

DATES: The IFRS Taxonomy was published on the Commission's Web site pursuant to Rule 405 of Regulation S–T on March 1, 2017.

ADDRESSES: The IFRS Taxonomy is available on the Commission's Web site at *https://www.sec.gov/page/derataxonomies.*

FOR FURTHER INFORMATION CONTACT: Mark W. Green, Senior Special Counsel (Regulatory Policy), Division of Corporation Finance, at (202) 551–3430; Robert Sledge or Kevin Vaughn, Office of the Chief Accountant, at (202) 551–5300; or Mike Willis, Assistant Director, Division of Economic and Risk Analysis, at (202) 551–6600, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: On January 30, 2009, the Commission adopted rules to require domestic public companies and foreign private issuers [1] that prepare their financial statements in accordance with U.S. generally accepted accounting principles (U.S. GAAP), and foreign private issuers that prepare their financial statements using International Financial Reporting Standards (IFRS) as issued by the International Accounting Standards Board (IASB), to provide their financial statements to the Commission and on their corporate Web sites, if any, in interactive data format using the eXtensible Business Reporting Language (XBRL).[2] Among other things, the Commission adopted Rule 405 of Regulation S–T, requiring filers to prepare Interactive Data Files that comply with EDGAR Filer Manual requirements.[3] Section 6.3.9 of Volume II of the EDGAR Filer Manual requires use of a taxonomy specified on the Commission's Web site.

The Commission required foreign private issuers that prepare their financial statements in accordance with IFRS as issued by the IASB to begin their submissions in year three of a phase-in period.[4] The Commission believed at that time that, by the phase-in date, the EDGAR system would be able to support an IFRS taxonomy and an IFRS taxonomy would be sufficiently advanced to require its use.[5] Because the Commission had not specified on its Web site an IFRS taxonomy, foreign private issuers that use IFRS as issued by the IASB have not submitted their financial statement information to the Commission in XBRL. In recognition of the fact that it was not possible for foreign private issuers that use IFRS as issued by the IASB to comply with the Interactive Data File requirements until the Commission specified on its Web site a taxonomy for such use, in 2011 the Commission staff stated that foreign private issuers that prepare their financial statements in accordance with IFRS as issued by the IASB were not required to submit to the Commission and post on their corporate Web sites, if any, Interactive Data Files until the Commission specified on its Web site a

[1] *See* 17 CFR 240.3b–4(c).

[2] *See Interactive Data To Improve Financial Reporting,* Release No. 33–9002 (Jan. 30, 2009), 74 FR 6776 (Feb. 10, 2009) (''XBRL Adopting Release'').

[3] 17 CFR 232.405.

[4] *See, e.g.,* 17 CFR 229.601(b)(101).

[5] *See* XBRL Adopting Release, 74 FR at 6785–86.

taxonomy for use by such foreign private issuers in preparing their Interactive Data Files.[6]

On March 1, 2017, the IFRS Taxonomy was specified on the Commission's Web site, as provided by the EDGAR Filer Manual.[7] Accordingly, foreign private issuers that prepare their financial statements in accordance with IFRS as issued by the IASB and are subject to Rule 405 may immediately begin submitting their financial statements in interactive data format. Although existing Rule 405 would require foreign private issuers that prepare their financial statements in accordance with IFRS as issued by the IASB to submit financial data in XBRL upon publication of the taxonomy, the Commission is providing notice that such issuers may first submit financial data in XBRL with their first annual report on Form 20–F or 40–F for a fiscal period ending on or after December 15, 2017.

By the Commission.

Dated: March 1, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–04241 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80122; File No. SR–NYSE–2017–06]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 103B

February 28, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 22, 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 103B, which governs the allocation of securities to Designated Market Makers. The proposed rule change is available on the Exchange's Web site at *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 Exchange proposes to amend Rule 103B, which governs the allocation of securities to DMMs, to streamline the allocation process and facilitate the selection of DMM units by issuers. Specifically, as described in more detail below, the Exchange proposes to:

- Amend Rule 103B(III)(A), which provides for issuer selection of DMM units, to require issuers select all DMM units to interview, permit senior officials at issuers to designate a representative to attend DMM interviews, and eliminate the cap on the number of DMM representatives that can participate in issuer interviews;
- amend Rule 103B(III)(B), which provides for selection of DMM units by the Exchange, to remove the requirement that the Exchange Selection Panel (''ESP'') base its review only on information available to an issuer and reduce the size of the ESP to three Exchange employees designated by the Chief Executive Officer;
- renumber Rule 103B(III)(B)(2), which describes the DMM one year obligation, as new Rule 103B(III)(C) and make certain non-substantive changes to the existing rule text;
- renumber Rule 103B(III)(B)(3), which describes foreign listing considerations, as new Rule 103B(III)(D);
- amend Rule 103B(VI)(D) (1) and (3), governing listed company mergers, to make certain non-substantive changes;
- amend Rule 103B(VI)(F), governing allocation of closed-end management investment companies, to specify that the group of eligible DMM units an issuer listing additional funds can select from also includes DMM units the issuer ''reviewed'' during the initial allocation;
- amend Rule 103B(VI)(G), governing the allocation freeze policy, to replace references to ''specialty stock'' with ''DMM interest''; and
- amend Rule 103B(VI)(H), setting forth the allocation sunset policy, to provide that allocation decisions remain effective for initial public offerings (''IPO'') that list on the Exchange within eighteen months of such decision rather than the current twelve months and to specify that, in situations where the proposed individual DMM is no longer with the selected DMM unit, the company may choose to stay with the selected DMM or be referred to allocation and may interview a replacement individual DMM prior to making that decision.

Current Rule 103B

Rule 103B currently provides two options for the allocation of securities to DMMs: (1) The issuer selects the DMM unit; or (2) the issuer delegates selection of the DMM unit to the Exchange.

If the issuer proceeds under the first option, the listing company selects a minimum of four DMM units to interview.[4] A DMM unit's eligibility to participate in the allocation process is based on objective criteria and determined at the time the interview is scheduled. No more than three representatives of each DMM unit may currently participate in the interview, each of whom must be employees of the DMM unit.[5]

Within five business days after the issuer selects the DMM units to be interviewed, the issuer meets with representatives of each of the DMM units. At least one representative of the listing company must be a senior official of the rank of Corporate Secretary or above of that company. Additionally, no more than three representatives of each DMM unit may participate in the meeting, each of whom must be an employee of the DMM unit, and one of whom must be the individual DMM

[6] *See* SEC No-Action Letter from the Division of Corporation Finance and the Office of the Chief Accountant to the Center for Audit Quality (Apr. 8, 2011), available at *http://www.sec.gov/divisions/corpfin/cf-noaction/2011/caq040811.htm. With the issuance of this notice and the posting of the IFRS taxonomy on the Commission's Web site, the letter is now moot.*

[7] *See* Section 6.3.9 of Volume II of the EDGAR Filer Manual.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Rule 103B(III)(A)(1).

[5] *See* Rule 103B(III)(A)(2)(b).

who is proposed to trade the company's security, unless that DMM is unavailable to appear, in which case a telephone interview is permitted.

Following the interview, a DMM unit may not have any contact with an issuer. If an issuer has a follow-up question regarding any DMM unit(s) it interviewed, it must be conveyed to the Exchange. The Exchange then contacts the unit(s) to which the question pertains and provides any available information received from the unit(s) to the listing company. Within two business days of the issuer's interviews with the DMM units, the issuer selects its DMM unit in writing. The Exchange then confirms the allocation of the security to that DMM unit, at which time the security is deemed to have been so allocated.

If the issuer proceeds under the second option and delegates selection of the DMM unit to the Exchange, the Exchange convenes an ESP to select the DMM unit based on a review of all information available to the issuer. The current ESP must consists of (1) at least one member of the Exchange's Senior Management, as designated by the CEO or his or her designee, (2) any combination of two Exchange Senior Management or Exchange Floor Operations Staff, to be designated by the Executive Vice-President of Exchange Floor Operations or his/her designee; and (3) three non-DMM Floor Governors for a total of six members.[6]

Proposed Rule Change

The Exchange proposes the following changes to Rule 103B to streamline the allocation process and facilitate the selection of DMM units by issuers, as follows.

Rule 103B(III)(A)—Issuer Selection of DMM Unit by Interview

Rule 103B(III)(A) is currently titled ''DMM Unit Selected by the Issuer'' and describes the first allocation option, which is selection of a DMM unit by the issuer following interviews.

The Exchange proposes to delete the current title and replace it with ''Issuer Selection of DMM Unit by Interview'' to more specifically delineate the first option.

The Exchange proposes amending subsection (1) of Rule 103B(III)(A), which provides that the issuer shall select a minimum of four DMM units to interview, to require that issuers select all DMM units to interview. To effectuate this change, the Exchange would delete ''a minimum of four'' and add ''all'' after ''select'' and before ''DMM units to interview.'' Requiring issuers to select all DMM units to interview would provide all eligible DMM units with an opportunity to participate in the allocation process, which will lead to an increase in competition without being overly burdensome on the issuer. The Exchange believes that the increase in competition would provide DMM units with a greater incentive to perform optimally. The proposed change would also provide the issuer with more choice in the selection of its assigned DMM unit.

The Exchange also proposes a non-substantive change to Rule 103B(III)(A) to replace ''shall'' with ''must'' before ''select.''

Further, the Exchange proposes amending the first sentence of Rule 103B(III)(A)(2)(b), which provides that issuers meet with DMM units within five business days after the issuer select the DMM units, to add the word ''eligible'' before ''DMM units.''

The Exchange also proposes amending the second sentence of Rule 103B(III)(A)(2)(b), which provides that at least one representative of the listing company must be a senior official of the rank of Corporate Secretary or higher. The Exchange proposes to provide senior officials at the issuer with the option to designate an individual to participate in the meeting on their behalf by adding the clause ''or a designee of such senior official'' at the end of the second sentence of the Rule. The Exchange believes that the proposed change would enable issuers to more efficiently manage the interview process and prevent scheduling conflicts among its most senior executives from unduly delaying the interviews.

Current Rule 103B(A)(2)(b) further provides that no more than three representatives of each DMM unit may participate in the meeting, each of whom must be employees of the DMM unit. The Exchange proposes to eliminate the cap on the number of DMM representatives that can participate in issuer interviews by deleting the phrase ''No more than three'' before ''representatives of each DMM unit'' and capitalize the ''r''. The Exchange believes that the current cap on number of representatives from the DMM unit limits the ability of a DMM unit to assess who may be best suited to attend an interview with an issuer. The Exchange further believes that providing DMM units with greater flexibility in determining how many people to bring to an interview would enable the DMMs to make that determination as necessary.

The Exchange also proposes to make participation by representatives of the DMM units mandatory by deleting ''may'' before ''participate in the meeting'' and replacing it with ''must.''

In addition, the Exchange proposes to specify that employees of a member organization operating a DMM unit are permitted to attend allocation interviews by adding ''member organization operating a'' before ''DMM unit.'' Under Exchange Rules, a ''DMM unit'' can be operated as either a stand-alone member organization or as a trading unit within a member organization.[7] The proposed change would enable senior management of a broker-dealer operating a DMM unit to be eligible to participate in allocation interviews.

Finally, the Exchange proposes to delete the heading of Rule 103B(III)(A)(3), which is currently ''Issuer's Selection of DMM Unit,'' and subpart (a). The text of current Rule 103B(III)(A)(3)(a) would become the text of new Rule 103(III)(A)(3) and would be amended to replace references to ''shall'' with ''will'' in two places and ''shall then'' with ''will'' in another.

Rule 103B(III)(B)—Exchange Selection of DMM Unit by Delegation

Rule 103B(III)(B) is currently titled ''DMM Unit Selected by the Exchange'' and sets forth the second allocation option, which is selection of a DMM unit by the Exchange by delegation from the issuer.

The Exchange proposes to delete the current title and replace it with ''Exchange Selection of DMM Unit by Delegation'' to more accurately delineate the second option. As discussed below, the Exchange proposes various changes to Rule 103B(III)(B) to further delineate selection of a DMM unit based on delegated authority from the issuer and distinguish it from direct issuer selections under Rule 103B(III)(A).

The Exchange proposes to amend subsection (B)(1) to remove the clause providing that ESP selection of a DMM unit be ''based on a review of all information available to the issuer.'' The proposed change would enable the ESP to consider confidential statistical or market quality data for each eligible DMM unit that is only available to the Exchange. The Exchange believes that enabling the ESP, which as discussed below would be composed of Exchange staff only, to consider such information in its selection of a DMM unit on behalf of an issuer would facilitate more informed and objective decisions and

[6] *See* Rule 103B(III)(B)(1).

[7] *See* Rules 2(j) and 98(b)(1).

would expedite the allocation, and ultimately the trading, of securities on the Exchange.

Relatedly, the Exchange proposes to reduce the size of the ESP to three Exchange employees designated by the Chief Executive Officer in order to streamline the ESP selection process and the operations of the ESP itself. The Exchange believes that limiting the ESP to Exchange employees would be appropriate given that the ESP would have access to highly confidential statistical or market quality data about DMM firms that would be inappropriate to share with non-Exchange employees.

Further, the second paragraph of current Rule 103B(III)(B)(1) would become Rule 103B(III)(B)(2). The Exchange proposes to specify in this provision that the ESP would select the DMM unit and remove the clause providing that the ESP select the DMM unit ''pursuant to the provisions of 103B(III)(A) above'' as unnecessary.

The second paragraph of current Rule 103B(III)(B)(1) would become Rule 103B(III)(B)(3). The Exchange proposes to remove the clause providing that tie votes are decided by the CEO of the Exchange or his or her designee as unnecessary given that the proposed three-person ESP could not deadlock. The Exchange also proposes non-substantive changes to the remainder of this paragraph to clarify that selection of the ESP selects the DMM unit and to replace ''shall'' with ''will'' in three places.

Current Rule 103B(III)(B)(2), governing the DMM one-year obligation, would become Rule 103B(III)(C). The first sentence would be deleted as unnecessary in order to streamline the Rule. The text of the Rule would also be amended to replace ''shall be'' with ''with'' before ''required.''

Finally, current Rule 103B(III)(B)(3), governing foreign listing considerations, would become Rule 103B(III)(D).

Rule 103B(VI)—Policy Notes

The Exchange proposes the following changes to Rule 103B(VI).

First, the last sentence of subsections (1) and (3) of Rule 103B(VI)(D) (Listed Company Mergers) would be amended to delete an extra period in each.

Second, Rule 103B(VI)(F) (Allocation of Group of Closed-End Management Investment Companies) would be amended to specify that an issuer listing additional funds within nine months from the initial listing may select a different DMM unit from the group of eligible DMM units that the issuer interviewed or reviewed in the allocation process. The current Rule only references DMM units that the issuer has ''interviewed.'' Including ''or reviewed'' in the proposed Rule would explicitly cover allocations made by delegation to the Exchange under option two where an issuer reviewed but may not have formally interviewed a DMM unit.

Second, Rule 103B(VI)(G) (Allocation Freeze Policy) would be amended to remove outdated references to Exchange Rules 475 or 476, which have been replaced by the Rule 8000 and 9000 Series references in the Rule. Further, the Exchange proposes to replace the two outdated references to ''specialty stock'' with ''DMM security.'' [8]

Finally, the Exchange proposes to amend Rule 103B(VI)(H) (Allocation Sunset Policy) to extend the period an allocation decision remains binding on an IPO listing from twelve to eighteen months of such decision. The proposed change would provide listing issuers with greater flexibility when an IPO is postponed before being referred for allocation through the allocation process pursuant to NYSE Rule 103B(III).

The Exchange also proposes to amend the Rule to cover the contingency where the individual DMM selected by an issuer to trade its securities is no longer with the selected DMM unit during the period that allocation decisions remain effective. The Exchange proposes to permit a company in that circumstance to choose whether to stay with the selected DMM unit or be referred to allocation. Further, the Exchange proposes to provide the company with the choice of interviewing a replacement DMM from that DMM unit prior to deciding whether to stay with the selected DMM unit or be referred to allocation. Finally, the Exchange proposes to replace one reference to ''shall'' in the last sentence of the Rule with ''will.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, as follows.

The Exchange believes that the proposed amendments to Rule 103B(III)(A)(1) to provide that issuers interview all DMMs would promote just and equitable principles of trade because no eligible DMM unit would be excluded from the issuer interview. Additionally, the Exchange believes that the proposal is designed to remove impediments to, and perfect the mechanism of a free and open market and a national market system, because it would lead to increased competition without being overly burdensome on issuers and would provide issuers with greater choice in the selection of a DMM unit. The Exchange believes that the increase in competition would also provide DMM units with a greater incentive to perform optimally.

The Exchange believes that the proposed amendments to Rule 103B(III)(A)(2)(b) to permit senior officials at issuers to designate a representative to attend DMM interviews would remove impediments to, and perfect the mechanism of a free and open market, by allowing issuers to more efficiently manage the interview process and prevent scheduling conflicts from unduly delaying interviews and the assignment of securities to DMM units, which ultimately facilitates the fair and orderly trading in the subject security.

The Exchange believes that the additional proposed amendments to Rule 103B(III)(A)(2)(b) to eliminate the cap on the number of DMM representatives that can participate in issuer interviews, making participation by representatives of the DMM units in such interviews mandatory, and permitting employees of a member organization operating a DMM to attend allocation interviews, is designed to remove impediments to, and perfect the mechanism of a free and open market, because it would give issuers greater exposure to management and other staff at the proposed DMM units and provide them with more information about the firms during the interview, thus enhancing the value of the interviews for issuers and facilitating their choice of DMM.

The Exchange believes that the proposed amendments to Rule 103B(III)(B)(1) to remove the requirement that the ESP base its review on information available to the issuer would remove impediments to, and perfect the mechanism of a free and open market, by enabling the ESP consider confidential statistical or market quality data for each eligible DMM unit that is only available to the

[8] As defined in Rule 98(b)(2), the term ''DMM securities'' means any securities allocated to the DMM unit pursuant to Rule 103B or other applicable rules.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

Exchange, thereby facilitating more informed and objective decisions by the ESPs on behalf of issuers. Similarly, the Exchange believes that the proposed amendments to Rule 103B(III)(B)(1) reducing the size of the ESP to three Exchange employees designated by the Chief Executive Officer would streamline and facilitate the process of assigning securities to DMM units by allowing for more flexibility in composing the ESP, which ultimately facilitates and expedites the allocation and ultimately the trading of securities on the Exchange.

The Exchange believes that the amendments to Rule 103B(VI)(H) extending the sunset period from twelve to eighteen months will foster cooperation and coordination with person engaged in facilitating securities transactions and will remove impediments to a free and open market because it recognizes that all IPOs may not be brought to market in a twelve month period and avoids repeating administrative steps in the listing process, thereby promoting efficient use of the Exchange's resources. The proposed rule change also remove impediments to, and perfect the mechanism of a free and open market, by providing issuers with a greater opportunity for input in the allocation process.

Finally, the Exchange's proposal to make various technical, non-substantive changes to the text of Rules 103B(III) and (VI)—renaming headings and section renumbering, replacing ''shall'' with ''will,'' deleting extraneous punctuation, deleting redundant and unnecessary clauses, adding clarifying text and updated references, and replacing outdated references—adds clarity and transparency to the Exchange's Rules and reduces potential investor confusion, which would remove impediments to and perfect the mechanism of a free and open market and a national market system.

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 Act. The Exchange believes that the proposed changes would increase competition among DMM units by allowing more DMM units to participate in the interview process and provide DMM units with a greater incentive to perform optimally potentially and enhance the quality of the services DMMs provide to issuers. Further, the Exchange believes that the proposed changes would not be burdensome to issuers. Further, even assuming an increase in the burden on issuers during the allocation process resulting from the proposed changes, the Exchange believes that any such increased burden will be small relative to the benefits that additional competition between DMM units may provide. Issuers could, moreover, permit the Exchange to select the DMM unit pursuant to the process found in NYSE Rule 103B(III)(B).

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6)(iii) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such 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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[17] of the Act 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.* Please include File Number SR–NYSE–2017–06 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–2017–06. 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

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] 15 U.S.C. 78s(b)(2)(B).

available publicly. All submissions should refer to File Number SR–NYSE–2017–06 and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04206 Filed 3–3–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80117; File No. SR–NYSEMKT–2017–09]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the Co-Location Services Offered by the Exchange Adding a Wireless Connection to Toronto Stock Exchange (TSX) Third Party Data

February 28, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 15, 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 the Substance of the Proposed Rule Change

The Exchange proposes to change the co-location services offered by the Exchange to include a means for co-located Users to receive the Toronto Stock Market market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the NYSE MKT Equities Price List (''Price List'') and the NYSE Amex Options Fee Schedule (''Fee Schedule'') related to the proposed service. The proposed rule change is available on the Exchange's Web site at *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 change the co-location[4] services offered by the Exchange to include a means for Users[5] to have access to the Toronto Stock Exchange market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the Exchange's Price List and Fee Schedule related to the proposed service.

The Exchange provides Users with wireless connections to seven market data feeds or combinations of feeds from third party markets (the ''Existing Third Party Data'').[6] The Exchange now proposes to add to its Price List and Fee Schedule a new market data feed from the Toronto Stock Exchange (such feed, ''TSX'' and, together with the Existing Third Party Data, the ''Third Party Data'').

Through a new affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the colocation center in the Data Center. The proposed rule change would become operative when the Exchange acquires such new affiliate (the ''Acquisition''), expected to be no later than June 30, 2017. The Exchange will announce the date that the wireless connection to the TSX will be available through a customer notice.

To receive TSX, the User would enter into a contract with the Toronto Stock Exchange, which would charge the User the applicable market data fees for TSX. The Exchange would charge the User fees for the wireless connection for TSX.[7]

For each wireless connection to TSX, a User would be charged a $5,000 non-recurring initial charge and a monthly recurring charge (''MRC'') of $8,500. The Exchange proposes to revise its Price List and Fee Schedule to reflect fees related to the connection to TSX.

As with the Existing Third Party Data, if a User purchased two wireless connections, it would pay two non-recurring initial charges. The wireless connection would include the use of one port for connectivity to TSX. A User would not pay a fee for the use of such port. However, a User would not be able to use the same port that it uses for connectivity to TSX to connect to Existing Third Party Data. Accordingly, a User that connects to both TSX and Existing Third Party Data would have at least two ports.[8]

As with the previously approved wireless connections to Third Party Data, the Exchange proposes to waive the first month's MRC, to allow Users to test the receipt of TSX for a month before incurring any MRCs.

The company which the Exchange expects to acquire in the Acquisition currently provides wireless connections to TSX to customers who are also Users (the ''Existing Customers''). The Exchange would not charge such Existing Customers the non-recurring initial charge or waive the first month's

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80). The Exchange operates a data center in Mahwah, New Jersey (the ''Data Center'') from which it provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). As specified in the Price List and Fee Schedule, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC (''NYSE LLC'') and NYSE Arca, Inc. (''NYSE Arca''). *See* Securities Exchange Act Release No. 70176 (August 13, 2013), 78 FR 50471 (August 19, 2013) (SR–NYSEMKT–2013–67).

[6] *See* Securities Exchange Act Release Nos. 76750 (December 23, 2015), 80 FR 81648 (December 30, 2015) (SR–NYSEMKT–2015–85) (''Wireless Approval Release''); 78376 (July 21, 2016), 81 FR 49311 (July 27, 2016) (SR–NYSEMKT–2016–70).

[7] A User would only receive TSX if it had entered into a contract with the Toronto Stock Exchange.

[8] If a User purchases a wireless connection to TSX, that connection would include the use of one port for connectivity to TSX. If the same User connects to Existing Third Party Data, it would receive the use of one port for connectivity to the Existing Third Party Data. It would not be separately charged for such ports. A User only requires one port to connect to the Existing Third Party Data, irrespective of how many of the wireless connections it orders. It may purchase additional ports. *See* Wireless Approval Release, at 81649.

MRC for their wireless connection to TSX.

The Exchange proposes to offer the wireless connection to provide Users with an alternative means of connectivity for TSX. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the internet protocol (''IP'') network.[9]

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis; [10] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed service is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers because the wireless connection to TSX would provide Users with an alternative means of connectivity to TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections to TSX would receive the TSX that is available to all Users, as all market participants that contract with Toronto Stock Exchange for TSX may receive it.

The Exchange believes that this removes impediments to, and perfects the mechanisms of, a free and open market and a national market system and, in general, protects investors and the public interest because it would provide Users with choices with respect to the form and optimal latency of the connectivity they use to receive TSX, allowing a User that opts to receive TSX to select the connectivity and number of ports that better suit its needs, helping it tailor its Data Center operations to the requirements of its business operations.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fees changes are consistent with Section 6(b)(4) of the Act for multiple reasons. The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange.

The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same products and services are available to all Users). All Users that voluntarily select wireless connections to TSX would be charged the same amount for the same services and would have their first month MRC for wireless connections waived.

The Exchange believes that the proposed charges are reasonable, equitably allocated and not unfairly discriminatory because the Exchange proposes to offer the wireless connection to TSX described herein as a convenience to Users, but in order to do so must provide, maintain and operate the Data Center facility hardware and technology infrastructure. The Exchange must handle the installation, administration, monitoring, support and maintenance of such services, including by responding to any production issues. Since the inception of co-location, the Exchange has made numerous improvements to the network hardware and technology infrastructure and has established additional administrative controls. The Exchange has expanded the network infrastructure to keep pace with the increased number

[9] The IP network is a local area network available in the data center. *See* Securities Exchange Act Release No. 74220 (February 6, 2015), 80 FR 7894 (February 12, 2015) (SR–NYSEMKT–2015–08) (notice of filing and immediate effectiveness of proposed rule change to include IP network connections).

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSEMKT–2013–67, *supra* note 5 at 50471. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2017–05 and SR–NYSEArca–2017–18.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4), (5).

[14] 15 U.S.C. 78f(b)(4).

of services available to Users. Specifically, in order to offer wireless connections, the Exchange must install, test, maintain and operate the wireless equipment.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that has already purchased wireless connections to other Third Party Data would be charged a non-recurring charge when it purchases a wireless connection to TSX, because it would allow the Exchange to defray or cover certain costs it incurs in installing the wireless connection to TSX, which costs it incurs irrespective of whether the User has existing wireless connections to Third Party Data, while providing the User the benefit of the installation, which would allow it to receive TSX within co-location and with a lower latency over the fiber optics option. To do the initial installation, the Exchange must provide the personnel required for initial installation and testing. The costs associated with installing wireless connections are incrementally higher than those associated with installing fiber optics-based solutions.

The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not be subject to the non-recurring initial charge, because such User's wireless connection to TSX would be in place at the time of the Acquisition, and the Exchange would not have to install the wireless connection.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that connects to both TSX and Existing Third Party Data may not use the same port for connectivity to both, and so would have at least two ports, because the proposed wireless connection would include the use of one port for connectivity to TSX and the Existing Third Party Data includes the use of one port for connectivity to Existing Third Party Data. A User would not pay a separate fee for using such ports.

The Exchange believes the proposed pricing for the wireless connection to TSX is reasonable because it would allow the Exchange to defray or cover the costs associated with offering Users a wireless connection to TSX while providing Users the benefit of receiving TSX within co-location and with a lower latency over the fiber optics option. The wireless connection for TSX allows Users to select the TSX connectivity option that better suits their needs.

The Exchange believes that the proposed waiver of the first month's MRC is reasonable and not unfairly discriminatory as it would allow Users to test the receipt of TSX for a month before incurring any monthly recurring fees and may act as an incentive to Users to connect to TSX. The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not have its first month's MRC for the wireless connection waived, as such User's wireless connection to TSX would be in place prior to the Acquisition, and therefore would not need to be tested. From the perspective of the Existing Customer, the wireless connection to TSX would continue without interruption, before and after the Acquisition.

Moreover, the fees are equitably allocated, reasonable and not unfairly discriminatory because the wireless connection for TSX would provide Users with an alternative means of connectivity for TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections for TSX would receive the TSX that is available to all Users, as all market participants that contract with the Toronto Stock Exchange for TSX may receive it.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, in addition to the proposed services being completely voluntary, they are available to all Users on an equal basis (*i.e.* the same products and services are available to all Users).

The Exchange believes that allowing Users to receive TSX through a wireless connection will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because such access will satisfy User demand for additional options for connectivity to TSX. The proposed wireless connection to TSX would compete with fiber optic network connections to TSX, which may be more attractive to some Users as they are more reliable and less susceptible to weather conditions. Users that do not opt to utilize the proposed wireless connection would be able to obtain TSX through other methods, including, for example, from another User, through a telecommunications provider, or over the IP network.[16] In this way, the proposed changes would enhance competition by helping Users tailor their connectivity for TSX to the needs of their business operations by allowing them to select the form and optimal latency of the connectivity they use to receive TSX that best suits their needs, helping them tailor their Data Center operations to the requirements of their business operations.

Through an affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the co-location center in the Data Center. The proposed connection to TSX will not traverse through the pole on the grounds of the Data Center utilized for the Existing Third Party Data, as the wireless network utilized for the Existing Third Party Data has exclusive rights to operate wireless equipment on the Data Center pole.[17]

Finally, the Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-

[15] 15 U.S.C. 78f(b)(8).

[16] Currently, at least four third party vendors offer Users wireless network connections using wireless equipment installed on towers and buildings near the data center. The Exchange does not believe that any of such vendors offer Users connections to TSX, but is not aware of any impediment to a third party wireless network doing so.

[17] The Exchange will not sell rights to third parties to operate wireless equipment on the Data Center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together. In addition to space issues, there are contractual restrictions on the use of the roof that the Exchange has determined would not be met if it offered space on the roof for third party wireless equipment. Moreover, access to the pole or roof is not required for third parties to establish wireless networks that can compete with the Exchange's proposed service, as witnessed by the existing wireless networks currently serving Users.

location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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 [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19] A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[20] Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.[21]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that waiver of the operative delay will ensure that Existing Customers are able to continue their existing wireless connectivity to TSX after the Acquisition, without any cessation of service. The Commission believes that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay and hereby waives the 30-day operative delay and designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of such 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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act [23] 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.* Please include File No. SR–NYSEMKT–2017–09 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 No. SR–NYSEMKT–2017–09. 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 No. SR–NYSEMKT–2017–09, and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04201 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(a)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *Id.*

[22] 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).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80120; File No. SR–NASDAQ–2017–015]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Adopt Rule 7017

February 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 adopt Rule 7017 to enhance the level of information provided to a member acting as the stabilizing agent for a follow-on offering of additional shares of a security that is listed on Nasdaq.[3]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.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

Nasdaq is proposing to adopt Rule 7017 to enhance the level of information provided to a member acting as a Stabilizing Agent for a Follow-On Offering. A Follow-On Offering occurs when an issuer of a security listed on Nasdaq conducts an underwritten public offering of additional shares of the same security.[4] As is the case with an initial public offering (''IPO''), shares are allocated to investors by the underwriter or underwriting syndicate through a book-building process prior to the day of the offering. However, since the security is already listed and trading in the public markets, the security is not subject to a unique process to establish its initial price following the offering. Rather, the security opens for trading as it would on any other day, with trading during a pre-market period commencing at 4:00 a.m. and an auction process—the Nasdaq Opening Cross (the ''Cross'')—that occurs at approximately 9:30 a.m. at the beginning of the regular trading session for the security.

As is the case with an IPO, however, the Stabilizing Agent—usually the lead underwriter—engages in permissible ''stabilizing'', as defined in Rule 100 under Regulation M,[5] for the offering. As provided by Rule 104 under Regulation M,[6] stabilizing of an offering is permitted only to the extent that the person engaging in the activity complies with the limitations described in that rule. These limitations include a requirement that stabilizing must be solely for the purpose of preventing or retarding a decline in the market price of the security, limitations on the maximum price of a stabilizing bid, and a requirement that a syndicate engaging in an offering maintain no more than one stabilizing bid at the same price and time in a given market.

In the case of a Follow-On Offering, the Stabilizing Agent may enter a stabilizing bid into the market for the purpose of supporting the price of the security on the day of the offering. Thus, the Stabilizing Agent stands ready during the course of the day to commit its capital in support of the Follow-On Offering Security, buying from investors that wish to sell the security to realize short-term gains (or to minimize short-term losses). The Stabilizing Agent thereby serves to dampen volatility in the security and promote the maintenance of a fair and orderly market. In particular, the Stabilizing Agent may enter a stabilizing order in the Cross to dampen volatility at the open, and may enter orders on behalf of customers seeking to buy or sell in the Cross. Because the function performed by the Stabilizing Agent is unique on the day of the offering, Nasdaq has concluded that providing additional information about pre-opening interest in the Follow-On Offering Security to the Stabilizing Agent will help it to optimize the opening of the stock and manage its own risk, thereby assisting in promoting a fair and orderly market. Accordingly, Nasdaq is proposing to introduce the Follow-On Offering Indicator Service (the ''Service''), a specialized data product that will be made available solely to the Stabilizing Agent.

In advance of the Cross for all securities, including securities that are the subject of a Follow-On Offering, Nasdaq disseminates the Order Imbalance Indicator, an electronic message containing information about the possible price and volume of the Cross. (The Order Imbalance Indicator is described in Rule 4752, and is often referred to as the ''Net Order Imbalance Indicator,'' or ''NOII''.) The NOII is disseminated to market participants every five seconds, beginning at 9:28 a.m. and concluding with the Cross at approximately 9:30 a.m. The Service would, in addition, make the same information contained in the NOII available to the Stabilizing Agent, every five seconds beginning at 9:20 a.m. until the time of the Cross. Specifically, as provided in Rule 4752, the information provided by the NOII includes the Current Reference Price,[7] the number of shares eligible for execution in the Cross that are paired at the Current Reference Price, the size of any Imbalance,[8] the buy or sell direction of any Imbalance, indicative prices at which the Cross would occur at that time and the percentage by which such prices are outside the current Nasdaq Market Center best bid or best offer,[9] and an indication of whether marketable buy or sell orders would remain unexecuted.

In addition, beginning at 9:20 a.m., the Service will provide the Stabilizing Agent with additional information about the shares that it has entered for potential execution in the Cross, similar to the information currently provided through Nasdaq's IPO Indicator Service with respect to the Nasdaq Halt Cross for an IPO. Specifically, the Service will provide the total number of shares

[3] Proposed Rule 7017 defines ''Stabilizing Agent,'' in pertinent part, as ''a Nasdaq member that will engage . . . in stabilizing with respect to a security that is the subject of a Follow-On Offering on the day of such offering'', and defines ''Follow-On Offering'' as ''a public offering of additional shares of a security that is already listed on Nasdaq.''

[4] Proposed Rule 7017 defines ''Follow-On Offering Security'' as ''a security that is the subject of a Follow-On Offering.''

[5] 17 CFR 242.100.

[6] 17 CFR 242.104.

[7] *See* Rule 4752(a)(2)(A). The Current Reference Price is the single price that is at or within the current Nasdaq Market Center best bid and offer that satisfies stated criteria used to determine the price at which the Cross ultimately would occur, focused on maximizing order interaction.

[8] *See* Rule 4752(a)(1). An Imbalance is the number of shares to buy or sell entered for participation in the Cross—specifically, Market on Open (''MOO'') orders, Limit on Open (''LOO'') orders, and regular market hour orders entered prior to 9:28 a.m. (''Early Market Hours orders'')—that may not be matched with other eligible orders at the Current Reference Price.

[9] *See* Rule 4752(a)(2)(E). In contrast to the Current Reference Price, which signals a price within the Nasdaq best bid and offer at which order interaction would be maximized, the indicative prices signal the extent to which orders on the book may cause the Cross to occur at a price outside the current bid and offer. Accordingly, it signals the extent to which additional trading interest entered for potential execution in the Cross may alter the final execution price of the Cross. The indicative prices consist of the ''Near Clearing Price,'' which is the price at which MOO orders, LOO orders, Opening Imbalance Only (''OIO'') orders, Early Market Hours orders, and other orders and quotations on the Nasdaq Book (''Open Eligible Interest'') may execute, and the ''Far Clearing Price,'' which is the price at which MOO orders, LOO orders, OIO orders and Early Market Hours orders may execute.

entered by the Stabilizing Agent for potential execution in the Cross,[10] the price and buy or sell direction of Follow-On Offering Shares, the number and execution price of buy and sell Follow-On Offering Shares that would be executed in the Nasdaq Opening Cross if it were to price based on the most recent NOII information, and the number of buy and sell Follow-On Offering Shares that would not be executed at the price. The Stabilizing Agent will be able to organize this information on an order-by-order basis, or group it together into blocks of orders designated by the Stabilizing Agent. Nasdaq is not proposing at this time to provide the Stabilizing Agent for a Follow-On Offering with aggregated order book information of the sort that is currently provided through the IPO Book Viewer to the Stabilizing Agent for an IPO.[11]

Nasdaq believes that providing this information to the Stabilizing Agent will assist it in performing its obligations with respect to the maintenance of a fair and orderly market by giving it more time in which to understand the forces of supply and demand for the Follow-On Offering Security in advance of its opening. This information will, in turn, allow the Stabilizing Agent to respond in a more informed manner to questions from customers and other market participants regarding expectations that an order to buy or sell with a stated price and size may be executable in the Cross. The information will also assist the Stabilizing Agent in making decisions about the appropriate level of capital to commit to support the security once trading commences. Once the Cross executes, the Service will cease to be available, since the information provided is relevant only to the Cross; similar information will not be provided to the Stabilizing Agent with respect to the Nasdaq Closing Cross on that day. Thus, the Stabilizing Agent will not be provided with any information not available to other market participants once the Cross occurs. In proposing to make the information provided through the Service available solely to the Stabilizing Agent, Nasdaq seeks to recognize and support the special obligations and risks undertaken by the Stabilizing Agent, but also to recognize that the market conditions of a Follow-On Offering are not the same as those of an IPO, because the Follow-On Offering Security has an established trading market that is not halted while the Follow-On Offering is occurring. As a result, Nasdaq is seeking to strike a balance between supporting the Stabilizing Agent and the orderly trading of the Follow-On Offering Security without unduly altering the usual process for the daily opening of trading. While Nasdaq believes that the Service as proposed will adequately support the Stabilizing Agent, Nasdaq reserves the right to propose enhancements to the Service in the future based on experience.

Nasdaq believes that the information to be provided through the Service is similar in purpose to the information available to the stabilizing agent for a follow-on offering of a security listed on the New York Stock Exchange (''NYSE''). Currently, as provided in NYSE Rule 104(j), the Designated Market Maker (''DMM'') for a security has access to aggregated and certain order-specific information about securities for which it is the DMM at all times, including at the time of a follow-on offering. Moreover, the DMM is permitted to share this information with floor brokers to ''respond to an inquiry . . . in the normal course of business.'' [12] When a follow-on offering is being conducted at NYSE, the DMM therefore has access to aggregated order book information and is free to share it with the floor broker for the firm acting as stabilizing agent for the offering.[13] Thus, the stabilizing agent may use the information to respond to requests from its customers and others regarding expectations about the offering, and may use the information to inform decisions about committing capital in support of the offering. In fact, information from the DMM remains available not only prior to market open, but throughout the trading day. By providing a Stabilizing Agent on Nasdaq with early access to the NOII, as well as information about how the Stabilizing Agent's orders might perform in the Opening Cross, Nasdaq will provide the Stabilizing Agent with insights into the condition of the Nasdaq order book leading up to the Opening Cross. Thus, although the Service will not provide aggregated or order-specific information in exactly the same manner as is possible under Rule 104(j), Nasdaq believes that the Service will allow it to provide benefits to Stabilizing Agents for Follow-On Offerings conducted on Nasdaq similar in effect to those provided for offerings on NYSE, without altering the competing market maker model that Nasdaq employs.

Since the information provided through the Service will be directly available only to the Stabilizing Agent, Nasdaq believes that it is appropriate to adopt safeguards in order to ensure that the information is not misused. The safeguards will be identical to those adopted with respect to the IPO Book Viewer. Specifically, the proposed rule will require the Stabilizing Agent receiving the Service to maintain and enforce written policies and procedures reasonably designed to achieve the following purposes:

- Restrict electronic access [14] to information from the Service only to associated persons of the Stabilizing Agent who need to know the information in connection with stabilizing the Follow-On Offering Security and establishing its opening price;
- Except as may be required for purposes of maintaining books and records for regulatory purposes,[15] prevent the retention of information from the Service following the completion of the Cross for the Follow-On Offering Security;
- Prevent persons with access to information from the Service from engaging in transactions in the Follow-On Offering Security other than transactions in the Cross; transactions on behalf of a customer; or stabilizing. Thus, for example, the Stabilizing Agent or its affiliates would not be permitted to use the information to engage in proprietary trading other than in support of *bona fide* stabilizing activity.

However, for the avoidance of doubt regarding appropriate uses of the information, the proposed rule will also provide that nothing contained in the rule shall be construed to prohibit the member acting as the Stabilizing Agent from (i) engaging in stabilizing consistent with that role, or (ii) using the information provided from the Service to respond to inquiries from any person, including, without limitation, other members, customers, or associated persons of the Stabilizing Agent, regarding the expectations of the member acting as the Stabilizing Agent with regard to the possibility of executing stated quantities of an offering security at stated prices in the Cross. Because the Service will provide the

[10] Proposed Rule 7017 would define ''Follow-On Offering Shares'' as ''the shares of a Stabilizing Agent's orders entered for its own account or on behalf of customers for potential execution in the Nasdaq Opening Cross with respect to a Follow-On Offering Security.''

[11] *See* current Rule 7015(j), to be redesignated as Rule 7017(b). The IPO Book Viewer provides the total number, and aggregate size, of orders on the book, grouped in increments of either $0.05, $0.10, or $0.25 at the election of the stabilizing agent.

[12] NYSE Rule 104(j)(iii).

[13] *Id.*

[14] As discussed below, electronic access to the Service will be available on a displayed basis only.

[15] *See, e.g.,* SEC Rule 17a–4(a)(4), 17 CFR 240.17a–4(a)(4).

Stabilizing Agent with insights into the state of the Nasdaq order book in the period prior to the Cross, Nasdaq believes that the proposal is similar in effect to availability of information to the stabilizing agent for a follow-on offering on NYSE. Nasdaq further believes that the permitted uses of the information to be made available through the Service are entirely consistent with established practices at NYSE, under which the DMM may display aggregated order book information to the floor broker acting as stabilizing agent, who is then free to discuss this information with other members, customers, and associated persons of the stabilizing agent.

The information provided through the Service will be available solely for display on the screen of a computer for which an entitlement has been provided by Nasdaq. Under no circumstances may a member redirect such information to another computer or reconfigure it for use in a non-displayed format, including, without limitation, in any trading algorithm. If a member becomes aware of any violation of the restrictions contained in the proposed rule, it must report the violation promptly to Nasdaq.

The Service will be provided free of charge through the IPO Workstation, and at no additional charge to users of the Nasdaq Workstation. Although Nasdaq may, in the future, institute a charge for the Service, it is not proposing a fee at this time. The proposed rule change also moves provisions of Rule 7015 pertaining to the IPO Workstation, the IPO Indicator Service, and the IPO Book Viewer from that rule into proposed Rule 7017. In making this change, Nasdaq is adopting a more detailed description of the information currently provided through the IPO Indicator Service,[16] but is not proposing any substantive changes to the rule or to the operation of the facilities in question. The new language states that:

- The IPO Indicator Service provides Order Imbalance Indicator information for an IPO Security, as described in Rule 4753(a)(3), and
- The IPO Indicator Service provides the total number of a member firm's IPO Shares,[17] the price and buy or sell direction of such IPO Shares, the number and execution price of buy and sell IPO Shares that would be executed in the Nasdaq Halt Cross if the Nasdaq Halt Cross were to price based on the most recent Order Imbalance Indicator information, and the number of buy and sell IPO Shares that would not be executed at that price.
- A member may organize order information by order or order block.
- The IPO Indicator Service is available as an element of the Nasdaq Workstation Trader, subject to the fees provided for under Rule 7015. Alternatively, the IPO Indicator Service is available through a standalone Nasdaq IPO Workstation, at no cost.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act [18] in general, and furthers the objectives of Section 6(b)(5) [19] in particular, in that the proposal 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 mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Nasdaq further believes that the introduction of the Service without a fee at this time is consistent with Sections 6(b)(4) and (5) of the Act,[20] in that it provides for the equitable allocation of reasonable dues, fees and other charges among recipients of Nasdaq data and is not designed to permit unfair discrimination between them.

Nasdaq believes that the proposed rule change will promote the goals of the Act by assisting the Stabilizing Agent for a Follow-On Offering Security in promoting a fair and orderly market. Specifically, by providing additional information regarding possible pricing and order execution outcomes for the Cross, the Service will give the Stabilizing Agent information that will assist it in achieving a range of goals. By being able to share such information with other members and customers, the Stabilizing Agent will enable greater participation in the Cross because it will be able to provide more certain information about the ability of investors to execute Orders at particular sizes and prices. Moreover, having greater knowledge about possible outcomes of the Cross prior to its execution will enable the Stabilizing Agent to make more informed decisions about the extent of capital it may need to commit in the Cross and after the commencement of trading in order to stabilize the price of the Follow-On Offering Security and thereby dampen volatility that might undermine investor confidence.

Nasdaq further believes that the restrictions it proposes to impose on the use of the Service will protect against possible misuse of the provided information. Notably, the information will be provided only prior to the completion of the Cross and may not be retained thereafter, except to the extent necessary for record-retention purposes. The information will be disseminated in a display format only and may not be redirected or reconfigured for non-display usage (such as usage by a trading algorithm). Moreover, electronic access to the information will be available only to certain designated individuals with a role in conducting stabilizing activities, and persons with access may not engage in transactions other than stabilizing or transactions in the Cross or on behalf of a customer. As discussed above, the Service is intended to allow the Stabilizing Agent to draw conclusions about the state of the Nasdaq order book prior to the Cross, and is therefore intended to achieve an effect similar to the availability of aggregated order book information under NYSE Rule 104(j). Although the Commission has not expressed any concerns about the availability of aggregated information to DMMs and floor brokers (including stabilizing agents) with whom they share such information on NYSE, Nasdaq believes that the safeguards it proposes around the use of the Service's information by a Stabilizing Agent will provide added assurance to members and the investing public that the Service will not be misused.

Finally, Nasdaq notes that although the Service will be available only to Stabilizing Agents, this limitation is consistent with the protection of investors because the Stabilizing Agent plays a unique role on the day of a Follow-On Offering because it must commit capital in support of the Follow-On Offering Security once trading

[16] Specifically, the new language specifies the exact information provided through the IPO Indicator Service. This information was described in the rule filings that established the IPO Indicator Service, but was not detailed in the rule text. *See* Securities Exchange Act Release No. 73950 (December 29, 2014), 80 FR 268 (January 5, 2015) (SR–NASDAQ–2014–100); Securities Exchange Act Release No. 74041 (January 13, 2015), 80 FR 2762 (January 20, 2015) (SR–NASDAQ–014–110).

[17] Nasdaq is adding a definition of ''IPO Shares,'' to mean ''the shares of a member firm's orders entered for potential execution in the Nasdaq Halt Cross for an IPO Security.'' ''IPO Security'' is defined as ''a security for which the halting and initial pricing procedures described in Rules 4120(c)(8) and (9) and 4753 are available.''

[18] 15 U.S.C. 78f.

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78f(b)(4), (5).

begins. Because the Service will assist the stabilizing agent in performing this function, which is performed by no other broker, Nasdaq believes that it is reasonable to limit access to the Service to the Stabilizing Agent. Moreover, because the Service will cease to be available once the Cross is executed and the information provided therein will quickly become stale, Nasdaq does not believe that access to the information will provide the Stabilizing Agent with any unfair advantage.

Nasdaq believes that the proposal to move provisions of Rule 7015 into Rule 7017 is consistent with the Act because the change is intended to promote a clear understanding of the rule text by including in a single rule all Nasdaq data services that are specifically designed to support the initial trading of securities that are the subject of an IPO or a Follow-On Offering. Nasdaq further believes that the proposal to make the Service available to eligible recipients at no additional charge is reasonable because it will not result in any increase in the costs incurred by a Stabilizing Agent to receive the additional information. Nasdaq further believes that the proposal is consistent with an equitable allocation of fees and not unfairly discriminatory because additional information is being provided to a limited group of potential users in order to assist in the promotion of fair and orderly markets during a Follow-On Offering. Accordingly, the absence of an additional fee is designed to encourage eligible members to accept the information in order to ensure that the goals of the proposal are advanced to the greatest extent possible.

Nasdaq further believes that the non-substantive changes it is making to move information about the IPO Indicator Service from Rule 7015 to new Rule 7017, and to provide additional detail in Rule 7017 about the information available through the IPO Indicator Service, are consistent with the Act because they will promote a clearer understanding of the IPO Indicator Service by members and other interested persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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 Act. In fact, because the Service is intended to provide the Stabilizing Agent with information about the condition of the Nasdaq order book in advance of the Cross, Nasdaq believes that the proposal will help it compete more effectively with NYSE by allowing it to provide to Stabilizing Agents with information that is similar in effect to the information available to stabilizing agents through the NYSE DMM. Accordingly, Nasdaq does not believe that there can be any reasonable objection to the proposal on competitive grounds.

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.* Please include File Number SR–NASDAQ–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–NASDAQ–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–NASDAQ–2017–015 and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04204 Filed 3–3–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80118; File No. SR–IEX–2017–05]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt DEEP, a New Depth of Book Market Data Feed, Rename TOPS Viewer to IEX Data Platform, and Include Depth of Book Market Data Therein

February 28, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 15, 2017, the Investors Exchange LLC (''IEX'' 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

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or the ''Exchange'') is filing with the Commission a proposed rule change to amend Rule 11.330(a)(3) to adopt a new market data product to be known as DEEP, which is an uncompressed data feed that provides aggregated depth of book quotations for all displayed orders for securities traded on IEX, and execution information (*i.e.,* last sale information) for executions on the Exchange. Additionally, the Exchange proposes to amend Rule 11.330(a)(2) in order to change the name of its data feed currently known as TOPS Viewer to IEX Data Platform, and to add aggregated depth of book quotations for up to ten (10) price levels to the IEX Data Platform. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[6]

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.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 the 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 these statement [sic] may be examined at the places specified in Item IV below. The self-regulatory organization 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.330(a)(3) to describe a new market data product to be known as DEEP. Currently, the Exchange offers TOPS, an uncompressed data feed that provides aggregated top of book quotations for all displayed orders resting on the Order Book and execution information (*i.e.,* last sale information) for executions on the Exchange. The data disseminated on TOPS is also available via TOPS Viewer through the Exchange's public Web site. Both TOPS and TOPS Viewer are provided free of charge. Based on informal discussion with market participants and other Users, the Exchange has determined that there is demand for a depth of book feed offering. Accordingly, the Exchange proposes to amend Rule 11.330(a)(3) to offer DEEP. As proposed, DEEP will disseminate, on a real-time basis,[7] aggregated depth of book quotations for all displayed orders resting on the Order Book at each price level for securities traded on IEX (*i.e.,* displayed top of book and full depth of book quotations) and execution information (*i.e.,* last sale information) for executions on the Exchange. DEEP will be provided free of charge.

Consistent with IEX's existing approach whereby data disseminated on TOPS is also available via TOPS Viewer through the Exchange's public Web site, IEX is proposing to continue this paradigm by also providing aggregated depth of book quotations for all displayed orders resting on the Order Book for up to ten (10) price levels that are disseminated through DEEP via the Exchange's public Web site. Accordingly, the Exchange proposes to amend Rule 11.330(a)(2) to modify the name of its data product currently known as TOPS Viewer, and instead title it the IEX Data Platform, to reflect that such platform will provide a suite of data that includes data disseminated by TOPS and a subset of data disseminated by DEEP.

As is the case currently with respect to TOPS and TOPS Viewer, the aggregated best bid and offer (''BBO'') and last sale information disseminated through DEEP and the IEX Data Platform will also be reported under the Consolidated Tape Association (''CTA'') Plan or the Nasdaq/UTP Plan. The Exchange will release such information to DEEP and the IEX Data Platform in compliance with Rule 603(a) of Regulation NMS, which requires that exchanges distribute market data on terms that are ''fair and reasonable'' and ''not unreasonably discriminatory,'' and prohibits an exchange from releasing data relating to quotes and trades to its customers through proprietary feeds before it sends its quotes and trade reports for inclusion in the consolidated feeds.[8]

The Exchange plans to implement the proposed changes during the second quarter of 2017 pending completion of necessary technology changes and subject to effectiveness of this proposed rule change. The Exchange will announce the implementation date of the proposed changes by Trader Alert at least 10 business days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act[9] in general, and with Section 6(b)(5) of the Act,[10] in particular. DEEP will be provided consistent with the purposes of Section 6(b)(5) of the Act.[11] Moreover, the proposed rule change is not designed to permit unfair discrimination among customers, issuers, and brokers; and is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

The proposed rule change is designed to 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 by providing quotation and transaction information to market participants. The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it is designed to protect investors and the public interest and promote just and equitable principles of trade by providing transparency regarding displayed orders in the IEX System, and also provides market participants with the option to receive IEX BBO and last sale information otherwise than under the CTA and Nasdaq/UTP Plans. Further, the proposal would not permit unfair discrimination because the information will be available to all market

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] Rule 11.510(b)(2) describes the application of the POP to outbound communications from the Exchange, which impacts DEEP in the same manner as all other data products offered by the Exchange. Specifically, as specified therein, the POP ''is designed to provide all Participants with an equivalent 350 microseconds of latency from the System at the primary data center to the Exchange-provided network interface at the IEX POP.''

[8] *See* Regulation NMS, 70 FR 37496, 37567 (June 29, 2005) (adopting release); see also Concept Release, 75 FR at 3601 (January 21, 2010).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4), (5).

[11] 15 U.S.C. 78f(b)(5).

participants and market data vendors on an equivalent basis, and without charge. In addition, any market participant that wishes to receive IEX BBO and last sale information via the CTA and Nasdaq/UTP Plans will still be able to do so.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [12] in that it supports (1) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (2) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[13] which provides that any national securities exchange which distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are fair and reasonable and not unreasonably discriminatory. As noted above, the Exchange will provide DEEP to Members and other recipients of Exchange data on terms that are fair and reasonable and not unreasonably discriminatory in that DEEP will be provided free of charge. Furthermore, DEEP would be accessed and subscribed to on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, distributors and subscribers can discontinue their use at any time and for any reason.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange is not proposing to charge a fee for DEEP or the IEX Data Platform, and will make both available to market participants on a fair and impartial basis, and on terms that are not unreasonably discriminatory. In addition, the Exchange believes that providing aggregated depth of book quotations as described above is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system by providing investors with alternative market data, as well as to compete with other exchanges that offer similar market data products, such as those currently offered by the New York Stock Exchange, Inc. (''NYSE''), the Nasdaq Stock Market LLC (''Nasdaq''), and BZX Exchange, Inc. (''Bats'').[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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) [15] of the Act and Rule 19b–4(f)(6) thereunder.[16]

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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [17] of the Act 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.* Please include File Number SR–IEX–2017–05 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–IEX–2017–05. This file number should be included in 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 Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also 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–IEX–2017–05 and should be submitted on or before March 27, 2017.

[12] 15 U.S.C. 78k–1.

[13] *See* 17 CFR 242.603.

[14] *See, e.g.,* Nasdaq Rule 7023(a)(1)(C), which describes the Nasdaq TotalView as a depth-of-book data feed that includes all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center as well as the aggregate size of such orders and quotes at each price level in the execution functionality of the Nasdaq Market Center; *See also* NYSE OpenBook Aggregated, available at *http://www.nyxdata.com/nysedata/Default.aspx?tabid=1421,* which provides a real-time view of the NYSE limit order book including the aggregated size at each price level; *See* Bats Rule 11.22(a) and 11.22(c), which describe the Bats TCP Depth and Multicast Depth feeds as an uncompressed data feed that offers depth of book quotations and execution information based on equity orders entered into the System; *See also* Bats Rule 11.22(m), which describes the BZX Summary Depth feed as a data feed that offers aggregated two-sided quotations for all displayed orders entered into the System for up to five (5) price levels.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04202 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80121; File No. SR–MIAX–2017–09]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Options Rule 519, MIAX Order Monitor

February 28, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2017, Miami International Securities Exchange, LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 Exchange is filing a proposal to amend Exchange Rule 519, MIAX Order Monitor.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, 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 Rule 519, MIAX Order Monitor, to clarify the behavior of the Order Size Protection functionality (defined below) described in paragraph (b) and to make minor, non-substantive changes to the rule as described below. The Exchange also proposes to amend Rule 519 by removing the option for a Member [3] to disable the risk protection features described in paragraphs (b)–(d) of the rule: Order Size Protection, Open Order Protection, and Open Contract Protection, respectively, which are all defined below.

The MIAX Order Monitor is a risk management feature of the Exchange's System.[4] Pursuant to paragraph (b) of Rule 519, the MIAX Order Monitor prevents certain orders from executing or being placed on the Book [5] if the size of the order exceeds the Order Size Protection designated by the Member submitting the order (proposed ''Order Size Protection'').[6] If the maximum size of an order is not designated by the Member, the Exchange will set a default maximum value which will be determined by the Exchange and announced to Members through a Regulatory Circular.[7]

Pursuant to paragraph (c) of Rule 519, the MIAX Order Monitor rejects any orders that exceed the maximum number of open orders held in the System on behalf of a particular Member (the ''Open Order Protection'').[8] If the maximum number of open orders is not designated by the Member, the Exchange will set a default maximum value which will be determined by the Exchange and announced to Members through a Regulatory Circular.[9]

Pursuant to paragraph (d) of Rule 519, the MIAX Order Monitor rejects any orders that cause the number of open contracts represented by orders held in the System on behalf of a particular Member (the ''Open Contract Protection'') [10] to exceed a specified maximum number of contracts. If the maximum number of open contracts is not designated by the Member, the Exchange will set a default maximum value which will be determined by the Exchange and announced to Members through a Regulatory Circular.[11]

The Exchange also proposes to make minor, non-substantive changes to paragraph (b) to make the language clear and consistent with the remainder of the rule. The Exchange proposes to amend the heading of paragraph (b) from ''Order Size Protections'' to ''Order Size Protection'' to more accurately reflect the scope of the functionality. Additionally, the Exchange proposes to change the rule text to more accurately describe that the functionality operates on a per order basis. The Exchange proposes to make clarifying changes to the second sentence by changing the first occurrence of ''orders'' to ''an order'' and changing the second occurrence of ''orders'' to ''order'' and placing it after the word ''maximum'' so the proposed revised sentence would read, ''[i]f the maximum size of an order is not designated by the Member, the Exchange will set a maximum order size on behalf of the Member by default.'' The Order Size Protection operates on an order by order basis, and the Exchange believes the revised language more accurately describes the functionality.

Additionally, the Exchange proposes to amend paragraph (b) to eliminate the option for Members to disable the Order Size Protection. The proposed sentence will read, ''[m]embers may designate the order size protection on a firm wide basis.'' Should a Member fail to designate an Order Size Protection value, the Exchange will apply a default setting, which it will determine and announce to Members through a Regulatory Circular.

The Exchange also proposes to amend paragraph (c) to remove the option for Members to disable the Open Order Protection. If a Member does not designate an appropriate value, the Exchange will apply a default value, which it will determine and announce to Members through a Regulatory Circular.

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[6] *See* Exchange Rule 519(b).

[7] The Exchange notes that the current default maximum order size is 10,000 contracts.

[8] *See* Exchange Rule 519(c).

[9] The Exchange notes that the current default maximum number of open orders is 30,000.

[10] *See* Exchange Rule 519(d).

[11] The Exchange notes that the current default maximum number of open contracts is 1,000,000.

Finally, the Exchange proposes to amend paragraph (d) to remove the option for Members to disable the Open Contract Protection. If a Member does not designate an appropriate value, the Exchange will apply a default value, which it will determine and announce to Members through a Regulatory Circular.

The proposed rule change is designed to protect market participants by eliminating the option for Members to disable the Order Size Protection, Open Order Protection, and Open Contract Protection features of the MIAX Order Monitor. The proposed rule change ensures that settings are in place, either provided by the Member or the Exchange, that can be used to (i) avoid the potential submission of erroneously sized orders to the Exchange (Order Size Protection), (ii) prevent market participants from exceeding the number of open orders in the System (Open Order Protection), or (iii) the number of open contracts represented by orders in the System (Open Contract Protection).

In addition, the Exchange believes that clarifying the operation of the Order Size Protection functionality will enable market participants to better understand the risk protections available on the Exchange.

The Exchange notes that some of its rules are incorporated by reference by MIAX PEARL,[12] and in addition, that MIAX Options and MIAX PEARL have other rules in common. MIAX Options and MIAX PEARL also have a number of common Members and where feasible the Exchange intends to implement similar behavior of matching rules on each Exchange to provide consistency between the Exchanges so as to avoid confusion among Members. Aligning similar rules on MIAX Options and MIAX PEARL provides transparency and clarity in the rules and minimizes the potential for confusion, thereby protecting investors and the public interest.

The Exchange will announce the implementation date of the proposed rule change by Regulatory Circular to be published no later than 60 days following the operative date of the proposed rule. The implementation date will be no later than 60 days following the issuance of the Regulatory Circular.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Section 6(b)(5) of the Act [14] in particular, in that it 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 facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change is designed to protect investors and the public interest by eliminating the option for market participants to disable Order Size Protection, Open Order Protection, and Open Contract Protection, which ensures either a value provided by the firm or a default Exchange setting is used, to help market participants avoid the potential submission of orders to the Exchange that would cause them to be at unintended risk levels. The proposed rule change ensures that all orders being submitted to the Exchange have risk protection settings in place. Eliminating a market participant's ability to disable Order Size Protection will help reduce the negative impacts of receiving an erroneously sized order. Eliminating a market participant's ability to disable Open Order and Open Contract Protections will ensure that risk protections are in place to account for sudden, unanticipated volatility in individual options, and will serve to preserve an orderly market in a transparent and uniform manner, increase overall market confidence, and promote fair and orderly markets and further the protection of investors.

The Exchange believes that all market participants will benefit from the proposed change to the Rule. Market participants are vulnerable to risks stemming from market events which may cause them to send a large number of orders or receive multiple, automatic executions before they can adjust their order exposure in the market. Without adequate risk management tools, such as the MIAX Order Monitor, market participants could reduce the amount of order flow and liquidity that they provide to the market. Such actions may undermine the quality of the markets available to customers and other market participants. Accordingly, the proposed amendments to the MIAX Order Monitor should instill additional confidence in market participants that submit orders to the Exchange that there are adequate risk protections in place, and thus should encourage market participants to submit additional order flow to the Exchange, thereby removing impediments to and perfecting the mechanisms of a free and open market and a national market system, and in general, protecting investors and the public interest.

In addition, the Exchange believes that the proposed amendment removes impediments to and perfects the mechanisms of a free and open market and a national market system and, in general, protects investors and the public interest by helping to eliminate potential confusion on behalf of market participants by clearly describing the Order Size Protection functionality. Further, the Exchange believes that clarifying the operation of the risk protections available on the Exchange promotes the protection of investors and the public interest by helping market participants avoid the potential submission and subsequent execution of erroneously sized orders.

Finally, the Exchange notes that some of its rules are incorporated by reference by MIAX PEARL,[15] and in addition, that MIAX Options and MIAX PEARL have other rules in common. MIAX Options and MIAX PEARL also have a number of common Members and where feasible the Exchange intends to implement similar behavior of matching rules on each Exchange to provide consistency between the Exchanges so as to avoid confusion among Members. Aligning similar rules on MIAX Options and MIAX PEARL provides transparency and clarity in the rules and minimizes the potential for confusion, thereby protecting investors and the public interest.

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 Act. Specifically, the Exchange believes the proposed changes will not impose any burden on intra-market competition because it applies to all MIAX Options participants equally. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal is intended to protect investors by providing further transparency regarding the MIAX Order Monitor feature.

[12] *See* MIAX PEARL Exchange Rules Chapter III, VII, VIII, IX, XI, XIII, XIV, XV, and XVI.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 12.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) [17] 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 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*. Please include File Number SR–MIAX–2017–09 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–MIAX–2017–09. 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–MIAX–2017–09 and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04205 Filed 3–3–17; 8:45 am]

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[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80125; File No. SR–NYSE–2017–05]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the Co-Location Services Offered by the Exchange Adding a Wireless Connection to Toronto Stock Exchange (TSX) Third Party Data

February 28, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on February 15, 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 change the co-location services offered by the Exchange to include a means for co-located Users to receive the Toronto Stock Market market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the Exchange's Price List related to the proposed service. The proposed rule change is available on the Exchange's Web site at *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 change the co-location [4] services offered by the Exchange to include a means for Users [5]

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56). The Exchange operates a data center in Mahwah, New Jersey (the ''Data Center'') from which it provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). As

to have access to the Toronto Stock Exchange market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the Exchange's Price List related to the proposed service.

The Exchange provides Users with wireless connections to seven market data feeds or combinations of feeds from third party markets (the ''Existing Third Party Data'').[6] The Exchange now proposes to add to its Price List a new market data feed from the Toronto Stock Exchange (such feed, ''TSX'' and, together with the Existing Third Party Data, the ''Third Party Data'').

Through a new affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the colocation center in the Data Center. The proposed rule change would become operative when the Exchange acquires such new affiliate (the ''Acquisition''), expected to be no later than June 30, 2017. The Exchange will announce the date that the wireless connection to the TSX will be available through a customer notice.

To receive TSX, the User would enter into a contract with the Toronto Stock Exchange, which would charge the User the applicable market data fees for TSX. The Exchange would charge the User fees for the wireless connection for TSX.[7]

For each wireless connection to TSX, a User would be charged a $5,000 non-recurring initial charge and a monthly recurring charge (''MRC'') of $8,500. The Exchange proposes to revise its Price List to reflect fees related to the connection to TSX.

As with the Existing Third Party Data, if a User purchased two wireless connections, it would pay two non-recurring initial charges. The wireless connection would include the use of one port for connectivity to TSX. A User would not pay a fee for the use of such port. However, a User would not be able to use the same port that it uses for connectivity to TSX to connect to Existing Third Party Data. Accordingly, a User that connects to both TSX and Existing Third Party Data would have at least two ports.[8]

As with the previously approved wireless connections to Third Party Data, the Exchange proposes to waive the first month's MRC, to allow Users to test the receipt of TSX for a month before incurring any MRCs.

The company which the Exchange expects to acquire in the Acquisition currently provides wireless connections to TSX to customers who are also Users (the ''Existing Customers''). The Exchange would not charge such Existing Customers the non-recurring initial charge or waive the first month's MRC for their wireless connection to TSX.

The Exchange proposes to offer the wireless connection to provide Users with an alternative means of connectivity for TSX. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the internet protocol (''IP'') network.[9]

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis; [10] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed service is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers because the wireless connection to TSX would provide Users with an alternative means of connectivity to TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections to TSX would receive the TSX that is available to all Users, as all market participants that contract with Toronto Stock Exchange for TSX may receive it.

The Exchange believes that this removes impediments to, and perfects the mechanisms of, a free and open market and a national market system and, in general, protects investors and the public interest because it would provide Users with choices with respect to the form and optimal latency of the connectivity they use to receive TSX, allowing a User that opts to receive TSX

specified in the Price List, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates NYSE MKT LLC and NYSE Arca, Inc. *See* Securities Exchange Act Release No. 70206 (August 15, 2013), 78 FR 51765 (August 21, 2013) (SR–NYSE–2013–59).

[6] *See* Securities Exchange Act Release Nos. 76748 (December 23, 2015), 80 FR 81609 (December 30, 2015) (SR–NYSE–2015–52) (''Wireless Approval Release''); and 78378 (July 21, 2016), 81 FR 49315 (July 27, 2016) (SR–NYSE–2016–49).

[7] A User would only receive TSX if it had entered into a contract with the Toronto Stock Exchange.

[8] If a User purchases a wireless connection to TSX, that connection would include the use of one port for connectivity to TSX. If the same User connects to Existing Third Party Data, it would receive the use of one port for connectivity to the Existing Third Party Data. It would not be separately charged for such ports. A User only requires one port to connect to Existing Third Party Data, irrespective of how many of the wireless connections it orders. It may purchase additional ports. *See* Wireless Approval Release, at 81610.

[9] The IP network is a local area network available in the data center. *See* Securities Exchange Act Release No. 74222 (February 6, 2015), 80 FR 7888 (February 12, 2015) (SR–NYSE–2015–05) (notice of filing and immediate effectiveness of proposed rule change to include IP network connections).

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSE–2013–59, *supra* note 5 at 51766. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSEMKT–2017–09 and SR–NYSEArca–2017–18.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4), (5).

to select the connectivity and number of ports that better suit its needs, helping it tailor its Data Center operations to the requirements of its business operations.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fees changes are consistent with Section 6(b)(4) of the Act for multiple reasons. The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange.

The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same products and services are available to all Users). All Users that voluntarily select wireless connections to TSX would be charged the same amount for the same services and would have their first month MRC for wireless connections waived.

The Exchange believes that the proposed charges are reasonable, equitably allocated and not unfairly discriminatory because the Exchange proposes to offer the wireless connection to TSX described herein as a convenience to Users, but in order to do so must provide, maintain and operate the Data Center facility hardware and technology infrastructure. The Exchange must handle the installation, administration, monitoring, support and maintenance of such services, including by responding to any production issues. Since the inception of co-location, the Exchange has made numerous improvements to the network hardware and technology infrastructure and has established additional administrative controls. The Exchange has expanded the network infrastructure to keep pace with the increased number of services available to Users. Specifically, in order to offer wireless connections, the Exchange must install, test, maintain and operate the wireless equipment.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that has already purchased wireless connections to other Third Party Data would be charged a non-recurring charge when it purchases a wireless connection to TSX, because it would allow the Exchange to defray or cover certain costs it incurs in installing the wireless connection to TSX, which costs it incurs irrespective of whether the User has existing wireless connections to Third Party Data, while providing the User the benefit of the installation, which would allow it to receive TSX within co-location and with a lower latency over the fiber optics option. To do the initial installation, the Exchange must provide the personnel required for initial installation and testing. The costs associated with installing wireless connections are incrementally higher than those associated with installing fiber optics-based solutions.

The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not be subject to the non-recurring initial charge, because such User's wireless connection to TSX would be in place at the time of the Acquisition, and the Exchange would not have to install the wireless connection.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that connects to both TSX and Existing Third Party Data may not use the same port for connectivity to both, and so would have at least two ports, because the proposed wireless connection would include the use of one port for connectivity to TSX and the Existing Third Party Data includes the use of one port for connectivity to Existing Third Party Data. A User would not pay a separate fee for using such ports.

The Exchange believes the proposed pricing for the wireless connection to TSX is reasonable because it would allow the Exchange to defray or cover the costs associated with offering Users a wireless connection to TSX while providing Users the benefit of receiving TSX within co-location and with a lower latency over the fiber optics option. The wireless connection for TSX allows Users to select the TSX connectivity option that better suits their needs.

The Exchange believes that the proposed waiver of the first month's MRC is reasonable and not unfairly discriminatory as it would allow Users to test the receipt of TSX for a month before incurring any monthly recurring fees and may act as an incentive to Users to connect to TSX. The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not have its first month's MRC for the wireless connection waived, as such User's wireless connection to TSX would be in place prior to the Acquisition, and therefore would not need to be tested. From the perspective of the Existing Customer, the wireless connection to TSX would continue without interruption, before and after the Acquisition.

Moreover, the fees are equitably allocated, reasonable and not unfairly discriminatory because the wireless connection for TSX would provide Users with an alternative means of connectivity for TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections for TSX would receive the TSX that is available to all Users, as all market participants that contract with the Toronto Stock Exchange for TSX may receive it.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions

[14] 15 U.S.C. 78f(b)(4).

established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, in addition to the proposed services being completely voluntary, they are available to all Users on an equal basis (*i.e.* the same products and services are available to all Users).

The Exchange believes that allowing Users to receive TSX through a wireless connection will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because such access will satisfy User demand for additional options for connectivity to TSX. The proposed wireless connection to TSX would compete with fiber optic network connections to TSX, which may be more attractive to some Users as they are more reliable and less susceptible to weather conditions. Users that do not opt to utilize the proposed wireless connection would be able to obtain TSX through other methods, including, for example, from another User, through a telecommunications provider, or over the IP network.[16] In this way, the proposed changes would enhance competition by helping Users tailor their connectivity for TSX to the needs of their business operations by allowing them to select the form and optimal latency of the connectivity they use to receive TSX that best suits their needs, helping them tailor their Data Center operations to the requirements of their business operations.

Through an affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the co-location center in the Data Center. The proposed connection to TSX will not traverse through the pole on the grounds of the Data Center utilized for the Existing Third Party Data, as the wireless network utilized for the Existing Third Party Data has exclusive rights to operate wireless equipment on the Data Center pole.[17]

Finally, the Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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[18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19] A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[20] Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.[21]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that waiver of the operative delay will ensure that Existing Customers are able to continue their existing wireless connectivity to TSX after the Acquisition, without any cessation of service. The Commission believes that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay and hereby waives the 30-day operative delay and designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of such 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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[23] 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

[15] 15 U.S.C. 78f(b)(8).

[16] Currently, at least four third party vendors offer Users wireless network connections using wireless equipment installed on towers and buildings near the data center. The Exchange does not believe that any of such vendors offer Users connections to TSX, but is not aware of any impediment to a third party wireless network doing so.

[17] The Exchange will not sell rights to third parties to operate wireless equipment on the Data Center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together. In addition to space issues, there are contractual restrictions on the use of the roof that the Exchange has determined would not be met if it offered space on the roof for third party wireless equipment. Moreover, access to the pole or roof is not required for third parties to establish wireless networks that can compete with the Exchange's proposed service, as witnessed by the existing wireless networks currently serving Users.

[18] 15 U.S.C. 78s(b)(3)(a)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *Id.*

[22] 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).

[23] 15 U.S.C. 78s(b)(2)(B).

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.* Please include File Number SR–NYSE–2017–05 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–2017–05. 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–NYSE–2017–05, and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04208 Filed 3–3–17; 8:45 am]

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[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32515; File No. 812–14612]

Touchstone Investment Trust, et al.; Notice of Application

February 28, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Touchstone Investment Trust, Touchstone Strategic Trust, Touchstone Variable Series Trust, Touchstone Funds Group Trust, and Touchstone Institutional Funds Trust, registered under the Act as open-end management investment companies with one or more series, and Touchstone Advisors, Inc. (the ''Adviser''), registered as an investment adviser under the Investment Advisers Act of 1940.

FILING DATES: The application was filed on February 11, 2016, and amended on July 11, 2016 and January 26, 2017.

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 27, 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: c/o Jill T. McGruder, 303 Broadway, Suite 1100, Cincinnati, Ohio 45202.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826 or David J. Marcinkus, Branch Chief, at (202) 551–6821 (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. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[1] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[2]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions

[1] Applicants request that the order apply to the applicants and to any existing or future registered open-end management investment company or series thereof for which the Adviser or any successor thereto or an investment adviser controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[2] Any Fund, however, will be able to call a loan on one business day's notice.

stated in the Application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management and administrative agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[3]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[4] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[5]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. 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 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. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04209 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[4] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[5] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80116; File No. SR–NYSEArca–2017–18]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the Co-Location Services Offered by the Exchange Adding a Wireless Connection to Toronto Stock Exchange (TSX) Third Party Data

February 28, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 15, 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 the Substance of the Proposed Rule Change

The Exchange proposes to change the co-location services offered by the Exchange to include a means for co-located Users to receive the Toronto Stock Market market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the NYSE Arca Options Fee Schedule (the ''Options Fee Schedule'') and, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (the ''Equities Fee Schedule'' and, together with the Options Fee Schedule, the ''Fee Schedules'') related to the proposed service. The proposed rule change is available on the Exchange's Web site at *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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 change the co-location [4] services offered by the Exchange to include a means for Users [5] to have access to the Toronto Stock Exchange market data feed through a wireless connection. In addition, the proposed rule change reflects changes to the Exchange's Fee Schedules related to the proposed service.

The Exchange provides Users with wireless connections to seven market data feeds or combinations of feeds from third party markets (the ''Existing Third Party Data'').[6] The Exchange now proposes to add to the Fee Schedules a new market data feed from the Toronto Stock Exchange (such feed, ''TSX'' and, together with the Existing Third Party Data, the ''Third Party Data'').

Through a new affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the colocation center in the Data Center. The proposed rule change would become operative when the Exchange acquires such new affiliate (the ''Acquisition''), expected to be no later than June 30, 2017. The Exchange will announce the date that the wireless connection to the TSX will be available through a customer notice.

To receive TSX, the User would enter into a contract with the Toronto Stock Exchange, which would charge the User the applicable market data fees for TSX. The Exchange would charge the User fees for the wireless connection for TSX.[7]

For each wireless connection to TSX, a User would be charged a $5,000 non-recurring initial charge and a monthly recurring charge (''MRC'') of $8,500. The Exchange proposes to revise the Fee Schedules to reflect fees related to the connection to TSX.

As with the Existing Third Party Data, if a User purchased two wireless connections, it would pay two non-recurring initial charges. The wireless connection would include the use of one port for connectivity to TSX. A User would not pay a fee for the use of such port. However, a User would not be able to use the same port that it uses for connectivity to TSX to connect to Existing Third Party Data. Accordingly, a User that connects to both TSX and Existing Third Party Data would have at least two ports.[8]

As with the previously approved wireless connections to Third Party Data, the Exchange proposes to waive the first month's MRC, to allow Users to test the receipt of TSX for a month before incurring any MRCs.

The company which the Exchange expects to acquire in the Acquisition currently provides wireless connections to TSX to customers who are also Users (the ''Existing Customers''). The Exchange would not charge such Existing Customers the non-recurring initial charge or waive the first month's MRC for their wireless connection to TSX.

The Exchange proposes to offer the wireless connection to provide Users with an alternative means of connectivity for TSX. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the Internet protocol (''IP'') network.[9]

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis; [10] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. See Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100). The Exchange operates a data center in Mahwah, New Jersey (the ''Data Center'') from which it provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). As specified in the Fee Schedules, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC (''NYSE LLC'') and NYSE MKT LLC (''NYSE MKT''). *See* Securities Exchange Act Release No. 70173 (August 13, 2013), 78 FR 50459 (August 19, 2013) (SR–NYSEArca–2013–80).

[6] *See* Securities Exchange Act Release Nos. 76749 (December 23, 2015), 80 FR 81640 (December 30, 2015) (SR–NYSEArca–2015–99) (''Wireless Approval Release''); 78377 (July 21, 2016), 81 FR 49327 (July 27, 2016) (SR–NYSEArca–2016–99).

[7] A User would only receive TSX if it had entered into a contract with the Toronto Stock Exchange.

[8] If a User purchases a wireless connection to TSX, that connection would include the use of one port for connectivity to TSX. If the same User connects to Existing Third Party Data, it would receive the use of one port for connectivity to the Existing Third Party Data. It would not be separately charged for such ports. A User only requires one port to connect to the Existing Third Party Data, irrespective of how many of the wireless connections it orders. It may purchase additional ports. *See* Wireless Approval Release, at 81641.

[9] The IP network is a local area network available in the data center. *See* Securities Exchange Act Release No. 74219 (February 6, 2015), 80 FR 7899 (February 12, 2015) (SR–NYSEArca–2015–03) (notice of filing and immediate effectiveness of proposed rule change to include IP network connections).

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSEArca–2013–80, *supra* note 5 at 50459. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2017–05 and SR–NYSEMKT–2017–09.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4), (5).

discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed service is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers because the wireless connection to TSX would provide Users with an alternative means of connectivity to TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections to TSX would receive the TSX that is available to all Users, as all market participants that contract with Toronto Stock Exchange for TSX may receive it.

The Exchange believes that this removes impediments to, and perfects the mechanisms of, a free and open market and a national market system and, in general, protects investors and the public interest because it would provide Users with choices with respect to the form and optimal latency of the connectivity they use to receive TSX, allowing a User that opts to receive TSX to select the connectivity and number of ports that better suit its needs, helping it tailor its Data Center operations to the requirements of its business operations.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed fees changes are consistent with Section 6(b)(4) of the Act for multiple reasons. The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange.

The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will result in fees being charged only to Users that voluntarily select to receive the corresponding services and because those services will be available to all Users. Furthermore, the Exchange believes that the services and fees proposed herein are not unfairly discriminatory and are equitably allocated because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same products and services are available to all Users). All Users that voluntarily select wireless connections to TSX would be charged the same amount for the same services and would have their first month MRC for wireless connections waived.

The Exchange believes that the proposed charges are reasonable, equitably allocated and not unfairly discriminatory because the Exchange proposes to offer the wireless connection to TSX described herein as a convenience to Users, but in order to do so must provide, maintain and operate the Data Center facility hardware and technology infrastructure. The Exchange must handle the installation, administration, monitoring, support and maintenance of such services, including by responding to any production issues. Since the inception of co-location, the Exchange has made numerous improvements to the network hardware and technology infrastructure and has established additional administrative controls. The Exchange has expanded the network infrastructure to keep pace with the increased number of services available to Users. Specifically, in order to offer wireless connections, the Exchange must install, test, maintain and operate the wireless equipment.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that has already purchased wireless connections to other Third Party Data would be charged a non-recurring charge when it purchases a wireless connection to TSX, because it would allow the Exchange to defray or cover certain costs it incurs in installing the wireless connection to TSX, which costs it incurs irrespective of whether the User has existing wireless connections to Third Party Data, while providing the User the benefit of the installation, which would allow it to receive TSX within co-location and with a lower latency over the fiber optics option. To do the initial installation, the Exchange must provide the personnel required for initial installation and testing. The costs associated with installing wireless connections are incrementally higher than those associated with installing fiber optics-based solutions.

The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not be subject to the non-recurring initial charge, because such User's wireless connection to TSX would be in place at the time of the Acquisition, and the Exchange would not have to install the wireless connection.

The Exchange believes that it is reasonable and not unfairly discriminatory that a User that connects to both TSX and Existing Third Party Data may not use the same port for connectivity to both, and so would have at least two ports, because the proposed wireless connection would include the use of one port for connectivity to TSX and the Existing Third Party Data includes the use of one port for connectivity to Existing Third Party Data. A User would not pay a separate fee for using such ports.

The Exchange believes the proposed pricing for the wireless connection to TSX is reasonable because it would allow the Exchange to defray or cover the costs associated with offering Users a wireless connection to TSX while providing Users the benefit of receiving TSX within co-location and with a lower latency over the fiber optics option. The wireless connection for TSX allows Users to select the TSX connectivity option that better suits their needs.

The Exchange believes that the proposed waiver of the first month's MRC is reasonable and not unfairly discriminatory as it would allow Users to test the receipt of TSX for a month before incurring any monthly recurring fees and may act as an incentive to Users to connect to TSX. The Exchange believes that it is reasonable and not unfairly discriminatory that an Existing Customer would not have its first month's MRC for the wireless connection waived, as such User's wireless connection to TSX would be in

[14] 15 U.S.C. 78f(b)(4).

place prior to the Acquisition, and therefore would not need to be tested. From the perspective of the Existing Customer, the wireless connection to TSX would continue without interruption, before and after the Acquisition.

Moreover, the fees are equitably allocated, reasonable and not unfairly discriminatory because the wireless connection for TSX would provide Users with an alternative means of connectivity for TSX. Users that do not opt to utilize the Exchange's proposed wireless connections would still be able to obtain TSX through other methods. For example, Users may receive connections to TSX from another User, through a telecommunications provider, or over the IP network. Users that opt to use wireless connections for TSX would receive the TSX that is available to all Users, as all market participants that contract with the Toronto Stock Exchange for TSX may receive it.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because, in addition to the proposed services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same products and services are available to all Users).

The Exchange believes that allowing Users to receive TSX through a wireless connection will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because such access will satisfy User demand for additional options for connectivity to TSX. The proposed wireless connection to TSX would compete with fiber optic network connections to TSX, which may be more attractive to some Users as they are more reliable and less susceptible to weather conditions. Users that do not opt to utilize the proposed wireless connection would be able to obtain TSX through other methods, including, for example, from another User, through a telecommunications provider, or over the IP network.[16] In this way, the proposed changes would enhance competition by helping Users tailor their connectivity for TSX to the needs of their business operations by allowing them to select the form and optimal latency of the connectivity they use to receive TSX that best suits their needs, helping them tailor their Data Center operations to the requirements of their business operations.

Through an affiliate, the Exchange would provide the proposed wireless connection to TSX through wireless connections into the co-location center in the Data Center. The proposed connection to TSX will not traverse through the pole on the grounds of the Data Center utilized for the Existing Third Party Data, as the wireless network utilized for the Existing Third Party Data has exclusive rights to operate wireless equipment on the Data Center pole.[17]

Finally, the Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants. If a particular exchange charges excessive fees for co-location services, affected market participants will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including placing their servers in a physically proximate location outside the exchange's data center (which could be a competing exchange), or pursuing strategies less dependent upon the lower exchange-to-participant latency associated with co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also the liquidity of the formerly co-located trading firms, which could have additional follow-on effects on the market share and revenue of the affected exchange. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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[18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19] A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[20] Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest.[21]

The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that waiver of the operative delay will ensure that Existing Customers are able to continue their existing wireless connectivity to TSX after the Acquisition, without any cessation of service. The Commission believes that it is consistent with the

[15] 15 U.S.C. 78f(b)(8).

[16] Currently, at least four third party vendors offer Users wireless network connections using wireless equipment installed on towers and buildings near the data center. The Exchange does not believe that any of such vendors offer Users connections to TSX, but is not aware of any impediment to a third party wireless network doing so.

[17] The Exchange will not sell rights to third parties to operate wireless equipment on the Data Center pole due to space limitations, security concerns, and the interference that would arise between equipment placed too closely together. In addition to space issues, there are contractual restrictions on the use of the roof that the Exchange has determined would not be met if it offered space on the roof for third party wireless equipment. Moreover, access to the pole or roof is not required for third parties to establish wireless networks that can compete with the Exchange's proposed service, as witnessed by the existing wireless networks currently serving Users.

[18] 15 U.S.C. 78s(b)(3)(a)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *Id.*

protection of investors and the public interest to waive the 30-day operative delay and hereby waives the 30-day operative delay and designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of such 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 Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act [23] 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.* Please include File No. SR–NYSEArca–2017–18 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 No. SR–NYSEArca–2017–18. 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 No. SR–NYSEArca–2017–18, and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04200 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

[22] 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).

[23] 15 U.S.C. 78s(b)(2)(B).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80123; File No. SR–CBOE–2017–010]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Related to Unusual Market Conditions

February 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 15, 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 Exchange seeks to amend Rule 6.6. The text of the proposed rule change is provided below (additions are *italicized;* deletions are [bracketed]).

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.6. Unusual Market Conditions

(a) Whenever in the judgment of any two Floor Officials *(one of which is an Exchange employee),* because of an influx of orders or other unusual conditions or circumstances, *such as, for example, extraordinary market volatility,* the interest of maintaining a fair and orderly market so require*s,* those Floor Officials may declare the market in one or more classes of option contracts to be ''fast.'' *It may be in the interest of fair and orderly markets to declare a fast market when one or more of the following conditions have been met: (i) The previous day's closing price of the S&P 500 Index is more than 2% away from the previous day's opening price; (ii) the front-month E-mini S&P 500 Future (symbol ES/1) is trading more than 20 points above or below the previous day's closing values by 8:00 a.m. CT; or (iii) the intraday price of the S&P 500 Index moves more than 1% in any one hour interval during regular trading hours.*

(b) If a market is declared fast, any two Floor Officials shall have the power to do one or more of the following with respect to the class or classes involved[.]*:* (i) [Assign one or more classes or series of options traded at the post to Order Book Officials at other posts. (ii) Authorize Order Book Official clerks to execute transactions. (iii)] Direct that one or more trading rotations be employed pursuant to Rules 6.2, 6.2A or 6.2B, as appropriate. [(iv)] *(ii)* Suspend the firm quote requirement as permitted under Rule 8.51. *(iii) Suspend the requirement in Rule 6.24 to systematize a non-electronic order prior to its representation on the trading floor. (iv)* [(v) Turn off the Retail Automatic Execution System (''RAES''). (vi)] Take such other actions as are deemed necessary in the interest of maintaining a fair and orderly market.

(c)–(d) No change.

[(e) A Post Director or Order Book Official (''OBO'') at a station at a trading post may turn off RAES for a class or classes of options contracts traded at that station for a period of time not to exceed five minutes if, because of an influx of orders or other unusual conditions or circumstances in respect of such options or their underlying securities, the Post Director or OBO determines that such action is appropriate in the interest of maintaining a fair and orderly market. Whenever such action is taken, notice thereof shall immediately be given to

two Floor Officials who may continue the deactivation of RAES for more than five minutes or take such actions as they deem necessary pursuant to their authority under this Rule 6.6.]

. . . Interpretation and Policies:

.01 [The Exchange has implemented an automatic system that monitors news wires for announcements pertaining to stocks underlying stock options at the end of each trading day, commencing shortly before the close of trading in the primary markets for underlying stocks and continuing for so long as stock options continue to be traded, and automatically suspends RAES in a class of stock options whenever the system notes that a news announcement pertaining to the underlying stock has been made. Two Floor Officials are notified promptly by senior help desk personnel each time RAES is automatically suspended. Depending on the Floor Officials' judgment as to the significance of the news announcement and whether its impact has been reflected in current options quotations, and depending on how much time remains before the close of options trading on CBOE, the Floor Officials will consider whether to resume operation of RAES in the affected classes of options. During the time that RAES is suspended, customer orders are routed to terminals on the trading floor for execution. The implementation of this system does not affect the authority of Floor Officials to halt trading under Rule 6.3, or to declare a fast market under Rule 6.6(a) and to take the actions described in Rule 6.6(b).]

In the event that the Exchange suspends the requirement to systematize an order prior to its representation pursuant to paragraph (b) of this Rule 6.6, Trading Permit Holders or TPH organizations shall follow the procedures as described in paragraph (b) of Rule 6.24. Upon the Floor Officials' determination to reinstate the systematization requirement, Trading Permit Holders shall immediately resume systematizing orders prior to representing them on the trading floor. Additionally, Trading Permit Holders shall exert best efforts to input electronically into the Exchange's systems all relevant order information received during the time period when there was a fast market as soon as possible, and in any event shall input such data electronically into the Exchange's systems not later than close of business on the trade date during which the fast market existed.

.02 The Exchange will announce via Regulatory Circular the form and manner by which Trading Permit Holders must report transactions that occur during a fast market.

* * * * *

Rule 6.24. Required Order Information

(a) No change.

(b) With respect to orders received during a malfunction or disruption of the Exchange's systems under paragraph (a)(4) above *or during a time period when a fast market has been declared under Rule 6.6(a) and the Exchange has suspended the requirement to systematize an order prior to its representation to the trading floor under Rule 6.6(b)(iii):*

(1)–(2) No change.

(c) No change.

* * * * *

The text of the proposed rule change is also 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to amend Rule 6.6 to update the circumstances in which the Exchange may declare a ''fast'' market; add actions the Exchange may take when a fast market has been declared; and remove outdated provisions.

First, Rule 6.6 currently states that whenever in the judgment of any two Floor Officials, because of an influx of orders or other unusual conditions or circumstances, the interest of maintaining a fair and orderly market so requires, those Floor Officials may declare the market in one or more classes of option contracts to be fast. The Exchange is seeking to further specify that ''other unusual conditions or circumstances'' can include periods of time during which there is extraordinary market volatility (*e.g.,* large movements in the S&P 500 Index).

As under the current rule, a fast market will only be declared when two Floor Officials believe declaring a market fast is necessary in the interest of maintaining a fair and orderly market. In other words, if two Floor Officials do not believe they need to declare a fast market because of extraordinary market volatility to maintain a fair and orderly market, the Exchange will not declare a fast market. Currently, Floor Officials use their experience and expertise to determine if a market should be declared fast because of an influx of orders or other unusual conditions or circumstances. This proposal is only adding to the rule examples of unusual conditions or circumstances that can be considered when making this determination such as when: The previous day's closing price of the S&P 500 Index is more than 2% away from the previous day's opening price; (ii) the front-month E-mini S&P 500 Future (symbol ES/1) is trading more than 20 points above or below the previous day's closing values by 8:00 a.m. CT [3]; or (iii) the intraday price of the S&P 500 Index moves more than 1% in any one hour interval during regular trading hours.

The Exchange reviewed approximately eight months of data and observed the previous day's closing price of the S&P 500 Index being more than 2% away from the previous day's opening price on fewer than five days; however, the Exchange believes that when such moves in the S&P 500 Index do occur openings and intraday options trading can be volatile. Additionally, the inclusion of this provision in the rule text will help to serve as notice to market participants as to when the Exchange might call a fast market.

With regards to when the front-month E-mini S&P 500 Future (symbol ES/1) is trading more than 20 points above or below the previous day's closing values by 8:00 a.m. CT, the Exchange notes that E-mini S&P 500 Futures are often used as a way to measure the state of the overall market in similar manner to which the S&P 500 Index is generally used to measure the state of the overall market. The Exchange believes a 20 point move represents a fairly significant move in the E-mini S&P 500 Futures and could indicate that the opening and intraday options trading will be volatile. Additionally, as

[3] The Exchange notes that the E-mini S&P 500 Futures are also referenced for purposes of price reasonability checks. *See* CBOE Regulatory Circular RG13–145.

previously noted, the Exchange references a 20 point move in the E-mini S&P 500 Futures in other contexts, such as reasonability checks. Furthermore, the inclusion of this provision in the rule text will help to serve as notice to market participants as to when the Exchange might call a fast market.

The Exchange reviewed approximately eight months of data and observed the intraday price of the S&P 500 Index moving more than 1% in any one hour interval during regular trading hours on at least 30 days. Although not an infrequent occurrence, the Exchange believes it is critically important to have an intraday variable that will be used by Floor Officials to guide them as they determine whether there is a fast market. The Exchange notes that this is simply an example of an unusual condition or circumstance that can be considered when making this determination as to whether a fast market should be called. The Exchange notes that a 1% move an hour in the S&P 500 Index is not necessarily cause to call a fast market—just as a 2% move from the previous days open to the previous days close in the S&P 500 Index is not necessarily a cause to call a fast market. However, the Exchange notes that intraday moves of 1% an hour in the S&P 500 Index can cause intraday options trading can be volatile. Floor Officials will use their considerable experience and expertise to make the fast market determination. Additionally, the inclusion of this provision in the rule text will help to serve as notice to market participants as to when the Exchange might call a fast market.

Second, paragraph (b) of Rule 6.6 currently identifies several actions Floor Officials may take when a market is declared fast.[4] The Exchange is seeking to add that during fast markets Floor Officials will have the power to suspend the requirement in Rule 6.24 to systematize a non-electronic order prior to its representation on the trading floor. There is always risk that market prices will move from the time an order is submitted to a broker to the time the order is executed, potentially causing large losses for customers and market participants. This risk is exacerbated during fast markets as there can be an unusually large number of orders submitted to brokers and market prices can change erratically, extremely quickly, and in enormous swings.

To illustrate, consider SPX options, which have a multiplier of $100 and a minimum tick size for simple orders of $.10 when the bid of the option is more than $3.00. As each option contract contains 100 options, each tick move is $1000 ($100 × $.10 × 100 options). Considering that most SPX market participants execute orders significantly larger than one contract and that options prices can move significantly in seconds, it is not difficult to imagine a customer losing thousands or even hundreds of thousands of dollars because the customer's broker was required to systematize the customer's order prior to representing the order during a fast market.

The Exchange believes that during these fast markets, which have the potential to cause significant losses for customers and market participants, the entire marketplace would be better served by receiving executions on orders as quickly as possible. Thus, the Exchange proposes, in limited and extraordinary circumstances, to delay (not waive) the requirement to systematize an order.

Rule 6.24 was adopted in its current form by SR–CBOE–2004–077 [sic]. SR–CBOE–2004–77 was submitted to fulfill certain of the undertakings contained in an order issued by the Commission relating to the settlement of an enforcement action against CBOE and other options exchanges (collectively ''Options Exchanges'').[5] As part of the Order, the Options Exchanges agreed to, and were ordered to, design and implement the consolidated options audit trail system (''COATS''). The Options Exchanges were required to complete the undertaking in five phases. The final phase of the undertaking to implement COATS required each exchange to ''incorporate into its audit trail all non-electronic orders[,]'' and SR–CBOE–2004–77 addressed the final phase.[6] The Exchange recognizes the importance of non-electronic order and trade information to the Exchange's audit trail with respect to its regulatory obligations. While the proposed rule change would delay the Exchange's receipt of this information, the Exchange will still require TPHs to submit this information to the Exchange to complete the audit trail. The proposed rule provides that order information for non-electronic orders received while the requirement to systematize prior to representation is suspended under Rule 6.6 will still be incorporated into its audit trail.

Specifically, proposed paragraph (b) of Rule 6.24 states:

With respect to orders received during a malfunction or disruption of the Exchange's systems under paragraph (a)(4) above or during a time period when a fast market has been declared under Rule 6.6(a) and the Exchange has suspended the requirement to systematize an order prior to its representation to the trading floor under Rule 6.6(b)(iii):

(1) Transmitted to the Floor. Each order transmitted to the Exchange must be recorded legibly in a written form that has been approved by the Exchange, and the Trading Permit Holder receiving such order must record the time of its receipt on the floor and legibly record the terms of the order, in written form.

(2) Cancellations and Changes. Each cancellation of, or change to, an order that has been transmitted to the floor must be recorded legibly in a written form that has been approved by the Exchange, and the Trading Permit Holder receiving such cancellation or change must record the time of its receipt on the floor.

Thus, information regarding all non-electronic orders will remain a part of the Exchange's audit trail in the same manner as non-electronic orders that cannot be systematized because of a malfunction or disruption of the Exchange' system.[7] Furthermore, to ensure market participants are aware of the procedures in Rule 6.24(b) that they must follow when the Exchange has suspended the systematization requirement pursuant to Rule 6.6, the Exchange is proposing to reference Rule 6.24(b) in new Interpretation and Policy .02 to Rule 6.6.

Additionally, the Exchange proposes to amend Rule 6.6.01[8] to provide that as soon as a fast market ceases, TPHs must immediately resume systematizing orders prior to representing orders and shall use best efforts to, as soon as possible, input electronically into the Exchange's systems all relevant order information received during the time period when there was a fast market but no later than close of business[9] on the

[4] Rule 6.6(b) currently states that if a market is declared fast, any two Floor Officials shall have the power to do one or more of the following with respect to the class or classes involved: (i) Assign one or more classes or series of options traded at the post to Order Book Officials at other posts. (ii) Authorize Order Book Official clerks to execute transactions. (iii) Direct that one or more trading rotations be employed pursuant to Rules 6.2, 6.2A or 6.2B, as appropriate. (iv) Suspend the firm quote requirement as permitted under Rule 8.51. (v) Turn off the Retail Automatic Execution System (''RAES''). (vi) Take such other actions as are deemed necessary in the interest of maintaining a fair and orderly market.

[5] *See* Securities Exchange Act Release 50996 (January 7, 2005), 70 FR 2436 (January 13, 2005)(''Approval Order'')(SR–CBOE–2004–77) and Securities Exchange Act Release No. 43268 (September 11, 2000), Administrative Proceeding File 3—10282 (the ''Order'').

[6] *See* Approval Order at 2437.

[7] Rule 6.24(a)(4) contemplates a malfunction or disruption of the Exchange's system that prevents a TPH from systematizing an order.

[8] Rule 6.6.01 currently relates to the RAES system, which is no longer utilized; thus, Rule 6.6.01 is to be replaced in its entirety.

[9] ''Close of business'' refers to the daily trade input deadline specified by the Exchange, which is

Continued

trade date during which the fast market occurred. Specifically, the Exchange is proposing that Rule 6.6.01 state:

In the event that the Exchange suspends the requirement to systematize an order prior to its representation pursuant to paragraph (b) of this Rule 6.6, Trading Permit Holders or TPH organizations shall follow the procedures as described in paragraph (b) of Rule 6.24. Upon the Floor Officials' determination to reinstate the systematization requirement, Trading Permit Holders shall immediately resume systematizing orders prior to representing them on the trading floor. Additionally, Trading Permit Holders shall exert best efforts to input electronically into the Exchange's systems all relevant order information received during the time period when there was a fast market as soon as possible, and in any event shall input such data electronically into the Exchange's systems not later than close of business on the trade date during which the fast market existed.

The Exchange notes that proposed Rule 6.6.01 is patterned off of paragraph (a)(4) of Rule 6.24 regarding the inability of Trading Permit Holders to systematize order information in the event of an Exchange system malfunction.[10]

The Exchange notes that the collection and reporting of quotation information to OPRA will not be effected by this rule filing because the Exchange will continue to ''collect and promptly transmit to the OPRA System by means of its own facilities bids and offers at stated prices or limits with respect to individual Eligible Securities in which it provides a market,'' which, by definition, means the marketplace will continue to have access to the ''current state of the market'' in all securities traded on the Exchange.[11]

Additionally, even though in these very limited situations market participants will be able to represent a particular order in the trading crowd prior to systematizing the order, market participants must continue to report the execution of the order within 90 seconds.[12]

Lastly, the proposed rule removes outdated provisions in Rule 6.6 that reference Order Book Officials and the Retail Automatic Execution System (''RAES''), as the Exchange no longer utilizes Order Book Officials or RAES.

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.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] 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 the Section 6(b)(5) [15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed amendment promotes just and equitable principles of trade by giving Floor Officials the ability to declare a fast market when there is extraordinary market volatility that hinders the maintenance of fair and orderly markets. In addition, the proposed amendment protects investors and the public interest by further specifying the actions Floor Officials may take once they declare a fast market. Specifically, the Exchange believes having the ability to suspend the requirement to systematize an order prior to representing the order to the trading floor serves investors and the public interest because it provides floor brokers with the ability to better accommodate customers during times of extreme volatility and high order volume, which can prevent or limit significant customer losses during those times. Furthermore, the Exchange believes the proposed amendment is designed to prevent fraudulent and manipulative acts and practices because the rule is narrowly applied to situations in which two Floor Officials (one of which must be an Exchange employee) believe the maintenance of fair and orderly markets necessitates a fast market declaration. Additionally, the Exchange believes delaying the systemization of an order under these limited and extraordinary circumstances will not significantly impact the integrity of the audit trail. In fact, the Exchange believes that if there is any impact on the audit trail it is outweighed by the benefits to customers and other market participants. Additionally, impacts to individual market surveillances, if any, can be remedied through manual reviews of the required paper order tickets.[16]

Additionally, as proposed in Rule 6.6.01, if the requirement to systematize an order prior to representing the order is suspended, Trading Permit Holders are required to record order information in written form, which provides an adequate audit trail for regulatory purposes. Additionally, as proposed by Rule 6.6.01 and 6.6.02 [sic], Trading Permit Holders are required to input electronically into the Exchange's systems all relevant order information received during the time period when there was a fast market as soon as possible, and in any event shall input such data electronically into the Exchange's systems not later than close of business on the trade date during which the fast market existed, which will provide an adequate audit trail for regulatory purposes.

The Exchange notes that the collection and reporting of quotation information to OPRA will not be effected by this rule filing because the Exchange will continue to ''collect and promptly transmit to the OPRA System by means of its own facilities bids and offers at stated prices or limits with respect to individual Eligible Securities in which it provides a market,'' which, by definition, means the marketplace will continue to have access to the ''current state of the market'' in all securities traded on the Exchange.[17]

Finally, the Exchange does not believe the proposal permits unfair discrimination because the benefit of receiving executions in a more timely fashion will likely outweigh any perceived negatives. For example, a broker that does not need to spend crucial time systematizing an order prior to representing an order better serves the client by accessing liquidity as soon as possible.

currently 4:20 p.m. (CT). *See* CBOE Regulatory Circular RG14–111.

[10] The Commission found Rule 6.24(4) to be a reasonable plan for recording order details in the event of a systems outage or malfunction. *See* Approval Order at 2438. The Exchange believes proposed Rule 6.6.01 is also a reasonable plan that allows the Exchange to maintain a complete and accurate audit trail during a fast market.

[11] *See* section 5.2(b) of the OPRA Plan (requiring the collection and reporting of quotations to OPRA ''sufficient in number and timeliness to reflect the current state of the market in such security''), available at: *https://www.opradata.com/pdf/opra_plan.pdf.*

[12] *See* Rule 6.51(a).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

[16] *See* Rule 6.24(b).

[17] *See* section 5.2(b) of the OPRA Plan (requiring the collection and reporting of quotations to OPRA ''sufficient in number and timeliness to reflect the current state of the market in such security''), available at: *https://www.opradata.com/pdf/opra_plan.pdf.*

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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 Act. More specifically, the Exchange does not believe the proposed amendment will impose any burden on intramarket competition because it provides the same relief to all floor brokers in the same manner under the same limited and extraordinary circumstances. In addition, the Exchange does not believe the proposed changes will impose any burden on intermarket competition. The proposed rule change relates solely to information that floor brokers must submit to the Exchange with respect to orders they represent and execute on the Exchange's trading floor. The proposed rule change has little to no effect on market participants because OPRA will be receiving timely quotations during fast markets, which will give all market participants an up-to-date view of the market during a fast market. Any perceived burden on market participants is outweighed by the fact that market participants will be able to receive executions in a timelier manner during times of high market volatility.

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

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 Exchange 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.* Please include File Number SR–CBOE–2017–010 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–2017–010. 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–2017–010, and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04207 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80119; File No. SR–Phlx–2017–19]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Qualified Contingent Cross Orders

February 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Exchange proposes to amend the Exchange's Pricing Schedule at Section II, entitled ''Multiply Listed Options Fees,'' [3] to increase the maximum Qualified Contingent Cross (''QCC'') orders rebate which will be paid in a given month.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on March 1, 2017.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] These fees include options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase the maximum QCC rebate that will be paid by the Exchange in a given month. The Exchange believes that this increase will incentivize participants to transact additional QCC Orders on Phlx.

Today, the Exchange assesses a $.20 per contract QCC Transaction Fee for a Specialist,[4] Market Maker,[5] Firm [6] and Broker-Dealer.[7] Customers [8] and Professionals [9] are not assessed a QCC Transaction Fee. QCC Transaction Fees apply to QCC Orders [10] and Floor QCC Orders.[11] Rebates are paid on all qualifying executed QCC Orders based on the following six tier rebate schedule:

QCC REBATE SCHEDULE

Tier	Threshold	Rebate per contract
Tier 1	0 to 99,999 contracts in a month	$0.00
Tier 2	100,000 to 299,999 contracts in a month	0.05
Tier 3	300,000 to 499,999 contracts in a month	0.07
Tier 4	500,000 to 699,999 contracts in a month	0.08
Tier 5	700,000 to 999,999 contracts in a month	0.09
Tier 6	Over 1,000,000 contracts in a month	0.11

The Exchange will not pay a QCC Rebate where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional, (iii) Professional-to-Professional or (iv) a dividend, merger, short stock interest or reversal or conversion strategy execution.[12]

The Exchange will continue to pay rebates on QCC Orders as described above. The Exchange proposes to amend the QCC Rebate Schedule to increase the maximum QCC Rebate of $450,000 per month to $550,000 per month.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] 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 Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [15]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [16] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[17] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [18]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [19] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

QCC Rebates

The Exchange believes that it is reasonable to increase the maximum amount of the QCC Rebate the Exchange would pay a market participant in a

[4] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)).

[5] The term ''Market Maker'' includes Registered Options Traders (''ROT''). *See* Exchange Rule 1014(b)(i) and (ii). A ROT includes a Streaming Quote Trader or ''SQT,'' a Remote Streaming Quote Trader or ''RSQT'' and a Non-SQT, which by definition is neither a SQT nor a RSQT. A ROT is defined in Exchange Rule 1014(b) as 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. An SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An RSQT is defined in Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member affiliated with an RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A Remote Streaming Quote Trader Organization or ''RSQTO,'' which may also be referred to as a Remote Market Making Organization (''RMO''), is a member organization in good standing that satisfies the RSQTO readiness requirements in Rule 507(a). RSQTs may also be referred to as Remote Market Markers (''RMMs'').

[6] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[7] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[8] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

[9] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14).

[10] Electronic QCC Orders are described in Rule 1080(o).

[11] Floor QCC Orders are described in Rule 1064(e).

[12] Dividend, merger, short stock interest or reversal or conversion strategy execution are described in Section II of the Pricing Schedule.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[16] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[17] *See NetCoalition,* at 534–535.

[18] *Id.* at 537.

[19] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

given month from $450,000 to $550,000 because the Exchange believes it will attract additional QCC Orders to the Exchange because the amount of rebates they may be eligible for has increased.

The Exchange believes that it is equitable and not unfairly discriminatory to increase the maximum amount of the QCC Rebate the Exchange would pay a market participant in a given month from $450,000 to $550,000 because all qualifying market participants are eligible to obtain this maximum amount of QCC rebates provided they transact a qualifying number of QCC Orders. All market participants are eligible to transact QCC Orders.

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 Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets or will impose any inter-market burden on competition for the reasons stated above.

The Exchange does not believe that the proposed rule change will impose any intra-market burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its proposal to increase the maximum QCC Rebate does not impose a burden on competition, rather the increased cap should encourage market participants to transact a greater number of QCC Orders in order to obtain the maximum QCC Rebate. All market participants are eligible to transact QCC Orders.

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.[20]

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*. Please include File Number SR–Phlx–2017–19 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–Phlx–2017–19. 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–Phlx–2017–19, and should be submitted on or before March 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04203 Filed 3–3–17; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15055 and #15056]

Nevada Disaster #NV–00044

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Nevada dated 02/23/2017.

Incident: Severe Winter Storms, Flooding and Mudslides.

Incident Period: 01/05/2017 through 01/14/2017.

Effective Date: 02/23/2017.

Physical Loan Application Deadline Date: 04/24/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/24/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Washoe

Contiguous Counties:

Nevada: Carson City, Churchill, Humboldt, Lyon, Pershing, Storey

California: Lassen, Modoc, Nevada, Placer, Sierra

Oregon: Harney, Lake

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.000
Homeowners Without Credit Available Elsewhere	1.500
Businesses With Credit Available Elsewhere	6.250
Businesses Without Credit Available Elsewhere	3.125
Non-Profit Organizations With Credit Available Elsewhere	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	3.125
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 150556 and for economic injury is 150560.

The States which received an EIDL Declaration # are Nevada, California, Oregon.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: February 23, 2016.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–04192 Filed 3–3–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15057 and #15058; Kansas Disaster #KS–00099]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Kansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of KANSAS (FEMA–4304–DR), dated 02/24/2017.

Incident: Severe Winter Storm.

Incident Period: 01/13/2017 through 01/16/2017.

DATES:

Effective Date: 02/24/2017.

Physical Loan Application Deadline Date: 04/25/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/27/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/24/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barton, Clark, Comanche, Edwards, Ellsworth, Ford, Hodgeman, Jewell, Kiowa, Meade, Ness, Pawnee, Pratt, Rush, Seward, Sheridan, Stafford, Trego

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15057B and for economic injury is 15058B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2017–04190 Filed 3–3–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9902]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Egypt-Greece-Rome: Cultures in Contact'' Exhibition

Summary: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that an object to be included in the exhibition ''Egypt-Greece-Rome: Cultures in Contact,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about March 27, 2018, until on or about September 9, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

For Further Information Contact: For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–04221 Filed 3–3–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0215]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 144 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal vision standard for a renewable 2-year period if it finds ''such an exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 144 individual exemption requests on their merit and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 45 applicants had no experience operating a CMV:

Joshua D. Adkins (PA)
Sterling Arkills (OR)
Karen A. Bright (SC)
Shane O. Bright (IL)
William C. Budka (MD)
Robert S. Campbell (WA)
Harley M. Cleckner (IN)
Brenton S. Cooper (WV)
Jose M. Corral (TX)
Roman S. Denson (AL)
Agron Dili (ND)
Gary M. Dunn, Jr. (MD)
Rodney S. Evans (IL)
Jonas M. Feth (MN)
Johnny D. Freeman (AR)
Scott J. Geritano (NC)
Scott D. Greiger (WI)
Scipio Hill (OH)
Eric R. Isble (PA)
Misty D. Jett (MO)
Daniel R. Kerner (NH)
Steven L. Lane (OR)
Keith A. Leary (CA)
Max J. Lopez (CO)
Paul Morgan (PA)
Richard N. Neff (PA)
Antonio Ortiz (KS)
Dasey D. Parks (GA)
George W. Parrish (OR)
Eduardo J. Pastran-Garcia (KS)
Mackenzie T. Pickle (TX)
Benjamin J. Pitchford (WI)
Matthew T. Pritchett (MD)
Cameron N. Puckett (OH)
James A. Purtle (MN)
Donald Rogers (OH)
Andrew W. Sheeder (PA)
James G. Shikany (MO)
Dominic J. Small (AL)
Ronald J. Swihart (AZ)
Bennie L. Tate (MI)
Otis L. Tate, Jr. (FL)
Bobby Tuggle (WA)
David C. Whybrew (OK)
Darrel J. Wilson (NC)

The following 19 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Steven J. Black (PA)
Kenneth W. Blake (KS)
David W. Coburn (TX)
Zackary W. Craft (MO)
Kenneth Daggs (LA)
Larry E. Edwards (GA)
Alexandria J. Ensley (SC)
Rodney R. Greiner (MT)
Vashion E. Hammond (FL)
James K. Long (MN)
Richard M. Matheson (NC)
Derrick S. Miller (TN)
James C. Montgomery (TN)
John M. Moore (LA)
Marlon M. Moran (TX)
Cazzie L. Roberts (AL)
Samuel Rodriguez (OH)
Andrew R. Scroggins (IN)
Frank A. Wolfe (MD)

The following 11 applicants did not have 3 years of recent experience driving a CMV with the vision deficiency:

William P. Barrett (OH)
James F. Bowles (IL)
Kevin J. Campanella (IA)
Harry E. Farmer (WV)
Armand P. Fortier (NH)
Billy R. Lykins (OH)
Wayne L. Marshall (NY)
Anthony L. Pitts (AR)
Steven L. Rowles (PA)
Nicole L. Welborn (WI)
Scott A. Yon (PA)

The following 2 applicants did not have sufficient driving experience during the past 3 years under normal highway operating conditions:

Kenneth A. Dinguss (WA)
Kevin M. Gambill (WV)

Dwayne S. Davidson (OH) was charged with a moving violation(s) in conjunction with a CMV accident(s).

Jerry M. Richardson (NC) does not have verifiable proof of commercial driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance.

Roy W. Houser, II (NC) did not hold a license which allowed operation of vehicles over 26,000 pounds for all or part of the preceding 3-year period.

Roberto Fernandez (NJ) did not have an optometrist or ophthalmologist willing to make a statement that they are able to operate a CMV from a vision standpoint.

The following 18 applicants were denied for multiple reasons:

Lance T. Brown (KY)
David A. Farmer (SC)
Michael S. Gilmore (AR)
Richard L. Hines (PA)
Taylor M. Houghton (TX)
Theatmus Lovell (FL)
Christopher D. Miller (TX)
Larry J. Neitzel (NE)
Nicholas Pawlow (NJ)
Cynethia Rainey (SC)
Ingrid T. Reyes (DC)
Blaine A. Rosencrans (ND)
Willie T. Sanders (NE)
Ernesto Silva (NM)
John T. Smith (KS)
Richard W. Vanhandel (NJ)
Christopher P. Wagner (MO)
Edward B. Wilson (VA)

The following 3 applicants have not had stable vision for the preceding 3-year period:

David Dibb (WI)
Victor Gomez (CA)
Abelardo J. Gutierrez (TX)

The following 2 applicants do not meet the vision standard in the better eye:

Garvel J. Owens (MI)
Luke A. Wester (KS)

The following 12 applicants met the current federal vision standards. Exemptions are not required for applicants who meet the current regulations for vision:

Stephen M. Billings (VT)
Alvin L. Bonjour (KS)
James H. Brown (VA)
Ernest L. Felcher, Jr. (WA)
Elizabeth N. Leal (TX)
Aniece A. Lembo (NY)
Dominic J. Macedo (NY)
Jeffery L. Parker (VA)
Wojciech Podwojcik (NC)
Robert M. Rossell (MN)
Douglas M Standy (ND)
Jose A. Trigueros Lopez (CA)

The following 25 applicants will not be driving interstate, intrastate commerce, or are not required to carry a DOT medical card:

Nelson M. Anselmo (RI)
Elliot Q. Boone (FL)
Harold B. Cochran (MI)
Orlando Colon (FL)
Joseph J. Crane (GA)
David E. Failor (PA)
Jerry D. Gibson (TX)
Percy L. Hicks (FL)
Peter P. Higbee (NJ)
Nicholas A. Jones (OH)
Robert C. Lavoie (NH)
Miguel A. Limon (CA)
Charles S. Lundgren (WA)
Judge McGee (TX)
Juan J. Melendez Maldonado (NC)
Gregory L. Messing (MI)
Dustin M. Ohm (MN)
Zachary R. Reamer (MN)
Gerardo Reyes Hernandez (CA)
Rolando Rosales (OK)
Carlos J. Sandoval Caisphal (CO)
Gary A. Underwood (GA)
Jimmie D. Washington (TX)
Bryan Whiting (NC)
Michael D. Wolfe (PA)

The following 3 applicants performs transportation for the Federal government, state, or any political sub-division of the state:

John F. Cole (CT)
Paul T. Collins (MI)
William W. Lewis (OH)

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04263 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2002–12844; FMCSA–2004–17195; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0292; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2010–0287; FMCSA–2010–0327; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2012–0278; FMCSA–2012–0279; FMCSA–2014–0010; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0299]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 128 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 29, 2016, FMCSA published a notice announcing its decision to renew exemptions for 128 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (81 FR 96165). The public comment period ended on January 30, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

As of January 3, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 40404; 64 FR 54948; 64 FR 66962; 65 FR 159; 65 FR 20245; 65 FR 33406; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 66969; 67 FR 10475; 67 FR 57266; 67 FR 71610; 69 FR 8260; 69 FR 17263; 69 FR 26206; 69 FR 31447; 69 FR 52741; 69 FR 53493; 69 FR 62741; 69 FR 62742; 69 FR 64810; 71 FR 19604; 71 FR 26602; 71 FR 27033; 71 FR 62147; 71 FR 66217; 72 FR 185;

73 FR 27017; 73 FR 35198; 73 FR 36954; 73 FR 36955; 73 FR 46973; 73 FR 48275; 73 FR 51336; 73 FR 54889; 73 FR 60398; 73 FR 75806; 73 FR 75807; 75 FR 27621; 75 FR 36779; 75 FR 44051; 75 FR 47883; 75 FR 50799; 75 FR 52062; 75 FR 54958; 75 FR 63255; 75 FR 65057; 75 FR 70078; 75 FR 77590; 75 FR 77951; 75 FR 79081; 77 FR 38384; 77 FR 46153; 77 FR 52389; 77 FR 60008; 77 FR 68200; 77 FR 68202; 77 FR 70537; 77 FR 71671; 77 FR 74730; 79 FR 38661; 79 FR 51643; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 64001; 79 FR 65759; 79 FR 65760; 79 FR 69985; 79 FR 72754; 79 FR 73689; 80 FR 8927):

Terry A. Adler (SD)
Jeffrey L. Bendix (SD)
James Bierschbach (MN)
Larry D. Brown (MD)
Nathan A. Buckles (IN)
David D. Bungori, Jr. (MD)
Robert J. Clarke (NY)
Donald O. Clopton (AL)
David R. Cox (OR)
Deurice K. Dean (MD)
Craig E. Dorrance (MT)
Donald D. Dunphy (VA)
Bradley J. Gaspard (LA)
Paul A. Gregerson (IA)
Victor B. Hawks (VA)
Robert T. Hill (AL)
William A. Hill III (OH)
Jesse P. Jamison (TN)
Oscar Juarez (ID)
Mearl C. Kennedy (OH)
Laine Lewin (MN)
Bruce J. Lewis (RI)
John C. McLaughlin (SD)
Timothy L. O'Neill (NY)
Jeffrey S. Pennell (VT)
Shannon L. Puckett (KY)
Calvin J. Schaap (MN)
Larry D. Wedekind (TX)
Rick A. Young (IN)

The drivers were included in one of the following docket Nos: FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2000–7363; FMCSA–2004–18885; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2008–0292; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2010–0327; FMCSA–2012–0279; FMCSA–2014–0010; FMCSA–2014–0296; FMCSA–2014–0298. Their exemptions are effective as of January 3, 2017, and will expire on January 3, 2019.

As of January 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 20 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 63379; 72 FR 1051; 73 FR 78423; 75 FR 79083; 77 FR 59248; 77 FR 71669; 77 FR 74734; 79 FR 73686):

Dennis M. Boggs (OH)
David L. Cattoor (NV)
Jose S. Chavez (AZ)
Cesar A. Cruz (IL)
Arthur L. Dolengewicz (NY)
Wayne A. Elkins, II (OH)
Barry J. Ferdinando (NH)
Guadalupe J. Hernandez (IN)
Kenneth Liuzza (LA)
Samson B. Margison (OH)
Michael W. McClain (CO)
Terrence L. McKinney (TX)
Ellis T. McKneely (LA)
Ronald C. Morris (NV)
Randal C. Schmude (WI)
Steven M. Scholfield (KY)
David C. Stitt (KS)
Kevin L. Truxell (FL)
Bruce A. Walker (WI)
Lee A. Wiltjer (IL)

The drivers were included in one of the following docket Nos: FMCSA–2006–26066; FMCSA–2012–0278. Their exemptions are effective as of January 9, 2017, and will expire on January 9, 2019.

As of January 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (75 FR 69737; 76 FR 1499; 77 FR 74733; 79 FR 72756; 79 FR 73397; 80 FR 9304):

Michael L. Boersma (ND)
Bryan K. DeBorde (WA)
Roger P. Dittrich (IL)
Michael K. Engemann (MO)
Ralph V. Graven (OR)
Michael D. Halferty (IA)
Eric C. Hammer (MO)
Robert K. Ipock (NC)
Perry D. Jensen (WI)
Joseph L. Jones (MD)
Jesse L. Lichtenberger (PA)
David J. Nocton (MN)
James G. Pitchford (OH)
Frederick E. Schaub (IA)
Michael G. Somma (NY)
Mark J. Stanley (CA)
Jason E. Thomas (ND)
Richard L. Totels (TX)
Diane L. Wedebrand (IA)
Eddie L. Wilkins (VA)
James B. Woolwine (VA)

The drivers were included in one of the following docket Nos: FMCSA–2010–0287; FMCSA–2014–0299. Their exemptions are effective as of January 10, 2017, and will expire on January 10, 2019.

As of January 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 20245; 65 FR 57230; 67 FR 67234; 69 FR 53493; 69 FR 62741; 69 FR 64742; 71 FR 62147; 71 FR 62148; 73 FR 61925; 73 FR 74565; 75 FR 59327; 75 FR 66423; 75 FR 72863; 76 FR 2190; 77 FR 68199; 77 FR 74273; 79 FR 73687):

Charles H. Akers, Jr. (VA)
Kurtis A. Anderson (SD)
Terry L. Anderson (PA)
Timothy Bradford (TN)
Marvin R. Daly (SC)
Douglas K. Esp (MT)
Jevont D. Fells (AL)
Gary A. Golson (AL)
Donald L. Hamrick (KS)
Gary L. Killian (NC)
Timothy R. McCullough (FL)
Marcus L. McMillin (FL)
George C. Milks (NY)
Thomas L. Oglesby (GA)
Jonathan C. Rollings (IA)
Preston S. Salisbury (MT)
Victor M. Santana (CA)
Kevin W. Schaffer (IL)
George A. Teti (FL)
David W. Ward (NC)
Ralph W. York (NM)

The drivers were included in one of the following docket Nos: FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2004–18885; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2010–0354. Their exemptions are effective as of January 12, 2017, and will expire on January 12, 2019.

As of January 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 45817; 65 FR 77066; 67 FR 46016; 67 FR 57267; 67 FR 71610; 69 FR 71098; 71 FR 32183; 71 FR 41310; 71 FR 63379; 72 FR 1050; 72 FR 1054; 73 FR 75806; 73 FR 78421; 75 FR 79079; 77 FR 76166; 79 FR 73687):

David S. Brumfield (KY)
Arthur A. Sappington (IN)
David W. Skillman (WA)
William H. Smith (AL)
Edward C. Williams (AL)

The drivers were included in one of the following docket Nos: FMCSA–2000–7363; FMCSA–2002–12294; FMCSA–2006–24783; FMCSA–2006–26006. Their exemptions are effective as of January 13, 2017, and will expire on January 13, 2019.

As of January 14, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (69 FR 64806; 70 FR 2705; 72 FR 1056; 73 FR 76439; 75 FR 65057; 75 FR 79081; 75 FR 79084; 77 FR 75496; 79 FR 74169):

Charles L. Alsager, Jr. (IA)
Ross E. Burroughs (NJ)

Christopher L. Depuy (OH)
John B. Etheridge (GA)
Larry J. Folkerts (IA)
Paul W. Hunter (AL)
Ray P. Lenz (IA)
Francis M. McMullin (PA)
Norman Mullins (OH)
David J. Triplett (KY)

The drivers were included in one of the following docket Nos: FMCSA–2004–19477; FMCSA–2010–0327. Their exemptions are effective as of January 14, 2017, and will expire on January 14, 2019.

As of January 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 1053; 73 FR 76440; 75 FR 80887; 77 FR 76167; 79 FR 74168):

Howard F. Breitkreutz (MN)
John E. Evenson (WI)
Craig M. Landry (LA)
Kenneth E. Vigue, Jr. (WA)
Richard A. Winslow (MN)

The drivers were included in docket No. FMCSA–2002–12844. Their exemptions are effective as of January 17, 2017, and will expire on January 17, 2019.

As of January 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (69 FR 17263; 69 FR 314477; 70 FR 44946; 71 FR 43557; 71 FR 63379; 72 FR 1050; 73 FR 42403; 73 FR 78422; 75 FR 38602; 75 FR 54958; 75 FR 96737; 75 FR 70078; 75 FR 72863; 75 FR 77492; 75 FR 79079; 76 FR 1499; 76 FR 2190; 76 FR 5425; 77 FR 60008; 77 FR 68202; 77 FR 71671; 77 FR 74733; 78 FR 800; 80 FR 603):

Gary Alvarez (MA)
Donald G. Brock, Jr. (NC)
Leon C. Flynn (TX)
Brett K. Hasty (GA)
Garry Layton (TX)
Jimmy R. Mauldin (OK)
Patrick J. McMillen (WI)
Anthony Miller (OH)
Rocky Moorhead (NM)
Gary L. Nicholas (MI)
Jose M. Saurez (TX)
Lynn R. Schraeder (IA)
Ranjodh Singh (CA)
Myron A. Smith (MN)
Ricky Watts (FL)
Olen L. Williams, Jr. (TN)
Richard L. Zacher (OR)

The drivers were included in docket No. FMCSA–2002–12844. Their exemptions are effective as of January 31, 2017, and will expire on January 31, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04268 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0214]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 14 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before April 5, 2017. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0214 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be

achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 14 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Tyler D. Baseman

Mr. Baseman, 31, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2016, his optometrist stated, ''In my medical opinion Mr. Baseman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Baseman reported that he has driven straight trucks for 3 years, accumulating 90,000 miles, and tractor-trailer combinations for 3 years, accumulating 30,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert A. Ferrucci

Mr. Ferrucci, 53, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In conclusion, Mr. Ferrucci has the required, stable vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Ferrucci reported that he has driven straight trucks for 7 years, accumulating 105,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gary W. Fields

Mr. Fields, 56, has a cataract in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2016, his optometrist stated, ''In my opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Fields reported that he has driven straight trucks for 22 years, accumulating 1.1 million miles. He holds an operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael D. Greene, Jr.

Mr. Greene, 35, has poor vision in his right eye due to inflammation in childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''It is my medical opinion that Mr. Green [sic] has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Greene reported that he has driven straight trucks for 18 years, accumulating 15,000 miles. He holds an operator's license from Vermont. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Cory W. Haupt

Mr. Haupt, 47, has had a macular hole in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I certify, in my medical opinion, that Mr. Haupt is fully capable and visually competent to operate a commercial vehicle.'' Mr. Haupt reported that he has driven straight trucks for 26 years, accumulating 78,000 miles. He holds a Class A CDL from South Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joseph E. Jones

Mr. Jones, 30, has had a retinal detachment in his right eye due to Von Hippel Lindau disease in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''In my professional vision [*sic*], he has good enough vision for any kind of driver's license including a commercial driver's license.'' Mr. Jones reported that he has driven straight trucks for 1 year, accumulating 30,000 miles, and tractor-trailer combinations for 3 years, accumulating 240,000 miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he failed to obey a stop sign.

Peter W. Lampasone

Mr. Lampasone, 51, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''In my opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Lampasone reported that he has driven straight trucks for 20 years, accumulating 1.2 million miles. He holds an operator's license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Edward H. Lampe

Mr. Lampe, 52, has had a prosthetic left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2016, his ophthalmologist stated, ''In my opinion he has stable and sufficient vision to perform the driving tasks needed to operate a commercial vehicle.'' Mr. Lampe reported that he has driven straight trucks for 19 years, accumulating 190,000 miles. He holds an operator's license from Oregon. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas L. Lange

Mr. Lange, 66, has had amblyopia in his right eye since 2011. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''I do certify that in my medical opinion, Mr. Lange has sufficient vision to perform the driving tasks required to safely operate a commercial motor vehicle (CMV).'' Mr. Lange reported that he has driven tractor-trailer combinations for 30 years, accumulating 525,000 miles. He holds a Class A CDL from Colorado. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ronald R. Matheson

Mr. Matheson, 49, has a prosthetic right eye due to a traumatic incident in 2003. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''US Dept [sic] of Transportation . . . Vision is better than 20/40 in the left eye and visual field meets requirements.'' Mr. Matheson reported that he has driven straight trucks for 20 years, accumulating 50,000 miles. He holds a Class B CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jason C. Nicklow, Sr.

Mr. Nicklow, 41, has complete loss of vision in his right eye due to a traumatic incident in 1992. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his ophthalmologist stated, ''If a commercial vehicle can be driven with one healthy eye with intact visual field than he should have sufficient vision to drive [*sic*].'' Mr. Nicklow reported that he has driven straight trucks for 11 years, accumulating 22,000 miles, and tractor-trailer combinations for 10 years, accumulating 15,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Lawrence M. Taylor

Mr. Taylor, 38, has had optic atrophy in his left eye since birth. The visual acuity in his right eye is 20/25, and in his left eye, light perception. Following an examination in 2016, his ophthalmologist stated, ''As medical professionals, we feel his vision is sufficient to operate a commercial vehicle.'' Mr. Taylor reported that he has driven straight trucks for 15 years, accumulating 195,000 miles. He holds an operator's license from Rhode Island. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eric M. Turton

Mr. Turton, 34, has had a prosthetic right eye due to micropthalmia since birth. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2016, his optometrist stated, ''In my opinion Eric Turton has sufficient vision to perform his commercial driving tasks.'' Mr. Turton reported that he has driven straight trucks for 8 years, accumulating 520,000 miles. He holds an operator's license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kendrick T. Williams

Mr. Williams, 29, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2016, his optometrist stated, ''In my professional opinion Kendrick has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Williams reported that he has driven tractor-trailer combinations for 3 years, accumulating 390,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting 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. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2016–0214 in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and insert the docket number FMCSA–2016–0214 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04257 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2008–0231; FMCSA–2009–0206; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0142; FMCSA–2011–0276; FMCSA–2011–0299; FMCSA–2012–0104; FMCSA–2012–0161; FMCSA–2012–0214; FMCSA–2013–0027; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0008; FMCSA–2014–0010]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 79 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document

Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to http//*www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On November 17, 2016, FMCSA published a notice announcing its decision to renew exemptions for 79 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (81 FR 81230). The public comment period ended on December 19, 2016, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

As of September 9, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 41 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 68195; 65 FR 20251; 67 FR 38311; 67 FR 46016; 67 FR 57267; 67 FR 76439; 68 FR 10298; 69 FR 17263; 69 FR 26921; 69 FR 31447; 69 FR 51346; 70 FR 44946; 71 FR 14566; 71 FR 16410; 71 FR 27033; 71 FR 30227; 71 FR 32184; 71 FR 41311; 71 FR 50970; 72 FR 67340; 73 FR 1395; 73 FR 15567; 73 FR 15568; 73 FR 27014; 73 FR 27015; 73 FR 27017; 73 FR 28186; 73 FR 35197; 73 FR 35199; 73 FR 36955; 73 FR 38499; 73 FR 42403; 73 FR 48270; 73 FR 48273; 73 FR 48275; 74 FR 43217; 74 FR 57551; 75 FR 19674; 75 FR 25917; 75 FR 25919; 75 FR 27623; 75 FR 27624; 75 FR 34212; 75 FR 36779; 75 FR 38602; 75 FR 39729; 75 FR 44051; 75 FR 47888; 75 FR 50799; 76 FR 49528; 76 FR 61143; 76 FR 66123; 76 FR 67248; 76 FR 73769; 76 FR 79761; 77 FR 3547; 77 FR 23797; 77 FR 27847; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 40945; 77 FR 40946; 77 FR 41879; 77 FR 46153; 77 FR 48590; 77 FR 52391; 78 FR 24798; 78 FR 46407; 78 FR 62935; 78 FR 63302; 78 FR 67454; 78 FR 67460; 78 FR 76395; 78 FR 76705; 78 FR 77780; 78 FR 77782; 79 FR 4803; 79 FR 10606; 79 FR 14331; 79 FR 14571; 79 FR 22003; 79 FR 23797; 79 FR 79 27681; 79 FR 28588; 79 FR 29495; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 37842; 79 FR 38649; 79 FR 38659; 79 FR 41735; 79 FR 41737; 79 FR 45868; 79 FR 46153; 79 FR 47175; 79 FR 53514; 79 FR 56102):

Don R. Alexander (OR)
Paul J. Bannon (DE)
Frank R. Berritto (NY)
Timothy W. Bickford (ME)
Christopher D. Bolomey (ME)
Thomas J. Bommer (ND)
Tracy L. Bowers (IA)
Tracy L. Butcher (VA)
Clare H. Buxton (MI)
Thomas L. Corey (IN)
Layne C. Coscorrosa (WA)
James H. Facemyre (WV)
Anton Filic (TX)
Raleigh K. Franklin (UT)
Michael Giagnacova (PA)
Brian C. Hagen (IL)
Jeffrey M. Hall (AL)
George M. Hapchuk (PA)
Clarence K. Hill (NC)
Michael J. Hoffarth (WA)
Brandon S. Langston (WY)
Ronnie R. Lockamy (NC)
Michael G. Martin (CT)
Bobby L. Mashburn (GA)
Shane N. Maul (IN)
Larry McCoy, Sr. (OH)
Jeremy L. Miller (OR)
Aaron L. Paustian (IA)
Daniel S. Rebstad (FL)
Kenneth R. Riener (MT)
Terry L. Rubendall (PA)
Benjamin R. Sauder (PA)
James C. Sharp (PA)
Robert F. Skinner, Jr. (NY)
Robert Smiley (NM)
Wolfgang V. Spekis (MD)
Leon F. Stephens (CO)
Patrick D. Talley (SC)
George R. Tieskoetter (IA)
Bert M. Valiante (CT)
James W. Van Ryswyk (IA)

The drivers were included in one of the following dockets: Docket Nos. FMCSA–1999–6480; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–17195; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2009–0206; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0142; FMCSA–2011–0276; FMCSA–2011–0299; FMCSA–2012–0104; FMCSA–2012–0161; FMCSA–2013–0027; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0170; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0005; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0008. Their exemptions are effective as of September 9, 2016, and will expire on September 9, 2018.

As of September 21, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 20245; 65 FR 33406; 65 FR 57230; 65 FR 57234; 67 FR 46016; 67 FR 57266; 67 FR 57267; 69 FR 51346; 69 FR 52741; 71 FR 32185; 71 FR 41311; 71 FR 50970; 71 FR 53489; 73 FR 42403; 73 FR 48270; 73 FR 51336; 75 FR 34210; 75 FR 47888; 75 FR 50799; 75 FR 52062; 77 FR 40945; 77 FR 52389; 79 FR 46300):

Jack D. Clodfelter (NC)
Tommy J. Cross, Jr. (TN)
Daniel K. Davis, III (MA)
Richard L. Derick (NH)
Joseph A. Dunlap (OH)
James F. Gereau (WI)
Esteban G. Gonzalez (TX)
Reginald I. Hall (TX)
George R. House (MO)
Alfred C. Jewell, Jr. (WY)
John C. Lewis (SC)
Lewis V. McNeice (TX)
Kevin J. O'Donnell (IL)
Gregory M. Preves (GA)
Daniel Salinas (OR)
Lee R. Sidwell (OH)
Jeffrey D. Wilson (CO)

The drivers were included in one of the following dockets: Docket No. FMCSA–2000–7006; FMCSA–2000–7165; FMCSA–2002–12294; FMCSA–2006–24783; FMCSA–2010–0114. Their exemptions are effective as of September 21, 2016, and will expire on September 21, 2018.

As of September 23, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (73 FR 46973; 73 FR 54888; 75 FR 52063; 77 FR 52388; 79 FR 52388):

Terrence L. Benning (WI)
Larry D. Curry (GA)
Kelly M. Greene (FL)
Garry R. Lomen (WA)
Thomas P. Shank (NY)

The drivers were included in Docket No. FMCSA–2008–0231. Their exemptions are effective as of September 23, 2016, and will expire on September 23, 2018.

As of September 26, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 46793; 77 FR 59245):

Bryan Brockus (ID)
Michael T. Dekorte (MI)
Erric L. Gomersall (WI)
Larry Johnsonbaugh, Jr. (PA)
John Middleton (OH)
John C. Steedley (GA)

The drivers were included in Docket No. FMCSA–2012–0214. Their exemptions are effective as of September 26, 2016, and will expire on September 26, 2018.

As of September 30, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66227; 64 FR 16520; 71 FR 14567; 71 FR 30228; 73 FR 28187; 73 FR 35195; 73 FR 35196; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 38497; 38498; 73 FR 38499; 73 FR 48273; 73 FR 48275; 74 FR 37299; 74 FR 48344; 75 FR 25919; 75 FR 39729; 75 FR 44051; 77 FR 40946; 77 FR 46153; 79 FR 46153):

Ronald A. Bolyard (WV)
David A. Coburn, Sr. (VT)
Ronald Holshouser (MO)
Kelly R. Knopf, Sr. (SC)
Edward J. Kosior (NY)
Frazier A. Luckerson (GA)
Ross A. Miceli II (PA)
Donald L. Minney (OH)
Philip L. Neff (PA)
Loran J. Weiler (IA)

The drivers were included in Docket No. FMCSA–2014–0010. Their exemptions are effective as of September 30, 2016, and will expire on September 30, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04269 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0103; FMCSA–2014–0104]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The renewed exemptions were effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before April 5, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0103; FMCSA–2014–0104 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a

person is physically qualified to driver a CMV if that person:

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The five individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the five applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement (80 FR 57032; 80 FR 60747). In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce.

The five drivers in this notice remain in good standing with the Agency and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. FMCSA has concluded that renewing the exemptions for each of these applicants is likely to achieve a level of safety equal to that existing without the exemption. Therefore, FMCSA has decided to renew each exemption for a two-year period. In accordance with 49 U.S.C. 31136(e) and 31315, each driver has received a renewed exemption.

As of November 1, 2016, Kevin Beachum (MD) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (80 FR 57032). This driver was included in FMCSA–2014–0103. The exemption was effective on November 1, 2016, and will expire on November 1, 2018.

As of November 30, 2016, Bruce H. Dunn (LA); Scott A. Perdue (GA); Melvin Ross (OH); and Thomas Sneer (MN) have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in 49 CFR 391.41(b)(11), from driving CMVs in interstate commerce (80 FR 60747). The drivers were included in FMCSA–2014–0104. The exemptions were effective on November 30, 2016, and will expire on November 30, 2018.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA. In addition, the driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04270 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0212]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 31 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted December 30, 2016. The exemptions expire on December 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document

Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 29, 2016, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (81 FR 86063). That notice listed 31 applicants' case histories. The 31 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 31 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 31 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, central, corneal opacity, central vein occlusion, choroidal melanoma, chorioretinal scar, complete loss of vision, eccentric fixation, exotropia, glaucoma, macular scar, optic nerve atrophy, prosthetic eye, and retinal detachment. In most cases, their eye conditions were not recently developed. Twenty of the applicants were either born with their vision impairments or have had them since childhood.

The 11 individuals that sustained their vision conditions as adults have had it for a range of 4 to 40 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 31 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging for 3 to 51 years. In the past three years, 1 driver was involved in a crash and 2 drivers were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 29, 2016 notice (81 FR 86063).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the

probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 31 applicants, 1 driver was involved in a crash and 2 drivers were convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 31 applicants listed in the notice of November 29, 2016 (81 FR 86063).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 31 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received one comment in this proceeding. Daniel E. Kinney stated that he has been put in a financial hardship while waiting for his vision exemption. He was issued an exemption effective as of December 30, 2016.

IV. Conclusion

Based upon its evaluation of the 31 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 49 CFR 391.64(b):

James A. Bartolo, Jr. (CA)
Harry S. Bumps (VT)
Brian T. Castoldi (CT)
William B. Friend (MD)
Willie George (NY)
David E. Goff (MA)
Michael Golebiowski (IL)
Dana L. Gould (ME)
Johnny J. Gowdy (MS)
Richard E. Hadler (MN)
Donald J. Harrison (IA)
Channing L. Herrell (MD)
Loyd F. Hovey (NY)
George T. Huffman Jr. (IL)
Daniel E. Kinney (IL)
Shane M. Lovell (NE)
Jason W. Mack (PA)
Terry G. Montgomery (IN)
John P. O'Doherty (MN)
Antonio Rivera (PA)
Julio Rivera (FL)
Steve C. Sinclair (IA)
Jerrell L. Smith (TX)
Ricky E. Smith (GA)
Venton E. Smith (CA)
Willie J. Smith (TX)
Glen W. Stake Jr. (OH)
John D. Stork (IL)
David T. Tann (NC)
Jeremy M. Trager (OH)
James R. Wagner (IL)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04258 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–11426; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2009–0154; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2010–0114; FMCSA–2011–0324; FMCSA–2011–0379; FMCSA–2012–0104; FMCSA–2012–0106; FMCSA–2012–0159; FMCSA–2012–0160; FMCSA–2012–0161; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0008]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 100 individuals from the vision requirement in the Federal Motor Carrier Safety

Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

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Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 13, 2016, FMCSA published a notice announcing its decision to renew exemptions for 100 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (81 FR 90500). The public comment period ended on January 12, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

As of August 1, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 54948; 65 FR 159; 66 FR 41654; 66 FR 66969; 67 FR 10471; 67 FR 10475; 67 FR 17102; 67 FR 19798; 68 FR 44837; 68 FR 69432; 69 FR 8260; 69 FR 17267; 69 FR 19611; 70 FR 41811; 71 FR 644; 71 FR 6824; 71 FR 14568; 71 FR 19604; 71 FR 26601; 71 FR 30228; 71 FR 32183; 71 FR 41310; 72 FR 52423; 73 FR 15254; 73 FR 15567; 73 FR 27014; 73 FR 27015; 73 FR 36955; 73 FR 42403; 74 FR 43220; 74 FR 57553; 74 FR 65842; 75 FR 9482; 75 FR 14656; 75 FR 19674; 75 FR 20881; 75 FR 25918; 75 FR 27622; 75 FR 28682; 75 FR 36778; 75 FR 36779; 75 FR 38602; 75 FR 39729; 77 FR 7657; 77 10604; 77 FR 15184; 77 FR 17115; 77 FR 22059; 77 FR 23797; 77 FR 26816; 77 FR 27847; 77 FR 27850; 77 FR 29447; 77 FR 36338; 77 FR 38384; 77 FR 38386; 77 FR 44946; 79 FR 10606; 79 FR 10619; 79 FR 14571; 79 FR 17641; 79 FR 18390; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 28588; 79 FR 29495; 79 FR 35212; 79 FR 35218; 79 FR 35220; 79 FR 37842; 79 FR 37843; 79 FR 47175):

Lloyd J. Botsford (MO)
Brad T. Braegger (UT)
Ronald D. Danberry (MN)
Frank J. Faria (CA)
Juneau Faulkner (GA)
Curtis N. Fulbright (NC)
Randy M. Garcia (NM)
Dean D. Hawks (WI)
Larry L. Jarvis (VA)
Julian A. Mancha (TX)
Randall L. Mathis (AL)
Larry G. Nikkel (WA)
Michael J. Rankin (OH)
Justin T. Richman (IN)
Kevin L. Routin (KY)
Andrew W. Schollett (CO)
Michael D. Singleton (IN)
Roberto E. Soto (TX)
Gary R. Thomas (OH)
Barney J. Wade (MS)
Wade W. Ward (WY)

The drivers were included in one of the following dockets: Docket Nos. FMCSA–1999–6156; FMCSA–2001–9561; FMCSA–2001–11426; FMCSA–2006–24015; FMCSA–2006–24783; FMCSA–2008–0021; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0050; FMCSA–2010–0082; FMCSA–2011–0324; FCMSA–2011–0379; FMCSA–2012–0104; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006. Their exemptions are effective as of August 1, 2016, and will expire on August 1, 2018.

As of August 6, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (64 FR 27027; 64 FR 51568; 71 FR 14566; 71 FR 30227; 73 FR 27014; 75 FR 25918; 75 FR 38602; 75 FR 39729; 77 FR 15184; 77 FR 27850; 77 FR 33017; 77 FR 36336; 77 FR 36338; 77 FR 40946; 77 FR 44708; 77 FR 46795; 79 FR 38661):

William L. Martin (OR)
Richard L. Miller (IN)
Gerardus C. Molenaar (PA)
James R. Morgan (MI)
Lance C. Phares (NY)
Willard L. Riggle (IN)
Richard D. Tucker II (NC)
Jay Turner (OH)

The drivers were included in one of the following dockets: Docket Nos. FMCSA–1999–5578; FMCSA–2006–24015; FMCSA–2010–0082; FMCSA–2011–0379; FMCSA–2012–0106; FMCSA–2012–0159. Their exemptions are effective as of August 6, 2016, and will expire on August 6, 2018.

As of August 8, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 25 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 38659; 79 FR 53514):

Jimmy A. Baker (TX)
Frank B. Belenchia (TN)
Ricky W. Bettes (TX)
Antonio A. Calixto (MN)
James W. Carter, Jr. (KS)
Ronald G. Daniels (MO)
Larry G. Davis (TN)
Michael C. Doheny (CT)
George P. Ford (NC)
Todd M. Harguth (MN)

Dennis W. Helgeson (MN)
Ronnie L. Henry (KS)
Johnny L. Irving (MS)
Kevin L. Jones (SC)
Keith A. Kelley (ME)
David L. Miller (OH)
Earl L. Mokma (MI)
Donald L. Nisbet (WA)
David Perkins (NY)
Harry W. Root (MN)
Paul W. Sorenson (UT)
Randall H. Tempel (MT)
Cory J. Tivnan (WA)
Ricky W. Witt (IA)
John D. Woods (MI)

The drivers were included in Docket No. FMCSA–2014–0007. Their exemptions are effective as of August 8, 2016, and will expire on August 8, 2018.

As of August 9, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 46793; 77 FR 59245):

Mark S. Berkheimer (PA)
Rici W. Giesseman (OH)
Michael A. Jabro (MI)
Michael M. Martinez (NM)
Buddy W. Myrick (TX)
Alan J. Reynaldos (NJ)
Charles L. Rill, Sr. (MD)
Roger Sulfridge (KY)

The drivers were included in Docket No. FMCSA–2010–0114. Their exemptions are effective as of August 9, 2016, and will expire on August 9, 2018.

As of August 18, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 32 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66227; 64 FR 16520; 71 FR 14567; 71 FR 30228; 73 FR 28187; 73 FR 35195; 73 FR 35196; 73 FR 35197; 73 FR 35198; 73 FR 35199; 73 FR 35200; 73 FR 35201; 73 FR 38497; 38498; 73 FR 38499; 73 FR 48273; 73 FR 48275; 74 FR 37299; 74 FR 48344; 75 FR 25919; 75 FR 39729; 75 FR 44051; 77 FR 40946; 77 FR 46153; 79 FR 46153):

Catarino Aispuro (OR)
Gary R. Andersen (NE)
Donald L. Carman (OH)
Christopher R. Cone (GA)
Walter O. Connelly (WA)
Armando P. D'Angeli (PA)
Henry L. Donvian (WV)
Roger D. Elders (MI)
James F. Epperson (IN)
Lucious J. Erwin (TX)
Riche Ford (CO)
Kevin K. Friedel (NY)
Steven G. Harter (OR)
George F. Hernandez, Jr. (AZ)
Andrew C. Kelly (WV)
Jason W. King (MT)
Billy J. Lewis (LA)
Robert W. McMillian (MA)
Richard A. Peterson (OR)
Chad M. Quarles (AL)
Carroll G. Quisenberry (KY)
Ryan J. Reimann (WI)
Jacob H. Riggle (OK)
Brandon J. See (IA)
Ricky L. Shepler (PA)
LeTroy D. Sims (SC)
John L. Stone (PA)
Nils S. Thornberg (OR)
Daniel W. Toppings (WV)
Christopher R. Whitson (NC)
Charles A. Winchell (OK)
Aaron E. Wright (MI)

The drivers were included in Docket Nos. FMCSA–1999–4334; FMCSA–2006–24015; FMCSA–2008–0106; FMCSA–2008–0174; FMCSA–2009–0154; FMCSA–2010–0082. Their exemptions are effective as of August 18, 2016, and will expire on August 18, 2018.

As of August 19, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (79 FR 41737; 79 FR 56102):

Leamon V. Manchester (LA)
Leverne F. Schilte, Jr. (OH)

The drivers were included on the following docket: Docket No. FMCSA–2014–0008. Their exemptions are effective as of August 19, 2016 and will expire on August 19, 2018.

As of August 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 38381; 77 FR 51846; 79 FR 41740):

Tyrane Harper (AL)
Gregory S. Smith (AR)

The drivers were included on the following docket: Docket No. FMCSA–2012–0160. Their exemptions are effective as of August 27, 2016 and will expire on August 27, 2018.

As of August 29, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 41879; 77 FR 52391; 79 FR 41735):

Ricky W. Goins (TN)
Clayton Schroeder (MN)

The drivers were included on the following docket: Docket No. FMCSA–2012–0161. Their exemptions are effective as of August 29, 2016 and will expire on August 29, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04256 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–4]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and comment request.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the proposed Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On October 26, 2016, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Comments must be submitted on or before April 5, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (These telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue

two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On October 26, 2016, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 81 FR 74496. FRA received one comment in response to this notice relating to OMB No. 2130–0500, Accident/Incident Reporting and Recordkeeping, 49 CFR part 225 (part 225).

The comment came from the Association of American Railroads (AAR) in an email letter sent to FRA on November 29, 2016. In its comment, AAR stated FRA should take this opportunity to: (1) Update the rail equipment accident/incident monetary reporting threshold (reporting threshold), so that the information collected will have practical utility; and (2) improve the quality, utility, and clarity of the information collected. At the time of its comment, AAR noted FRA last changed the reporting threshold from $9,900 to $10,500 on December 24, 2013. *See* 78 FR 77601. AAR also cited FRA's stated intent to reexamine and amend how it calculates the reporting threshold because new data sources and methodologies to calculate the threshold have become available since 2006, and updating the formula to include these advances will ensure it appropriately reflects changes in costs, wages, and inflation. *See* 78 FR 77601, Dec. 24, 2013; 79 FR 77397, Dec. 24, 2014; 80 FR 80683, Dec. 28, 2015; 81 FR 94271, Dec. 23, 2016 for FRA's intent to reexamine and amend how it calculates the reporting threshold. AAR further stated this inaction has an effect that compounds over time: Failure to update the reporting threshold reduces the utility of the accident count and other statistics derived from the accident data railroads report. AAR noted many in the industry use this data to compare accident rates across time and evaluate the state of railroad safety and to develop and monitor the impact of initiatives to improve safety. AAR stated the failure to update the reporting threshold to take account of inflation results in artificial increase in accident rates and, accordingly, FRA should update the reporting threshold annually.

FRA regularly reviews and amends, if necessary, its reporting threshold. FRA annually analyzes any cost increases or decreases to the reporting threshold and, under the procedures part 225 appendix B, determines whether any changes to the reporting threshold are needed; the changes in costs may not warrant amending the reporting threshold for a particular calendar year (CY). FRA conducted these analyses between CYs 2014 and 2016 and determined it was not necessary to adjust the reporting threshold based upon any cost increases or decreases. FRA published final rules for each of those CYs providing the bases for its decision and those final rules contained the data FRA used to reach its conclusions. *See* 80 FR 80683, Dec. 28, 2015. In addition, FRA issued a final rule on December 23, 2016, increasing the reporting threshold from $10,500 to $10,700 for CY 2017. *See* 81 FR 94271. To ensure the utility and quality of the information collected under part 225, FRA continues to evaluate its method for calculating the reporting threshold and hopes to publish a proposed rule amending its method.

Finally, AAR commented that, given technology available today, FRA should easily be able to make public the spreadsheets it uses to calculate cost and benefit estimates for proposed and final rules in interactive format (with underlying formulas in a cells-accessible format) instead of a hard-coded PDF format. AAR stated this will greatly facilitate public review and comment and increase the utility of the data collected under part 225 at little or no cost to FRA.

FRA is—and has always been—a strong believer in transparency and provides a full explanation for the costs and benefits of each proposed and final agency rule in the accompanying regulatory impact analysis found in the public docket at *https://www.regulations.gov.* The current format provides all the essential information to be understood and replicated by the regulated community and the general public required by law. FRA does not believe creating another format is necessary because of the easy duplicability of each economic analysis by industry in a format of their choice and because FRA's limited resources preclude it from providing multiple formats for the same analysis.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure they have full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the ICR and its expected burden. FRA is submitting the new request for clearance by OMB as the PRA requires.

Title: Accident/Incident Reporting and Recordkeeping.

OMB Control Number: 2130–0500.

Abstract: The collection of information is necessary due to the railroad accident/incident reporting regulations in part 225 requiring railroads to submit and/or maintain a variety of reports. These include: (1) Monthly reports summarizing collisions, derailments, and certain other accidents/incidents involving equipment damages above a periodically revised dollar threshold; and (2) monthly reports relating to certain highway-rail grade crossing accidents/incidents and casualties arising from the operation of the railroad to passengers, employees, and other persons. Other reports are required annually or occasionally. Because the reporting requirements and the information needed regarding each category of accident/incident are unique, FRA requires a different form for each category.

Type of Request: Extension with change of a currently approved information collection.

Affected Public: Railroads.

Form(s): FRA F 6180.54; 55; 55A; 56; 57; 78; 81; 97; 98; 99; 107; 150.

Total Estimated Annual Responses: 109,430.

Total Estimated Annual Burden: 46,577 hours.

Title: Railroad Communications.

OMB Control Number: 2130–0524.

Abstract: FRA's railroad communications regulations (49 CFR part 220) prescribe minimum requirements governing the use of wireless communications in connection with railroad operations. In addition, the regulations set forth prohibitions, restrictions, and requirements that apply to the use of personal and railroad-supplied cellular telephones and other electronic devices. If these minimum requirements are met, railroads may adopt additional or more stringent requirements.

Type of Request: Extension with change of a currently approved information collection.

Affected Public: Railroads.

Form(s): N/A.

Total Estimated Annual Responses: 12,433,554.

Total Estimated Annual Burden: 293,521 hours.

Title: Safety Integration Plans.

OMB Control Number: 2130–0557.

Abstract: FRA and the Surface Transportation Board, working in conjunction, issued joint final rules establishing procedures for a Class I railroad proposing to undergo certain specified merger, consolidation, or acquisition of control transactions with another Class I railroad, or a Class II railroad it proposes to amalgamate operations with, to develop and implement safety integration plans (''SIPs'' or ''plans''). The scope of the transactions covered under the two rules is the same. FRA uses the information collected, *i.e.* the required SIPs, to maintain and promote a safe rail environment by ensuring affected railroads (Class Is and some Class IIs) address critical safety issues unique to the amalgamation of large, complex railroad operations.

Type of Request: Extension without change of a currently approved information collection.

Affected Public: Railroads.

Form(s): N/A.

Total Estimated Annual Responses: 60.

Total Estimated Annual Burden: 528 hours.

Title: Passenger Train Emergency Systems.

OMB Control Number: 2130–0576.

Abstract: The collection of information arises from FRA's passenger equipment safety regulations in 49 CFR part 238. Specifically, FRA rules for emergency passage through vestibule and other interior passageway doors and enhanced emergency egress and rescue have signage requirements. FRA also established requirements for low-location emergency exit path markings to assist occupants in reaching and operating emergency exits, particularly under conditions of limited visibility. Moreover, FRA has standards to ensure emergency lighting systems are provided in all passenger cars and enhanced requirements for the survivability of emergency lighting systems in new passenger cars. The purpose of this part is to prevent collisions, derailments, and other occurrences involving railroad passenger equipment that cause injury or death to railroad employees, railroad passengers, or the general public and to mitigate the consequences of such occurrences to the extent that they cannot be prevented.

Type of Request: Extension without change of a currently approved information collection.

Affected Public: Railroads.

Form(s): N/A.

Total Estimated Annual Responses: 89,780.

Total Estimated Annual Burden: 23,325 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for DOT to properly perform its functions, including: Whether the information will have practical utility; the accuracy of DOT's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Sarah L. Inderbitzin,

Acting Chief Counsel.

[FR Doc. 2017–04235 Filed 3–3–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of applications for special permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application''portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 5, 2017.

ADDRESSES: *Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 9, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
20380–N		Western International Gas & Cylinders, Inc.	172.101	To authorize the transportation in commerce of acetylene that is not dissolved in a solvent.
20381–N		Western International Gas & Cylinders, Inc.	172.101	To authorize the transportation in commerce of limited quantities of acetylene not dissolved in a solvent.
20383–N		Sacramento Executive Helicopters, Inc.	72.101 Column(9B), 172.301(C), 173.315(J)(1), 175.30.	To authorize the transportation in commerce in the U.S. only of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft and 14 CFR Part 135 operations transporting hazardous materials on board an aircraft.
20385–N		CMV SRL	173.302(a), 173.304(a) ..	To authorize the manufacture, mark, sale, and use of non-DOT specification cylinders.
20386–N		Spaceflight	173.185(a)	To authorize the transportation in commerce of lithium ion batteries contained in equipment that are not of a type proven to meetthe requirements of the UN Manual of Tests and Criteria.
20387–N		Technip Stone & Webster Process Technology, Inc.	173.301(f), 173.301(G)(1), 178.71(Q)(1), 178.71(Q)(2), 178.71(q)(3).	To authorize the transportation in commerce on non-Dot specification cylinders.
20389–N		LG Chem	173.185(a)(1)	To authorize the transportation in commerce of lithium ion batteries by cargo-only aircraft that are not of a type proved tomeet the UN Manual of Tests and Criteria.
20391–N		Lincoln Hexagon, Inc.	173.301(f), 173.302(a) ...	To authorize the transportation in commerce of bundled non-DOT specification cylinders without pressure relief devices.
20392–N		Starco Enterprises, Inc ...	173.304(d)	To authorize the transportation in commerce of certain materials contained in non-DOT specification, non-refillable, inside metalcontainers conforming in part with DOT specification 2.
20393–N		Starco Enterprises, Inc ...	173.304(d)	To authorize the transportation in commerce of the transportation in commerce of certain hazardous materials in non-DOT specification, non-refillable, inside metal containers conforming in part to DOT specification 2Q.
20394–N		Solid Power, Inc	173.185(a)	To authorize the transportation in commerce of proto-type and low production lithium ion cells via cargo only aircraft that are not of a type proven to have met the testing requirements of the UN Manual of Tests and Criteria.
20395–N		Carleton Technologies, Inc.	173.304(a), 180.207	To authorize the manufacture, mark, sale and use of non-DOT specification fully wrapped carbon-fiber rein-forced, aluminum-lined composite cylinders.
20396–N		Digital Wave Corporation	173.304(a)	To authorize the requalification of tanks manufactured under DOT-SP 14951 and 14402 using modal acoustic emission (MAE) test method.
20397–N		Deep-Space Industries, Inc.	173.185(a)(1)(i)	To authorize the transportation in commerce of low production batteries contained in equipment by motor vehicle.
20398–N		Fly 4 You, Inc	173.62 (c), 172.101 (j), 172.301 (c).	To authorize the transportation in commerce of certain Class 1 explosive materials which are forbidden for transportation by air, to be transported by cargo aircraft within the State of Alaska when other means of transportation are impracticable or not available.
20399–N		National Air Cargo Group, Inc.	173.27(b)(2), 175.30(a)(1), 172.101(j), 172.204(c)(3).	To authorize the transportation of certain explosives by cargo-only aircraft.
20400–N		Bic USA Inc	173.308(c)(2)	To authorize the transportation in commerce of lighters in alternative packaging by private or contract motor carrier, or by common carrierin a motor vehicle under exclusive use, between manufacturing sites, distribution centers and retail outlets.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20401–N		ATK Launch Systems, Inc.	178.935(c)(1)	To authorize the transportation in commerce of UN50D packagings that meet the requirements for Large Packagings, except as provided herein.
20402–N		Orono Spectral Solutions, Inc.	173.315(l)	To authorize an alternative test method for the determination of the presence of the minimum water content in anhydrous ammonia.
20403–N		Daws Manufacturing Company, Inc.	177.834(h), 178.705(d), 178.811, 178.812.	To authorize the manufacture, mark, sale and use of non-DOT specification aluminum tanks with capacities not exceeding 95 gallons. Additionally, discharge of Class 3 hazardous materials from the tanks without removing them from the vehicle on which they are transported isauthorized.
20404–N		Rotech Healthcare, Inc ..	180.209(a), 180.209(b)(1), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders that are requalified every ten years using 100% ultrasonic examination.
20408–N		United Parcel Service Co	171–180	To authorize the offering for transportation and transportation in commerce (as cargo) of Pilot Rest Modules (PRMs) containing certainhazardous materials required on aircraft under applicable airworthiness regulations for the safety of crew members, and which would be excepted from all provisions of the HMR except as prescribed in the special permit.
20409–N		IKI Manufacturing Co., Inc.	173.306(a)(5)	To authorize the transportation in commerce of plastic aerosols classed as Division 2.1 for the purposes of testing and disposal.
20411–N		Harris Corporation	173.62(c)	To authorize the transportation in commerce of Division 1.4C explosives in non-DOT specification packaging.

[FR Doc. 2017–04012 Filed 3–3–17; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 21, 2017.

ADDRESSES: *Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 9, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
9649–M		Alliant Techsystems Operatons LLC.	172.101	Requesting the addition of a hazardous material to the list on Page 3 section 6 of DOT–SP–9649. Proper Shipping Name: Articles, explosive, n.o.s., (nitrocellulose, nitroglycerin) Hazard Class/Division: 1.3C identification Number: UN0470 Packing Group: II.
10915–M		Luxfer Inc	172.203(a), 172.301(c), 173.302a(a)(1), 173.304a(a)(1), 180.205.	To modify the special permit to authorize the removal of liner coatings and the gunfire test for cylinders less than .5 liters water capacity.
10922–M		Fiba Technologies, Inc	173.302(a), 180.205, 180.207(d)(1), 172.302 (c).	To modify the special permit to clarify certain requirements and to bring it in line with newer retesting permits issued by DOT.
11378–M		National Aeronautics and Space Administration (NASA).	173.40(a), 173.201, 173.226, 173.227, 173.40(c).	To modify the special permit to authorize an additional hazardous material.
11489–M		TK Holdings, Inc	173.56(b), 172.320	To modify the special permit to remove language that has been incorporated into the regulations.
11502–M		Federal Express Corporation.	171.23, 172.203(a), 172.301(c).	To modify the special permit to authorize the FedEx Express air manifest to be considered shipping papers when shipping papers are used as a manifest over certain highway routes.
11725–M		ATK Space Systems, Inc	173.301(f), 173.302a(a)(1), 173.304a(a)(2).	To modify the special permit to clarify the burst and working pressures of the permit.
11818–M		Orbital Sciences Corporation.	172.101 Column (9B), 173.301(f), 173.302a(a)(1), 173.304a(a)(2).	To authorize additional hazmat to be added to the permit.
12818–M		Shoreline Marine, Inc	173.301(j), 173.302	To modify the special permit to authorize two additional foreign non-DOT specification steel cylinders and to clarify certain packaging and operational requirements.
13112–M		Carleton Technologies, Inc.	178.35(c)(3)	To authorize a special permit for onetime shipment of 39 cylinders which met all requirements of SP 13112 except the internal visual inspection was not witnessed by the 3rd party inspector. These cylinders are a part of defense program for supporting homeland defense.
13961–M		3AL Testing	172.203(a), 172.301(c), 180.205.	To modify the special permit to remove the requirement for the six month check for gain control accuracy and to authorize a revised dome marking.
13998–M		3AL Testing	172.203(a), 172.301(c), 180.205.	To modify the special permit to remove the requirement for the six month check for gain control accuracy and to authorize a revised dome marking.
14372–M		Shoreline Marine, Inc	173.309(b), 180.203(a)	To modify the special permit to authorize three additional foreign non-DOT specification steel cylinders and clarify certain packaging and operational requirements.
14453–M		Fiba Technologies, Inc	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To modify the special permit to authorize a change in the requirements for the certification of individuals who perform 5-year external visual inspections.
14661–M		Fiba Technologies, Inc	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To modify the special permit to authorize the external visual inspection by either an employee of the permit grantee or an agent designated by either the owner or operator of the cylinders being inspected.
14751–M		Univation Technologies, LLC.	173.244	To modify the special permit to authorize adding additional drawings.
15146–M		Starco Enterprises, Inc	173.304(d)	To modify the special permit to authorize additional 2.1 hazmat.
15691–M		Department of Defense	180.209	To modify the special permit to authorize clarifying the requirements for the purpose and limitation and safety control measures.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
16011–M		Americase, Inc	173.185(f), 172.500, 172.600, 172.700(a), 172.200, 172.400, 172.300.	To modify the special permit to clarify language about watt hours, remove unnecessary language about lithium metal batteries and to harmonize the permit with the 19th revised edition of the UN Model Regulations and Amendment 38–16 of the IMDG Code.
16295–M		Evonik Corporation	172.519(c)	To modify the special permit to remove the requirement of transporting in closed, sealed transport vehicles or freight containers.
16391–M		Halliburton Energy Services, Inc.	173.201, 173.302, 173.304a, 173.301(f).	To modify the special permit to increase the restriction of the service pressure to 16,000 psi.
16469–M		ACS UE Testing LLC	180.205, 172.203(a), 172.301(c).	To modify the special permit to remove the requirement of a resident Level II certified facility operator and to increase the check gain control accuracy from six months to five years.
16555–M		Advance Research Chemicals, Inc.	173.227(b)(2)(iii)	To modify the special permit originally issued on an emergency basis to authorize an additional two years and identify Advance Research Chemicals, Inc. as an offeror of hazardous materials.
16572–M		Samsung Austin Semiconductor, L.L.C.	173.158(b), (e), (f)	To modify the special permit to authorize removing unnecessary restrictions contained in paragraph 7.b, safety control measures.
16624–M		Areva NP Inc	173.301(a)(1), 173.302(a).	To modify the special permit originally issued on an emergency basis to authorize an additional two years and clarify certain requirements contained in paragraph 7, safety control measures.
20221–M		Comet Technologies USA Inc.	173.304a(a)(2)	To authorize the addition of a Class 9 hazmat to the permit.
20284–M		Sharps Compliance, Inc	171.180	To modify the permit from emergency to routine.

[FR Doc. 2017–04015 Filed 3–3–17; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 5, 2017.

ADDRESSES: *Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 9, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA				
11054–M		Welker, Inc	173.301(f)(2), 173.302a(a)(1), 173.304a(a)(1), 173.304a(d)(3)(i), 173.201(c), 173.202(c), 173.203(c), 177.840(a)(1).	To modify the special permit to authorize an additional containment cylinder for the transportation of non-DOT down-hole cylinders (sample core cylinders.)
11526–M		Unde Gas North America, LLC.	172.203(a), 173.302a(b), 180.205 (a), (c), (f), (g), 180.209(a).	To modify the special permit to authorize the use of an ultrasonic inspection method in lieu of hydrostatic testing of 3A and 3AA cylinders.
13220–M		Entegris, Inc	173.192, 173.302a, 173.304a.	To modify the special permit to authorize an increase in the maximum vacuum brake temperature.
13301–M		United Technologies Corporation.	172.200, 172.400, 172.300.	To authorize the transportation in commerce of certain hazardous materials for a distance of approximately 1700 feet without proper hazard communication.
13583–M		Structural Composites Industries LLC.	173.302a(a)(1), 173.304a(a)(1), 175.3, 180.205.	To authorize an increase in the maximum water volume from 90 to 95 liters of these non-specification cylinders manufactured under the special permit, SP 13583.
14453–M		Fiba Technologies, Inc	180.209	To modify the special permit to authorize additional Division 2.1 and 2.2 hazmat and bring them in line with other permits already authorizing the materials thathave been issued to FIBA.
14920–M		Nordco Rail, Services, LLC.	173.302a(b), 172.203(a), 172.301(c), 180.205.	To modify the special permit to authorize requalification of DOT specification 3A and 3AA cylinders with 24 inch outside diameters and to indicate that Ultrasonic Examination (UE) is not required on the sidewall-to-base transitions (SBT) region of a cylinder if the cylinder design does not permit.
15389–M		Ametek Ameron, LLC	173.301(a)(1), 173.302(a)(1), 173.304(a)(1), 173.302(f)(1), 173.304(f)(1).	To modify the special permit to authorize the discharge and refill of a cylinder which is found to have a small leak of the sealing disc during testing.
15869–M		Mercedes-Benz USA, LLC.	172.101 Column (9B)	To modify the special permit to authorize the transportation of production run lithium ion batteries weighing over 35 kg by cargo aircraft.
20239–N		Paklook Air, Inc	172.101(j)(1), 172.301(c)	To authorize the transportation in commerce of certain Class 1 explosive materials which are forbidden for transportation by air, to be transported by cargo aircraft within and around the State of Alaska when other means of transportation are impracticable or not available.
20248–M		Total Feuerschutz GmbH	173.309(c)(4)	To modify the special permit to authorize the transportation in commerce of previously produced fire extinguishers which are not marked with the ''MEETS DOT REQUIREMENTS'' Stamp.
20252–N		Luxfer Inc	173.302(a), 180.205	To authorize the manufacture, marking, sale and use of a non-DOT specification fully wrapped carbon fiber composite cylinder with a non-load sharing polymer liner for the transport of certain hazardous materials.
20255–M		Stericycle Specialty Waste Solutions, Inc.	171.1, 180.1	To modify the special permit originally issued as an emergency to a permanent one.
20260–N		Rogers Helicopters, Inc	173.27(b)(2), 172.101(j), 172.200(a), 172.200, 172.204(c)(3), 172.400(b), 172.400(a), 172.300(a), 172.300, 172.301(c), 175.75(b), 175.75(c), 178.1010(a)(1).	To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the U.S only, without being subject to hazard communication requirements, quantity limitations, and certain loading and stowage requirements.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20261–N		Saft S.A	173.185(a)	To authorize the transportation in commerce of prototype and low production lithium ion cells and batteries and lithium metal cells and batteries cargo-only aircraft.
20265–N		Hypercomp Engineering, Inc.	178.71(l)(ii)	To authorize the manufacture, mark, sale, and use of non-DOT specification composite overwrapped pressure vessels for the transportation of certain hazardous materials.
20266–N		Zhejiang Tiantai Zhantu Automobile Supplies Co., LTD.	173.304(a), 173.304(d)	To authorize the manufacture, mark, sale and use of a non-refillable, non-DOT specification inside metal container conforming to all regulations applicable to a DOT specification 2Q, except as specified herein, for the transportation in commerce of the materials authorized by the special permit.
20271–N		Ball Aerospace & Technologies Corporation.	173.24(b)(1)	To authorize the transportation in commerce of DOT specification cylinders that have an identifiable release of hazardous materials during transportation.
20285–N		Kinross EMS	173.196	To authorize the transportation of Category A infectious substances in non-DOT specification packaging following the transportation of a patient diagnosed with an infectious disease.
20297–N		Codysales Inc	173.302a(b), 172.203(a), 172.301(c), 180.205.	To authorize the use of certain DOT specification 3A, 3AA, 3AL, SP9001, SP9370, SP9421, SP9706, SP9791, SP9909, SP10047, SP10869, SP11692, SP12440 cylinders used for the transportation in commerce of certain compressed gases, when retested by a 100% ultrasonic examination in lieu of the internal visual and the hydrostatic retest required in 49 CFR 189.205.
20301–N		Tesla Motors, Inc	173.185(a), 173.185(b)(3)(i), 173.185(b)(3)(ii), 172.101(j).	To authorize the transportation in commerce of prototype and low production lithium ion batteries via cargo aircraft.
20302–N		Tesla Motors, Inc	173.185(a)	To authorize the transportation in commerce of vehicles containing prototype lithiumion batteries via cargo-only aircraft and cargo vessel.
20303–N		Faraday & Future Inc	173.185(a), 173.220(d)	To authorize the transportation of prototype and low producton lithiumion batteries via cargo-only aircraft.
20307–N		Tesla Motors, Inc	173.185(a)	To authorize the transportation in commerce of low production and prototype lithium ion batteries in excess of 35 kg by cargo-only aircraft.
20311–N		Essex Industries, Inc	178.57(d)(3)	To authorize the manufacture, mark, sale, and use of non-DOT specification cylinders meeting the requirements of 4L cylinders except that the heat transfer from the atmosphere to the contents of the cylinder may exceed 0.0005 as specified herein.
20313–N		Tier Holdings, LLC	173.244	To authorize the one-way transportation in commerce of sodium in two non-DOT specification portable tanks.
20321–N		Colmac Coil Manufacturing, Inc.	173.202	To authorize the transportation in commerce of methanol in alternative packaging by motor vehicle and cargo vessel.
20322–N		C.H.& I. Technologies, Inc.	178.33–1(a), 178.33a–1(a).	To authorize the transportation in commerce of refillable 2P and 2Q receptacles.
20323–N		Camx Power LLC	173.185(a)	To authorize the transportation in commerce of prototype and low production lithium ion and lithium metal cells and batteries exceeding 35 kg in non-specification packaging via cargo-only aircraft.
20326–N		Aviation Inflatables, Inc	173.302(a), 173.3(a), 175.3.	To authorize the transportation in commerce of non-DOT specification cylinders charged with a mixture of carbon dioxide and nitrogen gases.
20337–N		Textron Systems Corporation.	173.27(b)(2), 173.27(b)(3), 175.30(a)(1), 172.101(j), 172.204(c)(3).	To authorize the transportation in commerce of Class 1 materials forbidden by cargo-only aircraft via air transportation.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20338–N		Beanworthy, LLC	173.185(f), 173.185(f)(2), 173.185(f)(3).	We are recalling 12,703 hand warmers with built in 4400mAh lithiumion batteries from individual customers. We would like to ask customers to mail their products by USPS ground service to our location for consolidation and subsequent transport to a certified recycling facility. Note: the letter from CPSC is addressed to KindMinds Innovations rather than Beanworthy. KindMinds is an associated company of Beanworthy and private labeler of the product.
20340–N		Vinci Technologies	173.301(f), 173.302(a), 173.304(a), 173.201, 178.37(f).	To authorize the transportation in commerce of certain hazardous materials in non-DOT specification cylinders.
20342–N		O M P Racing Spa	173.309(c)(3)	To authorize the transportation in commerce of fire extinguishers with a burst pressure lower than that required in the HMR.
20351–N		Roeder Cartage Company, Incorporated.	180.407(c), 180.407(e), 180.407(f).	To authorize the transportation in commerce of Acetonitrile and Acetonitrile, crude in dedicated DOT Specification 407 and 412 cargo tanks which are not required to have periodic internal visual inspections.
20364–N		Peter Pan Seafoods, Inc	173.218(a)	To authorize the transportation in commerce of fish meal in certain non-specification bags and intermediate Bulk Containers (IBCs).
20369–N		Alevo Inc	173.185	To authorize the transportation in commerce of lithium batteries that have not been tested according to UN 38.3 lithium ion battery tests.
20371–N		Linde Gas North America LLC.	173.301(f), 173.314(c), 179.301.	To authorize the addition of Nitrous Oxide, Liquified gas to the list of hazmat authorized for transportation in commerce by the permit.
20372–M		General Defense Corp	172.101(j), 172.204(c)(3)	To modify the origination location of the shipment.
20372–N		General Defense Corp	172.101(j), 172.204(c)(3)	To authorize the one-time, one way transportation of an explosive by cargo aircraft, which is otherwise forbidden by the regulations.
20373–N		Silk Way West Airlines MMC.	173.27, 175.30(a)(1), 172.204(c)(3).	To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft.
20375–N		DMC Sales & Supply	177.834(h)	Relief of 49 CFR 177.834(h).
20376–N		Department of Defense (Military Surface Deployment & Distribution Command).	173.302(a), 173.304(a)	To authorize the transportation of certain hazardous materials in non-DOT specification cylinders.
20379–N		Nexair LLC	173.301(a)	Party holder.
20382–N		Nextev USA, Inc	173.185(a)(1), 173.185(b)(3)(i), 173.185(b)(3)(ii).	To authorize the transportation of lithiumion batteries which exceed the allowable weight (35 kg) by cargo aircraft.
20390–N		American Security Cabinets Inc.	171.180	To authorize the manufacture, mark, sale and use of non-DOT specification packaging for the transportation in commerce of certain materials authorized to be disposed of under 21 CFR Part 1317, Subpart B.

[FR Doc. 2017–04016 Filed 3–3–17; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications delayed more than 120 days.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 5, 2017.

ADDRESSES: *Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and

Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue SE., Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 9, 2017.

Donald Burger,

Chief, Office of the Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data				
7891–G		Sigma-Aldrich Corporation.	173.13(a), 173.13(b), 173.13(c)(1)(ii).	To authorize the transportation in commerce of specially designed combination packagings containing certain hazardous materials without hazard labels or placards, with quantity limits not exceeding one liter for liquids or 2.85 kilograms for solids.
8215–M		Olin Corporation	173.212, 172.320, 173.62(c).	To modify the special permit to authorize the transportation of explosives along an alternative route when necessary, to remove the EX requirement for certain explosives because the permit authorized packaging not approved in the approval, to replace references to ORM–D with ORM–DE or Division 1.45 and to authorize a stainless steel lid as an alternative to the current plastic one.
8451–G		Pipeline and Hazardous Materials Safety Administration.	173.54(a), 173.54(j), 173.56(b), 173.57, 173.58, 173.60, 172.320.	To authorize the transportation in commerce of not more than 25 grams of solid explosive or pyrotechnic material, including waste containing explosives that has energy density not significantly greater than that of pentaerythritoltetranitrate, classed as Division 1.4E, when packed in a special shipping container.
8451–R		Safety Consulting Engineers, Inc.		To authorize the transportation in commerce of not more than 25 grams of solid explosive or pyrotechnic material, including waste containing explosives that has energy density not significantly greater than that of pentaerythritoltetranitrate, classed as Division 1.4E, when packed in a special shipping container.
10704–M		Boost Oxygen, LLC	173.302a(a)(1)	To modify the special permit to authorize additional packaging with a higher fill pressure than currently authorized in the special permit.
11151–P		Hazchem Environmental Corp.	177.848(d)	To authorize the transportation in commerce of combination packages containing hazardous wastes that are poisonous by inhalation, Division 6.1, PG I, Hazard Zone A, in the same transport vehicle with packages containing hazardous materials assigned to Class 3, Class 8 or Divisions 4.1, 4.2, 4.3, 5.1, 5.2.
11180–M		Affival Inc	173.24(c)	To modify the special permit to authorize metal tubes with a decreased diameter and an increased length to be authorized under the special permit.
11646–P		Chem Tech Services, Inc	177.834(h), 172.203(a), 172.301(c).	To authorize the discharge of certain Class 3, Division 6.1 and Class 8 and Class 9 liquids from a DOT Specification drum without removing the drum from the vehicle on which it is transported.
11646–P		Brand X Oilfield Products, Inc.	172.203(a), 172.301(c), 177.834(h).	To authorize the discharge of certain Class 3, Division 6.1 and Class 8 and Class 9 liquids from a DOT Specification drum without removing the drum from the vehicle on which it is transported.
11646–P		Pine Island Chemical Solutions North LLC.	172.203(a), 172.301(c), 177.834(h).	To authorize the discharge of certain Class 3, Division 6.1 and Class 8 and Class 9 liquids from a DOT Specification drum without removing the drum from the vehicle on which it is transported.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
11818–G		Harris Corporation	173.301(f), 173.302(a), 173.304(a), 172.101(j).	To authorize the transportation in commerce of certain non-DOT specification containers containing certain Division 2.1, 2.2, and 2.3 liquefied and compressed gases and other certain hazardous materials.
12074–M		Van Hool NV	178.276(b)	To modify the special permit to authorize an increase in the maximum USWG.
12335–P		Western Wireline, Inc	173.62(c)	To authorize an alternative packaging method for use in transporting Cord, detonating, Division 1.1D and 1.4D.
12412–P		Source Technologies, LLC.	177.834(h), 172.203(a), 172.302(c).	To authorize the discharge of liquid hazardous materials from certain UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing them from the vehicle on which they are transported.
12412–P		Omni Industrial Solutions, LLC.	177.834(h), 172.23(a), 172.302(c).	To authorize the discharge of liquid hazardous materials from certain UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing them from the vehicle on which they are transported.
12412–P		Pine Island Chemical Solutions North LLC.	177.834(h), 172.203(a),172.302(c).	To authorize the discharge of liquid hazardous materials from certain UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing them from the vehicle on which they are transported.
12412–R		Green Touch Systems, LLC.	177.834(h), 172.203(a), 172.302(c).	To consolidate the exemptions that currently authorize the discharge of hazardous materials in UN Intermediate Bulk Containers (IBC) without removing the IBC from the motor vehicle on which it is transported.
12412–R		P.D.Q. Manufacturing, Inc.	177.834(h), 172.203(a), 172.302(c).	To authorize the discharge of liquid hazardous materials from certain UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing them from the vehicle on which they are transported.
12825–R		Sea Safety Services, Inc	173.219(b)(1), 173.301(1).	To authorize the transportation of foreign life rafts equipped with non-DOT specification cylinders.
13135–M		Space Systems/Loral, LLC.	173.302a.	
13220–M		Entegris, Inc	137.192,173.302a, 173.304a.	To modify the special permit to authorize an increase in the maximum vacuum brake temperature.
13307–M		United Phosphorus Inc	172.504	To modify the special permit to authorize a new hazmat and new packaging.
13996–M		TK Holdings, Inc	172.301(c), 173.166(e)(4).	To update the permit to bring it in line with regulatory changes made in HM–254 and HM–215M.
14039–M		Van Hool NV	178.274(b), 178.276(b)	To modify the special permit to authorize an increase in the maximum USWG.
14206–M		Digital Wave Corporation	18.205, 172.203(a), 172.301(c).	To modify the special permit to authorize Ultrasonic Examination of certain DOT UN refillable pressure receptacles and cylinders.
14335–M		Rinchem Company, Inc	177.848(d), 177.301(c), 172.302(c).	To modify the special permit to authorize a change in ventilation requirements to allow for a refrigeration/blower ventilation system.
14453–M		Fiba Technologies, Inc	180.209(a), 180.209(b), 108.209(b)(1)(iv).	To modify the special permit to authorize additional Division 2.1 and 2.2 hazmat and bring them in line with other permits already authorizing the materials that have been issued to FIBA.
14566–M		Nantong Cimc Tank Equipment Co., Ltd.	178.274(b), 178.276(a)(2), 178.276(b)(1).	To modify the special permit to authorize portable tanks with a design margin of 3.5:1 instead of 4.0:1.
14691–R		Federal Express Corporation.	172.202, 172.203(c), 172.203(k), 172.203(m), 172.301, 172.400, 172.301(c).	To authorize the return shipment by motor vehicle of hazardous materials that have been accepted, transported, and subsequently determined to be non-compliant with the Hazardous Materials Regulation's shipping paper, marking or labeling requirements.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
14920–M		Nordco Rail Services LLC.	173.302a(b), 172.203(a), 172.301(c), 180.205.	To modify the special permit to authorize requalification of DOT specification 3A and 3AA cylinders with 24 inch outside diameters and to indicate that Ultra-sonic Examination (UE) is not required on the sidewall-to-base transitions (SBT) region of a cylinder if the cylinder design does not permit.
14932–G		Composite Technology Corp.	173.302(a)(a), 173.304(a)(a), 180.205.	To authorize the manufacture, marking, sale, and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders for the transportation in commerce of certain compressed gases.
15070–G		Carleton Technologies, Inc.	173.302(a)(a)(1), 173.304(a)(a)(1), 180.205(a).	To authorize the manufacture, marking, sale and use of carbon and glass fiber rein-forced, brass lined composite pressure vessels.
15071–R		Orbital Atk Inc	173.302(a), 173.62(c)	To authorize the transportation in commerce of a Cartridge, power device installed as part of a launch vehicle subassembly in alternative packaging by motor vehicle and cargo vessel.
15389–M		Ametek Ameron, LLC	173.301(a)(1), 173.302(a)(1), 173.304(a)(1), 173.302(f)(1), 173.304(f)(1).	To modify the special permit to authorize the discharge and refill of a cylinder which is found to have a small leak of the sealing disc during testing.
15977–P		Midstate Environmental Services LP.	173.28(b)(7)(iv)(C)	To authorize the transportation in commerce of certain solvents in previously used steel drums without leakproof testing.
16452–M		The Procter & Gamble Company.	171.180	To modify the permit to clarify the requirement for strong outer packaging to meet the requirements normally applied to packages of ''limited quantities'' moving by air.
16592–P		Maximum RX Credit, Inc	172.203(a), 172.301(c), 173 Subparts A,B,D,E.	To authorize the transportation in commerce of certain Drug Enforcement Administration (DEA) controlled substances transported for the purpose of disposal.
20084–G		Cimarron Composites, LLC.	173.302a	To authorize the manufacture, mark, sale and use of non-DOT specification cylinders for the transportation in commerce of certain Divisions 2.1 and 2.2 compressed gases.
20220–N		Agility Fuel Systems, Inc	173.220(a)	To authorize the transportation in commerce of compressed natural gas fuel systems that are not part of an internal combustion engine.
20222–N		Trinity Containers, LLC	178.337–3 (g)(3), 172.203(a), 172.302(c).	To authorize the transportation in commerce of certain DOT Specification MC–331 cargo tank motor vehicles with a water capacity greater than 3,000 gallons, manufactured to the DOT MC–331 specification, constructed of non-quenched and tempered (''NQT'') steel except that the cargo tanks have baffle supports welded directly to an angle on the inside of the cargo tank without the use of pads.
20226–N		Awesome Flight LLC	173.27(b)(3)	To authorize the transportation of lithium ion batteries in excess of the authorized quantity limitations via passenger and cargo aircraft.
20228–N		Structural Composites Industries LLC.	173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.302a(a)(1), 173.304a(a)(1), 173.501(e)(3).	To authorize the manufacture, marking, sale, and use of non-DOT specification fully wrapped carbon fiber reinforced steel lined cylinders for the transportation in commerce.
20235–N		Union Pacific Railroad Company Inc.	174.83(c), 174.83(d), 174.83(e).	To authorize the transportation in commerce of flat-cars carrying bulk packagings containing certain Division 4.3 materials without restricting its ability to couple with another rail-car while moving under its own momentum.
20251–N		Salco Products Inc	174.203(a), 178.345–1, 180.413.	To authorize the manufacture, mark, sale and use of manway assemblies constructed from stabilized poly-ethylene for installation on certain DOT specification cargo tank motor vehicles in transporting certain hazardous materials.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20252–N		Luxfer Inc	173.302(a), 180.205	To authorize the manufacture, marking, sale and use of a non-DOT specification fully wrapped carbon fiber composite cylinder with a non-load sharing polymer liner for the transport of certain hazardous materials.
20260–N		Rogers Helicopters, Inc	173.27(b)(2), 72.101(j), 172.200(a), 172.200, 172.204(c)(3), 172.400(b), 172.400a(a), 172.300(a), 172.300, 172.301(c), 175.75(b), 175.75(c), 178.1010(a)(1).	To authorize the transportation in commerce of certain hazardous materials by 14 CFR part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the U.S. only, without being subject to hazard communication requirements, quantity limitations, and certain loading and stowage requirements.
20262–N		Shijiazhuang Enric Gas Equipment Co., LTD.	173.302(a), 173.304(a)	To authorize the transportation of certain hazardous materials in non-DOT specification fiber reinforced composite cylinders.
20265–N		Hypercomp Engineering, Inc.	178.71(l)(ii)	To authorize the manufacture, mark, sale, and use of non-DOT specification composite overwrapped pressure vessels for the transportation of certain hazardous materials.
20266–N		Zhejiang Tiantai Zhantu Automobile Supplies Co., LTD.	173.304(a), 173.304(d)	To authorize the manufacture, mark, sale and use of a non-refillable, non-DOT specification inside metal container conforming to all regulations applicable to a DOT specification 2Q, except as specified herein, for the transportation in commerce of the materials authorized by this special permit.
20285–N		Kinross EMS	173.196	To authorize the transportation of Category A infectious substances in non-DOT specification packaging following the transportation of a patient diagnosed with an infectious disease.
20288–N		U.S. Army CE–LCMC	175.10 (a)(18)(ii)	To authorize the transportation of lithium ion batteries in carry-on luggage that exceed the allowable weight and have a Watt-hour rating greater than 100 Wh.
20289–N		FDC Composites, Inc	173.242	To authorize the manufacture, mark, sale, and use of non-DOT specification glass fiber reinforced plastic (GFRP) cargo tank conforming with all applicable requirements for DOT specification 412/407 cargo tanks, except as specified herein.
20291–N		Board of Regents of The University of Nebraska.	171.2(k)	To authorize the transportation in commerce of packages of non-hazardous material identified as Category A infectious substances for purposes of shipping and packaging drills.
20293–N		LG Chem	173.185(a)	To authorize the transportation in commerce of proto-type lithium ion batteries by cargo-only aircraft.
20294–N		The Dow Chemical Company.	172.203(a), 172.302(c), 180.605(h)(3).	To authorize a 5 year periodic pressure test on UN portable tanks used in the transport of certain hazardous materials to be performed with mineral oil rather than with water.
20301–N		Tesla Motors, Inc	173.185(a), 173.185(b)(3)(i), 173.185(b)(3)(ii), 172.101(j).	To authorize the transportation in commerce of prototype and low production lithium ion batteries via cargo aircraft.
20302–N		Tesla Motors, Inc	173.185(a)	To authorize the transportation in commerce of vehicles containing prototype lithium ion batteries via cargo-only aircraft and cargo vessel.
20306–N		Avantor Performance Materials International, Inc.	173.158(e)	To authorize the transportation in commerce of nitric acid in fiberboard outer packagings without the use of intermediate packaging or absorbent material.
20307–N		Tesla Motors, Inc	173.185(a)	To authorize the transportation in commerce of low production and prototype lithium ion batteries in excess of 35 kg by cargo-only aircraft.
20308–N		The Dow Chemical Company.	172.203(a), 172.302(c), 180.605(h)(3).	To authorize transportation in commerce of UN portable tanks which have been periodically pressure tested using materials other than water.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20311–N		Essex Industries, Inc	178.57(d)(3)	To authorize the manufacture, mark, sale, and use of non-DOT specification cylinders meeting the requirements of 4L cylinders except that the heat transfer from the atmosphere to the contents of the cylinder may exceed 0.0005 as specified herein.
20313–N		Tier Holdings, LLC	173.244	To authorize the one-way transportation in commerce of sodium in two non-DOT specification portable tanks.
20315–N		Transport Logistics International, Inc.	173.420(a)(2)(i)	To authorize the one-time movement of uranium hexa-fluoride in non-authorized packaging.
20321–N		Colmac Coil Manufacturing, Inc.	173.202	To authorize the transportation in commerce of methanol in alternative packaging by motor vehicle and cargo vessel.
20322–N		C.H.&I. Technologies, Inc.	178.33–1(a), 178.33a–1(a).	To authorize the transportation in commerce of refill-able 2P and 2Q receptacles.
20326–N		Aviation Inflatables, Inc	173.302(a), 173.3(a), 175.3.	To authorize the transportation in commerce of non-DOT specification cylinders charged with a mixture of carbon dioxide and nitrogen gases.
20331–N		C.L. Smith Company, Inc	172.600, 172.704, 172.200, 172.400, 172.300.	To authorize the manufacture, mark, sale and use of UN specification packaging for the transportation of damaged/defective lithiumion batteries.
20333–N		Antonov, DP	173.27(b)(2), 175.30(a)(1), 172.101(j), 172.203(a), 172.301(c),.	To authorize the transportation in commerce of certain hazardous materials forbidden aboard cargo aircraft only.
20337–N		Textron Systems Corporation.	173.27(b)(2), 173.27(b)(3), 175.30(a)(1), 172.101(j), 172.204(c)(3).	To authorize the transportation in commerce of Class 1 materials forbidden by cargo-only aircraft via air transportation.
20339–N		Atlas Air, Inc	173.27(b)(2), 173.27(b)(3), 175.30(a)(1), 172.101(j), 172.204(c)(3).	To authorize the transportation in commerce of certain hazardous materials forbidden aboard cargo aircraft only.
20340–N		Vinci Technologies	173.301(f), 173.302(a), 173.304(a), 173.201, 178.37(f).	To authorize the transportation in commerce of certain hazardous materials in non-DOT specification cylinders.
20343–N		DR. Ing H.C.F. Porsche AG.	172.101(j)	To authorize the transportation in commerce of lithiumion batteries that exceed 35 kg by cargo-only aircraft.
20348–N		Wrightspeed, Inc	173.185(a)	To authorize the transportation in commerce of prototype lithiumion batteries by cargo-only aircraft.
20350–N		Strato, Inc	179.7(b)(8)	To authorize the manufacture, mark, sell, and use of tank car service equipment manufactured under a previously valid Class F registration.
20351–N		Roeder Cartage Company, Incorporated.	180.407(c), 180.407(e), 180.407(f).	To authorize the transportation in commerce of Acetonitrile and Acetonitrile, crude in dedicated DOT Specification 407 and 412 cargo tanks which are not required to have periodic internal visual inspections.
20352–N		Schlumberger Technology Corp.	173.301(f), 173.302(a), 173.304(a), 173.304(d), 173.201(c), 173.202(c), 173.203(c).	To authorize the manufacture, mark, sale, and use of von-DOT specification cylinders for the transportation of Division 2,1 materials.
20353–N		Accuray Incorporated	173.302(a), 175.3, 172.400, 172.301(c).	To authorize the transportation in commerce of Xenon gas in a non-DOT specification container (detector), either shipped alone or as an integral part of a gantry assembly.
20355–N		Enersys Advanced Systems, Inc.	173.185(a)(1)	To authorize the transportation in commerce of lithium batteries that are of a type not proven to meet the requirements of the UN Manual of Tests and Criteria.
20356–N		Tesla Motors, Inc	173.185(b)(3), 172.101(j)	To authorize the transportation in commerce of lithiumion batteries exceeding 35 kg by cargo-only aircraft.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20357–N		Jingmen Hongtu Special Aircraft Manufacturing Co., LTD.	178.274(b), 178.274(b), 178.276(a)(2), 178.276(b)(1).	To authorize the manufacture, marking, sale and use of certain DOT Specification 50 steel portable tanks conforming with Section VIII, Division 2 of the ASME Code instead of Section VIII, Division 1, for the transportation in commerce of Division 2.1 and 2.2 materials.
20361–N		Keith Huber Corporation	178.345–3(f)(3)	To authorize the HUBER manufacture, mark, CORPORATION sale, and use of non-DOT specification cargo tanks to transport gasoline.
20362–N		FSC Metal Corporation ..	173.304(a)	To authorize the use of certain non-DOT specification cylinders for the transportation in commerce of the materials authorized by the special permit.
20366–N		ATS–MER, LLC	173.185(a)	To authorize the transportation in commerce of prototype and low production lithium batteries via cargo-only aircraft.

[FR Doc. 2017–04013 Filed 3–3–17; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Action Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one person whose property and interests in property are blocked pursuant to Executive Order (E.O.) 13382.

DATES: OFAC's actions described in this notice were effective on February 23, 2017, as further specified below.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treas.gov/ofac*).

Notice of OFAC Actions

On February 23, 2017, OFAC blocked the property and interests in property of the following person pursuant to E.O. 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'':

Entity

METALLIC MANUFACTURING FACTORY, 29 May Street, Damascus-Al-Sabe E Bahrat Square, P.O. Box 12184, Syria [NPWMD] (Linked To: MECHANICAL CONSTRUCTION FACTORY; Linked To: SCIENTIFIC STUDIES AND RESEARCH CENTER).

Dated: February 23, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–04259 Filed 3–3–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0806]

Agency Information Collection Activity (Ankle Conditions Disability Benefits Questionnaire (VA Form 21–0960M–2))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–2, Ankle Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an ankle condition.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 5, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0806'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: (Ankle Conditions Disability Benefits Questionnaire (VA Form 21–0960M–16)).

OMB Control Number: 2900–0806.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–2, Ankle Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of an ankle condition.

Affected Public: Individuals or households.

Estimated Annual Burden: 15,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04300 Filed 3–3–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0807]

Agency Information Collection Activity (Neck (Cervical Spine) Conditions Disability Benefits Questionnaire (VA Form 21–0960M–13))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–13, Neck (Cervical Spine) Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a cervical spine condition.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 5, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0807'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTAL INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: (Neck (Cervical Spine) Conditions Disability Benefits Questionnaire (VA Form 21–0960M–13)).

OMB Control Number: 2900–0807.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–13, Neck (Cervical Spine) Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a cervical spine condition.

Affected Public: Individuals or households.

Estimated Annual Burden: 37,500.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04301 Filed 3–3–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0805]

Agency Information Collection Activity (Wrist Conditions Disability Benefits Questionnaire (VA Form 21–0960M–16))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–16, Wrist Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a wrist condition.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 5, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0805'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: (Wrist Conditions Disability Benefits Questionnaire (VA Form 21–0960M–16))

OMB Control Number: 2900–0805.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–16, Wrist Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a wrist condition.

Affected Public: Individuals or households.

Estimated Annual Burden: 20,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 40,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04302 Filed 3–3–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Monday,
No. 42 March 6, 2017

Part II

The President

Proclamation 9574—American Red Cross Month, 2017
Proclamation 9575—Irish-American Heritage Month, 2017
Proclamation 9576—Women's History Month, 2017

Federal Register
Vol. 82, No. 42
Monday, March 6, 2017

Presidential Documents

Title 3—

The President

Proclamation 9574 of March 1, 2017

American Red Cross Month, 2017

By the President of the United States of America

A Proclamation

For more than 135 years, the American Red Cross has stepped into the breach, providing shelter, food, and emotional support to victims of natural disaster, war, conflict, and unexpected hardship. Today, the Red Cross is responsible for a remarkable 40 percent of our Nation's blood supply, teaches life-saving techniques to volunteer citizen-rescuers, and leads the world in international humanitarian aid. The Red Cross has proudly and ardently supported our military, our veterans, and their families for more than a century, delivering over 352,000 services to members of the military and veterans each year.

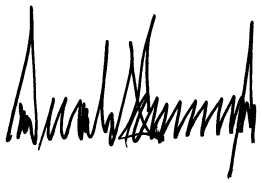
The American Red Cross is a miracle-working organization, rooted in the legacy of its gallant founder, Clara Barton, who tore down every convention at the time regarding women in battle, giving history one of the most incredible examples of courage and devotion to duty that it has ever known. Her tremendous legacy lives on through the Red Cross's assistance to hundreds of thousands of Americans affected by disasters each year. In 2016, volunteers responded to 180 significant incidents, including wildfires, storms, flooding, Hurricane Matthew, and other emergencies at all times of the day and night. They opened nearly 800 emergency shelters, served more than 4.1 million meals and snacks, and distributed more than 2.1 million relief items. Last year, the Red Cross helped 79,000 families recover from home fires that left them with no place to go.

The comfort, care, and relief provided by the American Red Cross serves a great mission. When those in need see that recognizable symbol of hope, the Red Cross, they see the hearts of the American people at work—an incredibly powerful thing. When they see that beacon, they know that true help is on the way, and they feel our people's mighty generosity, love, and support for their fellow human beings.

To perform its vital national and international roles, the Red Cross relies on volunteers and the support of the American people. The Red Cross needs our continued commitment of time, resources, and funds to be successful, and our country and the world need the Red Cross.

NOW, THEREFORE, I, Donald J. Trump, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–04503
Filed 3–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9575 of March 1, 2017

Irish-American Heritage Month, 2017

By the President of the United States of America

A Proclamation

Irish Americans have made an indelible mark on the United States. From Dublin, California, to Limerick, Maine, from Emerald Isle, North Carolina, to Shamrock, Texas, we are reminded of the more than 35 million Americans of Irish descent who contribute every day to all facets of life in the United States. Over generations, millions of Irish have crossed the ocean in search of the American Dream, and their contributions continue to enrich our country today.

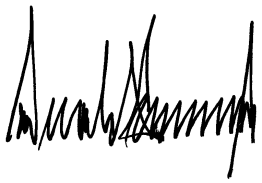
From our four Irish-born Founding Fathers to Thomas Francis Meagher, the Irish revolutionary who became an American hero after leading the Irish Brigade during the Civil War, Irish immigrants have shaped our history in enduring ways. Throughout the centuries, hard-working Irish Americans have contributed to America's innovation and prosperity—tilling the farms of Appalachia, working the looms of New England textile mills, and building transcontinental railroads—often overcoming poverty and discrimination and inspiring Americans from all walks of life with their indomitable and entrepreneurial spirit in the process. From these early beginnings rose generations of Irish Americans who continue to lead our cities, drive our economy, and protect and defend the land they embrace as their own.

American culture carries an unmistakably Irish-American imprint. Our literature, cinema, music, dance, sports, and visual arts are filled with the names and influence of great Irish Americans.

Irish Americans should be proud of the deep cultural, historical, and familial ties that have contributed to the strength of our vibrant transatlantic relationship with Ireland. As we honor the past during Irish-American Heritage Month, we also celebrate a bright future of friendship and cooperation for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements and contributions of Irish Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–04504
Filed 3–3–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Proclamation 9576 of March 1, 2017

Women's History Month, 2017

By the President of the United States of America

A Proclamation

We are proud of our Nation's achievements in promoting women's full participation in all aspects of American life and are resolute in our commitment to supporting women's continued advancement in America and around the world.

America honors the celebrated women pioneers and leaders in our history, as well as those unsung women heroes of our daily lives. We honor those outstanding women, whose contributions to our Nation's life, culture, history, economy, and families have shaped us and helped us fulfill America's promise.

We cherish the incredible accomplishments of early American women, who helped found our Nation and explore the great western frontier. Women have been steadfast throughout our battles to end slavery, as well as our battles abroad. And American women fought for the civil rights of women and others in the suffrage and civil rights movements. Millions of bold, fearless women have succeeded as entrepreneurs and in the workplace, all the while remaining the backbone of our families, our communities, and our country.

During Women's History Month, we pause to pay tribute to the remarkable women who prevailed over enormous barriers, paving the way for women of today to not only participate in but to lead and shape every facet of American life. Since our beginning, we have been blessed with courageous women like Henrietta Johnson, the first woman known to work as an artist in the colonies; Margaret Corbin, who bravely fought in the American Revolution; and Abigail Adams, First Lady of the United States and trusted advisor to President John Adams.

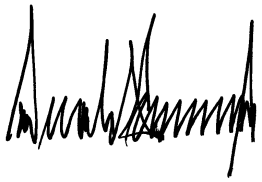
We also remember incredible women like Mary Walker, the first woman to receive the Congressional Medal of Honor; Harriet Tubman, who escaped slavery in 1849 and went on to free hundreds of others through the Underground Railroad; Susan B. Anthony, the publisher and editor of *The Revolution* and her friend, Dr. Charlotte Lozier, one of the first women medical doctors in the United States, both of whom advocated for the dignity and equality of women, pregnant mothers, and their children; Rosa Parks, whose refusal to give up her seat accelerated the modern civil rights movement; Shirley Temple Black, the famous actress turned diplomat and first chief of protocol for the President of the United States; Anna Bissell, the first woman CEO in American history; Amelia Earhart, the first woman to fly solo across the Atlantic Ocean; Ella Fitzgerald, the First Lady of Song and the Queen of Jazz; and Sally Ride, the first American woman astronaut.

America will continue to fight for women's rights and equality across the country and around the world. Though poverty holds back many women, America cannot and will not allow this to persist. We will empower all women to pursue their American dreams, to live, work and thrive in safe communities that allow them to protect and provide for themselves and their families.

America is also mindful of the fight that continues for so many women around the world, where women are often not protected and treated disgracefully as second-class citizens. America will fight for these women too, and it will fight to protect young girls who are robbed of their rights, trafficked around the world, and exploited.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as Women's History Month. I call upon all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.



[FR Doc. 2017–04505
Filed 3–3–17; 11:15 am]
Billing code 3295–F7–P

Reader Aids

Federal Register

Vol. 82, No. 42

Monday, March 6, 2017

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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